

# A BILL

## FOR

AN ACT TO PROVIDE FOR PUBLIC EMPLOYMENT SERVICES; TO PROVIDE FOR THE ESTABLISHMENT OF SCHEMES TO PROMOTE THE EMPLOYMENT OF YOUNG WORK SEEKERS AND OTHER VULNERABLE PERSONS; TO PROVIDE FOR SCHEMES TO ASSIST EMPLOYEES IN PROTECTED EMPLOYMENT ENTERPRISES IN DISTRESS TO RETAIN EMPLOYMENT; TO FACILITATE THE EMPLOYMENT OF FOREIGN NATIONALS IN A MANNER THAT IS CONSISTENT WITH THE OBJECTS OF THIS ACT AND THE IMMIGRATION; TO PROVIDE FOR THE REGISTRATION AND REGULATION OF PRIVATE EMPLOYMENT AGENCIES; TO PROVIDE FOR THE ESTABLISHMENT OF THE EMPLOYMENT SERVICES BOARD; TO PROVIDE FOR THE ESTABLISHMENT OF PRODUCTIVITY AND THE ESTABLISHMENT OF PROTECTED EMPLOYMENT ENTERPRISES; TO PROVIDE FOR TRANSITIONAL PROVISIONS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH

*Sponsored by Senator T. Y. Kaura*

[ ]

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

Commencement

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CHAPTER 1

INTERPRETATION, PURPOSES AND ADMINISTRATION

1. In this Act, unless the context otherwise requires:

Interpretation

"Board" means the Employment Services Board established in terms of section 20;

"Ministry" means Ministry of Labour;

"Permanent Secretary" means the Permanent Secretary in the Ministry;

"employee" bears the same meaning as defined in section 1 of the Basic Conditions of Employment Act;

"employment services" includes the provision of the following services:

(a) Advising or counselling of workers on career choices, either by

- 1 the provision of information or other approaches;
- 2 (b) assessment of work seekers for:
- 3 (i) entry or re-entry into the labour market; or
- 4 (ii) education and training;
- 5 (c) referring work seekers:
- 6 (i) to employers to apply for vacancies; or
- 7 (ii) to training providers for education and training;
- 8 (d) assisting employers:
- 9 (i) by providing recruitment and placement services;
- 10 (ii) by advising employers on the availability of work seekers with
- 11 skills that match their needs;
- 12 (e) performing the functions of temporary employment services; and
- 13 (f) any other prescribed employment service;
- 14 "foreign national" means an individual who is not a Nigerian citizen or does not
- 15 have a permanent residence permit issued in terms of the Immigration Act;
- 16 "Minister" means the Minister of Labour Employment and Productivity;
- 17 "prescribe" means prescribed by the Minister by regulation, and "prescribed"
- 18 has a corresponding meaning;
- 19 "private employment agency" means any person who provides employment
- 20 services for gain;
- 21 "public employment services" means the public employment services
- 22 contemplated in section 5;
- 23 "registrar" means the official designated as a registrar in terms of section 13;
- 24 "temporary employment services" bears the same meaning as defined in
- 25 section;
- 26 "this Act" includes regulations;
- 27 "work opportunity" means a vacancy or opportunity for employment or work
- 28 experience, self-employment or community service;
- 29 "work scheme" means any programme aimed at assisting people to find or
- 30 remain in employment or to set themselves up in self-employment; and

1 "work seeker" means any person who is unemployed and looking for work.

2 2. -(1) The purpose of this Act is to:

Purpose of Act

3 (a) promote employment;

4 (b) improve access to the labour market for work seekers;

5 (c) provide opportunities for new entrants to the labour market to  
6 gain work experience;

7 (d) improve the employment prospects of work seekers, in  
8 particular vulnerable work seekers;

9 (e) improve the employment and re-employment prospects of  
10 employees facing retrenchments;

11 (f) facilitate access to training for work seekers, in particular  
12 vulnerable work seekers;

13 (g) promote employment, growth and workplace productivity; and

14 (h) facilitate the employment of foreign nationals in the Nigerian  
15 economy, where their contribution is needed in a manner:

16 (i) that gives effect to the right to fair labour practices contemplated  
17 in section 23 of the Constitution;

18 (ii) that does not impact adversely on existing labour standards or  
19 the rights and expectations of Nigerian workers; and

20 (iii) that promotes the training of Nigerian citizens and permanent  
21 residents.

22 (2) The purpose is to be achieved by:

23 (a) providing comprehensive and integrated free public  
24 employment services;

25 (b) coordinating the activities of public sector agencies whose  
26 activities impact on the provision of employment services;

27 (c) encouraging partnerships, including in the provision of  
28 employment services, to promote employment;

29 (d) establishing schemes and other measures to promote  
30 employment; and

1 (e) providing a regulatory framework for the operation of private  
2 employment agencies.

Application

3 3. Any person applying this Act must interpret its provisions to give  
4 effect to:

5 (a) its purpose;

6 (b) the Constitution; and

7 (c) Nigeria's obligations in terms of any relevant international labour  
8 standards and treaties.

Administration  
of Act

9 4. Subject to the laws governing the public service, the Director-  
10 General must ensure that the Ministry:

11 (a) including its provincial offices and labour centres, has suitable  
12 personnel and financial resources necessary for performing its functions in  
13 terms of this Act; and

14 (b) maintains labour centres at which members of the public are able  
15 to access the public employment services provided for in terms of this Act.

16 CHAPTER 2

17 PUBLIC EMPLOYMENT SERVICES

Public employment  
services

18 5.-(1) The Ministry must provide the following public employment  
19 services free of charge to members of the public in a manner that is open and  
20 accessible:

21 (a) Matching work seekers with available work opportunities;

22 (b) registering work seekers;

23 (c) registering job vacancies and other work opportunities;

24 (d) facilitating the placing of work seekers with employers or in other  
25 work opportunities;

26 (e) advising workers on access to education and training;

27 (f) advising workers on access to social security benefits;

28 (g) providing specialised services to assist vulnerable work seekers;

29 (h) facilitating the exchange of information among labour market  
30 participants, including employers, workers and work seekers, private

1 employment agencies, Sector Education and Training Authorities and  
2 training providers;

3 (i) facilitating the employment of foreign nationals in a manner  
4 that is consistent with the object of this Act and the Immigration Act; and

5 (j) generally, performing any other function in terms of  
6 employment law or prescribed in terms of this Act.

7 (2) The Ministry may also provide the following services to  
8 facilitate the matching of work seekers to work opportunities:

9 (a) Vocational and career counselling;

10 (b) assessment of work seekers to determine suitability; and

11 (c) any other related life skills to secure employment or other forms of work.

12 6.-(1) The Minister may, after consulting the Board, establish work  
13 schemes for the purpose of enabling youth and other vulnerable work  
14 seekers to enter employment, remain in employment or be placed in  
15 opportunities for self-employment.

Promotion of  
employment of  
youth and other  
vulnerable work  
seekers

16 (2) The employment of any person in terms of a scheme  
17 contemplated in subsection (1) is subject to any minimum terms and  
18 conditions established in accordance with the Basic Conditions of  
19 Employment Act or any applicable collective agreement.

20 (3) The Minister may prescribe:

21 (a) measures that may be provided for in terms of a scheme  
22 contemplated in subsection (1); and

23 (b) the period for which a youth or any other vulnerable work  
24 seeker may be employed in terms of such scheme and may determine the  
25 remuneration of employees or other payments for the purposes of  
26 subsection (1).

27 7.-(1) The Minister may, after consulting the Board, establish  
28 schemes to minimize there trenchment of employees who are employed by  
29 employers in Protected Employment Enterprises that are in economic  
30 distress.

Job retention

1 (2) Without limiting subsection (1), a scheme may provide for turn-  
2 around strategies, lay-offs, re-training or alternative employment  
3 opportunities.

4 (3) For the purposes of this section, "economic distress" means  
5 financial or operational difficulties which may result in an employer  
6 contemplating the dismissal of employees based on its operational  
7 requirements.

Employment of  
foreign nationals

8 8.-(1) An employer may not employ a foreign national within the  
9 territory of Nigeria prior to such foreign national producing an applicable and  
10 valid work permit, issued in terms of the Immigration Act.

11 (2) The Minister may, after consulting the Board, make regulations to  
12 facilitate the employment of foreign nationals, which regulations may include  
13 the following measures:

14 (a) The employers must satisfy themselves that there are no other  
15 persons in the Nigeria with suitable skills to fill a vacancy, before recruiting a  
16 foreign national;

17 (b) the employers may make use of public employment services or  
18 private employment agencies to assist the employers to recruit a suitable  
19 employee who is a Nigerian citizen or permanent resident; and

20 (c) preparation of a skills transfer plan by employers in respect of any  
21 position in which a foreign national is employed.

22 (3) A regulation made in terms of this section may:

23 (a) include any other requirement necessary to implement the  
24 provisions of this section which are consistent with the Immigration Act; and

25 (b) differentiate between different categories of visas issued in terms  
26 of the Immigration Act and different categories of work.

27 (4) An employee who is employed without a valid work permit is  
28 entitled to enforce any claim that the employee may have in terms of any statute  
29 or contract of employment against his or her employer or any person who is  
30 liable in terms of the law.

- 1           **9.** An employer may not require or permit a foreign national:           Prohibited acts  
2           (a) to perform any work which such foreign national is not           in respect of  
3 authorised to perform in terms of his or her work permit; or           foreign nationals  
4           (b) to engage in work contrary to the terms of their work permit.
- 5           **10.**-(1) The Minister may, after consulting the Board, make           Reporting on  
6 regulations requiring employers to notify the Ministry of:           vacancies and  
7           (a) any vacancy or new position in their establishment in a manner           filling of positions  
8 and within such period as the Minister may determine;  
9           (b) the employment of any work seeker referred by a labour centre;  
10 and  
11           (c) any matter necessary to promote the provision of efficient  
12 matching services.
- 13           (2) A regulation made in terms of subsection (1) may differentiate  
14 between different categories of work and different categories of employers.
- 15           **11.** The Ministry may develop and operate an employment           Employment  
16 information system for monitoring, evaluating, researching and analysing           information  
17 trends, which may include, but are not limited to, the following information:  
18           (a) The names, qualifications and previous occupations of work  
19 seekers;  
20           (b) vacancies in the labour market;  
21           (c) training opportunities that are available;  
22           (d) specialised skills and qualifications possessed by work seekers  
23 registered on the public employment services system; or  
24           (e) details of the employer.
- 25           **12.**-(1) The provision of public employment services in terms of           Financing of  
26 this Act must be financed from the money defrayed from the budget vote of           public employment  
27 the Ministry for this purpose and may, in addition, be financed from:           services  
28           (a) money generated from the registration of private employment  
29 agencies, with the concurrence of the Minister of Finance; and  
30           (b) grants and donations made for this purpose to the Ministry.
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1 (2) The monies received by the Ministry for public employment  
2 services may only be used in the prescribed manner and to fund:

3 (a) the administration and performance of its functions in terms of this  
4 Act;

5 (b) schemes for retrenched workers, work seekers, in particular  
6 vulnerable work seekers;

7 (c) rehabilitation and promotion of re-entry into employment for  
8 people who are disabled as a result of being injured on duty or contracting an  
9 occupational disease;

10 (d) subsidies to organisations providing work opportunities for  
11 vulnerable work seekers;

12 (e) private employment agencies for specific or specialised projects in  
13 respect of vulnerable workers; or

14 (f) any other project, that the Minister may decide upon, that promotes  
15 the provision of public employment services or that is consistent with the  
16 objects of this Act.

17 CHAPTER 3

18 PRIVATE EMPLOYMENT AGENCIES

Registration of  
private employment  
agencies

19 13.-(1) The Minister may, after consulting the Board, prescribe  
20 criteria for the registration of private employment agencies.

21 (2) The criteria for registering private employment agencies must  
22 differentiate between private employment agencies:

23 (a) that are registered as temporary employment services; or

24 (b) that only seek to perform other employment services as  
25 contemplated in this Act.

26 (3) The Minister must designate an official of the Ministry as the  
27 registrar of private employment agencies.

28 (4) Any person wishing to provide employment services must apply  
29 to the registrar in the prescribed form and manner in order to register as a  
30 private employment agency.

1 (5) The registrar must, within 60 days of the application, issue a  
2 private employment agency with:

3 (a) a certificate of registration, if the application is successful; or

4 (b) a letter containing reasons, notifying the private employment  
5 agency that it has not been granted registration,

6 (6) The registration certificate of a private employment agency  
7 must specify whether or not the private employment agency is permitted to  
8 perform the functions of a temporary employment service.

9 (7) The registrar must maintain in electronic form a register of  
10 private employment agencies that have been registered in terms of this Act  
11 and must make suitable arrangements for the public to access the register.

12 (8) The private employment agency must display its certificate of  
13 registration in a conspicuous place at the premises from where it operates.

14 (9) A person may not operate a private employment agency except  
15 in accordance with the provisions of this Act and the terms of its registration.

16 **14.** A private employment agency may not:

17 (a) provide false employment services information;

18 (b) provide any employment service that it is not authorised to  
19 perform in terms of its certificate of registration;

20 (c) counterfeit, alter or transfer its registration certificate; or

21 (d) retain the original identity documents or original qualification  
22 certificates of work seekers.

23 **15.**-(1) No person may charge a fee to any work seeker for  
24 providing employment services to that work seeker.

25 (2) Despite subsection (1), the Minister may, after consulting the  
26 Board, by notice in the Gazette permit private employment agencies to  
27 charge fees in terms of a specified fee to specified categories of employees  
28 or for the provision of specialised services.

29 (3) A notice in terms of subsection (2) may specify categories of  
30 employees by reference to the work performed or to the earnings of such

Prohibited acts in  
respect of private  
employment  
agencies

Charging of fees  
by private  
employment  
agencies

1 employees.

2 (4) A private employment agency must not deduct any amount from  
3 the remuneration of an employee or require or permit an employee to pay any  
4 amount in respect of the placing of that employee with an employer.

5 (5) Any agreement between a private employment agency and a client  
6 in terms of which employees perform work for the client, must specify  
7 separately the remuneration that employees will receive and the fee that the  
8 client is paying to the private employment agency.

9 (6) A provision in any agreement concluded with an employee that is  
10 in breach of this section is invalid and of no force and effect.

11 (7) The Industrial Arbitration Panel or a bargaining council having  
12 jurisdiction may conciliate and arbitrate any dispute concerning the  
13 application of this section.

Retention of  
information by  
private  
employment  
agencies

14 16.-(1) A private employment agency must keep an electronic or  
15 manual register reflecting:

- 16 (a) the work seekers registered with them;  
17 (b) work seekers that have been placed in employment; and  
18 (c) particulars of the employer where the work seeker was placed.

19 (2) The records contemplated in subsection (1) must be retained for a  
20 minimum period of three years.

Confidentiality  
of information  
collected

21 17.-(1) The processing of personal information of work seekers by a  
22 private employment agency must:

23 (a) be done in a manner that protects the information and ensures  
24 respect for the privacy of the work seeker; and

25 (b) be limited to matters related to the qualifications and professional  
26 experience of the work seeker concerned or any other relevant information.

27 (2) A private employment agency:

28 (a) may provide information to a prospective employer concerning a  
29 work seeker, in accordance with subsection (1);

30 (b) must, if requested by the Ministry, provide the necessary

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1 information to the Ministry, provided that this does not infringe any right of  
2 the individual concerned, any proprietary right or law regulating the  
3 disclosure of information; and

4 (c) may provide information to any other organ of state only if it is  
5 required to do so in terms of any other legislation or for the purposes of the  
6 administration of justice.

7 **18.-(1)** The registrar may cancel the registration of a private  
8 employment agency for failure to comply with the requirements of this Act  
9 or any regulations made in terms of this Act or any prescribed procedures.

Cancellation of  
registration of  
private employment  
agency

10 (2) The registrar must, before withdrawing the registration of a  
11 private employment agency:

12 (a) notify the private employment agency in writing of his or her  
13 intention to cancel its registration and of the reasons for so doing;

14 (b) give the private employment agency 30 days, calculated from  
15 the date the notice is given in terms of paragraph (a), an opportunity to make  
16 representations on why its registration should not be cancelled;

17 (c) consider any representations received; and

18 (d) notify the agency of the decision.

19 (3) If the registration is withdrawn, the registrar must remove the  
20 name of such private employment agency from the register of private  
21 employment agencies.

22 **19.-(1)** Any person aggrieved by the decision of the registrar not to  
23 grant or to cancel registration, may apply for a review in the National  
24 Industrial Court against that decision within 30 days of the date of the  
25 decision of the registrar.

Review of  
decision of  
registrar

26 (2) The Court may, on good cause shown, extend the period within  
27 which a person may lodge the application for review.

## 1 CHAPTER 4

## 2 EMPLOYMENT SERVICES BOARD

Establishment  
of employment  
Services Board3 **20.** The Employment Services Board is hereby established.Composition  
of Board4 **21.**-(1) The Board consists of the following suitable persons  
5 appointed by the Minister:6 (a) An independent chairperson, who is a non-voting member of the  
7 Board;8 (b) Six persons appointed ex officio to represent the interests of the  
9 Six Geopolitical Zones; and10 (c) three persons from each of the following to represent the  
11 following:

12 (i) Organised labour;

13 (ii) organised business; and

14 (iii) organisations of community and development interests.

15 (2) A member of the Board:

16 (a) may be appointed for a term of up to five years; and

17 (b) may be reappointed for a maximum of two terms.

18 (3) The appointment of the members contemplated in subsection

19 (2)(a) and (b) must be done after following a fair and competitive  
20 selection process.Functions of  
Board21 **22.** The Board must advise the Minister on:

22 (a) work opportunities;

23 (b) the criteria for the registration and de-registration of private  
24 employment agencies and the implementation and enforcement of the  
25 provisions of this Act applicable to private employment agencies;26 (c) the development of criteria and guidelines for the implementation  
27 of this Act and the exercise of any function in terms of this Act;28 (d) the promotion of protected work for persons with disabilities as  
29 contemplated by Chapter 6;

30 (e) any regulations that the Minister may, or must, make in terms of

1 this Act;

2 (f) the publication of an annual employment services report; and

3 (g) any other matter related to employment services, on request of  
4 the Minister.

5 23.-(1) The Board must, as soon as possible after the appointment  
6 of its members and subject to the approval of the Minister, adopt a  
7 constitution.

Constitution of  
Board

8 (2) Subject to this Act, the constitution of the Board must provide  
9 for:

10 (a) the procedure for the election of a deputy chairperson to act on  
11 behalf of the chairperson, in the absence of the chairperson;

12 (b) the establishment and functioning of a committee of the Board,  
13 including an executive committee;

14 (c) the rules for convening and conducting of meetings of the  
15 Board and its committees, including the quorum required for and the  
16 minutes to be kept of those meetings;

17 (d) the voting rights of the different members and the manner in  
18 which decisions are to be taken by the Board and its committees;

19 (e) a code of conduct for the members of the Board;

20 (f) the determination through arbitration of any dispute concerning  
21 the interpretation or application of the constitution;

22 (g) subject to subsections (3) and (4), a procedure for amending the  
23 constitution; and

24 (h) any other matter necessary for the performance of the functions  
25 of the Board.

26 (3) At least 30 days notice must be given for a meeting of the Board  
27 at which an amendment to the constitution or the making of a regulation is to  
28 be considered.

29 (4) A supporting vote of at least two thirds of the members of the  
30 Board and the approval of the Minister is required for an amendment to its



1 (2) Productivity Nigeria acts through its Board.

2 (3) For the purpose of this chapter, "Board" means the Board of  
3 Productivity Nigeria established in terms of section 33.

4 **30.** The functions of Productivity Nigeria are:

Functions of  
Productivity  
Nigeria

5 (a) to promote a culture of productivity in the workplace;

6 (b) to develop relevant productivity competencies;

7 (c) to facilitate and evaluate productivity improvement and  
8 competitiveness in workplaces;

9 (d) to measure and evaluate productivity in the workplace;

10 (e) to maintain a data-base of productivity and competitiveness  
11 systems and to publicise these systems;

12 (f) to undertake productivity-related research;

13 (g) to support initiatives aimed at preventing job losses; and

14 (h) to perform any other prescribed function.

15 **31.-(1)** The Board of Productivity Nigeria is hereby established.

Establishment  
and composition  
of Board of  
Productivity in  
Nigeria

16 (2) The Board consists of seven members appointed by the  
17 Minister, as follows:

18 (a) A chairperson;

19 (b) two members nominated to represent organised labour;

20 (c) two members nominated to represent organised business; and

21 (d) two members to represent the government.

22 (3) The appointment of the members contemplated in subsection  
23 (2)(a) and (d) must be done after following a fair and competitive selection  
24 process.

25 (4) The Board is responsible for the management and control of the  
26 affairs of Productivity Nigeria.

27 (5) The members of the Board hold office for a period of five years  
28 and are eligible for re-appointment upon expiry of their terms of office, but  
29 may not serve for more than two consecutive terms of office.

Constitution of  
Board of  
Productivity  
Nigeria

1                   32.-(1) The Board must, as soon as possible after the appointment of  
2 its members, prepare and adopt a constitution, subject to the approval of the  
3 Minister.

4                   (2) The constitution contemplated in subsection (1) must, subject to  
5 this Act, provide for:

6                   (a) the establishment and functioning of committees of the Board,  
7 including an executive committee;

8                   (b) rules for convening and conducting of meetings of the Board and  
9 its committees, including the quorum required for and the minutes to be kept  
10 for those meetings;

11                  (c) the voting rights of the different members of the Board and the  
12 manner in which decisions are to be taken by the Board and its committees;

13                  (d) the procedure for the filling of vacancies of the Board;

14                  (e) a code of conduct for members of the Board;

15                  (f) the determination through arbitration of any dispute concerning  
16 the interpretation or application of the constitution;

17                  (g) the procedure for amending the constitution;

18                  (h) financial arrangements, including bank accounts, investment of  
19 surplus money, annual budgets, annual reports, financial statements and annual  
20 audits; and

21                  (i) any other matter necessary for the effective performance of the  
22 functions of Productivity Nigeria.

Chief Executive  
Officer

23                   33.-(1) The Board must appoint a Chief Executive Officer for the  
24 Board, who is the accounting officer of the Board.

25                   (2) The Chief Executive Officer is responsible for the administration  
26 and the general management and control of the day-to-day functioning of  
27 Productivity Nigeria, subject to the directions and instructions issued by the  
28 Board.

29                   (3) The Chief Executive Officer must, at the request of the Board,  
30 attend any meeting of the Board, but is not entitled to vote.

1 (4) The Chief Executive Officer must, in addition to such function  
2 as may be assigned to him or her in terms of this Act:

3 (a) supervise the employees of the Board;

4 (b) account for the assets and liabilities of the Board; and

5 (c) perform any function and exercise any power assigned to him or  
6 her by the Board.

7 (5) The Board may appoint any other employees it deems  
8 necessary for the effective performance of the functions of Productivity  
9 Nigeria by the Board.

10 (6) The procedure for the appointment of the Chief Executive  
11 Officer and other employees of the Board must be determined by the Board  
12 in terms of the rules.

13 (7) The Board must have due regard to representivity with  
14 reference to race, gender and disability when appointing the Chief  
15 Executive Officer and other employees.

16 (8) The Board must determine the conditions of service,  
17 remuneration and service benefits of the Chief Executive Officer and other  
18 employees, after consultation with the Minister of Finance.

19 (9) If the Chief Executive Officer is for any reason unable to  
20 perform his or her functions, the Board may designate a person in the service  
21 of the Board to act as the acting Chief Executive Officer until the Chief  
22 Executive Officer is able to resume office.

23 34.-(1) The Minister may dissolve the Board if the Minister, on  
24 good cause shown, Loses confidence in the ability of the Board to perform  
25 its functions effectively and efficiently or on any reasonable grounds.

Dissolution of  
Board

26 (2) The Minister may dissolve the Board only after having:

27 (a) provided the Board with reasons for losing confidence in its  
28 abilities;

29 (b) given the Board a reasonable opportunity to respond to those  
30 reasons; and

1 (c) afforded the Board a hearing on any submissions received.

2 (3) If the Minister dissolves the Board, the Minister:

3 (i) may appoint an administrator to take over the functions of the  
4 Board to do anything which the Board might otherwise be empowered or  
5 required to do by or under this Act, subject to such conditions as the Minister  
6 may determine; and

7 (ii) must, as soon as it is feasible but not later than three months after  
8 the dissolution of the Board, replace the members of the Board in the same  
9 manner as the manner in which they were appointed.

10 (4) The appointment of the administrator terminates when the Board  
11 members have been replaced.

Disqualification  
from membership  
of Board

12 **35.** A person may not be appointed as or remain as a member of the  
13 Board, as the case may be, if that person:

14 (a) is an unrehabilitated insolvent or becomes insolvent and the  
15 insolvency results in the sequestration of that person's estate;

16 (b) has been declared by a competent court to be mentally ill;

17 (c) has been convicted, in Nigeria or elsewhere, of theft, fraud,  
18 forgery, perjury or any other offence involving dishonesty;

19 (d) has been convicted of any other offence, whether in the Republic  
20 or elsewhere, committed after the Constitution of the Republic of Nigeria,

21 (e) has been, or is, removed from an office of trust on account of  
22 misconduct in respect of fraud or the misappropriation of money;

Resignation and  
removal from  
office

23 **36.-(1)** A member of the Board may resign by giving to the Minister:

24 (a) one month's written notice; or

25 (b) less than one month's written notice, with the approval of the  
26 Minister.

27 (c) on the ground of misconduct, incapacity or incompetence.

Remuneration of  
members of Board  
of Productivity  
Nigeria

28 **39.** A member of the Board, who is not in the full-time employ of the  
29 State, may receive such remuneration and allowances as the Minister may  
30 determine, after consultation with the Minister of Finance.

1           **37.** Productivity Nigeria is financed from: Finances of  
Productivity  
Nigeria  
2           (a) money appropriated by Parliament for this purpose;  
3           (b) income earned from services rendered by it;  
4           (c) grants or donations made to it; and  
5           (d) money received from any other source.

6           **38.** -(1) The Board must report to the Minister at least once every Reporting  
7           year on its activities.

8           (2) The Minister must table the report contemplated in subsection  
9           (1) in the National Assembly within 14 days after receipt thereof if  
10          Parliament is in ordinary session or, if Parliament is not in ordinary session,  
11          within 14 days after the commencement of its next ordinary session.

#### CHAPTER 7

#### GENERAL PROVISIONS

14          **39.**-(1) Except as otherwise provided in this Act and subject to the Jurisdiction of  
the Industrial  
Court  
15          jurisdiction of the Industrial Court, has exclusive jurisdiction in respect of  
16          all matters, excluding the prosecution of criminal offences, arising from this  
17          Act.

18          (2) The Labour Court may review any administrative action in  
19          terms of this Act on any grounds permissible in law.

20          (3) If proceedings concerning any matter arising from this Act are  
21          instituted in a court that does not have jurisdiction in respect of that matter,  
22          that court may at any stage during proceedings refer the matter to the Labour  
23          Court.

24          **40.**-(1) Chapter 10 of and Schedule II to the Basic Conditions of Monitoring and  
enforcement  
25          Employment Act apply with the necessary changes required by the context  
26          to:

27          (a) the monitoring and enforcement of this Act; and  
28          (b) any legal proceedings concerning a contravention of this Act.

29          (2) The Labour Court may, on application by the Director-General,  
30          impose a fine not exceeding N50 000 on an employer that contravenes any

1 of the provisions listed in Schedule 3.

2 (3) The Minister may, by notice in the Gazette, amend the maximum  
3 amount of the fine referred to in subsection (2) in order to counter the effect of  
4 inflation.

Offences and  
penalties

5 **41.-(1)** It is an offence to:

6 (a) obtain or attempt to obtain any prescribed document by means of  
7 fraud, false pretences or submitting a false or forged prescribed document;

8 (b) furnish false information in any prescribed document knowing  
9 that the information is false;

10 (c) obstruct or attempt to influence improperly a person who is  
11 performing a function in terms of this Act; and

12 (d) operate a private employment agency without being duly  
13 registered or in violation of its registration.

14 (2) A court that convicts a person of an offence contemplated in  
15 subsection (1) (a), (b) or (c) may impose a term of imprisonment not exceeding  
16 12 months or such fine or both such fine and imprisonment.

17 (3) A court that convicts a person of an offence contemplated in  
18 subsection (1) (d) may impose a term of imprisonment not exceeding 24  
19 months or both such fine and imprisonment.

Delegations

20 **42.-(1)** The Minister may delegate to the Permanent Secretary any  
21 power or duty conferred or imposed on the Minister in terms of this Act, except  
22 a power to make regulations and the Minister's powers in terms of this Act

23 (2) The permanent Secretary must exercise any power or duty that has  
24 been delegated in terms of subsection (1), subject to any conditions that the  
25 Minister considers necessary.

26 (3) Any delegation in terms of subsection (1):

27 (a) must be in writing;

28 (b) does not prevent the Minister from exercising the power or  
29 performing the duty so delegated; and

30 (c) may at any time be withdrawn in writing by the Minister, subject to

1 any rights that may have vested as a consequence of the delegation.

2 43.-(1) The Minister may, after consultation with the Employment Regulations  
3 Services Board, make regulations relating to:

4 (a) the categories of employment in respect of which vacancies and  
5 new positions must be reported, including:

6 (i) job descriptions;

7 (ii) qualifications;

8 (iii) remuneration levels; and

9 (iv) the format and manner in which vacancies and filling of  
10 positions must be reported.

11 (b) the recording of the names and prescribed details of work  
12 seekers on a register and their removal from the register;

13 (c) a procedure and forms in terms of which private employment  
14 agencies may apply for registration;

15 (d) a procedure for lodging and considering complaints concerning  
16 the operation of private employment agencies;

17 (e) a procedure for considering the cancellation of the registration  
18 of a private employment agency;

19 (f) regulating the provision of employment services by persons  
20 outside of the public administration; or

21 (g) any other matter relating to the provision of public employment  
22 services or the regulation of private employment agencies.

23 (2) The Minister may, after consulting the Board of Productivity  
24 Nigeria, make regulations regarding any improvements in workplace  
25 productivity and competitiveness which are necessary or expedient to  
26 enable the Board to perform its functions under this Act.

27 44. This Bill may be cited as Employment Services Bill, 2015. Citation

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