

LABOUR INSTITUTIONS BILL, 2015

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SCHEDULE:

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

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 MATERS CONNECTED THEREWITH, 2015

Sponsored by Senator Suleiman Nazif

[] Commencement

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

PART 1 - OBJECTIVES AND SCOPE OF THE ACT

1. The objectives of this Act shall be to create labour institutions-

Objectives of the Act

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

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

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

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

(e) To promote the prevention, containment and resolution of labour disputes.

2. Except as otherwise provided in this Act, this Act shall apply to-

Scope and application

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

(b) all matters relating to employment, labour administration, collective bargaining, settlement of labour disputes and registration of trade

1 unions or labour organizations.

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

Establishment
of the National
Labour Council,
etc.

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

5 (2) The Council shall consist of-

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

8 (b) the representative of Government consisting of-

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

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

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

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

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

20 *Cap. 192 LFN.*

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

27 (4) The Council established under subsection (1) of this section shall
28 have its secretariat in a place chosen by the Federal Ministry of Employment,
29 Labour and Productivity.

1 (5) There shall be for the secretariat of the Council, a Secretary who
2 shall-

3 (a) be full-time and the head of the secretariat and be responsible
4 for the day-to-day running of the secretariat;

5 (b) be designated by the Minister from within or outside the
6 Ministry and shall have the status of a Director;

7 (c) be knowledgeable or experienced in labour, social and
8 economic matters;

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

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

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

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

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

Tenure of office
of members of the
Council

22 5. Notwithstanding the provisions of section 4 of this Act, a person
23 shall cease to be a member of the Council if-

Cessation of
membership of
the Council

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

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

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

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

1 (e) he or she is convicted of an offence involving dishonesty or
2 corruption.

3 (2) If a member or the alternate fails to attend half of the meetings
4 called in a one year, that member or the alternate may be removed by the
5 Council and the removal of such member or alternate shall not affect the
6 quorum of the meeting of the Council.

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

Functions of the
Council

10 6.-(1) The Council shall-

11 (a) advise the Minister with responsibility for employment, labour
12 and productivity on the application and operation of all labour laws and the
13 International Labour Conventions and Recommendations;

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

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

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

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

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

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

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

30 (i) carry out such other functions or duties as may be conferred upon it

1 by any other enactment or law or as the Minister may, from time to time,
2 request.

3 (2) The Council shall have power to-

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

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

9 7.-(1) The activities of the Council shall be funded by the Federal
10 Government from the budgetary provisions of the Ministry in a specific
11 budget sub-head clearly designated for that purpose.

Financial provisions
of the Council

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

15 PART III - NATIONAL COMMISSION FOR CONCILIATION AND
16 ARBITRATION

17 *Establishment and Composition of the National Commission for*
18 *Conciliation and Arbitration*

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

Establishment of
the National
Commission for
Conciliation and
Arbitration

23 (2) The Commission-

24 (a) shall be a body corporate with common seal and perpetual
25 succession;

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

27 (c) may own moveable or immovable properties.

28 9.-(1) There is hereby established a governing body for the
29 Commission to be known as the National Commission for Conciliation and
30 Arbitration Governing Board (in this Act referred to as "the Board").

Establishment
and composition
of the Governing
Board

- 1 (2) The Board shall consist of-
- 2 (a) a part-time Chairman;
- 3 (b) three representatives of the Government, one of whom shall be
- 4 from the Federal Ministry of Employment, Labour and Productivity and the
- 5 other two shall be persons versed in matters relating to labour and industrial
- 6 relations;
- 7 (c) three representatives of employers;
- 8 (d) three representatives of the organised labour;
- 9 (e) three full-time Commissioners, at least one of whom shall be-
- 10 (i) be a woman;
- 11 (ii) a legal practitioner.
- 12 (f) two persons to represent the public interest one of whom shall be a
- 13 woman; and
- 14 (g) the Director-General of the Commission.
- 15 (3) The Chairman and members of the Board, other than those in
- 16 paragraphs (c) and (d) of subsection (2) of [his section, shall be appointed by
- 17 the President-
- 18 (a) in the case of members specified in paragraphs (a), (b) and (g) of
- 19 subsection (2) of this section, on the recommendation of the Minister; and
- 20 (b) in the case of members specified in paragraphs (e) and (j) of that
- 21 subsection, on the recommendation of the National Labour Council.
- 22 (4) The supplementary provisions set out in the Schedule to this Act
- 23 shall have effect with respect proceedings of the Commission and the other
- 24 matters mentioned therein.
- 25 **10.** The Chairman and members of the Board shall hold office for a
- 26 term of 4 years in the first instance may be re-appointed for another term of 4
- 27 years and no more.
- 28 **11.** Notwithstanding section 10 of this Act, a member of the Board
- 29 shall cease to be a member if-
- 30 (a) he or she is certified by a medical practitioner as incapable of

-Schedule

Tenure of office
of the members
of the Board

Qualification of
membership of
the Board

1 discharging the function of his its office;

2 (b) he or she resigns his or her appointment or ceases to hold office
3 in respect of which he or she nominated;

4 (c) he or she becomes bankrupt;

5 (d) he or she is convicted of an offence involving dishonesty or
6 corruption.

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

Allowances, etc.
of members

10 13. The Board shall-

11 (a) be responsible for the formulation of broad policies for the
12 Commission;

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

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

17 (d) perform such other functions as in its opinion is necessary or
18 expedient in the discharge of the duration of the Commission under this Act.

19 Nations and Powers of the Commission.

Powers of the
Board

20 14.-(1) The Commission shall perform such functions and powers
21 are conferred on it by this Act, the Active Labour Relations Act, the Labour
22 Standards Act and any other enactment or law.

Functions of the
Commission

23 Subject to subsection (1) of this section, the functions of the Commission
24 shall include to-

25 (a) Undertake-

26 (i) Conciliation of labour disputes including individual disputes,

27 and

28 (ii) Arbitration of labour disputes;

29 in accordance with the procedures set out in the Collective Labour Relations

30 Act;

1 (b) register collective bargaining councils for the public sector and the
2 joint industrial councils for private sector in accordance with the provisions of
3 the Collective Labour Relations Act;

4 (c) register persons qualified to be independent conciliators and
5 arbitrators under this Act and contain a data base in that respect;

6 (d) promote training and capacity building of conciliators and
7 arbitrators;

8 (e) advise, as it thinks fit, on request or otherwise, provide without
9 charge, to employers, employees, employers' organisations or employees'
10 organisations such advice as it thinks appropriate on matters concerned with
11 industrial relations or employment policies;

12 (f) issue codes of practice containing such practical guidelines as it
13 thinks fit for promoting the improvement of industrial relations;

14 (g) make rules regulating the practice and procedures to be adopted in
15 conciliation and arbitration proceedings;

16 (h) register the decisions or awards by conciliators and arbitrators
17 arising from conciliation and arbitration proceedings;

18 (i) compile and publish information and statistics about its activities;
19 and

20 (j) perform any other functions or duties as are necessary for the full
21 discharge of its functions under this Act.

Power of the
Commission

22 **15.** The Commission shall have power to-

23 (a) charge fees for its activities including fees for conciliation and
24 arbitration proceedings, training and capacity building of conciliators and
25 arbitrators, registration of joint industrial councils and collective bargaining
26 councils;

27 (b) set standards and guidelines for qualification for registration as
28 conciliator or arbitrator under this Act; and

29 (c) do anything which in its opinion is expedient and necessary for the
30 efficient performance of its functions under this Act.

1 (d) the Registry.

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

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

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

7 (b) be appointed by the Commission.

Other staff of
the Commission

8 **19.**-(1) The Commission may, subject to the approval of the Board,
9 appoint such other staff as it may deem necessary and expedient, from time to
10 time-

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

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

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

Salaries and
allowances

18 **20.**-(1) The salaries and allowances of the Director-General and the
19 Commissioners shall be charged on the Consolidated Revenue Fund of the
20 federation.

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

Pensions.
2004 No. 2

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

28 *Financial Provisions of the Commission*

Fund of the
Commission

29 **22.**-(1) The Commission shall establish and maintain a fund from
30 which all its expenses will be defrayed.

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

- 3 (a) the initial take-off grant from the Federal Government;
4 (b) annual subvention from the Federal Government;
5 (c) fees and commissions charged by the Commission pursuant to
6 its functions under this Act or any other enactment or law;
7 (d) gifts and grants-in-aid from any national or international
8 organisation; and
9 (e) all sums of money accruing to the Commission by way of gifts,
10 testamentary dispositions and endowments and contributions from any
11 other sources whatsoever.

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

Expenditure of
the Commission

- 14 (a) to the cost of administration of the Commission;
15 (b) to the payment of the emoluments, allowances and benefits of
16 members or the Board and for reimbursing members of the Board or of any
17 committee set up by the Board and for such expenses as may be expressly
18 authorised by the Board;
19 (c) to the payment of the salaries, fees or other remuneration or
20 allowances, gratuities and pensions, and other benefits payable to the staff or
21 employees of the Commission;
22 (d) for the development and maintenance of any property vested in
23 or owned by the Commission; and
24 (e) for and in connection with all or any of its functions under this
25 Act or any other enactment or law.

26 24.-(1) The Commission shall, not later than 30th September in
27 each year, submit to the President, through the Minister, an estimate of its
28 expenditure and income (including payments to the Commission fund) for
29 the next succeeding year.

Annual estimates
and accounts

30 (2) The Commission shall keep proper accounts in respect of each

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

Annual reports

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

Power to accept
gifts

11 **26.-(1)** The Commission may accept gift of land, money or other
 12 property on such terms and conditions, if any, as may be specified by [he person
 13 or organisation making the gift.

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

Power to borrow

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

21 *Legal Proceedings Against the Commission*

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

22 **28.-(1)** Subject to the provisions of this Act, the provisions of the
 23 Public Officers Protection Act shall apply in relation to any suit instituted
 24 against any member or officer or employee of the Commission.

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

1 shall lie or be instituted in any court unless it is commenced-

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

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

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

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

13 (a) the cause of action;

14 (b) the particulars of the claim;

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

16 (d) the relief which he claims.

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

Service of
documents

23 **30.-(1)** In any action or suit against the Commission, no execution
24 or attachment of process in the nature thereof shall be issued against the
25 Commission unless not less than three months notice of the intention to
26 execute or attach has been given to the Commission.

Restriction on
execution against
property of the
Commission

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

Indemnity of
officers

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

7 *Transitional Provisions Relating to the Industrial Arbitration Panel*

Transitional
provisions on
Industrial
Arbitration Panel

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

13 PART IV- EMPLOYMENT EXCHANGES AND FEE-CHARGING

14 EMPLOYMENT AGENCIES

Employment
exchanges

15 **33.**-(1) The Ministry may establish such number or employment
16 exchanges as may be necessary, from time to time, after consultation with the
17 most representative trade unions and employers' associations.

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

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

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

24 (c) making the best use of productive resources;

25 (d) facilitating occupational and geographical mobility; and

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

29 (3) Any services offered by the employment exchanges shall be at no
30 fee whatsoever.

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

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

5 (b) efficient functioning of the employment exchanges.

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

10 34.-(1) No person shall establish or operate a fee-charging
11 employment agency except with the written consent of the Minister.

Fee charging
employment
agencies

12 (2) No private employment agency shall not charge any fee or cost
13 whatsoever, directly or indirectly, in whole or in part to any employee for
14 services rendered by the agency.

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

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

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

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

27 (5) Any person who contravenes subsection (1) of this section,
28 commits an offence and shall be liable on conviction to the administrative
29 penalty specified in the First Schedule to the Labour Standards Act.

First Schedule
of 2005 No.....

1 PART V - REGISTRAR OF TRADE UNIONS AND EMPLOYERS ASSOCIATIONS

Office of
Registrar of Trade
Unions and
Employers
Associations2 35.-(1) There shall be established an office and position of the
3 Registrar of Trade Unions and Employers Associations (in this Act referred to
4 as "the Registrar").

5 (2) The Registrar shall-

6 (a) be appointed by the Minister on the recommendation of the
7 National Labour Council:8 (b) have his office in the federal Ministry of Employment, Labour and
9 Productivity;10 (c) be a legal practitioner with experience in labour administration
11 and whose appointment shall be gazetted.12 (3) The financial requirements and expenditures of the Registrar and
13 his office shall be part of the budget of the Ministry.14 (4) The office of the Registrar shall be an equivalent of a head of a
15 department in the Ministry.Functions of the
Registrar16 36. The Registrar shall perform any function and have power to do
17 anything which is required or authorised to be done under the Collective
18 Labour Relations Act, Labour Standards Act or any other enactment or law or
19 any Regulations made there under.Assistant
Registrars20 37. The Minister may appoint such number of Assistant Registrars of
21 Trade Union and Employers Associations to assist the Registrar in the
22 performance of his or her functions pursuant to section 36 of this Act or any
23 other enactment or law as may be necessary from time to time.

24 PART VI - MISCELLANEOUS PROVISIONS

Power to make
Regulations25 38. The Minister may, on the recommendation of the Council, make
26 Regulations generally for giving full effect to the provisions of this Act and in
27 respect of matters not specifically provided for under this Act.Exemptions of
certain enactment,
Cap. 19 LFN28 39. The Arbitration and Conciliation Act 1990 shall not apply to any
29 labour disputes under this Act, the Collective Labour Relations Act, Labour
30 Standards Act or any other labour related enactment or law.

| 1 | 40. In this Act, unless the context otherwise requires- | Interpretation |
|----|--|----------------|
| 2 | "Board" means the National Commission for Conciliation and Arbitration | |
| 3 | Governing Board established under section 9 of this Act; | |
| 4 | "Chairman" means the Chairman of the National Labour Council | |
| 5 | established under section 3 of this Act or the Chairman of the National | |
| 6 | Commission for Conciliation and Arbitration Governing Board established | |
| 7 | under section 9 of this Act, as the case may be; | |
| 8 | "collective bargaining councils" means the bargaining councils established | |
| 9 | pursuant to the Collective Labour Relations Act for the purposes of | |
| 10 | bargaining with a view to reaching collective agreement in matters relating | |
| 11 | to terms and conditions of employment; | |
| 12 | "Commission" means the National Commission for Conciliation and | |
| 13 | Arbitration established under section 8 of this Act; | |
| 14 | "Commissioner" means a Commissioner of the National Commission for | |
| 15 | Conciliation and Arbitration appointed pursuant to section 17 of this Act; | |
| 16 | "Council" means the National Labour Council established under section 3 of | |
| 17 | this Act; | |
| 18 | "Director-General" means the Director-General of the National | |
| 19 | Commission [or Conciliation and Arbitration appointed pursuant to section | |
| 20 | 16 or this Act; | |
| 21 | "joint industrial councils" means the joint industrial councils established | |
| 22 | pursuant to the Collective Labour Relations Act for purposes of reaching | |
| 23 | collective agreements on matters relating to terms and conditions of | |
| 24 | employment; | |
| 25 | "member" means a member of the National Labour Council established | |
| 26 | under section 3 of this Act or a member of the National Commission for | |
| 27 | Conciliation and Arbitration established under section 8 of this Act, as the | |
| 28 | case may be, and the expression shall include the Chairman; | |
| 29 | "Minister" means the Minister with responsibility for matters relating to | |
| 30 | employment, labour and productivity and Ministry shall be construed | |

1 accordingly;
2 "President" means the President of the Federal Republic of Nigeria;
3 "President of the Court" means the President of the National Industrial Court
4 appointed pursuant to section 43 of this Act;
5 "Registrar" means the Registrar of Trade Unions and Employers Associations
6 appointed pursuant to section 35 of this Act.

Short Title

7 **41.** This Act may be cited as the Labour Institutions (Establishment,
8 etc.) Bill, 2015.

SCHEDULE

Section 9 (4)

SUPPLEMENTARY PROVISIONS, RELATING TO THE COMMISSION

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

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

20 **2.-(1)** There shall be at least four ordinary meetings of the Board in
21 every calendar year and subject thereto, the Board shall meet whenever it is
22 convened by the Chairman, and if the Chairman is requested to do so by notice
23 given to him by not less than 3 other members, he shall convene a meeting of
24 the Board to be held within 14 days from the date on which the notice was
25 given.

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

30 **3.** The quorum of any meeting of the Commission shall consist of the

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

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

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

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

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

17 *Committees*

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

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

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

1 *Miscellaneous*

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.