

**TRADE UNION (AMENDMENT) ACT
2005
LAWS OF THE FEDERATION OF NIGERIA**

Arrangement of Sections

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|-----|--|-----|------------------------------------|----|---------------------------------|
| 1. | Amendment of Cap. 437,
LFN, 1996 No 4, 1996, No 2,
26, 1996, No 1. | 3. | Insertion of new subsection
(4) | 6. | Substitution for section
16A |
| 4. | Amendment of section 17 | 5. | Substitution for section 24 | 6. | Amendment of section 30 |
| 7. | Deletion of section 33 | 8. | Amendment of section 34 | 9. | Amendment of section 42 |
| 10. | Amendment of section 34 to
54 | 11. | Short title. | | |

**TRADE UNION (AMENDMENT) ACT
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An Act to amend the Trade Unions Act; And for related matters

Enacted by the National Assembly of the Federal Republic of Nigeria:

1. The Trade Unions Act, as amended (in this Act reformed to as “the Principal Act”) is further amended as set out in this Act.
2. Inset after section 12(3) of the Principal Act a new subsection (4)

“(4) Notwithstanding anything to the contrary in this Act, membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member”.
3. Substitute for section 16A of the Principal Act a new section:

“16 A. Upon the registration and recognition of any the trade unions specified in the Third Schedule to this Act, an employer shall-

- (a) Make deduction from the wages the every worker who is a member of any of the trade unions for the purpose of paying contributions to the trade union so registered; and
- (b) Remit such deductions to the registered office of the trade union within a reasonable period or such period as may be prescribed from time to time by the Registrar.

4. Section 17 of the Principal Act is amended by substituting subsection (1) for the new subsection.

“(1) Trade union shall pay to the appropriate registered Federation of Trade Unions out of the contribution received from their members, such as may, from time to time, be specified in the constitution of the registered Federation of Trade Unions concerned.”

5. Substitute for section 24 of the Principal Act by a new section 24 (1) and (2)

“24 (1) for the purposes of collective bargaining all registered Unions in the employment of an employer shall constitute an electoral college to elect members who will represent them in negotiations with the employer”.

“24 (2) for the purpose of representation at Tripartite Bodies or any other body the registered Federations of Trade Unions shall constitute an electoral college taking into account the size of each registered Federation, for the purpose of electing members who will represent them”

6. Section 30 of the Principal Act is amended by:

- (a) Substituting for phrase, “but shall not do so unless”, the phrase “whether or not members of the trade union wishing to join the registered federation of trade unions are employed in trades, occupations or industries which are similar to the trades, occupations or industries of the trade unions which formed the registered federation which the trade union seeks to join; provided;”
- (b) deleting subsection 1 (a)
- (c) renumbering subsections 1 (b), 1 (c), and 1 (d) as subsections 1(a), 1(b) and (c)
- (d) inserting immediately after the existing subsection (5), new subsections (6), (7), (8) and (9):

- (6) No person, trade union or employer shall take part in a strike or lock out or engage in any conduct in contemplation or furtherance of a strike or lock out unless:
- (a) The person, trade union or employer is not engaged in the provision of essential services;
 - (b) The strike or lock out concerns a labour dispute that constitutes a dispute or right.
 - (c) The strike or lock out concerns a dispute arising from a collective and fundamental breach of contract of employment or collective agreement on the part of the employee, trade union or employer,
 - (d) The provisions for arbitration in the Trade Disputes Act Cap. 432, Laws of the Federation of Nigeria, 1990 have first been complied with; and
 - (e) In the case of an employee or a trade union, a ballot has been conducted in accordance with the rules and constitution of the trade union at which a simple majority of all registered members voted to go on strike.
- (7) Any person, trade union or employer who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine of ₦10,000 or six months imprisonment or to both the fine and imprisonment.
- (8) The provisions for arbitration in the Trade Disputes Act Cap. 432, Laws of the Federation of Nigeria, 1990 shall apply in all disputes affecting the provision of essential services and the determination of the National Industrial Court in all such disputes shall be final.
- (9) For the purpose of this Act.
- (a) “Disputes of right” means any labour dispute arising from the negotiation, application, interpretation of a contract of employment or collective agreement under this Act or any other enactment or law governing matters relating to terms and conditions of employment;
 - (b) “essential Services” shall be as defined in the first schedule of the Trade Disputes Act Cap. 432, Laws of the Federation of Nigeria, 1990.

7. (1) Section 33 of the Principal Act is deleted.

(2) Substitute the phrase, “Central Labour Organization” for the phrase “Federation of Trade Unions” wherever it appears in the Principal Act.
8. Section 34 of the Principal Acts is amended:
 - (a) by inserting immediately before the existing subsection (1), new subsections (1), (2) and (3):

“(1) A federation of trade unions may be registered by the registrar if:
 - (a) its main objective is to represent the interest of employees;
 - (b) it is made up of 12 or more trade unions none of which shall have been a member of another registered federation of trade unions;
 - (c) it has been established by resolution of the national delegates conference of the trade unions that constitutes its members.
 - (d) it has adopted a name that does not resemble the name of another federation of trade unions;
 - (e) it has adopted a constitution and or rules in accordance with the First Schedule of this Act;
 - (f) it has its head office in the Federal Republic of Nigeria; and
 - (g) it has submitted to the Registrar an application in the prescribed form signed by at least two authorized members of at least 12 registered trade unions wishing to become its members.
 - (2) Upon receipt of an application as required by subsection (1) of this section, the Registrar shall within 90 days if satisfied that all requirements with respect to the registration of Federation of Trade Unions have been met, register the Federation concerned and evidence such registration with the issuance of a Certificate of Registration.
 - (3) The requirements for registration of trade unions or federation of trade unions introduced into the Principal Act by this Act, shall not apply to any of the unions which immediately before the coming into force of this Act, had been duly registered or deemed duly registered under this Act (as amended) and such trade unions or federation of trade unions shall, subject to the requirements introduced by this Act, continue to

exist in accordance with the right attached to their registration as such, unless and until they are dissolved, amalgamated, judicially forfeited or cancellation of their registration certificate;

- (b) by renumbering the existing subsections (1) to (4) as the new subsections (4) to (7)
9. Section 42 of the Principal Act is amended by inserting immediately after the existing subsection (1), the new subsections (1) (A) and (1) (B):
- “(1)(A) No person shall subject any other person to any kind of constraint or restriction of this personal freedom in the course of persuasion;
- (1)(B) No trade union or registered Federation of Trade Unions or any member thereof shall in the course of any strike action compel any person who is not a member of its union to join any strike or in any manner whatsoever, prevent aircrafts from flying or obstruct public highways, institutions or premises of any kind of the purposes of giving effect to the strike.”
10. The existing sections 34 to 54 of the Principal Act shall be amended by renumbering them as sections 33 to 53 respectively.
11. This Act may be cited as the Trade Unions Act (Amendment) Act, 2005

Date passed by Senate
15th day of March 2005

Date passed by House of Representatives
9th day of March 2005

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap.4, Laws of the Federation of Nigeria 1990.

Ibrahim Salim. CON
Clerk to the National Assembly
23rd day of March 2005

I Assent

Chief Olusegun Obasanjo. GCFR
President of the Federal Republic of Nigeria
30th day of March 2005
