

## LABOUR (AMENDMENT) DECREE 1978



## Decree No. 21

[15th August 1978] Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 5 of the Labour Decree 1974 is hereby amended by substituting for subsection (3) of that section the following new subsection, that is—

“(3) Upon the registration and recognition of a trade union, the employer shall—

Amendment  
of section 5  
of the  
Labour  
Decree 1974.  
1974 No. 21.

(a) make deductions from the wages of all workers eligible to be members of the union for the purpose of paying contributions to the trade union so recognised ; and

(b) pay any sum so deducted to the union,

but a worker may contract out of the system, in writing, and where he has done so no deductions shall be made from his wages in respect of contributions mentioned in paragraph (a) of this section.”

2. This Decree may be cited as the Labour (Amendment) Decree 1978.

Citation.

MADE at Lagos this 15th day of August 1978.

LT.-GENERAL O. OBASANJO,  
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)*

The Decree amends the Labour Decree 1974 to make it obligatory for employers, upon registration and recognition of a trade union, to operate the check-off system to cover all employees who are eligible to be members of the union except those who contract out of the system in writing.

## TRADE UNIONS (AMENDMENT) DECREE 1978



## Decree No. 22

[3rd August 1977]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Trade Unions Decree 1973 is hereby amended as follows :—

Amendment  
of 1973  
No. 31.

(a) for section 3, there shall be substituted the following new section, that is—

“Application  
for registra-  
tion of  
trade  
union.”

3.—(1) An application for the registration of a trade union shall be made to the Registrar in the prescribed form and shall be signed—

(a) in the case of a trade union of workers, by at least fifty members of the union ; and

(b) in the case of a trade union of employers, by at least two members of the union.

(2) No combination of workers or employers shall be registered as a trade union save with the approval of the Commissioner on his being satisfied that it is expedient to register the union either by regrouping existing trade unions, registering a new trade union or otherwise howsoever ; but no trade union shall be registered to represent workers or employers in a place where there already exists a trade union.

(3) For the avoidance of doubt, no executive or senior staff shall be a member of or hold office in a trade union whose members are workers of a rank junior to his own ; but such executive or senior staff may form and be members of or hold office in a trade union of workers of equal or higher rank than his own.

(4) For the purpose of subsection (3) of this section, “executive or senior staff” means any members of the staff recognised as a projection of management, within the management structure, in terms of status, authority, powers, duties and accountability, which are reflected in the conditions of service and by virtue of which the membership of a trade union of junior staff grade may lead to a conflict of loyalties to the union or to the management.

(5) Every application made pursuant to subsection (1) above shall state the name under which it is proposed that the trade union to which it relates shall be registered and the address of the office which, if the union is registered, is to be the registered office.

(6) Every such application shall be accompanied by two copies of the rules of the union, and by a list showing—

(a) the name, address, age and occupation of each of the persons by whom the application is signed ; and

(b) the official title, name, address, age and occupation of each official of the union.”;

(b) in section 5—

(i) for the words “subsection (4) below” appearing in subsection (3) thereof, there shall be substituted the words “subsection (2) above” ;

(ii) subsection (4) thereof shall be deleted ;

(iii) immediately after subsection (6) thereof, there shall be added the following new subsection—

“(7) Notwithstanding anything contained in this Decree to the contrary, the Registrar, shall on the coming into effect of this section, register without any conditions whatsoever, the trade unions specified in Schedule 3 to this Decree ; and on such registration the said trade unions shall have all the powers and duties of a trade union registered under this Decree.” ;

(c) in subsection (8) of section 7 for the words “central labour organisations” there shall be substituted the words “the Central Labour Organisation” ;

(d) in section 14, for subsections (1) and (2) thereof, there shall be substituted the following subsections—

“(1) No person shall hold office in any capacity in more than one trade union at the same time.

(2) For the avoidance of doubt, no person who is a full-time official of the Central Labour Organisation shall at the same time hold office in any trade union.” ;

(e) for section 22, there shall be substituted the following new section, that is—

“Recognition of registered trade union obligatory. 22.—(1) Subject to this section, where there is a trade union of which persons in the employment of an employer are members, that trade union shall, without further assurance, on registration in accordance with the provisions of this Decree, be entitled to recognition by the employer.

(2) If an employer deliberately fails to recognise any trade union registered pursuant to the provision of subsection (1) of this section, he shall be guilty of an offence and be liable on summary conviction to a fine of ₹1,000.” ;

(f) section 23 of the Decree is hereby repealed ;

(g) in the proviso to subsection (1) of section 31 thereof, there shall be deleted the words “a central labour organisation” and there shall be inserted therefor the words “the Central Labour Organisation” ;

(h) section 32 of the Decree is hereby repealed ;

(i) for section 33 of the Decree, there shall be substituted the following new section—

“Formation of the Central Labour Organisation. 33.—(1) On the coming into force of this section, and without any further assurance, the Registrar shall register the Nigeria Labour Congress as the only Central Labour Organisation without any conditions and for the purposes of section 34 of this Decree.

(2) On the registration of the Central Labour Organisation in pursuance of subsection (1) above, all trade unions, other than associations of senior staff or employers, are hereby deemed to be affiliated to it.”;

(j) sections 36 to 38 of the Decree are hereby repealed ;

(k) for the existing subsection (3) of section 54 there shall be substituted the following—

“(3) Regulations under this section may make different provision for different circumstances, and in particular may make special provision with respect to future federations of trade unions which may come into existence and the Central Labour Organisation which is in existence at the commencement of this section.”;

(l) in section 55—

(i) for the interpretation of “central labour organisations” there shall be substituted the following interpretation “the Central Labour Organisation” means a body by that name set up by section 33 of this Decree ;’,

(ii) in the interpretation of “registered body” for the words “central labour organisation” there shall be substituted the words “the Central Labour Organisation” ;

(m) in the Schedules—

(i) in Schedule 1, for paragraph 7 thereof, there shall be substituted the following new paragraph—

“7. A provision for the appointment and removal of a general committee of management (by whatever name called), a treasurer (who, if the rules so provide, may also be the secretary) and other officials, provided that non-members holding the post of deputy secretary, assistant secretary or similar posts shall be capable of being members of the general committee of management; and a provision that an illiterate shall not be appointed as president, secretary or treasurer or to any other similar office in the trade union.”; and

(ii) immediately after Schedule 2 thereto, there shall be added the following new Schedule 3—

## "SCHEDULE 3

Section 5 (7)

LIST OF REGISTERED AND RECOGNISED  
TRADE UNIONS

1. Agricultural and Allied Workers' Union of Nigeria.
2. National Union of Agricultural and Allied Employers.
3. National Union of Air Transport Services Employees.
4. National Association of Aircraft Pilots and Engineers.
5. Nigerian Coal Miners' Union.
6. National Union of Electricity and Gas Workers.
7. Electricity and Gas Senior Staff Association.
8. Medical and Health Worker's Union of Nigeria.
9. Nigerian Union of Pharmacists, Medical Technologists and Professions Allied to Medicine.
10. Precision, Electrical and Related Equipment Workers' Union.
11. National Association of Nigeria Nurses and Midwives.
12. Nigeria Union of Journalists.
13. Nigeria Union of Seamen and Water Transport Workers.
14. Water Transport Senior Staff Association.
15. Dockworkers Union of Nigeria.
16. National Union of Dock Labour Employers.
17. Nigerian Ports Authority Workers' Union.
18. Nigeria Union of Teachers.
19. Academic Staff Union of Universities.
20. Nigeria Union of Railwaymen.
21. Nigeria Civil Service Union.
22. Association of Senior Civil Servants of Nigeria.
23. Civil Service Technical Worker's Union of Nigeria.
24. Nigeria Union of Civil Service Typists, Stenographic and Allied Staff.
25. Radio, Television and Theatre Workers' Union.
26. National Union of Banks, Insurance and Financial Institutions Employees.
27. Association of Senior Staff of Banks, Insurance and Financial Institutions.
28. Nigeria Employers' Association of Banks Insurance and Allied Institutions.

29. National Union of Food, Beverage and Tobacco Employees.
30. Food, Beverage and Tobacco Senior Staff Association.
31. Association of Food, Beverage and Tobacco Employers.
32. National Union of Hotel and Personal Service Workers.
33. Hotel and Personal Services Employers' Association.
34. National Union of Shop and Distributive Employees.
35. Shop and Distributive Trade Senior Staff Association.
36. Printing and Publishing Workers' Union.
37. National Union of Paper and Paper Products Workers.
38. National Union of Postal and Telecommunication Employees.
39. Nigeria Union of Construction and Civil Engineering Workers.
40. Construction and Civil Engineering Senior Staff Association.
41. Construction and Civil Engineering Employers' Association of Nigeria.
42. National Union of Furniture, Fixtures and Woodworkers.
43. Metal Products Workers' Union of Nigeria.
44. National Union of Petroleum and Natural Gas Workers.
45. Petroleum and Natural Gas Senior Staff Association of Nigeria.
46. National Union of Chemical and Non-Metallic Products Workers.
47. Chemical and Non-Metallic Products Senior Staff Association.
48. Footwear, Leather and Rubber Products Workers' Union of Nigeria.
49. Footwear, Leather and Rubber Products Senior Staff Association.
50. Union of Shipping, Clearing and Forwarding Agencies Workers of Nigeria.
51. Senior Staff Association of Shipping, Clearing and Forwarding Agencies.
52. National Union of Textile, Garment and Tailoring Workers.
53. Textile, Garment and Tailoring Senior Staff Association.
54. National Union of Road Transport Workers.
55. Road Transport Employers' Association of Nigeria.
56. Iron and Steel Workers' Union of Nigeria.
57. Automobile, Boatyards, Transport Equipment and Allied Workers' Union of Nigeria.
58. Automobile, Boatyards, Transport Equipment and Allied Senior Staff Association.
59. Metallic and Non-Metallic Mines Workers' Union.
60. Metallic and Non-Metallic Mines Senior Staff Association.
61. Nigeria Mining Employers' Association.



62. Recreational Services Employees' Union.
63. Non-Academic Staff Union of Educational and Associated Institutions.
64. Nigeria Union of Local Government Employees.
65. National Union of Public Corporations Employees.
66. Senior Staff Association of Statutory Corporations and Government-Owned Companies.
67. Nigeria Union of Pensioners.
68. National Association of Conservancy Employers.
69. Customs and Excise and Immigration Staff Union.
70. Senior Staff Association of Universities, Teaching Hospitals, Research Institutes and Associated Institutions."

Cancellation  
of certi-  
ficates, etc.  
1973 No. 31.

2.—(1) Notwithstanding any provisions of the Trade Unions Decree 1973 to the contrary, on the coming into force of this Decree, the certificates of registration of all existing trade unions registered or trade unions deemed to be registered under the provisions of that Decree are hereby cancelled and the provisions of that Decree in relation to appeals against cancellation shall not apply.

(2) On the cancellation of the registration of a trade union pursuant to subsection (1) of this section, its assets and liabilities shall, pursuant to paragraph 15 of Schedule 1 to the Trade Unions Decree 1973, be distributed in accordance with its rules.

Citation and  
commence-  
ment.

3. This Decree may be cited as the Trade Unions (Amendment) Decree 1978 and shall be deemed to have come into operation on 3rd August 1977.

MADE at Lagos this 15th day of August 1978.

LT.-GENERAL O. OBASANJO,  
*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)*

The Decree amends the Trade Unions Decree 1973 and, amongst other things, provides for the re-organisation of the trade unions in Nigeria. It also contains the list of registered and recognised trade unions.