

WAGES BOARDS AND INDUSTRIAL COUNCILS DECREE 1973



ARRANGEMENT OF SECTIONS

Section

Industrial Wages Boards

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SCHEDULES

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Decree No. 1

[See section 28 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Industrial Wages Boards

1.—(1) The Commissioner may by order direct that an industrial wages board be established to perform, in relation to the workers described in the order and their employers, the functions specified in the subsequent provisions of this Decree, if he is of the opinion that wages are unreasonably low or that no adequate machinery exists for the effective regulation of wages or other conditions of employment of those workers :

Establish-
ment of
industrial
wages
boards.

Provided that no such order shall be made in respect of local government workers.

(2) The Commissioner shall, in any order establishing an industrial wages board under this section, determine the area with respect to which the board may exercise any of its powers and perform any of its duties.

2.—(1) If and so long as no order by the Commissioner subsists under section 1, the appropriate authority in a State may, after consultation with the Commissioner, make an order within the State to the like extent and subject to the same conditions as an order of the Commissioner under that section, and the appropriate authority may make such an order in respect of local government workers in the State.

Exercise of
powers in the
States.

(2) If and so long as an order of the appropriate authority under subsection (1) subsists, the Commissioner shall not make any order for the establishment of an industrial wages board in the State as prescribed by section 1 (1) above.

(3) The appropriate authority for a State shall be the Military Governor or Administrator of the State or such member of the Executive Council of the State as may be appointed by order of the Military Governor or Administrator to be the appropriate authority for the purposes of this section.

(4) Where the appropriate authority in a State is enabled to exercise powers under this section, the expressions "Commissioner" and "Federal Gazette" in sections 3 to 15 shall be construed as references to the appropriate authority and the State Gazette, respectively.

3. Without prejudice to section 1, the Commissioner, if he is of the opinion that wages are unreasonably low or that no adequate machinery exists for the effective regulation of wages or other conditions of employment of any workers, may refer to a commission of inquiry the question whether an industrial wages board should be established with respect to any of those workers and their employers.

References
to commis-
sion of
inquiry.

4.—(1) Where the Commissioner refers to a commission of inquiry under section 3 the question whether an industrial wages board should be established, and the commission is of opinion with respect to the workers with whom it is concerned—

Procedure
of commis-
sion of
inquiry.

(a) that wages are not unreasonably low, or

(b) that there exists adequate machinery for regulating the wages or other conditions of employment of those workers, and that there is no reason to believe that the machinery is likely to cease to exist or cease to be adequate for that purpose,

the commission shall report to the Commissioner accordingly and may include in its report any suggestions which it may think fit to make as to the improvement of that machinery.

(2) Where any such suggestions are so included, the Commissioner may take such steps as appear to him to be expedient and practicable to secure the improvements in question.

(3) If the commission is of opinion with respect to the workers with whom it is concerned that—

(a) wages are unreasonably low, or

(b) adequate machinery for regulating the wages or other conditions of employment does not exist, or

(c) existing machinery is likely to cease to exist or cease to be adequate for that purpose,

and that as a result reasonable standards of wages or other conditions of employment are not being or will not be maintained, the commission may make a report to the Commissioner accordingly and may include in its report a recommendation (in this Decree referred to as "an industrial wages board recommendation") for the establishment of an industrial wages board in respect of those workers and their employers.

(4) Where the Commissioner receives an industrial wages board recommendation, he may, subject to this Decree, if he thinks fit, make an industrial wages board order giving effect to the recommendation.

Making of
industrial
wages
board order.

5.—(1) The Commissioner shall, before making any industrial wages board order, whether under section 4 or not, publish a notice in the Federal Gazette of his intention to make the order.

(2) The notice published under subsection (1) above shall contain the text of the proposed order, and shall specify the time, being not more than forty days from the date of publication, within which any objection made with respect to the order shall be made to the Commissioner.

(3) The Commissioner may make rules with respect to the notice to be given of any matter under this Decree with a view to bringing the matter of which the notice is to be given so far as practicable to the knowledge of the persons concerned.

(4) Every objection made pursuant to subsection (2) above shall be in writing and shall state—

(a) the specific grounds of the objection, and

(b) the omissions, additions or modifications asked for,

and the Commissioner shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objections.

(5) After considering all the objections which, under this section, he is required to consider, the Commissioner may—

(a) make the order without amendments, or

(b) make the order with such amendments as he considers necessary or expedient, or

(c) refrain from making the order.

(6) Where the Commissioner makes an industrial wages board order, he shall publish it (and the report of any commission of inquiry relating to the order) in the Federal Gazette, and the order shall come into operation on the date on which it is so published or on such later date as may be specified therein.

6. If at any time the Commissioner considers that the wages or other conditions of employment of workers to whom an industrial wages board order relates or the machinery for the regulation of those wages or conditions have been so altered as to render the industrial wages board unnecessary, he may by order abolish the industrial wages board in question; and section 5 shall apply in relation to any such order as it applies in relation to industrial wages board orders.

Abolition
of industrial
wages
board.

7.—(1) Where any question or other matter is referred under section 3 to a commission of inquiry, the commission shall—

General
provisions
as to
commis-
sions of
inquiry.

(a) make all such investigations as appear to it to be necessary,

(b) publish a notice stating the terms of the reference and specifying a period (not being less than forty days from the date of publication) within which it will consider representations with respect to the reference made to it in writing, and

(c) consider any such representations and, if it thinks fit, hear oral evidence.

(3) Where the Commissioner receives any report from a commission of inquiry he may, if he thinks fit, refer the report back to the commission, and the commission shall thereupon reconsider it having regard to any observations made by the Commissioner and shall make a further report; and the like proceeding may take place on receipt of any further report from the commission in the same matter.

8.—(1) Subject to this section, any industrial wages board may recommend the wages to be paid by the employers to their workers described in the order establishing the said industrial wages board.

Wages.

(2) Before recommending any wages under subsection (1) above the industrial wages board shall—

(a) publish a notice of the wages it proposes to recommend and the manner in which and the time (not being less than forty days from the date of the notice) in which objections to the recommendation may be lodged, and

(b) consider any objections which may be lodged in accordance with the notice.

(3) An industrial wages board may, if the board thinks it expedient to do so, recommend the cancellation or variation of any wages fixed under section 10, whether an application is made for the purpose or not.

(4) Where it is proposed to recommend the cancellation or variation of wages fixed under section 10, the provisions of this section as to notice shall apply in the same manner as they apply where it is proposed to recommend the said wages.

9.—(1) An industrial wages board may, if the Commissioner has given his permission for the board to consider the making of a recommendation for a condition or conditions of employment other than wages, either generally or for any particular work, make such a recommendation for the workers to whom the said industrial wages board refers.

Conditions
of employ-
ment
other than
wages.

(2) Before recommending any condition of employment under subsection (1) above the industrial wages board shall—

(a) publish a notice of the condition which it proposes to recommend and the manner in which and the time (not being less than forty days from the date of the notice) in which objections to the recommendation may be lodged, and

(b) consider any objections which may be lodged in accordance with the notice.

(3) An industrial wages board may, if the board thinks it expedient to do so, recommend the cancellation or variation of any condition of employment fixed under section 10, whether an application is made for the purpose or not.

(4) Where it is proposed to recommend the cancellation or variation of a condition fixed under section 10, the provisions of this section as to notice shall apply in the same manner as they apply where it is proposed to recommend the said condition.

Provisions
as to orders
fixing wages
and other
conditions.

10.—(1) Where an industrial wages board has recommended any wages or any other condition of employment, or the cancellation or variation of any such wages or condition fixed under subsection (2) below, the board shall forthwith send notification thereof to the Commissioner; and the notification may include a statement of the date from which the board recommends that the wages or condition, or the cancellation or variation, as the case may be, shall become effective.

(2) The Commissioner, on receipt of a notification under this section with respect to any matter, shall by order fix the wages or condition or conditions, or approve the cancellation or variation, as the case may be:

Provided that—

(a) the Commissioner may, if he thinks fit, refer the recommendation back to the industrial wages board,

(b) the board shall thereupon reconsider it having regard to any observations made by the Commissioner and may, if it thinks fit, re-submit the recommendations to the Commissioner either without amendment or with such amendments as it thinks fit having regard to those observations, and

(c) where recommendations are so re-submitted, the like proceedings shall be had thereon as in the case of original recommendations.

(3) Any such wages or conditions as aforesaid, or the cancellation or variation of any such wages or conditions, shall become effective from such date (being the date of the order by which they are fixed or approved or a subsequent date) as is specified in that behalf in the order.

(4) Wages and conditions fixed under this section are hereafter in this Decree referred to as "statutory minimum wages" or "statutory minimum conditions".

Saving as to
rights under
other laws.

11. No order made under section 10 shall have effect so as to prejudice any rights touching conditions of employment, holidays or wages conferred upon any worker by or under any other enactment or other written law.

12.—(1) Where any statutory minimum wages have become effective under section 10, an employer shall, in cases to which the statutory minimum wages are applicable, pay to the worker wages not less than the statutory minimum wages, clear of all deductions (except any deductions required by law or deductions in respect of contributions to provident or pension funds or schemes agreed to by the workers and approved by the Military Governor or Administrator of the appropriate State); and, if the employer fails to do so he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦200 and in the case of a continuing offence to a fine not exceeding ₦50 for each day or period during which the offence continues.

Employers' obligations in respect of orders fixing statutory minimum wages or other conditions.

(2) On the conviction of an employer under this section for failing to pay to a worker wages not less than the statutory minimum wages, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the worker on account of wages, the wages being calculated on the basis of the statutory minimum wages, but the power to order payment on account of wages under this provision shall not be in derogation of the right of the worker to recover wages due to him by any other proceedings in a court of competent jurisdiction.

(3) Where any statutory minimum condition of employment, not being statutory minimum wages, has become effective under section 10, an employer shall, in cases to which the statutory minimum condition is applicable, apply to the worker a condition not less favourable to the worker than the statutory minimum condition; and, if the employer fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦200 and in the case of a continuing offence to a fine not exceeding ₦50 for each day or period during which the offence continues.

(4) On the conviction of an employer under this section for failing to apply to a worker any condition of employment not less favourable to the worker than the statutory minimum condition, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum by way of compensation as may appear to the court to be due to the worker by reason of the failure, but the power to order the payment of that sum under this provision shall not be in derogation of any right of the worker to recover any such sum as may be due to him by any other proceedings in a court of competent jurisdiction.

(5) Where the immediate employer of any worker to whom any statutory minimum wages or any other statutory condition of employment applies is himself in the employment of some other person and that worker is employed on the premises of that other person, that other person shall, for the purposes of this section, be deemed to be the employer of the worker jointly with the immediate employer.

(6) Any agreement for the payment of wages or the application of any other condition of employment in contravention of the provisions of this section shall be void.

13.—(1) If the Commissioner is satisfied that any worker employed, or desiring to be employed, in any occupation to which statutory minimum wages are applicable is affected by any infirmity or physical injury which

Permit of exemption for workers affected by infirmity or physical injury.

renders him incapable of earning the statutory minimum wages, the Commissioner may, if he thinks fit, grant to the worker (subject to such conditions, if any, as he may impose) a permit exempting the worker from the provisions of this Decree relating to the payment of wages less than the statutory minimum wages; and, while the permit is in force and any conditions imposed thereon are complied with, the employer shall not be guilty of an offence if he pays to the worker less wages than the statutory minimum wages.

(2) A permit granted under this section may be so granted as to have effect from the date on which the application therefor was made to the Commissioner, and may be suspended or revoked at any time by the Commissioner.

Duties of industrial wages board in relation to references by the Commissioner.

14. Any industrial wages board shall consider, as occasion requires, any matter referred to it by the Commissioner with reference to the conditions of employment of the workers in respect of whom and in respect of whose employers the board has been appointed, and shall make a report thereon to the Commissioner.

Employer to keep records.

15. It shall be the duty of every employer of workers in respect of whom an industrial wages board order has been made or a notice has been published under section 5 (1)—

(a) to keep such records of wages or conditions of employment as are necessary to show that the provisions of this Decree are being complied with as respects persons in his employment, and to retain the records for a period of three years after the period to which they refer, and

(b) to cause to be kept posted in some conspicuous place at or near the place of employment of persons in his employment, in such manner and in such form as may be approved by the Commissioner—

(i) a copy of every notice relating to wages or conditions of employment of the aforesaid workers which is published by an industrial wages board as required by this Decree and a copy of every order made by the Commissioner relating to the wages or conditions of employment of the said workers, or

(ii) such abstract from every such notice or order as the Commissioner may approve, *

and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦100 and to a daily penalty not exceeding ₦10.

National Wages Board and Area Minimum Wages Committees

National Wages Board and area minimum wages committees.

16.—(1) The Commissioner may by order establish for the Federation a board to be known as the National Wages Board (referred to in this section and in section 17 as “the Board”), and the Commissioner may, after prior consultation with the appropriate authority, set up an area minimum wages committee for the State.

(2) It shall be the function of the Board—

(a) to examine the application to all unskilled workers of any agreed minimum wage rate in any specified area,

(b) to examine from time to time the adequacy of minimum wage rates for unskilled workers in the light of any recommendations received from area minimum wages committees,

(c) to consider any matter referred to it by the Commissioner with reference to the minimum wage rates of unskilled workers in any area for which an area minimum wages committee has been set up, and

(d) to report and make recommendations accordingly to the Commissioner.

(3) The Board shall have all such powers as are reasonably necessary for the proper exercise of its functions; and in particular, without prejudice to the generality of the foregoing, it may—

(a) carry out specific investigations on matters referred to it, and submit to the Commissioner reports on the investigations and any other information it may consider desirable for the effective exercise of its functions, and

(b) call for oral or written information which it considers necessary for the effective exercise of its functions from any source whatsoever, so however that, if any person objects to answering any question or producing any document on the ground that it will tend to incriminate him or on any other lawful ground, that person shall not be required to answer the question or produce the document or be liable to any penalty for refusing to do so.

(4) It shall be the function of an area minimum wages committee—

(a) to make recommendations to the Board on the minimum wages of unskilled workers in the committee's area,

(b) to carry out specific investigations on matters referred to it by the Board,

(c) to submit to the Board reports, minutes and any other information it considers desirable for the effective exercise of the Board's functions, and

(d) to determine urban and rural sub-areas in its area.

17.—(1) In the execution of its functions under section 16 (2) (d) the Board may recommend minimum wages to be paid by employers to workers in any specified area; and any such recommendation may include a further recommendation to cancel or vary any wages fixed under section 10.

Minimum
wage
recommen-
dations.

(2) Section 8 (2) and (4) shall apply with the necessary modifications to proposed recommendations under subsection (1) above and, where the Board makes a recommendation under the said subsection (1) above—

(a) section 10 shall apply as it applies to a recommendation relating to wages made by an industrial wages board under section 8 (1) or (3), and

(b) the references to section 10 in sections 11 and 12 (1) shall be deemed to include references to section 10 as applied by paragraph (a) above.

Joint Industrial Councils

18.—(1) Employers and workers in an industry may establish a joint industrial council (referred to in this section and section 19 as "a Council") for the purpose of negotiating and reaching agreements relating to such matters as are considered by those employers and workers to be matters for negotiation.

Establish-
ment of
joint
industrial
councils.

(2) When a Council has been established, it shall register with the Commissioner its agreed constitution and functions and any changes therein which may be agreed upon from time to time.

(3) Where a Council has agreed on any matter concerning wages or conditions of employment for any specified workers or groups of workers in an industry, it shall register the agreement with the Commissioner for his information; and the Commissioner may by an order declare that the provisions of any agreement or part thereof in pursuance of this subsection shall be binding on the workers to whom they relate, and that effect shall be given to them, accordingly.

Extension
of agree-
ments.

19.—(1) A Council may apply to the Commissioner to have the terms of any such agreement as is mentioned in section 18 (3) extended to cover other employers and workers within the industry to which the agreement relates.

(2) The Commissioner, upon receipt of an application under subsection (1) above, shall satisfy himself that the organizations of employers and workers concerned represent a sufficient proportion of the employers and workers in the industry in question, having regard to its individual circumstances, and on being so satisfied shall publish a notice in the Federal Gazette—

(a) specifying the terms of the agreement and indicating his intention to make an order extending all or any of the terms of the agreement to such employers and workers engaged in the industry (which shall be specified in the order) as are not parties to the agreement, and

(b) specifying the time, being not more than forty days from the date of publication, within which any objection to his intention shall be made to him.

(3) Every objection made pursuant to subsection (2) above shall be in writing and shall state—

(a) the specific grounds of the objection, and

(b) the omissions, additions and modifications asked for, and the Commissioner shall consider any objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice specifying the terms of the agreement, but shall not be bound to consider any other objection.

(4) After considering all the objections which under subsection (3) above he is required to consider, the Commissioner may—

(a) make the order without amendments, or

(b) make the order with such amendments as he considers necessary or expedient, or

(c) refrain from making the order.

(5) Where the Commissioner makes an order under subsection (4) above, he shall publish it in the Federal Gazette, and the order shall come into operation on the date on which it is so published or on such later date as may be specified therein.

(6) Wages or conditions of employment fixed by an order made under this section shall have effect as if they were statutory minimum wages or, as the case may be, statutory minimum conditions fixed under section 10.

Exemption
of marginal
employers.

20.—(1) An employer affected by an order made under section 19 may appeal in writing to the Commissioner for a permit of exemption from the order; and on receipt of such an appeal the Commissioner may reject it or refer it to any person or persons appointed by himself for investigation.

(2) Where the appeal is referred pursuant to subsection (1) above, having regard to the grounds of the appeal and the circumstances of the employer, such person or persons shall submit their report to the Commissioner within 60 days from the date of their appointment.

(3) On receipt of such report the Commissioner may either reject the appeal or issue an exemption permit accordingly, specifying in the permit the minimum wage and conditions or the minimum wage or conditions of employment which shall apply to the workers engaged by the employer concerned.

(4) Wages or conditions of employment specified pursuant to subsection (3) above shall have effect as if they were statutory minimum wages or, as the case may be, statutory minimum conditions fixed under section 10 above.

(5) Any person or persons appointed under subsection (1) above shall be paid such remuneration and allowances, if any, as may be approved by the Commissioner with the concurrence of the Federal Ministry of Finance.

Miscellaneous and Supplemental

21.—(1) The Commissioner may appoint any public officer to act for the purposes of this Decree; and every authorized labour officer within the meaning of the Labour Decree 1973 shall be deemed to have been so appointed.

Officers and
their
powers.

(2) Every appointed officer shall be furnished with a certificate of his appointment and when visiting an employer's premises for the purposes of this Decree shall, if so required, produce the certificate to the employer or other person holding a responsible position of management at the said premises.

(3) An appointed officer may—

(a) require the production by an employer of wages sheets or other records of wages and records of conditions of employment, and inspect and examine them and copy any part thereof,

(b) at all reasonable times enter any premises at which any employer to whom an order made under section 10 applies carries on his business (including any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers),

(c) examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Decree, any person whom he has reasonable cause to believe to be or to have been a worker to whom an order made under section 10 applies or applied, or the employer of any such person or a servant or agent of the employer employed in the employer's business, and require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined, so however that no person shall be required to give any information tending to incriminate himself,

(d) order any person or body of persons found to have contravened any of the provisions of this Decree to take remedial action within a specified reasonable period of time, and

(e) subject generally to the powers of any Attorney-General, institute proceedings for any offence under this Decree and, with the consent of the Commissioner, appear and have all necessary power for the conduct of the proceedings.

Attorney-General means Attorney-General of the Federation or as appropriate Attorney-General or Solicitor-General of a State as the case may be.

(4) An appointed officer who is authorized in that behalf by general or special directions of the Commissioner may, if it appears to him that a sum is due from an employer to a worker to whom an order made under section 10 applies, or to a person who has been such a worker, on account of the payment to him of wages less than the statutory minimum wages, institute on behalf and in the name of that worker or person civil proceedings for the recovery of that sum, and in any such proceedings the court may make an order for the payment of costs by the appointed officer as if he were a party to the proceedings.

(5) The power given by subsection (4) above for the recovery of a sum due from an employer to a worker or other person shall not be in derogation of any right of that worker or other person himself to recover that sum by civil proceedings.

(6) The Commissioner may by writing under his hand without prejudice to the foregoing subsection 1 above delegate to any public officer the exercise of the power conferred on the Commissioner by subsection (3)(e) or (4) above;

Provided that the existence of such a delegation shall not prevent the continued exercise of the power by the Commissioner.

Offences by
agent, etc.

22.—(1) Where an offence for which an employer is by virtue of this Decree liable to a penalty has in fact been committed by some agent of the employer or by some other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with or before or after the conviction of the employer, and shall be liable on conviction to the same penalty as that to which the employer is liable.

(2) Where an employer is charged with an offence under this Decree, he shall be entitled, upon complaint duly made by him and on giving to the prosecution not less than three day's notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was due brought before the court at the time appointed for the hearing of the charge, and, if after the commission of the offence has been proved the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Decree and any relevant order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) above—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witnesses called by him in support of his pleas, and to call rebutting evidence, and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings, other than the prosecution, to any other party thereto.

(4) Where it appears to an appointed officer that an offence has been committed in respect of which proceedings might be taken under this Decree against an employer, and the officer is reasonably satisfied that the offence of

which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) above, the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer, and in any such proceedings the defendant may be charged with, and on proof that the offence was due to his act or default, be convicted for the offence for which the employer might have been charged.

23. Any person who—

(a) refuses or neglects to furnish the means required by an appointed officer as being necessary for any entry in the exercise of his powers under section 21, or

(b) hinders or molests any appointed officer in the exercise of his powers under section 21, or

(c) refuses or neglects to produce any document, or to give any information which any appointed officer in the exercise of his powers under section 21 requires him to produce or give, or

(d) makes, or causes to be made, or knowingly allows to be made, any wages sheet, record of wages or record of conditions of employment which is false in any material particular, or

(e) produces, or causes to be produced, or knowingly allows to be produced, any such wages sheet or record to an appointed officer acting in the exercise of his powers under section 21, knowing the wage sheet or record to be false, or

(f) furnishes any information to any appointed officer acting in the exercise of his powers under section 21, knowing the information to be false, or

(g) fails to comply with an order given under section 21 (3) (d), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦200 or to imprisonment for a period not exceeding three months, or to both.

24.—(1) Any person or persons appointed under section 20 (1), an industrial wages board, a commission of inquiry, the National Wages Board or an area minimum wages committee is a relevant body for the purposes of this section.

(2) No member of a relevant body, and no other person present at or concerned in any proceedings of a relevant body, shall disclose any information or the contents of any document which has been furnished to the body in question, except with the written consent of the body and of the person who furnished the information or document.

(3) Any person who contravenes subsection (2) above shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦200 or to imprisonment for a period not exceeding three months, or to both.

(4) Adequate staff and accommodation for the exercise of a relevant body's functions shall be provided by—

(a) the Federal Ministry of Labour, or

(b) in the case of an area minimum wages board set up for a State, by the department of government of the State responsible for labour matters.

Offences
and penal-
ties.

General
provisions
for certain
bodies
established
in pur-
suance of
this Decree.

(5) The validity of any proceedings of a relevant body shall not be affected—

(a) by any vacancy in the membership of the body, or

(b) by any defect in the appointment of any member, or

(c) by reason of the fact that a person not entitled to do so took part in the proceedings.

(6) Subject to this Decree and any regulations made thereunder, a relevant body may regulate its own proceedings.

(7) Schedule 1 shall have effect in relation to the relevant bodies therein mentioned.

(8) It shall be the responsibility of the Federal Military Government to provide the funds needed for payment under section 20 (5) or Schedule 1.

Regulations.

25. The Commissioner may make regulations—

(a) providing for the meetings and procedure of a relevant body within the meaning of section 24, including quorum and method of voting,

(b) prescribing the conditions (not being conditions relating to remuneration or allowances) on which members of such a relevant body shall hold office, and

(c) prescribing any matter of a procedural or administrative nature which in his opinion is necessary or expedient to facilitate the proper operation of this Decree.

Repeal, and transitional and saving provisions, Cap. 211.

26.—(1) The Wages Boards Act is hereby repealed.

(2) The transitional and saving provisions in Schedule 2 shall have effect notwithstanding subsection (1) above or any other provision of this Decree.

Interpretation.

27.—(1) In this Decree, unless the context otherwise requires—

“appointed officer” means an officer appointed or deemed to have been appointed under section 21 (1);

“appropriate authority” has the meaning assigned to it in section 2 above;

“Commissioner” means the Federal Commissioner for Labour;

“industry” includes trade, commerce and groups of occupations or services;

“local government workers”, in relation to a State, means persons employed in the State by a local government as defined in the Labour Decree 1973 or by a joint committee for local government or a local education authority established for the State by law.

(2) Section 90 of the Labour Decree 1973 shall apply for the interpretation of this Decree as it applies for the interpretation of the said Labour Decree 1973.

Citation and commencement.

28.—(1) This Decree may be cited as the Wages Boards and Industrial Councils Decree 1973.

(2) This Decree shall come into force on a date to be appointed by the Commissioner by order in the Federal Gazette and different dates may be appointed for different provisions.

SCHEDULES

SCHEDULE 1

Section 24

COMPOSITION, ETC. OF BODIES ESTABLISHED PURSUANT TO SECTION 24

Industrial Wages Boards

1. An industrial wages board shall consist of—

(a) not more than three independent persons,

(b) such number as the Commissioner thinks fit of persons who in his opinion represent employers in relation to whom the board is to operate, and

(c) a number of persons who in the opinion of the Commissioner represent workers in relation to whom the board is to operate, being a number equal to the number of persons appointed under sub-paragraph (b) above.

2. Subject to paragraph 3 below, the members of an industrial wages board shall be appointed by the Commissioner.

3. Before appointing a person under paragraph 1 (b) or (c) above, the Commissioner shall consult the organizations, if any, appearing to him to represent the employers or workers directly concerned.

4. The Commissioner shall appoint the chairman of an industrial wages board from among the members appointed under paragraph 1 (a) above, and may appoint from among those persons a deputy chairman to act in the absence of the chairman, and shall appoint a secretary who shall be a labour officer.

5. The members of an industrial wages board shall be paid such remuneration and allowances, if any, as may be approved by the Commissioner with the concurrence of the Federal Ministry of Finance and, subject to any regulations made under this Decree, shall otherwise hold office on such conditions as may be determined by the Commissioner.

Commissions of Inquiry

6. A commission of inquiry shall consist of—

(a) not more than three independent persons,

(b) not more than two persons chosen by the Commissioner to represent the employers in relation to whom the commission is to operate, and

(c) a number of persons equal to the number of those appointed under sub-paragraph (b) above chosen by the Commissioner to represent the workers in relation to whom the commission is to operate.

7. The Commissioner shall appoint the chairman of a commission of inquiry, and may appoint a deputy chairman to act in the absence of the chairman, from among persons appointed under paragraph 6 (a) above, and shall appoint a secretary who shall be a labour officer.

8. Subject to paragraph 9 below, the members of a commission of inquiry shall be appointed by the Commissioner.

9. The members appointed under paragraph 6 (b) and (c) above shall be appointed after consultation with such organizations representing employers and workers respectively as the Commissioner thinks fit, and shall be persons who in the opinion of the Commissioner are not connected with or likely to be affected by the matters to be inquired into by the commission.

10. The Commissioner may appoint such number of persons as he thinks fit as assessors to be available to any commission of inquiry, being persons who in the opinion of the Commissioner have an expert knowledge of any of the matters with which the commission is concerned.

11. An assessor shall not vote or otherwise be a party to any report or recommendation of a commission of inquiry.

12. The members of and assessors to a commission of inquiry shall be paid such remuneration and allowances, if any, as may be approved by the Commissioner with the concurrence of the Federal Ministry of Finance, and, subject to any regulations made under this Decree, shall otherwise hold office upon such conditions as may be determined by the Commissioner at the time of appointment.

National Wages Board

13. The National Wages Board shall consist of—

- (a) three persons appointed as being independent persons,
- (b) three persons representing the Federal Military Government as an employer of labour,
- (c) three persons representing central organizations of employers,
- (d) five persons representing central organizations of workers, and
- (e) three representatives from each area minimum wages committee, appointed on a tripartite basis as representing governmental employers, private employers and workers respectively.

14. Subject to paragraphs 15 and 16 below, the members of the National Wages Board shall be appointed by the Commissioner.

15. Before appointing members under paragraph 13 (c) and (d) above, the Commissioner shall consult such central organizations as appear to him to represent the interests of those concerned.

16. The members appointed under paragraph 13 (e) above shall be appointed from among persons recommended by the area minimum wages committee which they are to represent.

17. The Commissioner shall appoint the chairman of the National Wages Board from among the members appointed under paragraph 13 (a) above, and may appoint from among those members a deputy chairman to act in the absence of the chairman, and shall appoint a secretary who shall be a labour officer.

18. Members of the National Wages Board shall be paid such remuneration and allowances, if any, as may be approved by the Federal Ministry of Finance and, subject to any regulations made under this Decree, shall otherwise hold office on such conditions as may be determined by the Commissioner at the time of appointment :

Provided that a member of the National Wages Board appointed to represent an area minimum wages committee shall cease to be a member of the National Wages Board if he ceases to be a member of the committee.

Area Minimum Wages Committees

19. An area minimum wages committee shall consist of—

(a) an independent chairman appointed by the Commissioner after prior consultation with the Military Governor or Administrator of the State for which the committee is set up,

(b) three members representing governmental employers (of whom one member shall represent the Federal Military Government as an employer of labour and the other two members shall represent other governmental employers),

(c) three members representing private employers, and

(d) three members representing the workers.

20. An area minimum wages committee may co-opt additional members for any particular purpose, but no such co-opted member shall have the right to vote.

21. The members of an area minimum wages committee, other than the chairman, shall be appointed by the Commissioner after prior consultation with the Military Governor or Administrator of the appropriate State.

22. The chairman and other members (including co-opted members) of an area minimum wages committee shall be paid such remuneration and allowances, if any, as may be approved by the Commissioner with the concurrence of the Federal Ministry of Finance.

Interpretation

23. In this Schedule—

“governmental employers”, in relation to an area minimum wages committee set up for a State, means the Federal Military Government or the State as an employer of labour and any employer of local government workers in the State ;

“independent person” means a person who is—

(a) a retired or self-employed member of the professional classes, or a member of the judiciary, the clergy or the teaching staff of a university, and

(b) in the opinion of the Commissioner, independent of the representatives of the employers and workers in the relevant industry in as much as he is detached from and has no interest in the industry or in the issues in question.

SCHEDULE 2

Section 26

Transitional and Saving Provisions

1. The following items of subsidiary legislation, that is to say—
 - (a) the Wages Board (Publication of Notices) Rules,
 - (b) orders made under the Wages Boards Act, and
 - (c) orders in council made under any enactment repealed by that Act which remain in force notwithstanding the repeal of the enactment,shall, to the extent that they were in force immediately prior to the commencement of this Decree, remain in force as if they had been made under this Decree, and may be amended, added to, varied or revoked accordingly.
2. All wages boards appointed under the Wages Boards Act and existing immediately before the commencement of this Decree are hereby dissolved.
3. Any labour officer or inspector appointed under section 20 of the Wages Boards Act to act for the purposes of that Act shall, if his appointment was subsisting immediately before the commencement of this Decree, be deemed to be an appointed officer within the meaning of this Decree.
4. Within the twelve months immediately following the commencement of this Decree the Commissioner may by order in the Federal Gazette make such additional transitional or saving provisions (not inconsistent with this Schedule) as appear to him to be necessary or desirable.

MADE at Lagos this 12th day of January 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
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 purpose)

This Decree revises and extends the existing Wages Boards Act (Cap. 211). In addition to Industrial Wages Boards, which correspond to wages boards under the existing Act, the Decree provides for the establishment of a National Wages Board and Area Minimum Wages Committee for States, and for Joint Industrial Councils for particular industries.

SURVEY CO-ORDINATION (AMENDMENT) DECREE 1973



Decree No. 2

[22nd January 1973]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Commence-
ment.

1. In section 1 (7) of the Survey Co-ordination Act 1962 (as amended by the Survey Co-ordination (Amendment) Decree 1968) for paragraph (h) (i) thereof there shall be substituted the following—

Amendment
of section 1
of Survey
Act 1962.
1962 No. 28.
1968 No. 42.

“(h) (i) by or on the instruction of the Nigerian Army, the Nigerian Navy, the Nigerian Air Force or the survey department of the Federation or of a State;”.

2. This Decree may be cited as the Survey Co-ordination (Amendment) Decree 1973.

Citation.

MADE at Lagos this 22nd day of January 1973.

GENERAL Y. GOWON,
Head of the Federal Military Government,
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 effect)

This Decree amends the Survey Co-ordination Act 1962 by extending the exemption provisions under section 1 (7) to include activities by any branch of the armed forces of the Federation.