

TRADE UNIONS (AMENDMENT) DECREE 1996



Decree No. 4

[5th January 1996]

Commencement.

WHEREAS it has been observed that since 1986 when the trade unions were restructured from 71 to 41, there existed certain overlapping and duplication in the objectives of the trade unions which has resulted in numerous court cases;

AND WHEREAS the Nigerian Labour Congress acting for and on behalf of the 41 trade unions affiliated to it since 1989 expressed the desire to restructure the trade unions to a reasonable number to redress the obvious lapses;

AND WHEREAS in keeping with the principle of voluntarism as contained in the International Labour Organisation Convention No. 87 on the Freedom of Association and Protection of the Right to Organise, the Nigerian Labour Congress between 1990-1992 set up a number of committees on the restructuring exercise, the reports of which were further subjected to thorough scrutiny by the three social partners on labour matters before a conclusion was reached.

AND WHEREAS there now exists the urgent need to remove all the anomalies in the present structure of trade unions caused by duplication, amorphous structures and overlapping jurisdiction in order to eradicate the numerous intra union disputes and litigations;

AND WHEREAS the Federal Military Government is desirous of assisting the trade unions to overcome the anomalies and achieve internal cohesion, be more viable and capable of standing on their own without recourse to internal or foreign aid;

NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

Amendment of
Cap 437 LFN.

1. The Trade Unions Act (in this Decree referred to as the "principal Act") is hereby amended as set out in this Decree.

Amendment of
section 5.

2. Section 5 of the principal Act is amended by deleting subsection (7) thereof.

Insertion of
section 16A.

3. Immediately after the existing section 16 of the principal Act there shall be inserted the following new section, that is -

"Deductions from wages of union members. 16A. Upon the registration and recognition of any of the trade unions specified in the Third Schedule to this Act, the employer shall -

(a) make deduction from the wages of every worker who is eligible to be a member of any of the trade unions for the purpose of paying contributions to the trade union so registered; and

(b) pay any sum so deducted directly to the registered office of the trade union after deducting what is due and payable to the Central Labour Organisation."

Amendment of
section 17.

4. Section 17 of the principal Act is amended in subsection (1) by substituting therefor the following new subsection, that is -

"(1) Every trade union shall pay to the Central Labour Organisation out of the contribution received from its members a sum equal to 10 *per centum* of the total sum received or such sum as may, from time to time, be specified in the Constitution of the Central Labour Organisation."

Amendment of
section 27.

5. Section 27 of the principal Act is amended -

(a) in subsection (1), by substituting therefor the following new subsection, that is -

"(1) Subject to this section, two or more trade unions may merge and become one trade union, but shall not do so unless -

(a) a resolution to that effect, signed by the President or the secretary of each of the merging unions, is presented to the Registrar; and

(b) the rules proposed for the merging unions and the terms of the merger have both been forwarded to the Registrar. ";

(b) in subsection (2), by substituting for the words "An amalgamation" the words "A merger";

(c) by substituting for subsections (3), (4), (5), (6) and (7) the following new subsections, that is -

"(3) Where two or more trade unions propose to merge and the provisions of subsection (1) of this section have been complied with, the Registrar shall forthwith register the merged unions.

(4) The merged union shall come into force on the day it is registered and the property of each of the merged unions shall to the extent provided in the terms of the merger forwarded to the Registrar, become vested in the merged union without the requirement of any form of conveyance or transfer other than those contained in the terms of merger forwarded to the Registrar.

(5) Accordingly, each of the merging unions shall cease to exist and the registration of each of the merging unions shall be cancelled forthwith.

(6) Where the registration of a trade union is cancelled in pursuance of subsection (5) of this section, the provisions of subsections (6) and (7) of section 7 of this Act shall apply as if the registration had been cancelled under that section.

(7) The merger of unions referred to in subsection (1) of this section shall not prejudice the right of any creditor of a trade union.

(8) In this section, "the merging unions" and "the merged union" means respectively the trade unions proposing to merge and the trade union which shall emerge from the merger."

(d) by deleting subsections (8) and (9) respectively.

Amendment of
section 33.

6. Section 33 of the principal Act is amended -

(a) by substituting for subsections (2), (3) and (4) thereof the following new subsections, that is -

"(2) The twenty-nine trade/workers unions as specified in Part A of the Third Schedule to this Act shall be deemed to be affiliated to the Central Labour Organisation registered pursuant to subsection (1) of this section,

(3) The names and jurisdictional scope of the twenty nine trade/workers unions are as specified in Part B of the Third Schedule to this Act.

(4) No trade union (by whatever name called) unless specified in Part A of the Third Schedule to this Act shall be affiliated to the Central Labour Organisation.

(5) It shall be an offence for any trade union not specified in Part A of the Third Schedule to this Act to be affiliated to the Central Labour Organisation."

(b) by inserting immediately after subsection (6) thereof the following new subsection (7), that is -

"(7) No person shall be eligible to contest any elective post under the Central Labour Organisation or any of the trade unions specified in Part A of the Third Schedule to this Act unless he is a member of any of the trade unions referred to in that Schedule."

7. Section 46 of the principal Act is amended in paragraph (d) by substituting for the word "amalgamation" the word "merger".

Amendment of section 46.

8. Immediately after the existing section 50 of the principal Act there shall be inserted the following new section 50A, that is -

Insertion of section 50A.

"Validity of Act not to be enquired into, etc. 50A. No question as to the validity of any act taken by any person or authority in pursuance of this Act shall be entertained by any court of law or tribunal in Nigeria.

9. Section 52 of the principal Act is amended by inserting in alphabetical sequence the following new interpretation, that is -

Amendment of section 52.

"member of a trade union" means a card carrying member of a union who contributes money to the union as required under section 15 of this Act;".

10. The Third Schedule to the principal Act is hereby amended by substituting therefor the following new Schedule, that is -

Amendment of the Third Schedule.

"THIRD SCHEDULE

PART A

LIST OF 29 RE-STRUCTURED TRADE UNIONS AFFILIATED TO THE CENTRAL LABOUR ORGANISATION

1. Agricultural and Allied Workers Union of Nigeria.
2. Amalgamated Union of Public Corporations, Civil Service Technical and Recreational Services Employees.
3. Maritime Workers Union of Nigeria.
4. Medical and Health Workers Union of Nigeria.
5. National Association of Nigeria Nurse and Midwives.
6. National Union of Air Transport Employees.
7. National Union of Banks, Insurance and Financial Institutions Employees.

8. National Union of Chemical, Footwear, Rubber, Leather and Non-metallic Workers.
9. National Union of Civil Engineering Construction Furniture and Wood Workers.
10. National Union of Electricity Workers.
11. National Union of Food, Beverage and Tobacco Employees.
12. National Union of Hotel and Personal Services Workers.
13. National Union of Petroleum and Natural Gas Workers.
14. National Union of Postal and Telecommunication Employees.
15. National Union of Printing, Publishing and Paper Products.
16. National Union of Road Transport Workers.
17. National Union of Shop and Distributive Employees.
18. National Union of Textiles Garment and Tailoring Workers.
19. Nigeria Civil Service Union.
20. Nigeria Union of Civil Service Secretarial and Stenographic Workers.
21. Nigeria Union of Journalists.
22. Nigeria Union of Local Government Employees.
23. Nigeria Union of Mines Workers.
24. Nigeria Union of Pensioners.
25. Nigeria Union of Railway Men.
26. Nigeria Union of Teachers.
27. Non-Academic Staff Union of Educational and Associated Institutions.
28. Radio, Television and Theatre Workers.
29. Steel and Engineering Workers Union of Nigeria.

THIRD SCHEDULE

PART B

THIRD SCHEDULE

PART B

THE JURISDICTIONAL SCOPE OF EACH OF THE 29 RE-STRUCTURED TRADE UNIONS

No.	Trade Unions	Area of Jurisdiction
1.	AGRICULTURAL AND ALLIED WORKERS UNION OF NIGERIA	Workers in all private and Commercial plantations, Agricultural and livestock production; agricultural services including animal husbandry, fishing and horticulture; veterinary services; pest control, irrigation services (River Basin Services); Private and commercial forestry, logging and game reserves. Non-public Agricultural Research Institutions.
2.	AMALGAMATED UNION OF PUBLIC CORPORATIONS, CIVIL SERVICE TECHNICAL AND TECHNICAL AND RECREATIONAL SERVICES EMPLOYEES	All non-professional and administrative cadres in the Federal and State Corporations; Civil Service Employees classified as Technical. Workers of Sports Commissions and Arts Councils; Stadia and related workers. Public Recreation Clubs by whatever name called, swimming pools, amusement centres including carnivals, circuses, zoological gardens and services similarly classified. Excluding Radio, Television, NITEL, NIPOST RAILWAYS, Nigeria Airways and any other Corporation Workers already unionized.
		Components: (1) Civil Service Technical Workers Union of Nigeria. (2) National Union of Public Corporation Employees. (3) Recreational Services Employees Union.

3. MARITIME WORKERS UNION OF NIGERIA.

All workers in the Nigerian Ports Authority and all persons employed in the manning of Ocean going, Inland Waterways, Coastal and harbour vessels or crafts afloat. All dock-workers including workers engaged by shipping, clearing and forwarding agencies, but excluding managerial, professional and administrative staff.

Components: (1) Dock-Workers Union of Nigeria.

(2) Nigeria Ports Authority Workers Union.

(3) National Union of Seamen and Water Transport Workers.

(4) Union of Shipping, Clearing and Forwarding Agencies Workers of Nigeria.

4. MEDICAL AND HEALTH WORKERS UNION OF NIGERIA

All workers and those classified as para-medical, engaged in Health Care Institutions, General Hospitals, Health Management Boards, Corporately owned Medical and Health Institutions. In University Teaching Hospitals, Local Government Health Institutions covering the following para-medical staff only: Nurses, Pharmacists, Radiographers, Laboratory Technologists, Physiotherapist, Optometrists, Dental Technologists, Optometricians, Dental Technologists and Hygienists; Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, Medical Illustrators, Midwives, Medical Entomologists, Medical Social Workers, X-Ray Technicians, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians, but excluding Pharmacists, Nurses and Midwives, Radiographers, Medical Laboratory Technologists, Dental Technologists.

NATIONAL ASSOCIATION OF NIGERIA
NURSES AND MIDWIVES

All Nurses and Midwives of all grades and by whatever name called, qualified to register and practice in Nigeria and who are salary earners, engaged in Local Government-owned hospitals or Health Institutions, Government Health Management Boards, Specialist and General Hospitals, University Teaching Hospitals, Nursing/Maternity Homes, Corporately owned Hospitals and Private Health Institutions.

6. NATIONAL UNION OF AIR TRANSPORT
EMPLOYEES.

All workers in Commercial Airlines, Airport Authority, Civil Aviation Authority and Travel Agencies except those in professional and administrative cadres.

7. NATIONAL UNION OF BANKS, INSURANCE
AND FINANCIAL INSTITUTIONS
EMPLOYEES.

Workers in Banks and closely related institutions, such as Mortgage Companies, Industrial Loan Institutions, Agricultural Credit Agencies, Co-operative Credit Societies, Investment Companies, Holding Companies, Insurance Carriers of all kinds, Insurance Agents and Brokers, Organisations Servicing Insurance Carriers, Consultants for policy holders, Adjusting Agencies; other closely related institutions not otherwise mentioned. All types of dealers in Real Estate.

8. NATIONAL UNION OF CHEMICAL,
FOOTWEAR, RUBBER, LEATHER AND
NON-METALLIC WORKERS.

Workers in manufacture of basic industrial organic and inorganic chemicals, except products of petroleum and coal but including fertilizers, explosives and fireworks, synthetic fibre and rubber, resins, plasites, elastomers and vegetable and animal oils and fats, including the production of cake and meal by crushing or extractions from oil seeds and nuts. Manufacture of medicinal and pharmaceutical preparations, perfumes, cosmetics and other toilet preparations. Soaps and other washing and cleaning compounds including detergents. Polishes, inks, matches, candles and insecticides. Manufacture of clay products such as bricks, tiles, pipes, crucibles, architectural terracotta, stove lining, chimney pipes, and tops and refectories. Manufacture of glass and glass products except the grinding of optical lenses. Pottery, china and earthenware. Manufacture of all types of hydraulic cement such as portland. Manufacture of concrete, gypsum and plaster products. Stone products and other similar chemical and non-metallic products. Manufacture of all kinds of footwear, leggings and gaiters from leather, fabrics, plastic, wood and other materials. Tanning, currying, finishing, embossing and japanning of all kinds

NATIONAL UNION OF CHEMICAL,
FOOTWEAR, RUBBER, LEATHER AND
NON-METALLIC WORKERS--continued.

of hides and skins and the manufacture of leather products such as luggage, handbags, pocket-books, saddlery, harness whip and other articles made of leather and leather products. Manufacture from natural or synthetic rubber of all kinds of rubber products such as tubes and tires, vulcanized footwear, industrial and mechanical rubber goods and rubber sundries such as mats, gloves, sponges and other vulcanized articles. The reclaiming of rubber from used tires, scrap and miscellaneous waste rubber. Rebuilding, retreading and vulcanizing of tires. Dipping, mixing, rolling, cutting and related processing of natural rubber, except on rubber plantations.

Components: (1) National Union of Chemicals and Non-Metallic Products Workers.

(2) Footwear, Leather and Rubber Products Workers Unions of Nigeria.

Workers in construction, repair and demolition of buildings, highways, street and culverts. Heavy construction of such projects as sewers and water mains, railroads, piers, tunnels, subways, bridges, viaducts, dams, drainage projects, irrigation flood control projects, hydro-electrical plants, gas mains and pipe lines, marine, construction such as dredging, land drainage, reclamation and harbours, and waterways and airports. All other construction works. Manufacture of household, office, public building, professional and restaurant furniture. Office and stores fixtures, window and door screens and shades, regardless of materials used. Sawmills and planing mills. Manufacture of lath, shingles, co-apogee stock, veneers, plywood and excelsior. Wood preserving and manufacture of finished articles made entirely or mainly of wood, bamboo, cane and cork. Manufacture of lumber, wooden building materials and prefabricated parts and structures. Manufacture of boxes, crates, drums barrels and other wooden containers. Manufacture of baskets and other rattan reed or willow containers.

9. NATIONAL UNION OF CIVIL ENGINEERING
CONSTRUCTION, FURNITURE AND WOOD
WORKERS:

Components: (1) Nigeria Union of Construction and Civil Engineering Workers.

(2) National Union of Furniture, Fixture and Wood Workers.

10.	NATIONAL UNION OF ELECTRICITY WORKERS	Workers in generation, transmission and distribution of electric light and other forms of energy, excluding gas for public consumption, professionals and administrative cadres.
11.	NATIONAL UNION OF FOOD, BEVERAGE AND TOBACCO EMPLOYEES	Workers engaged in manufacture of food for human consumption and of related products such as chewing gum, spices, prepared foods for animals and fowls. Slaughtering, preparation and preservation of meat. Manufacture of dairy products. Canning and preserving of fish and other sea foods. Manufacture of grain mill products. Manufacture of bakery products. Sugar factories and refineries. Manufacture of cocoa, chocolates and sugar, confectionery and miscellaneous food preparations. Distilling, rectifying and blending of spirits. Wine industries. Breweries and manufacture of malt, manufacture of non-alcoholic beverages such as soft drinks and carbonated mineral waters. Manufacture of tobacco products. Stemming, redrying and their operations connected with preparing raw tobacco left for manufacturing.
12.	NATIONAL UNION OF HOTELS AND PERSONAL SERVICES WORKERS	Workers in services involving the care of the person or his apparel. Hotels, restaurants, cafes, taverns and other drinking and eating places. Laundries and laundry services, cleaning and dyeing. Barber and beauty shops, domestic services, portrait and commercial photographic studios, shops, offices and cleaning. Security services, recreational and tourist organisations in the private sector and related services.
13.	NATIONAL UNION OF PETROLEUM AND NATURAL GAS WORKERS	Workers in oil well and natural gas well operations including prospecting, drilling, crude oil and natural gas extraction, oil and natural gas pipelines. Refining, distribution and marketing of natural gas and petroleum products, including petrol filling stations, petroleum tanker drivers, but excluding the construction of oil and gas pipelines.
14.	NATIONAL UNION OF POSTAL AND TELECOMMUNICATION EMPLOYEES	Workers engaged in communication services rendered to the public whether by post, telegraph, telephone or radio including the installation and maintenance of such services. But excluding professional and administrative cadres.

**NATIONAL UNION OF PRINTING,
PUBLISHING AND PAPER PRODUCTS**

Workers in private and public printing works, lithographing and publishing newspapers periodicals. Books, maps, atlases, sheet music and directories. Manufacture of greeting cards, book-binding, paper ruling and other works related to book-binding, services for the printing trade such as typesetting, engraving, electro-typing and stereo-typing. Paper and paper board mills and the manufacture of pulp. Manufacture of press and pulp plates and utensils, paper-bags, boxes and other containers, cards and envelopes and stationery, wall paper, toilet paper, straws and other articles made of wood, rags, paper and paper board.

Components: (1) National Union of Paper Products Workers.

(2) National Union of Printing and Publishing Workers.

**16. NATIONAL UNION OF ROAD TRANSPORT
WORKERS.**

All workers engaged in transportation of passengers and goods by road, excluding the transportation of petroleum by road and transportation undertaken by self employed persons.

**17. NATIONAL UNION OF SHOP AND
DISTRIBUTIVE EMPLOYEES**

Workers in wholesale and retail trade. The re-sale (sale without transformation) of goods to business unit and to institutions and government. Imports and exports. Manufacturers and sales offices and agencies. Commission merchants and commodity brokers. Assembling and buying of farm-products and co-operative agricultural marketing associations. Re-sale of industrial and construction materials, machinery, business and professional equipment. Re-sale (sale without transformation) of goods for personal or household consumption or utilization. Consumer-co-operatives.

**18. NATIONAL UNION OF TEXTILES GARMENT
AND TAILORING WORKERS.**

Workers engaged in manufacture of textile including the preparation of textile fibre for spinning, weaving and finishing, knitting mills, cordage, rope twine and thread industries. Manufacture of carpets, rugs, oil-cloth, linoleum, artificial leather, waterproofing fabrics and jute mills.

19. NIGERIA CIVIL SERVICE UNION.

All workers of the Federal and State Governments but excluding enforcement employees in Customs and Immigration services, technical, typists, stenographic, medical, nurses and midwives and recognized professional and administrative cadres.

**20. NIGERIA UNION OF CIVIL SERVICE
SECRETARIAL AND STENOGRAPHIC**

All typists and stenographic staff employed by the Federal and State Governments.

21. NIGERIA UNION OF JOURNALISTS.

...nized professional and administrative cadres

20 NIGERIA UNION OF CIVIL SERVICE SECRETARIAL AND STENOGRAPHIC

All typists and stenographic staff employed by the Federal and State Governments.

21 NIGERIA UNION OF JOURNALISTS

All registered journalists in paid employment in media houses, except proprietors and the self-employed.

22 NIGERIA UNION OF LOCAL GOVERNMENT EMPLOYEES

All workers in the Local Government Councils with the exclusion of Teachers and the following para-medical staff in the Local Government Health Institutions: Nurses, Pharmacists, Radiographers, Laboratory Technologists, Physiotherapists, Occupational Therapists, Speech Therapists, Optometrists, Audiometricians, Limb Fitters, Dieticians, Dental Technologists and Hygienists, Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Health Superintendents, Stores Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, Medical Illustrators, Midwives, Medical Entomologists, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians.

23 NIGERIA UNION OF MINES WORKERS

Workers engaged in extraction of coal, metalliferous and non-metalliferous ores excluding petroleum but including prospecting and preparing sites for the extraction of these ores. Also included are all supplemental operations for dressing and beneficiating ores and crude minerals, such as breaking, milling, grinding pulverizing, washing, cleaning, grading, quarrying as an enterprise. Salt mining. Chemical and fertilizer mineral mining enterprises are also included.

Components: (1) Metallic and Non-Metallic Mine Workers Union.

(2) Nigeria Coal Miners Unions.

24 NIGERIA UNION OF PENSIONERS

All pensioners from the Civil Service of the Federation including Local Government, Statutory Corporations, Government owned companies, educational institutions for which the Government of the Federation are responsible. All such similar establishments. Also private sector pensioners.

25 NIGERIA UNION OF RAILWAY MEN

Workers in Nigeria Railway Transport, excluding professionals and administrative cadres.

NIGERIA UNION OF TEACHERS

Teachers employed in educational institutions of all types but excluding Universities, Polytechnics, Colleges of Education and other tertiary institutions.

NON-ACADEMIC STAFF UNION OF EDUCATIONAL AND ASSOCIATED INSTITUTIONS.

26

All non-academic workers employed in publicly and privately owned educational, research and associated institutions including University Teaching Hospitals except professional, administrative, medical and para-medical staff such as Nurses, Pharmacists, Radiographers, Laboratory Technologists Physiotherapists, Occupational Therapists, Speech Therapists, Optometricians, Audiometricians, Limb-Fitters, Dieticians, Dental Technologists and Hygienists, Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Health Superintendents, Stores Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, X-Illustrators, Midwives, Medical Entomologists, Medical Social Workers, Ray Technicians, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians.

RADIO, TELEVISION AND THEATRE WORKERS

28

Workers engaged in Radio, Television, Theatre, Motion Picture Production, Distribution and Projection. Operation of Cinemas and Services allied to the foregoing including workers in the Music Industry.

29. STEEL AND ENGINEERING WORKERS
UNION OF NIGERIA.

Workers engaged in manufacturing, assembly, sale and service of electronic precision and electrical equipment and appliances, measuring, controlling, laboratory and scientific instruments, surgical, medical and dental instruments, optical and photographic goods, watches, clocks and horological equipment, musical instruments, security equipments. Manufacture of basic metal form into finished products such as tin cans and other tin ware, hand tools, cutlery and hardware, hollow ware, metal stampings, lighting fixtures, fabricated wire products, metal shipping containers, safes and vaults, steel springs, bolts, nuts, washers, rivets, collapsible tubes, ordnance-including small and arms and accessories. Fabrication of steel works including the erection of steel works such as welding for bridges, industrial ware houses, tanks and motor lorry bodies. Industries engaged in enameling, japanning and lacquering, galvanizing, plating and polishing metal products, blacksmithing and welding. The manufacture of basic iron and steel products. The manufacture of basic non-ferrous metal products, consisting of all processes from smelting, alloying, refining, rolling, drawing, foundling and casting.

The manufacture and assembly of complete motor vehicles such as passenger automobiles, commercial, cars and buses, trucks and truck trailers universal carriers, and special purpose motor vehicles such as (ambulances, taxi cabs, etc). Manufacture of motor vehicle parts and accessories such as engines, brakes, clutches, axles, gears, transmissions, wheel and frame but excluding tires and tubes. Repair of motor vehicles. Manufacture of motor-cycles, scooters, bicycles, tricycles, pedicabs and parts including animal-drawn and hand drawn vehicles. Shipyards and boatyards engaged in building and repair work. Specialized marine and ship parts manufacture and assembly. Ship braking yards. Manufacture and assembly of other types of transport equipment. Sales and servicing of vehicles.

Components: (1) Metal Products Workers of Nigeria.

(2) Iron and Steel Workers Union of Nigeria.

- (3) Automobile, Boatyards, Transport and Equipment and Allied Workers Union of Nigeria.
- (4) Precision Electrical and Related Equipment Workers Union (PEREWU)."

Citation.

11. This Decree may be cited as the Trade Unions (Amendment) Decree 1996.

MADE at Abuja this 5th day of January 1996.

GENERAL SANI ABACHA,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree amends the Trade Unions Act to provide, among other things, for the restructuring of the trade unions in Nigeria.