

A BILL

FOR

AN ACT TO AMEND THE TRADE UNIONS ACT 1973 AND MAKE PROVISIONS FOR AUDITING THE ACCOUNTS OF TRADE UNIONS AND BALLOTING BEFORE STRIKES AND FOR OTHER MATTERS CONNECTED THEREWITH.

Sponsored by— SENATOR MAHMUD WAZIRI,
Adamawa Senatorial District,
Gongola State.

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows:—

3 1. The Trade Unions Act 1973 is hereby amended:—

4 (a) in section 4 by *substituting* for subsection (1) thereof, the
5 following subsection:—

Amendment
of Trade
Unions
Act 1973.

6 “(1) Every trade union shall have registered rules, which shall
7 contain provisions mentioned in Part A of Schedule I to this Act
8 and shall incorporate the provisions set out in Part B of the said
9 Schedule” ;

10 (b) in section 40, by *adding* immediately after subsection (8) thereof,
11 the following new subsection:—

12 “(9) Notwithstanding the foregoing provisions of this section,
13 every registered body or committee of management thereof shall
14 cause to be kept proper accounts of such body and proper records
15 in relation thereto and shall, not later than 30th April, in each
16 financial year cause the accounts to be audited by a duly appointed
17 auditor ; and the foregoing provisions of this section shall, with all
18 necessary modifications, apply in relation to any audit carried out

1 under this section as they apply to an audit carried out pursuant to
2 subsection (1) of this section.”

3 (e) in section 41 by *substituting* for subsection (1) thereof, the
4 following subsection:—

5 “(1) Where an audited account is submitted to the members of
6 a registered body or to the committee of management thereof as
7 required by subsection (2) of section 40 of this Act or is submitted
8 thereto pursuant to subsection (9) of that section, the body shall
9 send a copy of such audited accounts to the registrar within one
10 month after the date on which it is so submitted.”;

11 (d) by *substituting* for Schedule I thereto, the new Schedule I set out
12 in the Schedule to this Act.

13 2. This Act may be cited as the Trade Unions (Amendment)
14 (No. 2) Act 1981.

Short
title.

SCHEDULE

“SCHEDULE I

PART A

Section 4

MATTERS TO BE PROVIDED FOR IN RULES OF TRADE UNIONS

1. The name of the trade union.
2. The purposes of the trade union, and the purposes for which its funds may be applied.
3. The subscriptions and dues, if any, which members are required to pay.
4. If the trade union is to provide benefits for its members, the conditions under which any member will become entitled to any benefit.
5. The fines and forfeitures which may be imposed on members of the trade union.
6. The procedure for altering or revoking the rules.

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.
8. The qualifications for membership of the trade union, which shall include a provision to the effect that a person shall not be eligible for membership unless he is, or has been, normally employed or engaged, as the case may be, in the trade or industry which the trade union represents.
9. A provision that the general committee of management (by whatever name called) shall consist of persons all of whom are members of the trade union:
Provided that if a person who is not a member of the trade union is appointed as president (or other similar officer) or secretary thereof, he may be a member of the general committee of management by virtue of his office notwithstanding that he is not a member of the trade union.
10. A provision for the keeping of a nominal roll of members showing the trade, calling or usual occupation of each member and, (but only in the case of a trade union of workers) the name of their employers.
11. A provision for the investment of the funds of the trade unions or their deposit in a bank.
12. A provision for the keeping of full and accurate accounts by the treasurer, for the annual or more frequent periodical audit of the accounts by an auditor to be appointed by the trade union with the approval of the Registrar, and for the submission of the audited accounts regularly to the members.
13. A provision for the inspection of the books, accounts and nominal roll of members of the trade union by any person who has an interest in the funds of the union.
14. The provisions contained in Part B of this Schedule and provisions with respect to matters incidental and supplementary thereto.
15. The procedure for dissolving the trade union and for the distribution of its assets.

PART B

COMPULSORY BALLOTING BEFORE STRIKE ACTION

1. No member of a trade union shall take part in a strike unless a majority of the members have in a secret ballot voted in favour of the strike.
2. Before any strike is embarked upon by the trade union all issues involved in the dispute shall be clearly explained in English and the major Nigerian languages, (and where a branch thereof is concerned, in the main language spoken by the majority of the members of that branch) as the case may be by the officials responsible for proposing the strike such that the issues involved shall be clearly and unambiguously brought home to not less than 75 per cent of the members of the union.

3. Representatives of the Minister of Employment, Labour and Productivity and of the employer concerned shall have a right of attendance at any premises where voting is being conducted but not in the compartment itself.

4. Where balloting is conducted by post or any other means not requiring physical presence of the voters such premises where the counting of the votes is being conducted.

5. Members of the press and mass media generally shall similarly have a right of attendance at any premises where voting or counting of votes is being conducted.

6. It is only where a simple majority of votes of members who have actually voted, favours a strike that members may take part in the strike concerned.

7. Where the majority does not favour a strike, then no strike action shall be embarked upon but this is without prejudice to the right of any member to institute procedures afresh proposing a strike".

EXPLANATORY MEMORANDUM

The purpose of this Bill is to enable all the members of a trade union to understand the effect of a strike action before embarking on it. This Bill also seeks to compel every trade union to carry out annually a proper audit of its accounts.