

LABOUR INSTITUTIONS (ESTABLISHMENT, ETC.) BILL, 2016

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL COMMISSION FOR CONCILIATION AND ARBITRATION, NATIONAL LABOUR COUNCIL, THE OFFICE OF THE REGISTRAR OF TRADE UNIONS, ETC. TO ADMINISTER THE PROVISIONS OF LABOUR LAWS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - OBJECTIVES AND SCOPE OF THE BILL

2 1. The objectives of this Bill shall be to create labour institutions- Objectives of the Bill

3 (a) that shall administer the provisions of all the labour laws in
4 Nigeria relating to freedom of association, industrial relations, working
5 conditions and occupational safety and health;

6 (b) in compliance with the principle of tripartism as enjoined by the
7 International Labour Organisation Convention 144 to which Nigeria is a
8 Party and has ratified;

9 (c) that are independent, impartial, flexible, simple and functional;

10 (d) that will facilitate speedy resolutions of labour disputes; and

11 (e) to promote the prevention, containment and resolution of
12 labour disputes.

13 2. Except as otherwise provided in this Bill, this Bill shall apply to- Scope and application

14 (a) all persons, organisations and institutions relating to labour,
15 employment or the workplace; and

16 (b) all matters relating to employment, labour administration,
17 collective bargaining, settlement of labour disputes and registration of trade
18 unions or labour organizations.

1 PART II - ESTABLISHMENT OF THE NATIONAL LABOUR COUNCIL, ETC.

Establishment of
the National
Labour Council,
etc.

2 3.-(1) There is hereby established a body to be known as the National
3 Labour Council (in this Bill, referred to as "the Council").

4 (2) The Council shall consist of-

5 (a) the Permanent Secretary of the Federal Ministry of Employment,
6 Labour and Productivity, as part-time Chairman;

7 (b) the representative of Government consisting of-

8 (i) the Permanent Secretary with responsibility for matters relating to
9 establishment in the office of the Head of the Civil Service of the Federation;

10 (ii) one representative, not below the rank of a Permanent Secretary in
11 the State Ministry with responsibility for matters relating to labour and
12 establishment matters, from each State of the Federation;

13 (iii) the Director with responsibility for matters relating to
14 establishment in the Ministry of the Federal Capital Territory, Abuja;

15 (c) eight representatives of employers or their alternatives to be
16 nominated by the most representative of the employers' organization; and

17 (d) eight representatives of employees or their alternates to be
18 nominated by the most representative of the employees' organisations.

19 *Cap. 192 LFN.*

20 (3) Subject to this Bill and section 27 of the Interpretation Act, the
21 Council shall have power to regulate its proceedings and may make standing
22 orders with respect to the holding of its meetings, and those of its committees,
23 notices to be given, the keeping of minutes of its proceedings, the custody and
24 production for inspection of such minutes and such other matters as the
25 Council may, from time to time, determine.

26 (4) The Council established under subsection (1) of this section shall
27 have its Secretariat with headquarters at Abuja

28 (5) There shall be for the Secretariat of the Council, a Secretary who
29 shall-

30 (a) be full-time and the head of the Secretariat and be responsible for

1 the day-to-day running of the secretariat;

2 (b) be designated by the Minister from within the civil service and
3 shall have the status of a Director.

4 (c) be knowledgeable or experienced in labour, social and
5 economic matters;

6 (d) be responsible to the Chairman and the Council;

7 (e) prepare for meetings, take minutes and maintain the books and
8 records of the proceedings of the meeting of the Council; and

9 (f) follow up on the recommendations of the Council, including
10 feedback on previous recommendations, instructions and consultations.

11 (6) The secretariat shall comprise such other categories of
12 professional staff as may be determined, from time to time, by the Council
13 and who shall be under the direction of the Secretary.

14 4. The Council shall ~~come~~ into existence on the date of its first
15 meeting and at the end of 4 years from the date, a new Council shall be
16 constituted, all non-governmental members of the Council shall retire, and
17 the Minister shall call for nominations from the respective organisations
18 who may re-nominate retired members.

Tenure of office
of members of
the Council

19 5. Notwithstanding the provisions of section 4 of this Bill, a person
20 shall cease to be a member of the Council if-

Cessation of
membership of
the Council

21 (a) his or her nomination is withdrawn by the organization or body
22 that nominated him or her;

23 (b) he or she resigns his or her membership by a letter forwarded
24 through his or her nominating organization or body;

25 (c) he or she is certified by a medical practitioner as incapable of
26 discharging the function of his or her office;

27 (d) he or she is declared bankrupt; or

28 (e) he or she is convicted of an offence involving dishonesty or
29 corruption.

30 (2) If a member or the alternate fails to attend half of the meetings

1 called in one year, that member or the alternate may be removed by the Council
2 and the removal of such member or alternate shall not affect the quorum of the
3 meeting of the Council.

4 (3) Where a vacancy exists in the membership of the Council, it may
5 be filled at any time and any person nominated to fill such vacancy shall hold
6 office for the unexpired tenure of the person he succeeds.

Functions of the
Council

7 6.-(1) The Council shall-

8 (a) advise the Minister with responsibility for employment, labour
9 and productivity on the application and operation of all labour laws and the
10 International Labour Conventions and recommendations;

11 (b) consider and make recommendations on socio-economic issues
12 that impact on labour in relation to overall national development;

13 (c) review, from time to time, the operation of all labour legislation
14 and advise on any amendments which it may consider desirable;

15 (d) examine, appraise and advise on the position of industrial
16 relations and conditions of employment;

17 (e) make recommendations to the Minister on the formulation of any
18 Regulations as may be required for the implementation of labour legislation in
19 Nigeria;

20 (f) re-examine at appropriate intervals, International Labour
21 Organization Conventions yet to be ratified by Nigeria and consider what
22 measures might be taken to promote their ratification and advise appropriately;

23 (g) promote consultations among the social partners prior to the
24 International Labour Organization conferences and meetings;

25 (h) advise, as appropriate, on the observance of Government's
26 obligations under the International Labour Organization; and

27 (i) carry out such other functions or duties as may be conferred upon it
28 by any other enactment or law or as the Minister may, from time to time,
29 request.

30 (2) The Council shall have power to-

1 (a) establish any committee or such number of sub-committees and
 2 appoint or co-opt any person (whether or not a member of the Council) as a
 3 member of such committee or sub-committee;

4 (b) do anything in respect of any matter as may be specifically
 5 conferred upon it under this Bill or any other enactment or law.

6 7.-(1) The activities of the Council shall be funded by the Federal
 7 Government from the budgetary provisions of the Ministry in a specific
 8 budget sub-head clearly designated for that purpose.

Financial
 provisions of the
 Council

9 (2) Members of the Council shall be paid such allowances and such
 10 other remuneration as may be approved, from time to time, by the Federal
 11 Government.

12 PART III - NATIONAL COMMISSION FOR CONCILIATION AND

13 ARBITRATION

14 *Establishment and Composition of the National Commission for*

15 *Conciliation and Arbitration*

16 8.-(1) There is hereby established a body to be known as the
 17 National Commission for Conciliation and Arbitration (in this Bill referred
 18 to as "the Commission") which shall be generally responsible for
 19 conciliation and arbitration of labour disputes.

Establishment of
 the National
 Commission for
 Conciliation and
 Arbitration

20 (2) The Commission-

21 (a) shall be a body corporate with common seal and perpetual
 22 succession;

23 (b) may sue or be sued in its corporate name; and

24 (c) may own moveable or immovable properties.

25 9.-(1) There is hereby established a governing body for the
 26 Commission to be known as the National Commission for Conciliation and
 27 Arbitration Governing Board (in this Bill referred to as "the Board").

Establishment
 and Composition
 of the Governing
 Board

28 (2) The Board shall consist of-

29 (a) a part-time Chairman;

30 (b) three representatives of the Government, one of whom shall be

1 from the Federal Ministry of Employment, Labour and Productivity and the
 2 other two shall be persons versed in matters relating to labour and industrial
 3 relations;

4 (c) three representatives of employers;

5 (d) three representatives of the organised labour;

6 (e) three full-time Commissioners, at least one of whom shall be-

7 (i) be a woman,

8 (ii) a legal practitioner;

9 (f) two persons to represent the public interest one of whom shall be a
 10 woman; and

11 (g) the Director-General of the Commission.

12 (3) The Chairman and members of the Board, other than those in
 13 paragraphs (c) and (d) of subsection (2) of this section, shall be appointed by
 14 the President-

15 (a) in the case of members specified in paragraphs (a), (b) and (g) of
 16 subsection (2) of this section, on the recommendation of the Minister; and

17 (b) in the case of members specified in paragraphs (e) and (f) of that
 18 subsection, on the recommendation of the National Labour Council.

19 *Schedule*

20 (4) The supplementary provisions set out in the Schedule to this Bill
 21 shall have effect with respect to the proceedings of the Commission and the
 22 other matters mentioned therein.

Tenure of office
 of the members
 of the Board

23 **10.** The Chairman and members of the Board shall hold office for a
 24 term of 4 years in the first instance and may be re-appointed for another term of
 25 4 years and no more.

Cessation of
 membership of
 the Board

26 **11.** Notwithstanding section 10 of this Bill, a member of the Board
 27 shall cease to be a member if-

28 (a) he or she is certified by a medical practitioner as incapable of
 29 discharging the function of his or her office;

30 (b) he or she resigns his or her appointment or ceases to hold office in

1 respect of which he or she was nominated;

2 (c) he or she becomes bankrupt;

3 (d) he or she is convicted of an offence involving dishonesty or
4 corruption.

5 12. The Chairman and members of the Board shall be paid such
6 allowances and other remuneration as may be approved, from time to time,
7 by the Federal Government.

Allowances, etc.
of members

8 13. The Board shall-

Functions powers
of the Board

9 (a) be responsible for the formulation of broad policies for the
10 Commission;

11 (b) appoint a specified number of conciliators and arbitrators;

12 (c) approve appointment of the Chief Registrar, officers and staff
13 of the Commission on such terms and conditions as may be determined,
14 from time to time, by the Board; and

15 (d) perform such other functions as in its opinion is necessary or
16 expedient in the discharge of the functions of the Commission under this
17 Bill.

18 14.-(1) The Commission shall perform such functions and powers
19 as conferred on it by this Bill, the Collective Labour Relations Act, the
20 Labour Standards Act and any other enactment or law.

Functions and
powers of the
Commission

21 (2) Subject to subsection (1) of this section, the functions of the
22 Commission shall include to-

23 (a) undertake-

24 (i) conciliation of labour disputes including individual disputes;

25 and

26 (ii) arbitration of labour disputes;

27 in accordance with the procedures set out in the Collective Labour Relations
28 Act;

29 (b) register collective bargaining councils for the public sector and
30 the joint industrial councils for the private sector in accordance with the

- 1 provisions of the Collective Labour Relations Act;
- 2 (c) register persons qualified to be independent conciliators and
3 arbitrators under this Bill and maintain a data base in that respect;
- 4 (d) promote training and capacity building of conciliators and
5 arbitrators;
- 6 (e) advise, as it thinks fit, on request or otherwise, provide without
7 charge, to employers, employees, employers' organisations or employees'
8 organisations such advise as it thinks appropriate on any matter concerned with
9 industrial relations or employment policies;
- 10 (f) issue codes of practice containing such practical guidelines as it
11 thinks fit for promoting the improvement of industrial relations;
- 12 (g) make rules regulating the practice and procedures to be adopted in
13 conciliation and arbitration proceedings;
- 14 (h) register the decisions or awards by conciliators and arbitrators
15 arising from conciliation and arbitration proceedings;
- 16 (i) compile and publish information and statistics about its activities;
- 17 and
- 18 (j) perform any other functions or duties as are necessary for the full
19 discharge of its functions under this Bill.
- 20 **15. The Commission shall have power to-**
- 21 (a) charge fees for its activities including fees for conciliation and
22 arbitration proceedings, training and capacity building of conciliators and
23 arbitrators, registration of joint industrial councils and collective bargaining
24 councils;
- 25 (b) set standards and guidelines for qualification for registration as
26 conciliator or arbitrator under this Bill; and
- 27 (c) do anything which in its opinion is expedient and necessary for the
28 efficient performance of its functions under this Bill.

Power of the
Commission

1 *Management and Staff of the Commission*

2 **16.-(1)** There shall be for the Commission, a Director-General
3 who shall-

Director-Genral
and other staff
of the Commission

4 (a) be appointed by the President on the recommendation of the
5 Minister after consultation with the National Labour Council;

6 (b) be knowledgeable and experienced in industrial relations,
7 labour law or labour disputes resolutions; and

8 (c) be the chief executive and accounting officer of the
9 Commission.

10 (2) The Director-General shall hold office-

11 (a) for a term of 5 years in the first instance and may be re-
12 appointed for another term of 5 years and no more; and

13 (b) on such terms and conditions as may be contained in his letter of
14 appointment.

15 **17.-(1)** There shall be appointed for the Commission, three full-
16 time Commissioners who shall each-

Commissioners

17 (a) be knowledgeable and experienced in industrial relations law
18 and practice, conciliation and arbitration of labour disputes; and

19 (b) be fit and proper person of high integrity and good standing.

20 (2) The Commissioners appointed pursuant to subsection (1) of
21 this section, shall hold office-

22 (a) for a term of 4 years in the first instance and may be re-
23 appointed for a further term of 4 years and no more; and

24 (b) on such terms and conditions as may be contained in their
25 letters of appointment.

26 **18. -(1)** There shall be established for the Commission, at least the
27 following structure, that is-

Structure of the
Commission

28 (a) the department of administration;

29 (b) the department of operations;

30 © the department of information and research; and

1 (d) the Registry.

2 (2) The three (3) Commissioners shall each be charged with
3 responsibility for the three departments in paragraphs (a), (b) and (c)
4 respectively.

5 (3) The Registry shall be headed by a Chief Registrar who shall-

6 (a) be a legal practitioner and shall have the same status of a Chief
7 Registrar of a High Court; and

8 (b) be appointed by the Commission.

Other staff
of the Commission

9 19. -(1) The Commission may, subject to the approval of the Board,
10 appoint such other staff as it may deem necessary and expedient, from time to
11 time-

12 (a) for the proper and efficient performance of the functions of the
13 Commission; and

14 (b) on such terms and conditions as may be determined, from time to
15 time, by the Board.

16 (2) Notwithstanding the provisions of subsection (1) of this section,
17 employees of the Authority may be appointed by way of transfer or
18 secondment from any of the public services of the Federation.

Salaries and
allowances

19 20.-(1) The salaries and allowances of the Director-General and the
20 Commissioners shall be charged on the Consolidated Revenue Fund of the
21 Federation.

22 (2) The officers and staff of the Commission shall be paid such salary,
23 emolument and allowances as may be approved, from time to time, by the
24 Board.

Pensions, 2004
No. 2

25 21. It is hereby declared that service in the Commission shall be
26 subject to the provisions of the Pension Reform Act, and accordingly, officers
27 and employees of the Commission shall be entitled to pensions and other
28 retirement benefits as are prescribed under the Pension Reform Act.

Fund of the
Commission

29 *Financial Provisions of the Commission*

30 22.-(1) The Commission shall establish and maintain a Fund from

1 which all its expenses will be defrayed.

2 (2) The fund established under subsection (1) of this section shall
3 consist of-

4 (a) the initial take-off grant from the Federal Government;

5 (b) annual subvention from the Federal Government;

6 (c) fees and commissions charged by the Commission pursuant to
7 its functions under this Bill or any other enactment or law;

8 (d) gifts and grants-in-aid from any national or international
9 organisation; and

10 (e) all sums of money accruing to the Commission by way of gifts,
11 testamentary dispositions and endowments and contributions from any
12 other sources whatsoever.

13 23. The Commission may, from time to time, apply the proceeds of
14 the fund established under section 22 of this Bill-

Expenditure of
the Commission

15 (a) to the cost of administration of the Commission;

16 (b) to the payment of the emoluments, allowances and benefits of
17 members of the Board and for reimbursing members of the Board or of any
18 committee set up by the Board and for such expenses as may be expressly
19 authorised by the Board;

20 (c) to the payment of the salaries, fees or other remuneration or
21 allowances, gratuities and pensions, and other benefits payable to the staff or
22 employees of the Commission;

23 (d) for the development and maintenance of any property vested in
24 or owned by the Commission; and

25 (e) for and in connection with all or any of its functions under this
26 Bill or any other enactment or law.

27 24.-(1) The Commission shall, not later than 30th September in
28 each year, submit to the President, through the Minister, an estimate of its
29 expenditure and income (including payments to the Commission fund) for
30 the next succeeding year.

Annual estimates
and accounts

1 (2) The Commission shall keep proper accounts in respect of each
2 year and proper records in relation to those accounts and shall cause its
3 accounts to be audited within 6 months after the end of each year by auditors
4 appointed from the list and in accordance with the guidelines supplied by the
5 Auditor-General for the Federation.

Annual reports

6 25. The Commission shall prepare and submit to the President,
7 through the Minister, not later than 30th June in each year a report in such form
8 as the President may direct on the activities of the Commission during the
9 immediately preceding year, and shall include in the report a copy of the
10 audited accounts of the Commission for that year and of the auditor's report
11 thereon.

Power to accept
gifts

12 26.-(1) The Commission may accept gift of land, money or other
13 property on such terms and conditions, if any, as may be specified by the person
14 or organisation making the gift.

15 (2) The Commission shall not accept any gift if the conditions
16 attached by the person or organisation making the gift are inconsistent with the
17 functions of the Commission under this Bill.

Power to borrow

18 27. The Commission may, with the approval of the President, borrow
19 by way of loan, overdraft or otherwise from any source such sums as it may
20 require for the performance of its functions and meeting its obligations under
21 this Bill.

22 *Legal Proceedings Against the Commission*

Limitation of
suits against the
Commission, etc.
Cap. 379 LFN

23 28.-(1) Subject to the provisions of this Bill, the provisions of the
24 Public Officers Protection Act shall apply in relation to any suit instituted
25 against any member or officer or employee of the Commission.

26 (2) Notwithstanding anything contained in any other law or
27 enactment, no suit against a member of the Board, the Director-General of the
28 Commission or any other officer or employee of the Commission for any act
29 done in pursuance or execution of this Bill or any other law or enactment, or of
30 any public duties or authority or in respect of any alleged neglect or default in

1 the execution of this Bill or any other law or enactment, duties or authority,
2 shall lie or be instituted in any court unless it is commenced-

3 (a) within three months next after the act, neglect or default
4 complained of; or

5 (b) in the case of a continuation of damage or injury, within six
6 months next after the ceasing thereof.

7 (3) No suit shall be commenced against a member of the Board, the
8 Director-General of the Commission or any other officer or employee of the
9 Commission before the expiration of a period of one month after written
10 notice of the intention to commence the suit shall have been served on the
11 Commission by the intending plaintiff or his agent.

12 (4) The notice referred to in subsection (3) of this section shall
13 clearly and explicitly state-

14 (a) the cause of action;

15 (b) the particulars of the claim;

16 (c) the name and place of abode of the intending plaintiff; and

17 (d) the relief which he claims.

18 **29.** A notice, summons or other document required or authorised
19 to be served on the Commission under the provisions of this Bill or any other
20 law or enactment may be served by delivering it to the Director-General of
21 the Commission or by sending it by registered post addressed to the
22 Director-General of the Commission at the principal office of the
23 Commission.

Service of
documents

24 **30.-(1)** In any action or suit against the Commission, no execution
25 or attachment of process in the nature thereof shall be issued against the
26 Commission unless not less than three months notice of the intention to
27 execute or attach has been given to the Commission.

Restriction on
execution against
property of the
Commission

28 (2) Any sum of money which by the judgment of any court has been
29 awarded against the Commission shall, subject to any direction given by the
30 court, where no notice of appeal against the judgment has been given, be

1 **paid from the fund of the Commission.**

Indemnity of
officers

2 **31. A member of the Board, the Director-General or any officer or**
3 **employee of the Commission shall be indemnified out of the assets of the**
4 **Commission against any liability incurred by him in defending any**
5 **proceeding, whether civil or criminal, if the proceeding is brought against him**
6 **in his capacity as a member, Director-General or officer or other employee of**
7 **the Commission, as the case may be.**

8 **Transitional Provisions Relating to the Industrial Arbitration Panel**

Transitional
provisions on
industrial
arbitration panel

9 **32. Anything done or purported to have been done under any**
10 **repealed enactment or law relating to the Industrial Arbitration Panel or the**
11 **Ministry shall remain valid and as from the commencement of this Bill, the**
12 **Commission established pursuant to this Bill shall take over all functions of the**
13 **Industrial Arbitration Panel.**

14 **PART IV - EMPLOYMENT EXCHANGES AND FEE-CHARGING**

15 **EMPLOYMENT AGENCIES**

Employment
exchanges

16 **33.-(1) The Ministry may establish such number of employment**
17 **exchanges as may be necessary, from time to time, after consultation with the**
18 **most representative trade unions and employers' associations.**

19 **(2) The functions of the employment exchanges established under**
20 **subsection (1) of this section shall include the following, that is-**

21 **(a) making suitable placement of persons seeking employment in**
22 **Nigeria;**

23 **(b) integrating the employment market into national development**
24 **plans;**

25 **(c) making the best use of productive resources;**

26 **(d) facilitating occupational and geographical mobility; and**

27 **(e) collecting and analysing employment market information relating**
28 **particularly to the needs of certain categories of employees and disseminating**
29 **such information to the general public.**

30 **(3) Any services offered by the employment exchanges shall be at no**

1 fee whatsoever.

2 (4) For purposes of subsection (2) of this section, the Minister may
3 make regulations generally for-

4 (a) prescribing the particulars relating to applications and
5 vacancies for employment including the necessary forms; and

6 (b) efficient functioning of the employment exchanges.

7 (5) The staff of the employment exchanges shall be composed of
8 public officers whose status and conditions of service are such that they are
9 independent of government changes and improper external influences and
10 enjoy stability of employment.

11 34.-(1) No person shall establish or operate a fee-charging
12 employment agency except with the written consent of the Minister.

Fee-charging
employment
agencies

13 (2) No private employment agency shall charge any fee or cost
14 whatsoever, directly or indirectly, in whole or in part to any employee for
15 services rendered by the agency.

16 (3) The Minister may make regulations providing for the
17 supervision and control of fee-charging employment agencies.

18 (4) In this section, "fee-charging employment agency" means-

19 (a) an agency conducted by any person who acts as an intermediary
20 for the purpose of procuring employment for a person or supplying a person
21 for employment with a view to deriving either directly or indirectly any
22 pecuniary or other material advantage; or

23 (b) an agency for conducting the placing services of any company,
24 institution, agency or other organization which, although the agency is not
25 conducted with a view to obtaining any pecuniary or other material
26 advantage, levies from either employer or employee for those services an
27 entrance fee, a periodical contribution or any other charge.

28 *First Schedule of 2005 No.*

29 (5) Any person who contravenes subsection (1) of this section
30 commits an offence and shall be liable on conviction to the administrative

1 penalty specified in the First Schedule to the Labour Standards Act.

2 PART V - REGISTRAR OF TRADE UNIONS AND EMPLOYERS ASSOCIATIONS

Office of Registrar
of Trade Unions
and Employers
Associations

3 35.-(1) There shall be established an office and position of the
4 Registrar of Trade Unions and Employers Associations (in this Bill referred to
5 as "the Registrar").

6 (2) The Registrar shall-

7 (a) be appointed by the Minister on the recommendation of the
8 National Labour Council;

9 (b) have his office in the Federal Ministry of Employment, Labour
10 and Productivity;

11 (c) be knowledgeable and experience in labour administration
12 whose appointment shall be gazetted.

13 (3) The financial requirements and expenditures of the Registrar and
14 his office shall be part of the budget of the Ministry.

15 (4) The office of the Registrar shall be an equivalent of a head of a
16 department in the Ministry.

Functions of the
Registrar

17 36. The Registrar shall perform any function and have power to do
18 anything which is required or authorised to be done under the Collective
19 Labour Relations Act, Labour Standards Act or any other enactment or law or
20 any Regulations made thereunder.

Assistant
Registrars

21 37. The Minister may appoint such number of Assistant Registrars of
22 Trade Union and Employers Associations to assist the Registrar in the
23 performance of his or her functions pursuant to section 36 of this Bill or any
24 other enactment or law as may be necessary from time to time.

25 PART VI - MISCELLANEOUS PROVISIONS

Power to make
regulations

26 38. The Minister may, on the recommendation of the Council, make
27 Regulations generally for giving full effect to the provisions of this Bill and in
28 respect of matters not specifically provided for under this Bill.

Exemptions of
certain enactment.
Cap. 19 LFN

29 39. The Arbitration and Conciliation Act 1990 shall not apply to any
30 labour disputes under this Bill, the Collective Labour Relations Act, Labour

1 Standards Act or any other labour related enactment or law.

2 **40** In this Bill, unless the context otherwise requires-

Interpretation

3 "Board" means the National Commission for Conciliation and Arbitration
4 Governing Board established under section 9 of this Bill;

5 "Chairman" means the Chairman of the National Labour Council
6 established under section 3 of this Bill or the Chairman of the National
7 Commission for Conciliation and Arbitration Governing Board established
8 under section 9 of this Bill, as the case may be;

9 "collective bargaining councils" means the bargaining councils established
10 pursuant to the Collective Labour Relations Act for the purposes of
11 bargaining with a view to reaching collective agreement in matters relating
12 to terms and conditions of employment;

13 "Commission" means the National Commission for Conciliation and
14 Arbitration established under section 8 of this Bill;

15 "Commissioner" means a Commissioner of the National Commission for
16 Conciliation and Arbitration appointed pursuant to section 17 of this Bill;

17 "Council" means the National Labour Council established under section 3 of
18 this Bill;

19 "Director-General" means the Director-General of the National
20 Commission for Conciliation and Arbitration appointed pursuant to section
21 16 of this Bill;

22 "joint industrial councils" means the joint industrial councils established
23 pursuant to the Collective Labour Relations Act for purposes of reaching
24 collective agreements on matters relating to terms and conditions of
25 employment;

26 "member" means a member of the National Labour Council established
27 under section 3 of this Bill or a member of the National Commission for
28 Conciliation and Arbitration established under section 8 of this Bill, as the
29 case may be, and the expression shall include the Chairman;

30 "Minister" means the Minister with responsibility for matters relating to

1 employment, labour and productivity and Ministry shall be construed
2 accordingly;
3 "President" means the President of the Federal Republic of Nigeria;
4 "President of the Court" means the President of the National Industrial Court
5 appointed pursuant to section 43 of this Bill;
6 "Registrar" means the Registrar of Trade Unions and Employers Associations
7 appointed pursuant to section 35 of this Bill.

Short Title

8 41. This Bill may be cited as the Labour Institutions (Establishment,
9 etc.) Bill, 2016.

SCHEDULE

Section 9 (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

*Proceedings of the Board**Cap. 192 LFN.*

15 1. Subject to this is Bill and section 27 of the Interpretation Act, the
16 Board shall have power to regulate its proceedings and may make standing
17 orders with respect to the holding of its meetings, and those of its committees,
18 notices to be given, the keeping of minutes of its proceedings, the custody and
19 production for inspection of such minutes and such other matters as the Board
20 may, from time to time, determine.

21 2.-(1) There shall be at least four ordinary meetings of the Board in
22 every calendar year and subject thereto, the Board shall meet whenever it is
23 convened by the Chairman, and if the Chairman is requested to do so by notice
24 given to him by not less than 3 other members, he shall convene a meeting of
25 the Board to be held within 14 days from the date on which the notice was
26 given.

27 (2) Every meeting of the Board shall be presided over by the
28 Chairman and if the Chairman is unable to attend a particular meeting, the
29 members present at the meeting shall elect one of their number to preside at the
30 meeting.

1 3. The quorum of any meeting of the Commission shall consist of
2 the Chairman (or in an appropriate case, the person presiding at the meeting
3 pursuant to paragraph 2 of this Schedule) and six other members comprising
4 of not less than one representative each of the Government, employers and
5 employees respectively.

6 4. The Commission shall meet for the conduct of its business at
7 such places and on such days as the Chairman may appoint.

8 5. A question put before the Commission at a meeting shall be
9 decided by consensus and where this is not possible, by a majority of the
10 votes of the members present and voting.

11 6. The Chairman shall, in the case of an equality of votes, have a
12 casting vote in addition to his deliberative vote.

13 7. Where the Commission seeks the advice of any person on a
14 particular matter, the Commission may invite that person to attend for such
15 period as it thinks fit, but a person who is invited by virtue of this paragraph
16 shall not be entitled to vote at any meeting of the Commission and shall not
17 count towards the quorum.

18 Committees

19 8. The Commission may appoint one or more committees to carry
20 out on behalf of the Commission such of its functions as the Board may
21 determine and report on any matter with which the Commission is
22 concerned.

23 9. A committee appointed under paragraph 8 of this Schedule shall
24 be presided over by a member of the Commission and consist of such
25 number of persons (not necessarily all members of the Commission) as may
26 be determined by the Commission, and a person other than a member of the
27 Commission shall hold office on the committee in accordance with the terms
28 of his appointment

29 10. A decision of a committee of the Commission shall be of no
30 effect until it is confirmed by the Commission.

Miscellaneous

1
2 **11.** The fixing of the seal of the Commission shall be authenticated by
3 the signature of the Chairman and the Director-General or the Director-
4 General and such other person authorised by the Commission to act for that
5 purpose.

6 **12.** A contract or an instrument which, if made or executed by any
7 person not being a body corporate, would not be required to be under seal, may
8 be made or executed on behalf of the Commission by the Chairman or the
9 Secretary or by any person generally or specifically authorised to act for that
10 purpose by the Commission.

11 **13.** A document purporting to be a contract, an instrument or other
12 document signed or sealed on behalf of the Commission shall be received in
13 evidence and, unless the contrary is proved, be presumed without further proof,
14 to have been properly signed or sealed.

15 **14.** The validity of any proceedings of the Commission or its
16 committees shall not be affected by:

17 (a) any vacancy in the membership of the Commission or its
18 committees;

19 (b) reason that a person not entitled to do so took part in the
20 proceedings; or

21 (c) any defect in the appointment of a member.

22 **15.** Any member of the Commission or committee thereof who has a
23 personal interest in any contract or arrangement entered into or proposed to be
24 considered by the Commission or any committee thereof:

25 (a) shall forthwith disclose his interest to the Commission or
26 committee; and

27 (b) shall not vote on any question relating to the contract or
28 arrangement.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the relevant labour institutions namely the National Labour Council, National Commission for Conciliation and Arbitration, the office of the Registrar of Trade Unions and Employers Associations, amongst others, to administer all legislation on matters relating to labour, terms and conditions of employment and industrial relations including speedy resolution of labour disputes.