

A BILL

FOR

AN ACT TO PROHIBIT LATE PAYMENT, NON- PAYMENT AND UNDERPAYMENT OF WORKERS' WAGES, PENSION AND OTHER EMOLUMENT IN NIGERIA AND PRESCRIBES PENALTIES FOR VIOLATIONS AND FOR RELATED MATERS

Sponsored by Hon. Femi Gbajabamila

[] Commencement

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

1 1. Notwithstanding anything to the contrary contained in any Act
2 or in any other enactment or Law, the provision of this Act shall apply to all
3 matters pertaining to payment of wages, pension, benefits and other
4 emoluments by employers to workers in Nigerian.

5 2. Every employer of labour in Nigeria, whether private or public;
6 and whether it is employing any worker on permanent or contract basis must
7 ensure that all payment of wages, salaries, pension and all benefits to
8 workers are paid promptly without any delay weekly, fortnightly, monthly
9 quarterly as may be agreed by parties in the contract of employment of the
10 individual employee.

11 3.-(1) An employer is prohibited from entering into any contract
12 with any workman for any deduction from the sum contracted to be paid by
13 the employer to the workman, or for any payment to the employer by the
14 workman for or in respect of bad or negligent work or injury to the material
15 or other property of the employer or in respect of any fine unless:

16 (a) The terms of the contract contained in a notice kept constantly
17 affixed at such place or places open to the workman and in such a position
18 that it should be seen easily read and copied by any person whom it affects;
19 or the contract is in writing signed by the workman;

1 (b) The deduction or payment to be made under the contract does not
2 exceed the actual or estimated damage or loss occasioned to the employer by
3 the proven Act or omission of the workman, or of some other person over
4 whom he has control or for whom he has by the contract agreed to be
5 responsible; and

6 (c) The amount of the deduction or payment is fair and reasonable
7 having regard to all the circumstances of the case.

8 .. (2) An employer shall not make any such deduction or receive any
9 such payment unless:

10 (a) the deduction or payment is made in pursuance or, or in
11 accordance with such a contract aforesaid; and

12 (b) particulars in writing showing the acts or omission in respect of
13 which the deduction or payment is made.

14 4.-(1) An employer shall not hold on to the salary, wage, pension and
15 any other benefit and emolument of any workman for a period of 7 (seven) days
16 and above from the day the payment of such salary, wage, pension and any
17 other benefit and emolument falls due save in the event of any force majeure.

18 (2) A The various duration(s) of the breach of sub-section (1) of this
19 section and the respective penalties attached shall be as set out in the schedule
20 to this Act herein.

21 (3) Where the breach is in respect of other monetary benefits apart
22 from monthly wage and monthly pension, the penalty shall be 30% of such
23 monetary benefits for the period.

24 (4) Without prejudice to the provisions of this Act, where the
25 employer in breach of this section for more than 60 days is an individual, the
26 schedule herein shall apply to such individual.

27 (5) Without prejudice to the provisions of this Act, where the
28 employer in breach of this section for more than 60 days is small company
29 other than a limited or public company, the penalties in the schedule herein
30 shall apply to each of the Partners in the company.

1 (6) Without prejudice to the provisions of this Act, where the
2 employer in breach of this section for more than 60 days is a limited or public
3 company, the schedule herein shall apply to all the directors of the company.

4 (7) The schedule referred to in sub-section 2 above shall form an
5 integral part of this Act.

6 5. In this Act, unless the context otherwise requires-

Interpretation

7 "Contract" means contract of employment, and includes any contract of
8 apprenticeship;

9 "Contract of employment" means any agreement, whether oral or written,
10 express or implied whereby one person agrees to employ another as a
11 worker temporarily or permanently and that other person agrees to serve the
12 employer as a worker;

13 "Employer" means any person who has entered into a contract of
14 employment to employ any other person as a worker either for himself or for
15 the services of any other person;

16 "Wages" means all remuneration or earnings including salaries, benefits,
17 pension etc however designated capable of being expressed in terms of
18 money and fixed by mutual agreement or by law payable to a worker for
19 work done or to be done or for services rendered or to be rendered;

20 "Workman" means any person who has entered into or works under a
21 contract with an employer whether the contract is for manual labour or
22 clerical work whether oral or written, express or implied, whether it is a
23 contract of service or a contract personally to execute any work or labour,
24 but does not include an Independent Contractor, provided that the word
25 "Workman" shall have the same meaning as worker and employee.

26 6. This Act may be cited as the Workman (Unpaid Wages
27 Prohibition) Bill, 2016.

Short Title

SCHEDULE

Duration	Penalty
1 to 7 days	10% of one month wage
8 to 30 days	20% of one month wage
30 to 60 days	30% of two months wage
60 days and above	30% of the wage for the duration and one month imprisonment of the employer

EXPLANATORY NOTES

This Bill seeks to provide for the prohibition of late payment, non-payment and under payment of workers' wages in Nigeria and prescribes penalties for violations and for other matters connected thereto.