



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**PROHIBITION OF DISCRIMINATION BETWEEN FIRST
DEGREES AND HIGHER NATIONAL DIPLOMAS [HND]
BILL, 2021
(SB. 297)**

A BILL FOR AN ACT TO ABOLISH AND PROHIBIT DISCRIMINATION
BETWEEN FIRST DEGREES AND HIGHER NATIONAL [HND] FOR THE
PURPOSE OF EMPLOYMENTS AND FOR OTHER MATTERS CONNECTED
THEREWITH

FIRST READING

THURSDAY, 13TH FEBRUARY, 2020

SECOND READING

WEDNESDAY, 9TH DECEMBER, 2020

THIRD READING AND PASSAGE

WEDNESDAY, 2ND JUNE, 2021

**PROHIBITION OF DISCRIMINATION BETWEEN FIRST DEGREES AND HIGHER NATIONAL
DIPLOMAS [HND] BILL, 2021**



Arrangement of Clauses

Clauses

1. Equity of First Degree and Higher National Diplomas in Nigeria.
2. Prohibition of Discrimination between First Degree and Higher National Diploma.
3. Offences.
4. Power to Receive Complaint Duty to Report.
5. Presumptions.
6. Power to Prosecute.
7. Interpretation.
8. Short Title.

A BILL

FOR AN ACT TO ABOLISH AND PROHIBIT DISCRIMINATION BETWEEN FIRST DEGREES AND HIGHER NATIONAL [HND] FOR THE PURPOSE OF EMPLOYMENTS AND FOR OTHER MATTERS CONNECTED THEREWITH (SB. 297)

{ } Commencement.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria—

1. (1) Notwithstanding any provision in any legislation, circular, regulation or policy guideline, First Degree and Higher National Diplomas shall be deemed construed and treated as equivalent qualification for the purpose of employment and career progression at work place in the public and private sectors of the Nigeria Economy. Equity of First Degree and Higher National Diplomas in Nigeria.
- [2] Any provision in laws, enactments, instruments, circulars, scheme of service, directives, or policies by whatsoever name called; which is inconsistent with the provisions of this Bill shall to the extent of the inconsistency be null and void, and of no effect.
- [3] Holders of the First Degree and the Higher National Diploma [HND] shall be given equal treatment and opportunity in career placements, career progression, admission to further studies and privileges whatsoever in consideration of status as graduates of Nigeria Tertiary Institutions of Higher learning.
2. (1) All forms of discriminations and or dichotomy between First Degree and Higher National Diplomas for the purpose of employment, transfer of service, conversion of cadre, career progression, promotion, and other related issues in the public and private sectors of the Nigerian Economy is hereby abolished. Prohibition of Discrimination between First Degree and Higher National Diploma.
- [2] No person, authority, entity [body or corporate] in whatsoever name call shall discriminate and or undertake any action in any form whatsoever which is construed as and or intended to give any preferential treatment in favour of and/or against holders of the First Degree or the Higher National Diploma [HND].
- 3 [a] Any person or entity in the public or private sectors of the Nigerian Economy who contravenes the provisions of this Bill, commits an offence under this Bill, and shall be liable upon conviction to a term of two years' imprisonment or a fine of N1,000,000.00 [One Million Naira] or both;
- [b] Any person or entity in the public or private sectors of the Nigerian Economy who design, prescribe and or specify any guidelines, terms or conditions of employment, career progression, and or any other instrument by whatsoever name called in violation of the provisions of this Bill shall be guilty of an offence under this Bill and liable upon conviction to a term of 1 year imprisonment or a fine of N500,000 [Five Hundred Thousand Naira] or both.
3. Any Person who induces or encourages any other person for the Violation of any of the provisions of this Bill shall be liable upon conviction to — Offences.
- [a] A fine of N 500, 000;
- [b] Imprisonment for a term not exceeding 1 Year or; to both.

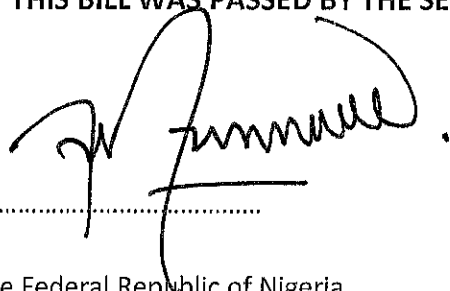
4. [1] It shall be the duty of the Chief Executive Officer of any entity private or public to —
- [a] Receive complaints of discrimination on grounds specified in this Bill; Power to Receive Complaint Duty to Report.
- [b] Investigate all complaints and remedy any such violation within 30 days of receipt of such complaint in writing to the complainant;
- [c] Report in a presented form on an annual basis but not later than 31st December, each year of full compliance of the provisions of this Bill to the Public Complaint Commission;
- [d] Enforce the provisions of this Bill;
- (e) Cause to be compiled and submitted to the appropriate authority for redress within 30 days of the receipt of complaints of discriminations in contravention to the provisions of this Bill;
- (f) Ensure that the department or organ of any private or public organization charged with the responsibility of Appointment, Promotion and/ or Career Development to give effect to any decision in pursuant to in clause 4 (1) hereof.
- [2] Where an Officer of any entity in the public or private sectors of the Nigerian economy fails to comply with the provisions of this Bill, he shall be guilty of an offence under this Bill and liable upon conviction to an imprisonment term of 6 months or a fine of N 500, 000.00 or both.
- [3] Where in any proceedings against any person for an offence under this Bill, it is established that any action constituting an offence under this Bill has been committed by an officer, it shall be presumed that the action was done with the motive or intent of committing an offence under this Bill as the case may be, until the contrary is proved.
5. Upon the commencement of this Bill, holders of Higher National Diplomas or First Degree in any field whatsoever shall be placed on the same status. Presumptions.
6. [1] Every prosecution for offence under this Bill shall be deemed to be done with the fiat and consent of the Attorney General of the Federation or State Attorney General as applicable. Power to Prosecute.
- (2) The Federal High Court, the State High Court, Magistrate Courts and the National Industrial Court shall have concurrent jurisdiction to hear matters up to the Court of Appeal.
- (3) The appropriate authority may make regulations and guidelines to enforce and to ensure compliance with the provisions of this Bill and failure to comply with such regulations and guidelines shall be deemed an offence under clause 3.
- [4] Any person who fails to provide or comply with the request for information or fails to appear upon invitation or fails to cooperate with the appropriate authority during investigation and redress of complaints on violation of the provision of this Bill shall be liable upon conviction to—
- (a) a fine of N500,000.00;
- (b) imprisonment for a term not exceeding 1 year, or to both.
7. [1] In this Bill, unless the context otherwise requires: Interpretation.

[a] "Employees" includes the Chief Executive, Permanent or Contract Staff, Casual Agents or Consultants of the organization;

[b] "Appropriate Authority" shall mean the Public Complaint Commission.

8. This Bill may be cited as the Prohibition of Discrimination between First Degrees and Higher National Diplomas [HND] Bill, 2021. Short Title.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 2ND JUNE, 2021



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria