

NATIONAL INSTITUTE FOR LABOUR STUDIES ACT

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SCHEDULE

NATIONAL INSTITUTE FOR LABOUR STUDIES ACT

An Act to establish the National Institute for Labour Studies and its governing Council, set out its functions and provide for the appointment of a Director who

shall be in charge of the day-to-day running of the Institute and other matters ancillary thereto.

[1965 No.5.]

[27th September, 1984]

[Commencement.]

Establishment, etc., of the National Institute for Labour Studies

1. Establishment of the National Institute for Labour Studies

(1) There is hereby established a body to be known as the National Institute for Labour Studies (in this Act referred to as "the Institute").

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

1. Objects of the Institute

The objects of the Institute shall be—

- (a) to provide workers' education generally, so as to enhance the role of trade unions in the social and economic development of the country and equip trade union officials and managers with skills normally required for collective bargaining and joint consultation, in fostering the growth of better labour and management relations;
- (b) to provide opportunities for policy makers in the field of labour and social policy in industry, in the trade unions and in government, to acquire by personal experience a full understanding of the issues which confront them in their day-to-day work;
- (c) to provide and arrange comparative study and investigation of the principles and techniques of trade unionism and thereby assist Government in evolving a virile and well-organised trade union movement capable of giving full and responsible expression to the needs of workers and the aspirations of the country;
- (d) to undertake, organise and facilitate study courses, conferences, lectures, seminars and the like, with a view to improving the standard of trade union administration and infusing a sense of direction and accountability;
- (e) to promote research through collaboration with universities and institutes concerned with industrial relations and labour matters;
- (j) to award grants, scholarship or travel fellowships for research in labour studies and allied subjects;

(g) to undertake and provide for publication of journals, research papers and books in furtherance of the aforesaid objects.

1. Membership of the Governing Council of the Institute

(l) The Institute shall be governed by a Governing Council (in this Act referred to as "the Council"), which shall consist of a chairman, to be appointed by the President, on the recommendation of the Minister and the following other members, that is to say-

- (a) one representative of the Armed Forces;
- (b) one representative of the Ministry of Employment, Labour and Productivity;
- (c) one representative of the Nigeria Police Force;
- (d) one representative of the Ministry of Foreign Affairs;
- (e) one representative of the office of Establishment and Management Services;
- (f) two representatives of workers, nominated by the Nigerian Labour Congress;
- (g) two representatives of employers, nominated by the Nigerian Employers Consultative Association;
- (h) one representative of the Nigerian universities; and
- (i) the Director of the Institute.

(2) A member of the Council appointed, otherwise than by office, shall hold office for a term of four years; and subject to the provisions of subsection (3) of this section, shall be eligible for reappointment, for only one further period of four years.

(3) The office of a member of the Council under this Act shall become vacant if-

- (a) he resigns as a member of the Council by notice in writing under his hand, addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the Institute for the person appointed to continue in office, and notifies the member in writing to that effect.

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

[Schedule.]

Functions and powers

4. Functions of the Council

Subject to the provisions of this Act, the Council shall have responsibility for the general management of the affairs of the Institute and, in particular, the general control of the Institute.

5. Powers of the Council

Without prejudice to the generality of the provisions of section 4 of this Act, the Council shall have power-

- (a) to create lectureships and other posts and offices and to make appointments thereto;
- (b) to appoint such administrative and other members of the staff of the Institute as may appear necessary or expedient;
- (c) to exercise disciplinary control over members of the staff of the Institute;
- (d) to prescribe the terms and conditions of service including salaries, allowances, pensions and other remunerations, for all members of the staff of the Institute after consultation with the appropriate department in the Federal Civil Service Commission;
- (e) to encourage and make provisions for research in the Institute;
- (f) to erect, provide, equip and maintain libraries, lecture halls, halls of residence, refectories, sports grounds, play fields and such or things as may be necessary, suitable or required;
- (g) to enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act;
- (h) to acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property acquired, provided the Minister so consents; and
- (i) to do anything which in its opinion is calculated to facilitate the carrying out of the objects of the Institute and to promote its best interest.

1. Delegation of powers by the Council

(1) The Council may, subject to such conditions as it may think fit, delegate any or all the powers conferred on it by this Act (including its powers to appoint and exercise

disciplinary control over members of staff of the Institute), to its committees or the Director.

(2) Nothing in this section shall prevent the Council from exercising any of the powers so delegated.

1. Power of the Minister to give directives to the Council

The Minister may give to the Council directives of a general character relating generally to particular matters, with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

Staff of the Institute

8. Director and his functions

(1) There shall be a Director who shall be appointed by the President on the recommendation of the Minister.

(2) Subject to the provisions of this Act and subject to the control of the Council in all matters affecting the finance of the Institute, the Director shall be the chief executive of the Institute and shall be charged with the general responsibility for the management of the educational affairs and academic matters of the Institute and shall in particular-

- (a) direct and regulate the programme of work of the Institute;
- (b) promote research within the Institute;
- (c) award certificates or diplomas;
- (d) keep in safe custody all records of the Institute;
- (e) demand and receive from any student or any other person attending the Institute, such fees as the Council may, from time to time, determine; and
- (j) exercise and perform such other powers and duties as may be conferred or imposed upon him by the Council.

1. Secretary to the Council

(1) The registrar of the Institute shall be the secretary to the Council, and shall attend all meetings of the Council and its committees.

(2) The registrar and any other academic and senior administrative staff shall be appointed by the Council.

10. Pensions

(1) It is hereby declared that service in the Institute shall be public service for the purposes of the Pensions Act and, accordingly, officers and other staff of the Institute shall in respect of their service in the Institute be entitled to such 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 and gratuity in respect of that office.

[Cap. P4.]

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

[Cap. P4.]

Miscellaneous

11. Financial provisions

(1) The funds of the Institute shall consist of grants made to it by the Federal Government and such other sums as may accrue to it, from time to time, as provided for by the provisions of this Act.

(2) The Council may, with the consent of the Minister or in accordance with the general guidelines approved by the President, borrow such monies as it may require on such terms and conditions as it deems fit, and if need be, upon such security of all or any of the property movable or immovable of the Institute.

(3) The Council may invest any monies belonging to the Institute by way of endowment (whether for general or special purposes) and any such monies of the Institute as may not be immediately required for current expenditure in any investments or securities or in purchase or improvement of land, with power to vary any such investments and to deposit any monies for the time being uninvested, with any bank on deposit or current account.

(4) The Council may charge fees for courses, lectures, seminars or any other educational activities organised by it.

(5) The Institute shall keep proper accounts and proper records in relation thereto and shall submit to the Minister, not later than 30 June in each financial year (or such other date as the Minister may appoint), an estimate of its expenditure and income during the next succeeding financial year.

(6) The Director shall, as soon as may be, after the end of the financial year to which the accounts relate, cause the accounts of the Institute to be audited by auditors appointed by the Institute from the list of auditors and in accordance with guidelines supplied by the Auditor-General for the Federation.

(7) The Director shall on the completion of the audit of the accounts of the Institute for each financial year, prepare and submit to the Council, not later than six months after the financial year to which the accounts relate, the reports of the audit setting out-

(a) general observations and recommendations of the auditors on the financial affairs of the Institute for the year and on any important financial matters which the auditors desire to bring to the notice of the Council; and

(b) detailed observations and the recommendations of the auditors on all aspects of the finances of the Institute for that year.

12. Power to accept gifts

(1) Subject to subsection (2) of this section, the Institute may with the consent of the Minister, accept gifts of land, money or other property, upon such terms or conditions, if any, as may be specified by the donor.

(2) The Institute shall not accept any gift if the conditions attached to such gifts are inconsistent with the functions of the Institute.

(3) Nothing in this section shall be construed as authorising the Institute to accept any gift from any foreign body, person or organisation.

13. Report of activities of the Institute

The Council shall, as soon as possible after the end of the each year, submit to the Minister a report on the activities of the Institute and of any research conducted under the administration of the Council during the last preceding year.

14. Regulations

The Council may make regulations generally for the purpose of this Act and regulations made hereunder shall not have effect until they are approved by the Minister, and when so approved, they shall be published in the Federal *Gazette*.

15. Interpretation

In this Act, unless the context otherwise requires—

“chairman” means the chairman of the Governing Council;

“Council” means the Governing Council of the National Institute for Labour Studies;

“Director” means the Director of the National Institute for Labour Studies;

“Government” means the Government of the Federal Republic of Nigeria;

“Institute” means the National Institute for Labour Studies;

“Minister” means the Minister charged with responsibility for labour matters.

16. Short title

This Act may be cited as the National Institute for Labour Studies Act.

SCHEDULE

[Section 3 (4).]

Meetings of the Council

1. The Council shall meet at least three times in every year, as and when required, for the due performance of its functions under this Act.
2. Any four or more members may, by notice in writing signed by them, stating the matters to be discussed and delivered to the chairman, request him to convene a meeting of the Council for a date not later than 28 days from the receipt of the notice; and if the chairman shall fail to convene a meeting within the prescribed time, the Secretary to the Council shall, on receipt of a request from the said members, summon a meeting of the Council within 28 days.
3. No act or proceeding of the Council shall be invalidated by reason of any vacancy among its members or by reason of any defect in the appointment of a member.
4. The chairman, the Director and six members shall form a quorum at any meeting of the Council.
5. Decisions of the Council shall be determined by a majority of the members present and voting.
6. Where the chairman, by reason of illness or absence from Nigeria, is unable to perform the functions of his office, the Minister may appoint any other person to perform the functions of that office temporarily.
7. If the chairman is for any other reason absent from any meeting of the Council, the members present may elect one of the members to preside at that meeting.

8. Where the Council desires to obtain advice for any particular purpose, it may co-opt other persons for that purpose; and the persons co-opted may take part in the deliberations of the Council for that purpose only and shall not be entitled to vote.

Power of the Council to regulate procedure

9. Subject to the provisions of this Act, the Council may regulate its own procedure by standing orders, and without prejudice to the generality of the foregoing, the Council may make standing orders in respect of the following matters, that is to say—

- (a) the proper conduct of business and meetings of the Council;
- (b) the method of entering into and execution of contracts;
- (c) the signing of cheques, documents and other instruments;
- (d) the keeping and custody of minutes or proceedings at meetings;
- (e) the procedure for transaction of business by any committee of the Council.

Seal

10. The seal of the Institute shall not be affixed to any instrument, except by the authority of a resolution of the Council and in the presence of the chairman and of the Director or such members as the Council may appoint for that purpose; the chairman and the Director or such other members as may be appointed, in whose presence the seal is affixed, shall sign the instrument.

11. Every document purporting to be an instrument made by the Institute and required to be sealed with its seal, shall be received in evidence and be deemed to be an instrument authenticated in accordance with this paragraph, without further proof unless the contrary is shown.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation