

# NATIONAL DIRECTORATE OF EMPLOYMENT ACT

## ARRANGEMENT OF SECTIONS

### SECTION

1. Establishment of the National Directorate of Employment.
2. Objectives of the Directorate.
3. Establishment, membership and functions of the Board.
4. Establishment of National Advisory Council for the Directorate.
5. Establishment, membership and functions of the State Advisory Committees.

### *Director-General and other staff of the Directorate*

1. Director-General of the Directorate.
2. Appointment of other staff of the Directorate.
3. Provision of office facilities, etc.

### *Financial provisions*

1. Power to accept gifts.
2. Borrowing power.
3. Establishment of fund of the Directorate.
4. Power to invest funds.
5. Annual estimates, accounts and audit.
6. Annual reports.

### *Miscellaneous and supplementary provisions*

1. Power of the Minister to give direction.
2. Special committee of the Directorate.
3. Transitional provisions.
4. Application of Pensions Act.
5. Interpretation.
6. Short Title.

## SCHEDULE

### *Proceedings of the Board*

# **An Act to establish the National Directorate of Employment and to charge it with the responsibility of designing and implementing programmes to combat unemployment.**

[1989 No. 24.]

[19th October, 1989]

(Commencement.)

## **1. Establishment of the National Directorate of Employment**

There is hereby established a Directorate to be known as the National Directorate of Employment (in this Act referred to as "the Directorate"), which under that name shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

### **1. Objectives of the Directorate**

The objectives of the Directorate shall be to-

- (a) design and implement programmes to combat mass unemployment;
- (b) articulate policies aimed at developing work programmes with labour intensive potential;
- (c) obtain and maintain a data bank on employment and vacancies in the country, with a view to acting as a clearing house to link job seekers with vacancies, in collaboration with other government agencies; and
- (d) implement any other policy as may be laid down, from time to time, by the Board established under section 3 of this Act.

### **1. Establishment, membership and functions of the Board**

(1) There shall be constituted for the Directorate, a management board (in this Act referred to as "the Board"), which shall give guidelines for the management of the affairs of the Directorate.

(2) The Board shall consist of a chairman, who shall be the Minister for Employment, Labour and Productivity (in this Act referred to as "the Minister") and fourteen other members to be appointed by the President, on the recommendation of the Minister, that is-

- (a) a representative of the Nigerian Universities Commission;

- (b) a representative of the National Board for Technical Education;
- (c) a successful private farmer;
- (d) a representative of the private sector;
- (e) one representative each of the following Ministries, that is-
  - (i) Agriculture and Rural Development;
  - (ii) Water Resources;
  - (iii) Industry;
- (f) the Permanent Secretaries of the Ministry of Employment, Labour and Productivity;
- (g) a representative of the Directorate of Food, Roads and Rural Infra-structures;
- (h) a representative of financial institutions;
- (i) a representative of the Nigerian Employers Consultative Association;
- (j) a representative of the Nigerian Labour Congress;
- (k) two other persons to be nominated by the Minister to represent the interest not otherwise represented; and
- (l) the Director-General of the Directorate.

(3) Subject to the provisions of subsection (4) of this section, a person appointed as a member of the Board (not being an *ex-officio* member), shall hold office for a period of four years in the first instance and shall be eligible for reappointment for a further period of four years and no more.

(4) Members of the Board shall be removed by the Minister, after proper consultation, if he is satisfied that it is not in the interest of the Directorate that such person should continue in office, provided that the Minister shall also have powers to suspend a member, when deemed appropriate.

(5) The Board shall be responsible for the formulation of policy guidelines for the Directorate, including the financial and operational programmes thereof and shall ensure the effective implementation of such policies and programmes.

(6) The Board shall have power to make, amend or revoke any regulation, for the furtherance of its objectives and in particular to provide-

- (a) for matters relating to the appointment, removal and resignation of the employees of the Directorate; and

(b) in consultation with the relevant agency of the Federal Government, the procedure for and terms and tenure of appointment, emoluments, allowances, discipline and the conditions of service of the employees of the Directorate.

(7) The supplementary provisions contained in the Schedule to this Act, shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

### **1. Establishment of National Advisory Council for the Directorate**

(1) There is hereby established for the Directorate, a Council to be known as the National Advisory Council for the Directorate (in this Act referred to as "the Council").

(2) The Council shall consist of a chairman, who shall be appointed pursuant to paragraph 5 (1) of the Schedule to this Act and the following other members to be appointed by the Minister, that is-

[Schedule.]

(a) a representative each of the following Ministries and bodies, that is-

- (i) Employment, Labour and Productivity;
- (ii) Industry;
- (iii) Agriculture and Rural Development;
- (iv) Water Resources;
- (v) Education;
- (vi) Works and Housing;
- (vii) Women Affairs and Youth Development;
- (viii) the National Youth Service Corps;

(b) one person nominated by the Governor of each State of the Federation;

(c) one person nominated by the Nigerian Employers Consultative Association, to represent employers;

(d) one person nominated by the Nigeria Labour Congress, to represent workers;

(e) three persons appointed by the Minister, to represent the business community;

(f) three persons appointed by the Minister, to represent academic interests, research institutions and consultancy services; and

(g) three other persons appointed by the Minister, being persons who, by reason of any requisite ability, experience and special knowledge, have skills that would be useful to the Directorate and would enable them to make effective contribution to the work of the Directorate.

(3) The Council shall advise the Minister on national employment generation and the co-ordination of Federal and State Government programmes, for employment promotion, funding and mobilisation of assistance for such programmes.

(4) The Council shall, from time to time, assess the programmes implemented by the Directorate, with a view to ascertaining their suitability and to offering such advice as may improve the success of such programmes.

(5) The Council shall be constituted into various committees relevant to each programme of the Directorate.

(6) The Council may, subject to such conditions as it may impose, delegate any of the functions conferred on it by this Act to any of its committees; but nothing in this section shall prevent the Council from exercising any of the powers so delegated.

(7) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters mentioned therein.

### **1. Establishment, membership and functions of the State Advisory Committees**

(1) There shall be established to assist the Directorate in each State of the Federation, a State Advisory Committee of the Directorate (in this Act referred to as "the State Advisory Committee").

(2) Each State Advisory Committee shall consist of members to be appointed by the Minister as follows, that is-

(a) three members to be nominated by the Governor of that State one of whom shall be the chairman of the State Advisory Committee or act as chairman in the absence of the chairman; and

(b) seven other members to be appointed by the Minister, one of whom shall be the officer in charge of the State office of the Federal Ministry of Employment, Labour and Productivity and another who shall be the chief project officer of

the Directorate in the State and who shall also act as the secretary of the State Advisory Committee.

(3) The Minister shall have the power to remove any member of the State Advisory Committees.

(4) The State Advisory Committees shall be responsible for-

(a) liaising between the National Advisory Council and the State Governments;

(b) identifying problems and opportunities in employment creation;

(c) liaising between the Directorate and State Governments for the implementation of the programmes within the State.

(5) Any member of the State Advisory Committee not being a public officer, shall be paid a sitting allowance in accordance with scales approved from time to time by the Minister, in keeping with relevant Government guidelines.

(6) Subject to the provisions of subsection (3) of this section, members of the State Advisory Committees not being public officers, shall hold office for four years and shall be eligible for reappointment for a further period of four years.

(7) The State Advisory Committees shall meet once in a quarter or as considered necessary by the chairman of each State Advisory Committee.

#### *Director-General and other staff of the Directorate*

### 6. Director-General of the Directorate

(1) There shall be an officer of the Directorate, to be known as the Director-General, who shall be appointed by the President on the recommendation of the Minister.

(2) The Director-General shall, subject to this Act, be the chief executive of the Directorate and shall be responsible to the Minister for the day-to-day management of the affairs of the Directorate.

(3) The Director-General shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms as may be determined, from time to time, by the President.

#### **1. Appointment of other staff of the Directorate**

(1) Without prejudice to section 6 of this Act, the Board may employ such other staff as may be required for the performance of the functions of the Directorate.

(2) Employees of the Directorate may be appointed by way of transfer or secondment from any of the public services of the Federation or from the private sector.

(3) The Board may, subject to such conditions as it may think fit, delegate any of its powers relating to the appointment of or the exercise of disciplinary control (including dismissal) over its employees to the Director-General or any employee of the Directorate.

## **8. Provision of office facilities, etc.**

(1) The Directorate shall establish and maintain its headquarters in the Federal Capital Territory, Abuja, and offices in the capitals of the States.

(2) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Directorate may acquire landed property and land in any manner authorised by law and build, equip and maintain offices and premises on such land.

(3) The Directorate may, with the prior approval of the Minister, dispose of in any manner authorised by law, such of its land or premises as is no longer required for its purposes.

### *Financial provisions*

#### **1. Power to accept gifts**

(1) The Directorate may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Directorate shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof, are inconsistent with the functions of the Directorate.

## **10. Borrowing power**

(1) The Directorate may, with the consent of the Minister or in accordance with the general authority issued in that behalf by the Minister, borrow, by way of loan or overdraft from any source, any monies required by the Directorate for meeting its obligations and discharging its functions under this Act.

(2) The Directorate may, with the consent of the Minister or in accordance with the general authority issued in that behalf by the Minister, lend money from its own fund, towards the specific and general implementation of its programmes and objectives.

(3) The terms and conditions of lending any money under subsection (2) of this section shall be as approved by the Board, from time to time.

## **11. Establishment of fund of the Directorate**

(1) The Directorate shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Directorate.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such sums as may be provided by the Federal Government for payment into the fund;

(b) subject to section 9 (2) of this Act, all sums accruing to the Directorate by way of gifts, endowments or contributions or otherwise howsoever; and

(c) all monies raised by the Directorate by way of loan or overdraft in accordance with section 10 of this Act.

## **12. Power to invest funds**

The Directorate may, with the prior approval of the Minister, invest in any manner authorised by law, such of its funds as is not immediately required for its use.

## **13. Annual estimates, accounts and audit**

(1) The Board shall cause to be prepared and submitted to the Minister not later than 30 September in each year or such other time as may be directed by the Minister, an estimate of the expenditure and revenue of the Directorate during the next succeeding financial year.

(2) The Directorate shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board, such accounts shall be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## **14. Annual reports**

(1) The Board shall, not later than 30 July in each year, submit to the Minister a report on the activities of the Directorate and its administration during the immediately preceding year and shall include in such report the audited accounts of the Directorate and the auditor's report thereon.

(2) The Minister shall, as soon as may be after the receipt of the report, present the report to the President, together with any comments thereon as may be made by him.

## **15. Power of the Minister to give direction**

The Minister may give to the Board direction of a general nature with respect to any of the functions of the Board or the Directorate, and it shall be the duty of the Board to comply with such directions or cause them to be complied with.

## **16. Special committee of the Directorate**

(1) The Minister may, from time to time, constitute a committee to be known as the special committee of the Directorate for deliberation on special matters.

(2) The Board shall prescribe the allowances payable to the organisations and persons elected as members of the special committee of the Directorate.

## **17. Transitional provisions**

(1) There shall, by virtue of this Act and without further assurance, be vested in the Directorate at the commencement of this Act all rights, interests, obligations and liabilities which immediately before the commencement of this Act were vested in an unincorporated body known as the National Directorate of Employment.

(2) Any proceeding or cause of action pending or existing immediately before the commencement of this Act on behalf of or against the Directorate in respect of any right, interest, obligation or liability of the Directorate, may be commenced, continued or enforced for or against the Directorate to the same extent as if this Act had not been made.

## **18. Application of Pensions Act**

(1) It is hereby declared that service in the Directorate shall be approved service for the purposes of the Pensions Act, and accordingly, officers and other persons employed in the Directorate, shall in respect of their services in the Directorate be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation (not being power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Directorate and not by any other person or authority.

## 19. Interpretation

In this Act, unless the context otherwise requires-

“**Board**” means the Management Board 01” the Directorate;

“**Council**” means the National Advisory Council for the Directorate;

“**Directorate**” means the National Directorate of Employment, established by section I of this Act;

“**Director-General**” means the Director-General of the Directorate appointed pursuant to section 6 (1) of this Act;

“**Minister**” means the Minister for the time being, charged with the responsibility for matters relating to employment and “Ministry” shall be construed accordingly;

“**States**” include the Federal Capital Territory, Abuja; and

“**State Advisory Committees**” means the State Advisory Committees of the Directorate, established in each of the States of the Federation and in the Federal Capital Territory, Abuja.

## 20. Short title

This Act may be cited as the National Directorate of Employment Act.

### SCHEDULE

[Sections 3 (7) and 4 (2) and (7).]

#### *Proceedings of the Board*

1. (1) The Permanent Secretary of the Ministry shall act as chairman of the Board in the absence of the Minister:

Provided that if the Minister and the Permanent Secretary are both absent at the same time, the chairman may in writing appoint any member of the Board to preside over the meeting of the Board.

- (2) Any member of the Board, other than an *ex-officio* member, may by letter addressed to the Minister resign his appointment and on acknowledgement of the receipt of the letter he shall cease to be a member of the Board from the date indicated on his letter of resignation.

- (3) Any member, not being a public officer, shall be paid a sitting allowance in accordance with the scale approved from time to time, by the Minister, in keeping with relevant government guidelines.

**2.** (1) Any member who is absent from two consecutive meetings of the Board shall explain the reason for such absence in writing to the Minister, who shall take appropriate action as he deems fit.

(2) If it appears to the Board that a member of the Board should be removed from office on the ground of misconduct, incompetence or inability to perform the functions of his office, the Board shall make recommendations to that effect to the Minister, and if the Minister approves the recommendation, he shall in writing declare the office of that member vacant.

**3.** (1) The Board shall meet not less than once in every quarter at such time, place and day as the chairman may appoint.

(2) Meetings of the Board may be convened only at the instance of the chairman.

(3) A notice for a meeting of the Board shall specify the time, place, date and agenda of the meeting and shall be served not less than seven clear days before the date of the meeting.

(4) At every meeting of the Board, eight members shall form a quorum and a quorum shall include the chairman.

**4.** (1) Subject to the provisions of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the decisions of the Board shall be taken by a majority of its members and in the case of equality of votes, the person presiding shall have a casting vote.

[Cap. 123.]

(2) All decisions of the Board shall be ratified by the chairman in his capacity as the Minister.

#### *Proceedings of the Council*

**5.** (1) The chairman of the National Advisory Council of the Directorate shall be appointed by the Minister.

(2) Where a member representing an organisation ceases to be a member of the Council, the body by which he was nominated shall nominate another person to represent it on the Council.

(3) Any member of the Council, other than an *ex-officio* member, may by letter addressed to the Council resign his appointment and on acknowledgment of the receipt of the letter by the Council, he shall cease to be member of the Council from the date indicated on his letter of resignation.

(4) Any member of the Council, not being a public officer, shall be paid a sitting allowance in accordance with scales approved, from time to time, by the Minister, in keeping with relevant Government guidelines.

**6.** (1) Any member who is absent from two consecutive ordinary meetings of the Council shall explain the reason for such absence in writing to the Director-General for consideration by the Council, which shall thereafter either accept same or recommend to the Minister that the member be removed from office, and on approval of such recommendation by the Minister, the member shall stand removed.

(2) If it appears to the Council that a member of the Council should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make a recommendation to that effect to the Minister, and if the Minister approves the recommendation, he shall in writing declare the office of that member vacant.

**7.** (1) The Council shall meet, not less than twice in a year at such time, place and day, as the chairman may appoint.

(2) The chairman shall convene an extraordinary meeting of the Council whenever the need arises.

**8.** A notice for a meeting of the Council shall specify the time, place, date and agenda of the meeting and shall be served, not less than ten clear days before the date of the meeting.

**9.** At every meeting of the Council, the chairman shall preside.

**10.** At every meeting of the Council, eighteen members shall form a quorum and a quorum shall include the chairman and the representative of at least ten of the States comprising the Federation.

**11.** Subject to the provisions of section 27 of the Interpretation Act, (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the decisions of the Council shall be taken by a majority of its members and in the case of equality of votes, the person presiding shall have a casting vote.

[Cap. 123.]

**12.** Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt a person who is not a member of the Council for such purposes, and a person so eo-opted, shall take part in the deliberations of the Council, but shall not be entitled to vote nor count towards a quorum at a meeting of the Council.

**13.** (1) The fixing of the seal of the Directorate shall be authenticated by the signature of the chairman of the Board or of some other members, authorised generally or specially by the Board, to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Directorate by any person generally or specially authorised to act for that purpose by the Directorate.

**14.** The validity of the proceedings of the Board or Council or a committee thereof, shall not be affected by any vacancy in the membership of the Board, Council or committee, or by any defect in the appointment of a member of the Board or Council or of a person to serve on the committee or by reason that a person not entitled to do so, took part in the proceedings.

**15.** Any member of the Board, Council or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board, Council or a committee thereof, shall forthwith disclose his interest to the Board or Council, and shall not take part in the proceedings relating to the contract or arrangement.

**16.** A person shall not, by reason only of his membership of the Board or Council, be treated as holding an office in the public service of the Federation or a State.

**17.** No member of the Board, Council or committee shall be personally liable for any act or default of the Directorate done or omitted to be done in good faith in the course of the operations of the Board or Council or committee.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*