

## TRADE DISPUTES (ESSENTIAL SERVICES) ACT

### ARRANGEMENT OF SECTIONS

#### SECTION

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### TRADE DISPUTES (ESSENTIAL SERVICES) ACT

An Act to empower the President to proscribe any trade union or association the members of which are employed in any essential service if such union or association has been engaged in industrial unrest or acts calculated to disrupt the smooth running of any essential service.

[1975 No. 23.]

[21st May, 1976]

[Commencement.]

1. Power to proscribe trade unions or associations in certain cases, etc.

(1) If the President is satisfied that any trade union or association any of the members of which are employed in any essential service-

(a) is or has been engaged in acts calculated to disrupt the economy or acts calculated to obstruct or disrupt the smooth running of any essential service; or

(b) has, where applicable, wilfully failed to comply with the procedure specified in the Trade Disputes Act in relation to the reporting and settlement of trade disputes,

[Cap. T8.]

he may by order published in the *Federal Gazette* proscribe the trade union or association (in this Act referred to as "the proscribed organisation") and the proscribed organisation shall, as from the date of the order, cease to exist.

(2) Where a proscribed organisation is a trade union, the union shall, not later than fourteen days from the date of the order under subsection (1) of this section, surrender its certificate of registration to the Registrar of Trade Unions who shall forthwith cancel such registration.

(3) As from the commencement of an order under subsection (1) of this section, all properties (whether movable or immovable) of the proscribed organisation, whether held in the name of the organisation, or held by any person for or in trust for the organisation shall be forfeited to the Federal Government and shall vest in that Government free of encumbrances without any further assurance apart from this subsection.

(4) Any person who holds any property referred to in subsection (3) of this section shall, within fourteen days of the making of an order under subsection (1) of this section, or where the property comes into his possession after the making of the order, within fourteen days after the property comes into his possession, deliver such property to the Secretary to the Federal Government or notify him in writing of the place where the property may be recovered and, in the latter case, shall take all other steps as the Secretary to the Federal Government may require in the recovery of such property.

(5) Any person who contravenes or fails to comply with any of the provisions of subsection (4) of this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years.

## 2. Penalties for acts calculated to disrupt the economy

(1) Any employer or any official of an association of employers or any official of a trade union or any person, not being an official of a trade union, who in any way performs or assumes a leadership role in any such trade union or faction thereof and-

(a) who is or has been engaged in acts calculated to disrupt the economy or acts calculated to obstruct or disrupt the smooth running of any essential service; or

(b) has, where applicable, wilfully failed to comply with the procedure specified in the Trade Disputes Act in relation to the reporting and settlement of trade disputes, shall be guilty of an offence under this Act.

(2) Any person found guilty of an offence under subsection (1) of this section shall on conviction-

(a) where such person is an employer or official thereof or an official of any association of employers, be liable to a fine of N 10,000;

(b) where such person is an official of a trade union or, not being an official of a trade union, is a person who in any way performs or assumes a leadership role in any such trade union or faction thereof, be liable to a fine of N 200 or to imprisonment for a term of six months or to both such fine and imprisonment, and in addition to the foregoing penalties, any such person shall not, at any time after conviction for an offence under this section, continue to be or become a member, or as the case may be, continue to be or become an official of any trade union (including any faction thereof) any of the members of which such association or trade union are employed in essential services.

(3) For the purposes of this Act, a person shall be taken as performing or assuming a leadership role in a trade union or faction thereof if it is proved that, at the material time or during the material period, he had performed functions or assumed duties which are normally within the competence of an official of a trade union or purported so to do.

(4) In this section, unless the context otherwise requires, references-

(a) to employer, include references to any director, manager, secretary or other similar official thereof or any person purporting to act in any such capacity;  
and

(b) to a trade union or faction thereof, include references to any group of workers associated for a common purpose.

### 3. Restriction on formation of new trade unions or associations

Where a trade union or association has been proscribed under section 1 of this Act-

(a) no other trade union consisting of the same or substantially the same members as those of the proscribed union shall be registered under the Trade Unions Act until a period of not less than six months has elapsed since the date of the proscription order;

(b) no other association having the same or similar objectives, and consisting of the same or substantially the same members, as those of the proscribed association shall be formed until a period of not less than six months has elapsed since the date of the proscription order.

### 4. Restriction on officials of proscribed organisations, etc.

(1) No person who immediately before the date of an order under section 1 of this Act was an official of a proscribed organisation shall at any time after that date be an official of any trade union or association, any of the members of which are employed in any essential services.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years.

### 5. Special power to refer disputes to Industrial Arbitration Panel for settlement

Where any trade dispute exists or is apprehended and it appears to the Minister that the dispute is one to which persons employed in any essential service are a party or might become a party, the Minister may, whether or not a report in respect of the dispute has been received by him under section 6 of the Trade Disputes Act, refer the dispute for settlement to the Industrial Arbitration Panel established under section 9 of the Trade Disputes Act, and the provisions of that section (as well as any other relevant provision of the Trade Disputes Act) shall apply in respect of the dispute to the same extent as they apply to any trade dispute referred to the Industrial Arbitration Panel under the Trade Disputes Act.

### 6. Registration of property and indemnity

(1) Where any property to which section 1 of this Act relates is immovable property or is a registrable negotiable security, any appropriate registration authority shall on the production of this Act and the order made under section 1 of this Act to it by the Secretary to the Federal Government or any person acting on his behalf, remove from the relevant register the name of the person registered therein as owner and without further or other authority or the payment of any fee, register the property in the name of the Federal Government.

(2) For the purposes of this section, the appropriate registration authority includes a registrar of titles or of land and the person by whatever title known charged with the duty of registration of particular negotiable securities.

(3) Any person who in intended compliance with this Act, deals with any property affected by this Act or who rectifies any register or other records relating to any such property shall stand indemnified in respect thereof and no suit shall lie at the instance of any person aggrieved for anything done in respect of such compliance or rectification.

## 7. Interpretation

(1) In this Act, unless the context otherwise requires-

“association” means any body of persons, by whatever name called, associated for a common purpose, but does not include a trade union;

“essential service” means-

(a) the public service of the Federation or of a State which shall for the purposes of this Act include service, in a civil capacity, of persons employed in the armed forces of the Federation or any part thereof and also of persons employed in an industry or undertaking (corporate or unincorporate) which deals or is connected with the manufacture or production of materials for use in the armed forces of the Federation or any part thereof;

(b) any service established, provided or maintained by the Government of the Federation or of a State, by a local government council or any municipal or statutory authority, or by private enterprise-

(i) for, or in connection with, the supply of electricity, power or water, or of fuel of any kind;

(ii) for, or in connection with, sound broadcasting or postal, telegraphic, cable, wireless or telephonic communications;

(iii) for maintaining ports, harbours, docks or aerodromes, or for, or in connection with, transportation of person, goods or livestock by road, rail, sea, river or air;

(iv) for, or in connection with, the burial of the dead, hospitals, the treatment of the sick, the prevention of disease, or any of the following public health matters, namely, sanitation, road-cleansing and the disposal of night-soil and rubbish;

(v) for dealing with outbreaks of fire;

(vi) for or in connection with teaching or the provision of educational services at primary, secondary or tertiary institutions;

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(c) service in any capacity in any of the following organisations-

(i) the Central bank of Nigeria;

(ii) the Nigerian Security Printing and Minting Company Limited;

(iii) any body corporate licensed to carry on banking business under the Banks and Other Financial Institutions Act;

[Cap. 83.]

“official” in relation to a trade union or an association means any person holding an official position in that trade union or association and accordingly includes in particular any president, secretary or treasurer thereof and every member of its committee of management however described;

“proscribed organisation” means any trade union or association in respect of which an order has been made under section 1 of this Act.

(2) Subject to subsection (1) of this section, expressions used in this Act have the same meaning as in the Trade Disputes Act.

#### 8. Short title, suspension of certain provisions of Cap. T8

(1) This Act may be cited as the Trade Disputes (Essential Services) Act.

(2) While this Act is in force sections 41 and 42 of the Trade Disputes Act shall stand suspended.

[Cap. T8.]

#### SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*