

A BILL

FOR

AN ACT TO PROHIBIT LATE PAYMENT, 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;

20 (b) The deduction or payment to be made under the contract does

1 not exceed the actual or estimated damage or loss occasioned to the employer
2 by the proven Act or omission of the workman, or of some other person over
3 whom he has control or for whom he has by the contract agreed to be
4 responsible; and

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

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

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

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

13 4.-(1) An employer shall not hold on to the salary, wage, pension and
14 any other benefit and emolument of any workman for a period of 7 (seven) days
15 and above from the day the payment of such salary, wage, pension and any
16 other benefit and emolument falls due save in the event of any force majeure.

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

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

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

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

30 (6) Without prejudice to the provisions of this Act, where the

1 employer in breach of this section for more than 60 days is a limited or public
2 company, the schedule herein shall apply to all the directors of the company.

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

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

Interpretation

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

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

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

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

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

25 6. This Bill may be cited as the Workman (Unpaid Wages
26 Prohibition) Bill, 2019.

Citation

	SCHEDULE	
	Duration	Penalty
1		
2	Duration	Penalty
3	1 to 7 days	10% of one month wage
4	8 to 30 days	20% of one month wage
5	30 to 60 days	30% of two months wage
6	60 days and above	30% of the wage for the duration and one month
7	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.