

TRADE UNIONS (AMENDMENT) (NO.2) DECREE NO. 26 1996

Decree No. 26

Commencement.

[16/10/1996]

THE Federal Government hereby decrees as follows:-

Amendment of
Cap 437 LFN.
1996 No. 4.

1. The Trade Unions Act (in this Act referred to as the "principal Act") as amended, is hereby further amended as set out in this Act.

2. Section 5 of the principal Act is amended in subsection 5(b) by substituting the following new paragraph, that is -

Amendment of
section 5.

"(b) any official or member of the union may, within the period of thirty days beginning with the date so specified, appeal to the Minister against the refusal."

3. Section 7 of the principal Act is amended -

Amendment of
section 7.

(a) in subsection (3) by substituting for the words "any official or member of the trade union may within the period of thirty days beginning with that date appeal to the appropriate High Court against the proposed cancellation." the words "any official or member of the trade union may, within the period of thirty days beginning with that, date appeal to the Minister against the proposed cancellation.";

(b) by inserting immediately after subsection (8) thereof the following new subsection, that is -

"(9) Notwithstanding anything to the contrary contained in this section, the Minister may due to overriding public interest, revoke the certificate of registration of any trade union specified in Part A of the Third Schedule to this Act."

4. Section 8 of the principal Act is amended -

Amendment of
section 8.

(a) in subsection (1) by substituting for the words "High Court" the word "Minister";

(b) by deleting subsection (2), (3) and (4) respectively.

Amendment of
section 16.

5. Section 16A of the principal Act is amended by -

(a) substituting for the full stop appearing paragraph (b) thereof a colon;

(b) inserting immediately thereafter the following proviso, that is - Amendment of section 17.

"Provided that compliance with the provisions of this section of this Act shall be subject to the insertion of a "No strike" clause in the relevant Collective Bargaining Agreements between the workers and their employers.".

6. Section 17 of the principal Act is amended by inserting immediately after subsection (3) thereof the following new subsection, that is -

"(4) The system of automatic check-off dues as contained herein shall, in respect of any particular union, cease to operate forth with on - Amendment of section 33.

(a) the dissolution of the union; or

(b) the revocation of the certificate of registration of the union by the Minister; or

(c) the cancellation of the registration of the union by the Registrar; or

(d) a strike action embarked upon by a union in breach of the Collective Bargaining Agreement between the workers union and the employer.".

7. Section 33 of the principal Act is amended by inserting immediately after subsection (7) thereof the following new subsections, that is -

"(8) It shall be unlawful for any person, not being an elected officer of the Central Labour Organisation or any of the trade unions, to participate and assume a functional role in any of the policy or decision making Amendment of the First Schedule.

organs, committees, or formations (by whatever names called) within the union except if the function is strictly administrative.

(9) Any person who contravenes any of the provisions of this section of this Act shall be guilty of an offence and liable on conviction to a fine of 25,000 or to imprisonment for a term of five years or to both such fine and imprisonment.

(10) Where an offence under this section of this Act is committed by a union or association, its certificate of registration shall be liable to be revoked by the Minister in accordance with the provisions of this Act."

8. The First Schedule to the principal Act is amended by substituting for paragraphs 7, 8 and 9 thereof the following new paragraphs, that is -

"7. A provision -

Amendment of
the Third
Schedule.

(a) for the appointment and removal of the general committee of management (by whatever name called), and other officials, provided that, for administrative purposes only, non-members holding the post of secretary, deputy secretary, assistant secretary or similar posts shall be capable of being members of the general committee of management;

(b) that an illiterate shall not be appointed as president, secretary or treasurer or to any other similar office in the trade union.

8. The qualification 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 normally engaged in the trade or industry which the trade union represents.

9. Subject to the provisions of this Schedule, a provision which protects the exclusive rights of members to the

membership of all policy making organs of the union."

9. The Third Schedule to the principal Act is amended by substituting therefor the following new Schedule, that is -

"THIRD SCHEDULE

PART A

LIST OF RE-STRUCTURED TRADE UNIONS
AFFILIATED TO THE CENTRAL LABOUR
ORGANISATION

1. Agricultural and Allied Workers Union of Nigeria.
2. Amalgamated Union of Public Corporations, Civil Service Technical and Technical and Recreational Services Employees.
3. Maritime Workers Union of Nigeria.
4. Medical and Health Workers Union of Nigeria.
5. National Association of Nigeria Nurses and Midwives.
6. National Union of Air Transport Employees.
7. National Union of Banks, Insurance and Financial Institutions Employees.
8. National Union of Chemical, Footwear, Rubber, Leather and Non-metallic Products Employees.
9. National Union of Civil Engineering Construction, Furniture and Wood Workers.
10. National Union of Electricity Workers.
11. National Union of Food, Beverage and Tobacco Employees.
12. National Union of Hotel and Personal Services Workers.
13. National Union of Petroleum and Natural Gas Workers.
14. National Union of Postal and Telecommunication

Employees.

15. National Union of Printing, Publishing and Paper Products.
16. National Union of Road Transport Workers.
17. National Union of Shop and Distributive Employees.
18. National Union of Textiles Garment and Tailoring Workers.
19. Nigeria Civil Service Union.
20. Nigeria Union of Civil Service Secretarial and Stenographic

Workers.

21. Nigeria Union of Journalists.
22. Nigeria Union of Local Government Employees.
23. Nigeria Union of Mines Workers.
24. Nigeria Union of Pensioners.

25. Nigeria Union of Railway Men.
26. Nigeria Union of Teachers.
27. Non-Academic Staff Union of Educational and Associated Institutions.
28. Radio, Television and Theatre Workers Union.
29. Steel and Engineering Workers Union of Nigeria.
30. Any other workers' trade union registered under this Act and publish¹ from time to time in the Federal Gazette

THIRD SCHEDULE

PART B

THE JURISDICTIONAL SCOPE OF EACH OF THE RE-STRUCTURED TRADE UNIONS

No.	Trade Unions	Area of Jurisdiction
1.	AGRICULTURAL AND ALLIED WORKERS UNION OF NIGERIA.	Workers in all agricultural and livestock production, plantations agricultural services including animal husbandry; fishing and horticulture; veterinary services; pest control; irrigation services (River Basin Services). forestry, logging and game reserves. Agricultural Research Institutions.
2.	AMALGAMATED UNION OF PUBLIC CORPORATIONS, CIVIL SERVICE TECHNICAL AND TECHNICAL AND RECREATIONAL SERVICES EMPLOYEES.	<p>All junior staff employed in the Federal and State Corporations; Civil Service Employees classified as Technical. Workers of Sports Commissions and Stadia; Public Recreation Clubs by whatever name called, swimming pools, amusement centres including carnivals, circuses, zoological gardens and services similarly classified. Excluding Radio, Television, NITEL, NIPOST, Railways, Nigeria Airways and any other Corporation Workers already unionized.</p> <p><i>Components:</i> (1) Civil Service Technical Workers Union of Nigeria.</p> <p>(2) National Union of Public Corporation Employees.</p> <p>(3) Recreational Services</p>

		Employees Union.
3.	MARITIME WORKERS UNION OF NIGERIA.	<p>All workers in the Nigerian Ports Authority and all persons employed in the manning of Ocean going, Inland Waterways, Coastal and harbour vessels or crafts afloat. All dock-workers including workers engaged by shipping, clearing and forwarding agencies, but excluding managerial, professional and administrative staff.</p> <p><i>Components:</i> (1) Dock-Workers Union of Nigeria.</p> <p>(2) Nigeria Ports Workers Union.</p> <p>(3) National Union of Seamen and Water Transport Workers.</p> <p>(4) Union of Shipping, Clearing and Forwarding Agencies Workers of Nigeria.</p>
4.	MEDICAL AND HEALTH WORKERS UNION OF NIGERIA	<p>All workers and those classified as para-medical, engaged in Health Care Institutions, General Hospitals, Health Management Boards, Corporately owned Medical and Health Institutions. In University Teaching Hospitals, Local Government Health Institutions covering the following para-medical staff only: Nurses, Pharmacists, Radiographers, Laboratory Technologists, Physiotherapist, Optometrists, Dental Technologists and Hygienists, Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, Medical Illustrators, Midwives, Medical Entomologists,</p>

		Medical Social Workers, X-Ray Technicians, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians, but excluding Pharmacists, Nurses and Midwives, Radiographers, Medical Laboratory Technologists, Dental Technologists.
5.	NATIONAL ASSOCIATION OF NIGERIA NURSES AND MIDWIVES.	All Nurses and Midwives of all grades and by whatever name called, qualified to register and practice in Nigeria and who are salary earners, engaged in Local Government owned hospitals or Health Institutions; Government Health Management Boards, Specialist and General Hospitals; University Teaching Hospitals; Nursing/Maternity Homes. Corporately owned Hospitals and Private Health Institutions.
6.	NATIONAL UNION OF AIR TRANSPORT EMPLOYEES.	All workers in Commercial Airlines, Airport Authority, Civil Aviation Authority and Travel Agencies except those in professional and administrative cadres.
7.	NATIONAL UNION OF BANKS, INSURANCE AND FINANCIAL INSTITUTIONS EMPLOYEES.	Workers in Banks and closely related institutions, such as Mortgage Companies, Industrial Loan Institutions, Agricultural Credit Agencies, Co-operative Credit Societies, Investment Companies, Holding Companies. Insurance Carriers of all kinds; Insurance Agents and Brokers; Organisations Servicing Insurance Carriers; Consultants for policy holders; Adjusting Agencies; other closely related institutions not otherwise mentioned. All types of dealers in Real Estate.
8.	NATIONAL UNION OF CHEMICAL, FOOTWEAR, RUBBER, LEATHER AND NON-METALLIC PRODUCTS EMPLOYEES.	Workers in manufacture of basic industrial organic and inorganic chemicals, except products of petroleum and coal but including fertilizers, explosives and fireworks, synthetic fibre and rubber, resins, plastics, elastomers and vegetable and animal oils and fats, including the production of cake and meal by crushing or extractions from oil seeds and nuts. Manufacture of medicinal and pharmaceutical preparations, perfumes, cosmetics and other toilet preparations. Soaps and other washing and cleaning compounds including detergents. Polishes, inks, matches, candles and insecticides. Manufacture of clay products such as bricks, tiles, pipes, crucibles, architectural terracotta, stove lining, chimney pipes, and tops and refectories. Manufacture of glass and glass products except the grinding of optical lenses. Pottery, china and earthenware. Manufacture of all types of hydraulic cement such as portland. Manufacture of concrete, gypsum and plaster products. Stone products and other similar chemical and non-metallic products. Manufacture of all kinds of footwear, leggings and

		<p>gaiters from leather, fabrics, plastic, wood and other materials. Tanning, currying, finishing, embossing and japanning of all kinds of hides and skins and the manufacture of leather products such as luggage handbags, pocket-books, saddlery, harness whip and other articles made of leather and leather products. Manufacture from natural or synthetic rubber of all kinds of rubber products such as tubes and tires, vulcanized footwear, industrial and mechanical rubber goods and rubber sundries such as mats, gloves, sponges and other vulcanized articles. The reclaiming of rubber from used tires, scrap and miscellaneous waste rubber. Rebuilding, retreading and vulcanizing of tires. Dipping, mixing, rolling, cutting and related processing of natural rubber, except on rubber plantations.</p> <p><i>Components:</i> (1) National Union of Chemicals and Non-Metallic Products Workers.</p> <p>(2) Footwear, Leather and Rubber Products Workers Unions of Nigeria.</p>
9.	<p>NATIONAL UNION OF CIVIL ENGINEERING CONSTRUCTION, FURNITURE AND WOOD WORKERS:</p>	<p>Workers in construction, repair and demolition of buildings, highways, street and culverts. Heavy construction of such projects as sewers and water mains, railroads, piers, tunnels, subways, bridges, viaducts, dams, drainage projects, irrigation flood control projects, hydro-electrical plants, gas mains and pipe-lines, marine, construction such as dredging, land drainage, reclamation and harbours, and waterways and airports. All other construction works. Manufacture of household, office, public building, professional and restaurant furniture. Office and stores fixtures, window and door screens and shades, regardless of materials used. Sawmills and planing mills. Manufacture of lath, shingles, co-apogee stock, veneers, plywood and excelsior. Wood preserving and manufacture of finished articles made entirely or mainly of wood, bamboo, cane and cork. Manufacture of lumber, wooden building materials and prefabricated parts and structures. Manufacture of boxes, crates, drums barrels and other wooden containers. Manufacture</p>

		<p>of baskets and other rattan reed or willow containers.</p> <p><i>Components:</i> (1) Nigeria Union of Construction and Civil Engineering Workers.</p> <p>(2) National Union of Furniture, Fixture and Wood Workers.</p>
10.	NATIONAL UNION OF ELECTRICITY WORKERS.	Workers in generation, transmission and distribution of electric light and other forms of energy; excluding gas for public consumption, professionals and administrative cadres.
11.	NATIONAL UNION OF FOOD, BEVERAGE AND TOBACCO EMPLOYEES.	Workers engaged in manufacture of food for human consumption and of related products such as chewing gum, spices, prepared foods for animals and fowls. Slaughtering, preparation and preservation of meat. Manufacture of dairy products. Canning and preserving of fish and other sea foods. Manufacture of grain mill products. Manufacture of bakery products. Sugar factories and refineries. Manufacture of cocoa, chocolates and sugar, confectionery and miscellaneous food preparations. Distilling, rectifying and blending of spirits. Wine industries. Breweries and manufacture of malt; manufacture of non-alcoholic beverages such as soft drinks and carbonated mineral waters. Manufacture of tobacco products. Stemming, redrying and their operations connected with preparing raw tobacco left for manufacturing.
12.	NATIONAL UNION OF HOTELS AND PERSONAL SERVICES WORKERS.	Workers in services involving the care of the person or his apparel. Hotels, restaurants, cafes, taverns and other drinking and eating places. Laundries and laundry services, cleaning and dyeing. Barber and beauty shops, domestic services, portrait and commercial photographic studios, shops, offices and cleaning. Security services, recreational and tourist organisations in the private sector and related services.
13.	NATIONAL UNION OF PETROLEUM AND NATURAL GAS WORKERS.	Workers in oil well and natural gas well operations including prospecting, drilling, crude oil and natural gas extraction, oil and natural gas pipelines. Refining, distribution and marketing of natural gas and petroleum products including petrol filling stations, petroleum tanker drivers, but excluding the construction of oil and

18.	NATIONAL UNION OF TEXTILES GARMENT AND TAILORING WORKERS.	Workers engaged in manufacture of textile including the preparation of textile fibre for spinning, weaving and finishing, knitting mills, cordage, rope twine and thread industries.**Manufacture of waving apparel and make-up textiles.** Manufacture of carpets, rugs, oil-cloth, linoleum, artificial leather, waterproofing fabrics and jute mills.
19.	NIGERIA CIVIL SERVICE UNION.	All junior employees of the Federal and State Governments but excluding enforcement employees in the Nigerian Customs and Immigration services, technical typists, stenographic, medical, nurses and midwives and recognized professional and administrative cadres.
20.	NIGERIA UNION OF CIVIL SERVICE SECRETARIAT AND STENOGRAPHIC.	All typists and stenographic staff employed by the Federal and State Governments.
21.	NIGERIA UNION OF JOURNALISTS.	All registered Journalists in paid employment in media houses, except proprietors and the self-employed.
22.	NIGERIA UNION OF LOCAL GOVERNMENT EMPLOYEES.	All workers in the Local Government Councils with the exclusion of Teachers and the following paramedical staff in the Local Government Health Institutions:- Nurses, Pharmacists, Radiographers, Laboratory Technologists, Physiotherapists, Occupational Therapists, Speech Therapists, Optometricians, Audiometricians, Limbfitters, Dieticians, Dental Technologists and Hygienists, Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Health Superintendents, Stores Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, Medical Illustrators, Midwives, Medical Entomologists, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians.
23.	NIGERIA UNION OF MINES WORKERS.	Workers engaged in extraction of coal, metalliferous and non-metalliferous ores excluding petroleum but including prospecting and preparing sites for the extraction of these ores. Also included are all supplemental operations for dressing and beneficiating ores and other crude minerals, such as breaking, milling, grinding pulverizing, washing, cleaning, grading, quarrying as an enterprise. Salt mining. Chemical and fertilizer mineral mining enterprises are also included.

		<p><i>Components:</i> (1) Metallic and Non-Metallic Mines Workers Union.</p> <p>(2) Nigeria Coal Miners Unions Workers.</p>
24.	NIGERIA UNION OF PENSIONERS.	All pensioners from the Civil Service of the Federation including Local Government, Statutory Corporations, Government owned companies, educational institutions for which the Government of the Federation is responsible. All such similar establishments. Also private sector pensioners.
25.	NIGERIA UNION OF RAILWAY MEN.	Workers in Nigeria Railway Transport, excluding professionals and administrative cadres.
26.	NIGERIA UNION OF TEACHERS.	Teachers employed in educational institutions of all types but excluding Universities, Polytechnics, Colleges of Education and other tertiary institutions.
27.	NON-ACADEMIC STAFF UNION OF EDUCATIONAL AND ASSOCIATED INSTITUTIONS.	All non-academic workers employed in publicly and privately owned educational, research and associated institutions including University Teaching Hospitals except professional, administrative, medical and para-medical staff such as Nurses, Pharmacists, Radiographers, Laboratory Technologists, Physiotherapists, Occupational Therapists, Speech Therapists, Optometricians, Audiometricians, Limb-Fitters, Dieticians, Dental Technologists and Hygienists, Limb Makers, Instrument Engineers (or Curators of Instruments), Blood Donor Organisers, Catering Officers (Medical), Health Superintendents, Stores Officers (Medical), Leprosy Control Officers and Inspectors, Dispensing Assistants, Nutritionists, Medical Illustrators, Midwives, Medical Entomologists, Medical Social Workers, X-Ray Technicians, Medical Statistical Assistants, Assistant Physiotherapists, Physiotherapy Technicians.
28.	RADIO, TELEVISION SERVICES UNION.	Workers engaged in Radio, Television, Theatre, Motion Picture Production. Distribution and Projection. Operation of Cinemas and Services allied to the foregoing including workers in the Music Industry and Arts Councils
29.	STEEL AND ENGINEERING WORKERS UNION OF	Workers engaged in manufacture, assembly, sale and service of electronic, precision and electrical equipment and appliances, measuring, controlling, laboratory and

	<p>NIGERIA.</p>	<p>scientific instruments, surgical, medical and dental instruments, optical and photographic goods, watches, clocks and horological equipment, musical instruments, security equipments. Manufacture of basic metal form into finished products such as tin cans and other tin ware, hand tools, cutlery and hardware, hollow ware, metal stampings, lighting fixtures, fabricated wire products, metal shipping containers, safes and vaults, steel springs, bolts, nuts, washers, rivets, collapsible tubes, ordinance including small and arms and accessories. Fabrication of steel works including the erection of steel works such as welding for bridges, industrial ware houses, tanks and motor lorry bodies. Industries engaged in enameling, japanning and lacquering, galvanizing, plating and polishing metal products, blacksmithing and welding. The manufacture of basic iron and steel products. The manufacture of basic non-ferrous metal products, consisting of all processes from smelting, alloying, refining, rolling, drawing, foundling and casting.</p> <p>The manufacture and assembly of complete motor vehicles such as passenger automobiles, commercial, cars and buses, trucks and truck trailers universal carriers, and special purpose motor vehicles such as (ambulances, taxi cabs, etc). Manufacture of motor vehicle parts and accessories such as engines, brakes, clutches, axles, gears, transmissions, wheel and frame but excluding tires and tubes. Repair of motor vehicles. Manufacture of motor-cycles, scooters, bicycles, tricycles, pedicabs and parts including animal-drawn and hand drawn vehicles. Shipyards and boatyards engaged in building and repair work. Specialized marine and ship parts manufacture and assembly. Ship braking yards. Manufacture and assembly of other types of transport equipment. Sales and servicing of vehicles.</p> <p><i>Components:</i> (1) Metal Products Workers of Union Nigeria.</p> <p>(2) Iron and Steel Workers Union of Nigeria.</p>
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(3) Automobile, Boatyards, Transport Citation.

and Equipment and Allied Workers Union of Nigeria.

(4) Precision Electrical and Related Equipment Workers Union (PEREWU).".

PART C

NEW SENIOR STAFF AND EMPLOYERS' ASSOCIATIONS

1. National Association of Aircraft Pilots and Engineers.
2. Nigerian Union of Pharmacists, Medical Technologists and Professions Allied to Medicine.
3. Nigerian Merchant Navy Officers' and Waters Transport Senior Staff Association.
4. Academic Staff Union of Universities.
5. Association of Senior Civil Servant of Nigeria.
6. Association of Senior Staff of Banks, Insurance and Financial Institutions.
7. Food, Beverage and Tobacco Senior Staff Association.
8. Shop and Distributive Trade Senior Staff Association.
9. Construction and Civil Engineering Senior Staff Association.
10. Petroleum and Natural Gas Senior Staff Association of Nigeria.
11. Chemical and Non-Metallic Products Senior Staff Association.
12. Footwear, Leather and Rubber Products Senior Staff Association.
13. Senior Staff Association of Shipping, Clearing and Forwarding Agencies.
14. Textiles, Garment and Tailoring Senior Staff Association.
15. Automobile, Boatyard, Transport Equipment and Allied Senior Staff Association.
16. Senior Staff Association of Statutory Corporations and Government owned Companies.
17. Senior Staff Association of Universities, Teaching Hospitals, Research Institutes and Associated Institutions.
18. Metal Products Senior Staff Association of Nigeria.
19. Precision, Electrical and Related Equipment Senior Staff Association.
20. Hotel and Personal Services Senior Staff Association.
21. Paper and Paper Products Senior Staff Association.
22. Agricultural and Allied Senior Staff Association.
23. National Union of Agricultural and Allied Employers.
24. National Union of Dock Labour Employers.
25. Nigeria Employers' Association of Banks, Insurance and Allied

Institutions.

26. Association of Food, Beverage and Tobacco Employers.
27. Hotel and Personal Services Employers' Association.
28. Construction and Civil Engineering Employers' Association of Nigeria.
29. Road Transport Employers' Association.
30. Precision, Electrical and Related Equipment Employers Association.
31. Iron and Steel Senior Staff Association of Nigeria.
32. Automobile, Boatyard, Transport Equipment and Allied Employers Association.
33. Iron and Steel Employers Association of Nigeria.
34. Shipping, Shipping Agencies, Clearing and Forwarding Employers Association.
35. Performing Musician Employers Association.
36. Association of Furniture, Fixtures and Woodworking Employers of Nigeria.
37. Nigerian Textiles, Garments and Tailoring Employers Association.
38. Shop and Distributive Trade Employers Association.
39. Air Transport Services Senior Staff Association of Nigeria.
40. Chemical and Non-Metallic Products Employers Federation.
41. Association of Metal Products Employers of Nigeria.
42. Employers Association of Leather, Footwear and Rubber Industries of Nigeria.
43. Association of Iron and Steel Employers of Nigeria.
44. Paper and Paper-Board Manufacturers and Converters Association.
45. Any other Unions of Senior Staff registered after 3rd August, 1977.

11. this Act may be cited as the Trade Unions (Amendment) (No. 2) Decree 1996.

MADE at
Abuja this
16th day of
October 1996.

GENERAL SANI ABACHA,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree amends the Trade Unions Act, as amended, to provide, among other things, the new jurisdictional scope of each of the re-structured trade unions.

1 Grammatical error- should read "published"