



HISTORY OF TRADE UNIONISM AND LEGAL FRAMEWORK OF INDUSTRIAL RELATIONS IN NIGERIA

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Abstract

This paper discusses the history of trade unionism and analyses the legal framework for industrial relations in Nigeria. Indeed, the issue of trade unions and industrial relations are issues that have been at the front burner of discourse for quite some time now. On several occasions, some of the matters have had to go to court for judicial pronouncements on naughty provisions of the Trade Union Act. The paper clarifies the key terms in the topic and, thereafter, chronicles the history of trade unionism in Nigeria. Using doctrinal methodology, the paper analyzes the laws that govern industrial relations in Nigeria, with a view to bringing out the lacunas therein and recommending ways through which trade unionism and industrial harmony can be strengthened between the Unions and government for the smooth running of the affairs of the country.

Key words: Trade, Unionism, Nigeria, Industrial relations

1.0 Introduction

The trade unions movement in Nigeria is indeed a movement that has spanned over one hundred and fourteen years (114), from the registration of the first trade union in 1912. Trade unionism has evolved and developed into a viable vehicle for social justice and industrial relations standardization in Nigeria. This movement has not been without challenges considering the historical development of Nigeria: through the colonial, military and civilian dispensations. These dispensations have impacted trade unionism and industrial relations in Nigeria. The major

impact has come from statutes regulating industrial relations in Nigeria. Statutes like the Trade Unions Act, Trade Disputes Act, National Industrial Court Act and importantly the Constitution of the Federal Republic of Nigeria, 1999, as amended. These laws have dictated the formation, registration, objects and operations of trade unions and industrial relations in Nigeria. It is, therefore, important to take a scholarly discourse into the trade union trajectory in Nigeria and also the legal framework regulating industrial relations in Nigeria in order to ascertain the current status of industrial relations. To do this discourse, the paper is divided into the following: conceptual clarification, history of trade unionism in Nigeria, legal framework for industrial relations in Nigeria, conclusion and recommendations.

2.0 Clarification of Terms

It is apposite to provide some contextual meanings to the major concepts in this paper, which are trade unionism and industrial relations.

2.1 Trade Unionism

An understanding of Trade Unionism must stand on the premise of the definition of a trade union. A Trade Union is defined in section 1(1) of the Trade Unions Act as:

Any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members.¹

From the Act, it is clear that a Trade Union is a body of either workers or employers, temporary or permanent, with the objects of regulating the terms and conditions of employment and will

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¹ Section 1(1) Trade Unions Act, cap. T14 LFN 2004 (undated on 31st December, 2010)

still be considered as such even if it is in restraint to trade or for purposes that do or do not include the provisions of benefits for its members. It must be stressed that by this statutory definition, the main object of a Trade Union includes the “regulating the terms and conditions of employment of workers” but not limited to that. It also includes other lawful purposes which the union rules must authorize.² It is important to note that section 40 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, provides that:

Every person shall be entitled to assemble freely and associate with other persons, and in particular may form or belong to any political party, trade union or any other association for the protection of his interests.

Being the grundnorm of Nigeria and the *fons et origo* of the country, this section of the Constitution creates the right and freedom to assemble and associate in the form of Trade Unions. This constitutional recognition is supreme to any other law in Nigeria and may only be curtailed by any law justifiable in a democratic setting. Leaning on this apex provision, section 9(2) of the Labour Act³ provides that no contract shall make it a condition of employment, that a worker shall or shall not join a trade union, or shall not relinquish membership of a trade union. It is, therefore, important to note that any contract of employment, which impugns on section 40 of the Constitution and section 9(2) of the Labour Act, is null to the extent of that inconsistency. Having seen what a Trade Union is, Trade Unionism has been described by the International Organization of Employers as an organized effort for collective bargaining aimed at improving wages and conditions.⁴ We may also add that Trade Unionism seeks to carry out the objects of a particular Trade Union with a view to meeting its set objectives. For example, Trade Unionism in the context of the Academic Staff Union of Universities (ASUU) consists of primarily advancing, protecting and promoting the welfare of academics in public universities while also ensuring the standardization of education, learning environment and matters incidental thereto. Therefore, any effort channeled into these objects, is Trade Unionism. Upon registration, a trade unions enjoys the benefits of being a legal entity, immunities from tortuous acts while carrying out certain acts like lock-outs, has the right to peaceful picketing, entitles members to nominate

² Emmanuel Ayangarumun Kenen, *Trade Union Law in Nigeria*, Bellan Press, 2025, 3.

³ Labour Act, cap. L1 LFN 2004.

⁴<https://www.wisdomlib.org/concept/trade-unionism> accessed on 19th April 2026.

dependents for death benefits. A trade union is mostly concerned with the terms and conditions of service of its members and how same can be improved upon through collective bargaining in order to arrive at a workable Collective Agreement.

2.2 Industrial Relations

This has been held to refer to all types of relations between employers and workers, be they at national, regional or company level; and to all dealings with social and economic issues, such as wage setting, working time and working conditions.⁵ It is further asserted that each industrial relations system is grounded in the national historical, economic, and political context and therefore differs from country to country. As part of industrial relations, social dialogue is fundamental for communication and information sharing; for conflict prevention and resolution; and for helping overcome work-related challenges. Social dialogue has demonstrated its potential as an instrument for democratic governance and participation; a driver for economic stability and growth; and a tool for maintaining or encouraging peaceful workplace relations.⁶

It may be convenient to state at this point that another way to describe industrial relations is in terms of collective labour law. The latter is:

...concerned with the tripartite relationship between the employer, employees and trade unions. The employer may be an individual, a corporation, or government. The law relating to collective labour originated from workers' demand for better conditions of work, and for the right to organise and bargain collectively with the employer. It represents the power play between employers' quest for maximisation of power in the governance of the workplace and workers' demand for a say in how they are governed.⁷

While trade unionism involves the efforts and drive of trade unions towards achieving their set objectives, industrial relations involve the relationship between the three stakeholders at the

⁵<https://www.ioe-emp.org/policy-priorities/industrial-relations> accessed on 19th April 2026

⁶ Ibid.

⁷ A.A. Adeogun, "From Contract to Status in Quest for Security," University of Lagos Press, 1986 Inaugural Lecture Series, 36 in Chioma Kanu Agomo, *Nigerian Employment and Labour Relations Law and Practice*, Concept Publications Ltd, 2011, 267.

workplace: employees, employers and trade unions. These interactions, whether harmonious or not, describe the industrial relations space in any country. It also describes collective labour law. It is opined that industrial relations are key for businesses because of their repercussions on the working environment and the production of goods and delivery of services. Given the differences between systems, prior to getting established in a given country, businesses have to properly study and understand the way in which industrial relations work there.⁸ It is safe to anchor on the fact that trade unionism is within the ambit of industrial relations, where, collective bargaining, collective agreements and industrial actions take place within the prism of the law.

3.0 History of Trade Unionism in Nigeria

Trade unions in Nigeria have been a movement and a progressive movement at that. It is one of those movements that have endured from the colonial era to modern day Nigeria. Its trajectory began in Nigeria in 1912 with the formation of the Nigeria Civil Service Union (NCSU) or the Southern Nigerian Civil Service Union (SNCSU)⁹ after agitations from worker groups like the Blacksmiths, Weavers, Carvers, Hunters, Potters, etc.¹⁰ Thereafter, in 1931, the Railway Workers Union and the Nigeria Union of Teachers were also formed.¹¹ It is stated that the first trade unions legislation for the colony was enacted by the colonial government and christened as the Trade Unions Ordinance No. 44 of 1938, which allowed a minimum of five workers to form a trade union¹², and which came into force on 1st April, 1939. It is noted that this Ordinance restricted the number of persons permitted to form a trade union and it led to the proliferation of trade unions, which were weak and structurally deficient and financially weak.¹³ In 1940, the Railway Workers Union made history as the first union to be registered under the new Ordinance

⁸<https://www.ioe-emp.org/policy-priorities/industrial-relations> accessed on 19th April 2026.

⁹ Emmanuel Ayangarumun Kenen (n.2) 11.

¹⁰Sam Erugo, *Introduction to Nigerian Labour Law: Contract of Employment and Labour Practice*, Princeton & Associates Publishing Co. Ltd., 2019, 7.

¹¹ Ibid.

¹² Chioma Kanu Agomo, *Nigerian Employment and Labour Relations Law and Practice*, Concept Publications Ltd, 2011, 268.

¹³ Ibid.

(the Trade Unions Ordinance).¹⁴ This legislation continued to regulate trade unions in Nigeria and was included in the Laws of the Federation of Nigeria and Lagos, 1958, as the Trade Union Ordinance, Cap. 200. After the Trade Unions Ordinance was enacted by the colonial government more agitations for better working conditions in several sectors arose and by 1945, there were registered in Nigeria ninety-seven (97) trade unions.¹⁵ The trade unions were involved in the struggles for both improved terms and conditions of work and also political liberation of Nigeria.¹⁶

The 1938 Ordinance lasted for about 35 years and was repealed by the Trade Unions Decree, No. 31 of 1973, which was enacted during the military administration and a year before the Labour Decree in 1974. The 1973 Decree imposed more stringent provisions for the registration of trade unions.¹⁷ This was expected since it was promulgated during a military dispensation in Nigeria. With the political trajectory of trade unions, any military government would seek to regulate trade unions. In 1976, it is indicated that an Administrator for Trade Unions was appointed with a mandate which included the restructuring of the then nearly 1000 trade unions in Nigeria.¹⁸ This restructuring led to the promulgation of the Trade Unions (Amendment) Act No. 21 of 1978, which among other things, reduced the number of trade unions to 70, comprising of 42 industrial unions of junior staff, 19 senior staff associations and 9 employers' associations.¹⁹ The latter Act introduced a new Third Schedule containing the list of the 70 registered unions. This Schedule was divided into two Parts: Part A and Part B and remained in the Trade Unions (Amendment) Act 1986; where Part A comprised of 42 trade unions of workers, while Part B contained the list of Senior Staff and Employers' Association.²⁰ As a typical feature of the military regime, trade unions in Part B were prohibited from affiliating with the Nigeria Labour

¹⁴ Sam Erugo (n.9)

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Chioma Kanu Agomo (n. 11)

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

Congress (NLC).²¹ This was to stifle the impact of unionism given that the trade unions listed in Part B were Senior Staff and Employers' Association by a clear 'divide-and-rule' tactic. As part of trade unionism, the Trade Unions Act 1978 was challenged in Court in *Osawe v Registrar of Trade Unions*,²² where section 3(2) of the Trade Unions Act was asserted to be in contravention of section 37 of the 1979 Constitution, which guaranteed freedom of association. The Supreme Court held, among other things, that, section 37 of the 1979 Constitution was not an absolute right and could be derogated from in accordance to section 41 of the same Constitution. In effect, the Supreme Court dismissed Osakwe's claim that section 3(2) of the Trade Unions Act of 1978 was unconstitutional.

Upon the compilation of the Laws of the Federation of Nigeria in 1990, the Trade Unions Act became known as Cap 437 Laws of the Federation of Nigeria, 1990. It is instructive to note that the 1990 Trade Unions Act has undergone several amendments. First, was the 1996 amendment, which was the Trade Unions (Amendment) Decree No. 4 of 1996, which was done to restructure the trade unions from 41 to 29 in number.²³ The second amendment was the Trade Unions (Amendment) Decree No. 26 of 1996, which was as a reaction to the several strikes that plagued the era.²⁴ To this end, the Amendment provided that deductions from wages of union members and the remittance of the sum so deducted and sent to the registered office of the trade union shall be subject to a 'no strike' clause in the relevant collective bargaining agreement between the workers and their employers.²⁵ This provision notwithstanding, strikes continued incessantly in Nigeria. The third amendment was the Trade Unions (International Affiliation) Decree No. 29 of 1996, which prohibited international affiliation by any trade union except as provided in the Decree. The Decree provided that the Central Labour Organisation could only affiliate with two international associations: Organisation of African Trade Union Unity (OATUU) and Organisation of Trade Unions of West Africa (OTUWA).²⁶ This was in contravention of Article

²¹ Ibid.

²² [1985] 4 NWLR (Pt. 4) 755.

²³ This was contained in the Third Schedule to the Act.

²⁴ Emmanuel Ayangarumun Kenen (n.2) 13.

²⁵ Ibid.

²⁶ Ibid.

5 of the International Labour Organisation (ILO) Convention No.87 on Freedom of Association and Protection of the Right to Organise ratified by Nigeria.²⁷

In 2004, the edition of the Laws of the Federation of Nigeria was reviewed and compiled with the Trade Unions Act now known as Cap T14 Laws of the Federation of Nigeria, 2004. Additionally, the Trade Unions (International Affiliation) Act survived and was listed as Cap T15 Laws of the Federation of Nigeria, 2004. Curiously though, the latter Act did not specify the international trade unions which the Central Labour Organisation or any trade union may affiliate with as was done by Decree No. 29 of 1996.²⁸ In the revised Act, a provision was made for any Central Labour Organisation seeking to join an international trade union to apply to the Minister of Labour and where same is denied, a further representation shall be made in the first instance to the Minister and subsequently a right of appeal shall lie to the National Industrial Court, were an application is rejected again. This granted wide powers to the Minister of Labour and was a polite way of refusing trade unions from affiliating with international trade unions. A further amendment of the Trade Unions Act was done in 2005, which amended the Principal Act i.e. the Trade Unions Act Cap 437, Laws of the Federation of Nigeria, 1990 while no reference was made to the 2004 Act. It was in 2010 that the 2004 Laws of the Federation of Nigeria were updated and reviewed on 31st December, 2010, hence the Trade Unions Act Cap T14. This update incorporated the provisions of the Trade Unions (Amendment) Act, 2005 into the Trade Unions Act Cap T14 Laws of the Federation of Nigeria, 2004.²⁹

Special mention must be made of section 30(1)(a)(b) of the Trade Unions Act Cap. T14 Laws of the Federation of Nigeria, 2004 provides for two or more trade unions whose members are employed in the same trade, occupation or industry, or in substantially similar trades, occupations or industries, may form a federation of trade unions, as specified under the Act. The 2005 Amendment Act took it further to provide for a Central Labour Organisation. This effectively ended the monopoly of the NLC as the only Central Labour Organisation in Nigeria

27 Article 5 of the ILO Convention No. 87 provides that: "...workers' and employers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers."

28 Emmanuel Ayangarumun Kenen (n.2) 14.

29 Ibid.

with the formation of the Trade Union Congress (TUC).³⁰ Hence, in Nigeria, there are two Central Labour Organisations: the NLC and the TUC. Both have shown promise in finding common grounds in trade unionism concerning issues of workers' welfare in Nigeria.

The history of trade unionism is the history of trade unions in Nigeria. It spans colonial, post-colonial and modern times. It is to be noted that trade unions have been dynamic to survive and weather through different periods in Nigeria's history. From the constriction of the colonial masters to the draconian military regimes to docile civilian regimes, trade unionism has proven to be an evolving movement, which has not been destroyed by different fires, though bears the scars of governmental attacks as well internal challenges.

4.0 Legal Framework for Industrial Relations in Nigeria

This segment considers some statutes which regulate aspects of industrial relations in Nigeria. While some have been highlighted in the previous segment, some will be examined in this segment.

4.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

We have in the foregone segment touched on section 40 of the Constitution, which provides for the right to freedom of association and assemble, including the right to form and join a trade union. This is constitutionally guaranteed and therefore can be enforced. However, like all the rights enshrined in the Constitution in sections 33 to 44, section 45 of the Constitution provides for the curtailment of such rights, including section 40, by any law that is "reasonably justifiable in a democratic society." This curtailment may be in furtherance of the interest of defence, public safety, public order, public morality or public health or for the purpose of protecting the rights and freedom of other persons.³¹ That being said, the fundamental legal framework for trade unions and trade unionism is the Constitution.

Particular reference must be made to the Third amendment to the Constitution of the Federal Republic of Nigeria 1999 was attested to on the 7th March, 2011.³² The Third Alteration Act,

³⁰ Chioma Kanu Agomo (n.11) 270.

³¹ See section 45(1)(a)(b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³² As Act No. 3, 2011, Federal Republic of Nigeria Official Gazette No. 20 of 7th March, 2011, Vol. 98.

2010 deals wholly and solely on labour matters. It introduces some new sections: 254A, 254B, 254C, 254D, 254E and 254F into the Constitution. It among other things elevates the status of the National Industrial Court of Nigeria (NICN) to a superior Court of record in Nigeria.³³ Thus, in the current judicial set up in Nigeria, the NICN is a superior Court of record, with exclusive jurisdiction in labour, employment and industrial relations matters and also has appellate jurisdiction in matters involving appeals from the decisions of the Registrar of Trade Unions and appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, trade unions or industrial relations.³⁴ This was made possible by the provisions of the grundnorm of the land, which now supersedes any other law in force.

4.2 Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004

The Labour Act consists of ninety-two (92) sections. It is the major or main enactment which regulates labour law in Nigeria. It commenced on the 1st of August, 1971 and was amended in 1974. It is indeed an old enactment. It is divided into four (IV) Parts; Part I deals with general provisions as to protection of wages, contracts of employment and terms and conditions of employment.³⁵ Part II, covers recruiting of labour and recruiters generally.³⁶ In Part III, special classes of workers like apprentices, women, young persons and domestic servants, are provided for.³⁷ The final Part of the Labour Act (IV) then handles supplemental and miscellaneous matters.³⁸

³³ See section 6(5)(cc) and 254A(1) of the Constitution.

³⁴ See section 254C(1)(i) and (ii) of the Constitution. For example, an appeal may lie against a decision of the Nigerian Social Insurance Trust Fund (NSITF) Board under section 55(4) of the Employees Compensation Act, 2010.

³⁵ See sections 1-22 of the Labour Act.

³⁶ See sections 23-48 of the Labour Act.

³⁷ See sections 49-74 of the Labour Act.

³⁸ See sections 75-92 of the Labour Act.

It has been observed and rightly so, that the Labour Act is outdated and needs to be updated to reflect current realities.³⁹ This cannot be far from the truth. We have two examples herein: in section 80 of the Labour Act which deals with jurisdiction to entertain any matter arising from the provisions of the Act, a Magistrate's Court or a District Court, is vested with such jurisdiction. This position is now obsolete vis-à-vis the provisions of the Third Alteration Act, 2010. Second, the fines imposed on defaulters are not in tandem with current realities.⁴⁰

4.3 Trade Disputes Act, Cap. T8, Laws of the Federation of Nigeria, 2004

The Trade Disputes Act (TDA) is another labour legislation which seeks to prescribe and regulate trade disputes in Nigeria. It commenced on the 1st January, 1976. It has been amended in 1977,⁴¹ 1988⁴² and 1992.⁴³ The TDA was made up of six (VI) Parts but is now five (V) Parts due to the repeal of Part II, which deals with the National Industrial Court⁴⁴. Part I, deals with the procedure for settling trade disputes.⁴⁵ Part II, has been repealed and it encompassed sections 20-32. Part III, handles matters regarding the Board of Inquiry.⁴⁶ Part IV provides for supplemental provisions for statutory bodies and institutions for the resolution of trade disputes like the Arbitration Panels and Boards of Inquiry.⁴⁷ Part V, covers the applicability of the TDA

³⁹Onuegbu, H. "ILO Conventions and The Nigerian Labour Laws"; available at FILE:///C:/USERS/USE/DOWNLOADS/ILO_CONVENTIONS_AND_THE_NIGERIA_LABOUR_LAW.PDF. Accessed on 22nd March, 2022, 13.

⁴⁰ See for instance section 72 of the Labour Act which prescribes the sum of ₦1,000.00 for employment agencies who violate procedures and also ₦500.00 for any employer who so violates.

⁴¹ No. 54 of 1977.

⁴² No. 39 of 1988.

⁴³ No. 47 of 1992.

⁴⁴ Repealed by No. 37 of 2006. This was pursuant to the National Industrial Court Act, 2006.

⁴⁵ See sections 1-19 of the TDA.

⁴⁶ See sections 33-34 of the TDA.

⁴⁷ See sections 35-39 of the TDA.

to the respective States of the federation and other supplemental provisions.⁴⁸ Then Part VI handles miscellaneous and general provisions.⁴⁹

As far as the NICN is concerned, the TDA is its progenitor. The NICN was actually established in 1976 but took off in 1978. The history of the NICN, begins with the promulgation of the Trade Disputes Decree.⁵⁰ The court was a child of necessity as the military government of the time, sought to encourage foreign investments in the Nigerian economy and the need to assure such eventual investors that there was an efficient mechanism for judicially resolving disputes in the workplace.⁵¹

This was also accentuated by the proliferation of trade dispute cases in the regular courts which were not suited to handle such cases due to strict legalism of the common law and this caused unprecedented delays in resolving industrial disputes with the attendant negative impact on the Nigerian economy.⁵² In order to solve the above problems, the then military government established the National Industrial Court in 1976. The Decree was subsequently included in the 1990 edition of the Laws of the Federation of Nigeria.⁵³ The Trade Disputes Act witnessed a dramatic course of direction which led to its amendment in 1992. The 1992 amendment was occasioned by the case of *Western Steel Works v Iron and Steel Workers Union*.⁵⁴ In that case, the Supreme Court of Nigeria, held that the NICN was an inferior court which could not grant injunctive and declarative reliefs. This meant that it had no original jurisdiction and that its role was merely interpretative and to carry out reviews from the Industrial Arbitration Panel (IAP). That decision also subjected the decisions of the NICN to the review of a High Court of a State or the Federal Capital Territory.⁵⁵

⁴⁸ See section 40 of the TDA.

⁴⁹ See sections 41-52 of the TDA.

⁵⁰ No. 7 of 1976.

⁵¹ Bamidele, A. *Law and Practice of the National Industrial Court* (Hebron Publishing Co. Ltd., 2013) p.1-2.

⁵² Ibid, p.2.

⁵³ Cap. 432.

⁵⁴ (1987) 1 NWLR (PT. 49) 284.

⁵⁵ Bamidele, (n53) p.3.

In reaction to the *Western Steel's* case, the military government promulgated the Trade Disputes (Amendment) Decree.⁵⁶ With this amendment, the NICN enjoyed a period of reprieve during the military regime since military decrees were paramount in the hierarchy of laws in Nigeria. In recognition of the Trade Disputes (Amendment) Decree, the Supreme Court of Nigeria in *F.C Udoh & Ors v Orthopaedic Hospitals Management Board & Anor*⁵⁷, held that,

By virtue of section 1A of the Trade Disputes (Amendment) Decree No. 47 of 1992 no action relating to trade disputes, whether intra or inter union dispute, can be commenced in a court of law. As from the commencement of the Decree on 1st January, 1992, the jurisdiction of courts in respect thereof is ousted. Also, actions pending in court as at the 1st January, 1992 will abate and be null and void.⁵⁸

Interestingly, the foregone case affirmed the exclusive jurisdiction of the NICN to hear and determine trade disputes and inter and intra-union disputes by ousting the jurisdiction of any other court on Nigeria i.e. as it relates to original jurisdiction. However, when the Fourth Republic set in on 29th May, 1999, two important things happened to the NICN. The first was the retention of the Trade Disputes (Amendment) Decree No. 47 of 1992 as an Act of the National Assembly.⁵⁹ Second, since the Trade Disputes (Amendment) Act was now recognised as an Act of the National Assembly, some of its provisions were challenged in court. Thus, in *A.G Oyo State v Nigeria Labour Congress*⁶⁰, the Court of Appeal, Ibadan Division held:

The conferment of exclusive jurisdiction over trade dispute matters on the National Industrial Court under the Trade Disputes Act, is unconstitutional being in conflict with the provisions of sections 1 (1), (3), 6 (6) (b), 251, 272 & 315 of the Constitution of the Federal

⁵⁶ No. 47 of 1992; which commenced on 1st January, 1992.

⁵⁷ (1993) 7 NWLR (PT. 304) 139.

⁵⁸ P. 148, paras. B-C.

⁵⁹ By virtue of section 315 of the Constitution.

⁶⁰ (2003) 7 NWLR (PT. 821) 1.

Republic of Nigeria, 1999. The combined effect of the sections is that the State High Court has concurrent jurisdiction in trade dispute matters with the National Industrial Court or other courts established under the Trade Disputes Act, (as amended).⁶¹

This decision restored the old system where the NICN, though a court with exclusive jurisdiction in labour and trade related matters, its decisions were still subject to review by the State High Court or the High Court of the Federal High Court. It did not still have original jurisdiction to entertain labour and trade related matters and to give injunctive and/or declaratory orders/reliefs. This was further compounded with respect, when the Supreme Court in February 24th 2010 in the case of *N.U.E.E v B.P.E*⁶², held as follows:

...It means therefore that by Decree No. 47 of 1992 arrogating to the National Industrial Court or superior court of record does not by that token make the National Industrial Court a superior court of record without due regard to amendment of the provision of section 6 (3) and (5) of the 1999 Constitution which listed the only superior courts of record recognised and known to the 1999 Constitution and the list does not include the National Industrial Court. Until the Constitution is amended it remains a subordinate court to the High Court. The implication of conferring exclusive jurisdiction in trade disputes on the National Industrial Court is to exclude the wide powers of the State High Court thus causing the conflict between Decree No. 47 and section 272 of the 1999 of the 1999 Constitution and any inconsistency with section 272 of the 1999 Constitution in that regard is void to the extent of the inconsistency. Consequently, Decree No. 47 is null and void being inconsistent with section 272 of the 1999 Constitution.⁶³

⁶¹ P. 35, paras. D-G, per Onalaja, JCA.

⁶² (2010) 7 NWLR (PT. 1194) 538.

⁶³ P. 570, paras. C-F, Pp.571-572, paras. F-E.

Based on the above decision, the fact that in 2006, the National Assembly duly passed the National Industrial Court Act⁶⁴ (hereinafter referred to as “NICA”), which was an “Act to provide for the Establishment of the National Industrial Court as a Superior Court of Record; and for related matters,”⁶⁵ the NICN did not still achieve the status intended of it by the 2006 Act. As held by the Supreme Court in *N.U.E.E v B.P.E*’s case, “*Until the Constitution is amended it remains a subordinate court to the High Court.*”⁶⁶ Furthermore, the apex court held that the jurisdiction of the State High Court as conferred by the Constitution can only be curtailed or abridged or even eroded by the Constitution itself and not by an Act or Law respectively of the National Assembly or of a State House of Assembly.⁶⁷

The effect of this decision by the Supreme Court in *N.U.E.E v B.P.E*’s case is that, not even the enactment of the NICA in 2006 by the National Assembly, cured the inferiority status of the NICN viz-a-viz the State High Court or the High Court of a Federal High Court. Despite the import of this decision, the Supreme Court gave clue as to how this situation would be addressed when it said that, “*Until the Constitution is amended...*” The brief history of the NICN reveals that from 1976 when the Trade Dispute Decree was promulgated till 24th February, 2010, the NICN was regarded as a court of inferior status to the State High Court or the High Court of the Federal Capital Territory. Within the period under review (1976-2010), the NICN only had interpretative powers in trade dispute and could hear appeals from the Industrial Arbitration Panel (IAP) but could not grant injunctive and declarative reliefs/orders.

Like the Labour Act, TDA is also outdated and requires to be brought in conformity with current happenings in the world of work. The current Act is a product of the military regime, which has been enforced by anti-labour civilian administrations. The essence of trade disputes and their resolution should be the essence of the Act and not the shutting down of labour agitations and dissent. Additionally, when the TDA is put side by side the relevant ILO Conventions i.e. the Freedom of Association and Protection of the Right to Organise Convention, (No. 87) of 1948

64 No. 1 of 2006; which commenced on the 14th June, 2006.

65 The Long Title to the National Industrial Court Act, 2006.

66 Supra.

67 Supra.

and Right to Organise and Collective Bargaining Convention, (No. 98) of 1949, the TDA is not only outdated, but not in tandem with the global practice of trade dispute.

4.4 Trade Unions Act, Cap. T14, Laws of the Federation of Nigeria, 2004

From its name, this legislation provides for and regulates the formation and operations of Trade Unions in Nigeria. It commenced on the 1st day of November, 1973.⁶⁸ The Trade Unions Act (TUA) comprises of five (IV) Parts which cover fifty-six (56) sections. Part I, handles provisions regarding the registration of trade combinations and trade unions.⁶⁹ Parts II and III, cover federations of trade unions.⁷⁰ The accounts and returns of registered bodies are governed under Part IV.⁷¹ Lastly, Part IV provides for miscellaneous and general matters like peaceful picketing, the Registrar of Trade Unions, etc.⁷² It has undergone several amendments: 1978⁷³, 1979⁷⁴, 1989⁷⁵, 1991⁷⁶, 1996⁷⁷, 1999⁷⁸ and 2005.⁷⁹ The last amendment, coming over eighteen (18) years ago, surely calls for overhaul and re-working for proper regulation of trade unions. In the work of work, there is a move towards democratisation and liberalisation to ensure effective participation and freedom to work. The TUA is a draconian legislation from the military era which is used now to frustrate trade unionism in Nigeria.

A juxtaposition of the TUA and the relevant ILO Conventions i.e. the Freedom of Association and Protection of the Right to Organise Convention, (No. 87) of 1948 and Right to Organise and

⁶⁸ No. 31 of 1973.

⁶⁹ See sections 1-29 of the TUA.

⁷⁰ See sections 30-36 of the TUA.

⁷¹ See sections 37-42 of the TUA.

⁷² See sections 43-56 of the TUA.

⁷³ No. 22 of 1978.

⁷⁴ No. 86 of 1979.

⁷⁵ No. 25 of 1989.

⁷⁶ No. 1 of 1991.

⁷⁷ No. 26 of 1996.

⁷⁸ No. 1, Third Schedule of 1999.

⁷⁹ No. 17 of 2005.

Collective Bargaining Convention, (No. 98) of 1949, reveals the shortcomings of the TUA in terms of the right to organise and collective agreements. In Nigeria, there exists several collective agreements between government and trade unions, but which have been violated and/or deliberately avoided by the government. A case in hand is the ASUU/Federal Government of Nigeria 2009 Agreement, which was re-negotiated after 16years and a new Collective Agreement signed sometime in January, 2026.

4.5 Industrial Arbitration Panel

The Industrial Arbitration Panel (IAP) was created under the Trade Dispute Decree No. 7 of 1976. The panel is charged by section 9 (1) of the Trade Dispute Act with the responsibility of arbitration on Industrial dispute between employers and employees inter and intra union disputes upon referral by the Honourable Minister of Labour and Employment. The Minister of Labour and Employment acts as a supervising body to the panel and the panel can only arbitrate on matters referred to it by the Minister of labour and productivity. Here lies the problem with the IAP, it is an executive body with quasi-judicial powers. It is being supervised by the Minister of Labour and Employment. This accounts for its docility and near irrelevance in the industrial relations space.

The IAP's jurisdiction covers both public and private sectors. The TDA provides that the IAP shall consist of a Chairman, the Vice Chairman and not less than 10 other members all of whom shall be appointed by the minister. Out of the 10 members, 2 shall be persons nominated by organizations appearing to the Minister as representing the interest of the workers.⁸⁰By sub-section (3), the subject-matter of the dispute determines the Panel to be constituted. An arbitration tribunal may consist of a sole arbitrator selected from among the members of the Panel by the chairman or a single arbitrator selected from among the members of the Panel by the chairman and assisted by assessors appointed in accordance with the Act of one of more arbitrators nominated by or on behalf of the employers concerned and an equal number of arbitrators nominated by or on behalf of the workers, all nominations being made from among the members of the Panel, and presided over by the chairman or vice chairman.⁸¹

⁸⁰ Section 9(1)(2) of the Trade Disputes Act.

⁸¹ Section 9(4)(a)-(c) of the Trade Disputes Act.

Section 13(1) of the TDA states that the tribunal shall make its award within twenty-one (21) days of its constitution and where any party is dissatisfied with such an award of the tribunal and submits or files a notice of objection to the Minister thereto and same is within the time and manner prescribed under the Act, the Minister shall forthwith refer the dispute to the NICN.⁸² The award of the NICN shall be binding on the employers and workers to whom it relates.⁸³ The Minister's power to refer any unresolved dispute from the IAP to the NICN is not only the powers he enjoys. The Minister, may, notwithstanding anything provided for in the Act, make an application to the NICN for a decision of that Court as to the interpretation of any term or provisions of a Collective Agreement.⁸⁴ This power is also vested on any party to a Collective Agreement. It should be noted that this direct application to the NICN is restricted to the interpretation of any term or provisions of a Collective Agreement. The Minister's powers to refer a dispute to the NICN at first instance also extend to cases where the dispute is one to which workers employed in any essential service are a party or where in the circumstance of the case reference of the dispute to an arbitrator would not be appropriate.⁸⁵ This was one of the issues raised in the case of *Federal Government & Anor v Academic Staff Union of Universities (ASUU)*,⁸⁶ This power is exercisable by the Minister within 7 days of the receipt by him of a report under section 8(5) of the Act. However, some pertinent issues arise: first, what determines the appropriateness or otherwise of a dispute to the Panel? Second, this party is only enjoyable by the Minister and not the other party like it is provided for under section 16 of the same Act. Third, what does it mean to "refer" to the NICN? Whilst section 16 specifically states that an application shall be made to the NICN by the Minister, section 17 is rather ambiguous in terms of what such reference means.

On the enforceability of the award of the IAP, it is noted that in itself, it does not seem likely to be executed. This may be the reason for refer to the NICN for more judicial clout. For example,

⁸² Section 14(1) of the Trade Disputes Act.

⁸³ Section 14(2) of the Trade Disputes Act.

⁸⁴ Section 16(1) of the Trade Disputes Act.

⁸⁵ Section 17(a)(b) of the Trade Disputes Act.

⁸⁶ Unreported in Suit No. NICN/ABJ/270/2022, judgment of which was delivered on 28th March, 2023.

in *National Union of Non-Metallic Products Workers v Management of Glaxo (Nig) Ltd.*⁸⁷ the Defendant refused to obey the orders of the IAP. This may be hinged on the fact that there is delay in the IAP delivering its award. This is because the award is first forwarded to the Minister who may delay in communicating it to the parties. It is noted that the Minister has and wields enormous and wide powers under the TDA and in the processes and procedures of the IAP. This makes the Minister an interested party and runs contrary to one of the tenets of natural justice: *nemo judex in causa sua* (one cannot be a judge in his own cause). Having examined the IAP thus far, it is pertinent to state that its functionality and operations are not felt publicly. This may be due to the elevation and role of the NICN under the Third Alteration Act, 2010.

4.6 National Industrial Court Act, 2006

As discussed earlier⁸⁸, the NICN has a chequered history. A legislation that sought to elevate the status of the NICN, was the National Industrial Court Act, 2006 (NICA). It commenced on the 14th June, 2006. From its long title, the major intendment of the drafters of this legislation was to establish the NICN as a superior court of record in Nigeria. The NICA is an enactment with fifty-four (54) sections divided into six (VI) Parts. Part I, deals with the constitution of the NICN⁸⁹ while Part II, handles matters of jurisdiction and law applicable to the NICN.⁹⁰ Part III, covers issues pertaining to the sitting and distribution of business of the Court.⁹¹ The general provisions as to trial and procedure are under Part IV.⁹² In Part V, we find matters relating to the power of the Court to make Rules.⁹³ Finally, Part VI covers miscellaneous matters including the interpretation section.⁹⁴

⁸⁷ IAP/L201/87.

⁸⁸ Under the Trade Dispute Act.

⁸⁹ See sections 1-6 of NICA.

⁹⁰ See sections 7-20 of NICA.

⁹¹ See sections 21-27 of NICA.

⁹² See sections 28-35 of NICA.

⁹³ See section 36 of NICA.

⁹⁴ See sections 37-54 of NICA.

As laudable as NICA was upon its enactment, its effectiveness was hampered because at that time the NICN was still a Court of inferior status. So, actually, NICA came alive with the coming of the Third Alteration Act, 2010. Amucheazi and Abba, spotted two major impediments to the realization of NICA. First was the non-inclusion of the NICN in the 1979 and 1999 Constitutions.⁹⁵ Second, there was lack of direct access to the NICN by disputing parties, except upon the referral of the Minister of Labour. We cannot but agree to these submissions.⁹⁶ Under NICA, an interesting provision pertaining to its jurisdiction was captured. Section 7(6) NICA provides thus:

The Court shall, in exercising its jurisdiction or any powers conferred upon it by this Act or any other enactment or law, have due regard to good or international best practice in labour or industrial relations and what amounts to good or international best practice in labour or industrial relations shall be a question of fact.

It has therefore been submitted that the Court [NICN] also has the mandate to apply international best practices in arriving at its decisions. This presupposes that there is a global or universal consensus that some workplace practices, have acquired the status of, or become recognised as best practices in employment and labour relations.⁹⁷ Thus, principles of freedom of association, and the right of workers to self-organisation and collective bargaining, gender equality, protection of children etc., have all become globally recognised standards in labour and employment circles.⁹⁸ Even before the Third Alteration Act, 2010, there was a move toward the application of international labour standards in Nigeria. Like we stated earlier, though this was hamstrung by the inferior status of the NICN at that time, it was still a welcome development as far as Nigerian labour jurisprudence was concerned. Good and international best practice in labour and industrial relations, is now part and parcel of the Nigerian legal landscape, courtesy of

⁹⁵Amucheazi Offornze and Abba Paul, *The National Industrial Court of Nigeria: Law, Practice and Procedure*, Top Design, 2013, 51.

⁹⁶ Ibid.

⁹⁷Atilola Bimbo, *Recent Developments in Nigerian Labour and Employment Law*, Hybrid Consult, 2017, 5.

⁹⁸ Ibid.

NICA. It is noteworthy that the Third Alteration Act, 2010, not only saved the provision of section 7(6) NICA but activated the latter section to apply properly at the NICN.

4.7 Judicial Attitude

As mentioned earlier, the National Industrial Court of Nigeria (NICN), by virtue of the Third Alteration Act, 2010, is the Court empowered with exclusive jurisdiction to entertain labour and industrial matters in Nigeria. In doing so, section 254C(1) empowers the NICN to apply international labour standards (Conventions, Treaties, Protocols and Recommendations), which Nigeria has ratified. This provision alters section 12 of the Constitution, which provides that any treaty between Nigeria and another nation or international organization must be domesticated i.e. passed into law by the National Assembly before it becomes applicable in Nigeria.

Now, we consider two recent and seemingly controversial cases determined by the NICN. They are *Federal Government & Anor v Academic Staff Union of Universities (ASUU)*⁹⁹ and *Academic Staff Union of Universities v Minister of Labour and Employment & 3 Ors.*¹⁰⁰ In *Federal Government & Anor v Academic Staff Union of Universities (ASUU)*,¹⁰¹ the NICN had reason to examine the powers of the Federal Minister of Labour and Employment under section 17 of the Trade Disputes Act (TDA) Cap. T8, LFN 2004 and challenge the prolonged strike embarked upon by ASUU. In its referral to the Court, the Honourable Minister of Labour and Employment, alluded to section 43 of the TDA and International Labour Principles on the Rights to Strike and the decisions of the ILO Committee on Freedom of Association. In affirming the validity and legality of the Claimants' referral to the Court, the Court referenced paragraphs 456 and 457 of ILO's Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association (International Labour Office: Geneva), 2018, 6th Edition, which document acknowledged that an appeal should lie to the courts against any administrative decision concerning the registration of a trade union. Therefore, the referral by the Minister to the Court in the instant dispute accords with ILO jurisprudence.

⁹⁹ Unreported in Suit No. NICN/ABJ/270/2022, judgment of which was delivered on 28th March, 2023.

¹⁰⁰ Unreported in Suit No. NICN/ABJ/336/2022, judgment of which was delivered on 25th July, 2023.

¹⁰¹ *Supra*.

In *Academic Staff Union of Universities v Minister of Labour and Employment & 3 Ors.* (supra), the Claimant contended that the 1st and 2nd Defendants (Minister of Labour and Employment and Registrar of Trade Unions, respectively), were in violation of extant provisions of the Trade Unions Act and the Constitution for registering the Congress of Nigerian University Academics (CONUA) and the Nigerian Association of Medical and Dental Academics (NAMDA). In its decision, the Court again had recourse to ILO Instruments as follows:

Section 254C(1)(f) and (h), and (2) of the 1999 Constitution and section 7(6) of the National Industrial Court (NIC) Act 2006 permits this Court to, when adjudicating, apply international best practices in labour and the Treaties, Conventions, Recommendations and Protocols on labour ratified by Nigeria. The claimant did not address its mind to this point. The Supreme Court had as far back as 2000 in two concurring judgments of Achike, JSC and Uwaifo, JSC in *Abacha & ors v. Fawehinmi* [2000] LPELR-14(SC); [2000] 6 NWLR (Pt 660) 228 respectively held that “conventions and treaties create rights and obligations not only between Member States themselves but also between citizens and Member States and between ordinary citizens”; and that “the spirit of a convention or a treaty demands that the interpretation and application of its provisions should meet international and civilized legal concepts... concepts which are widely acceptable and at the same time of clear certainty in application”. Additionally, by section 19(d) of the 1999 Constitution, the foreign policy objectives of Government include the respect for international law and treaty obligations. Accordingly, section 254C(1)(f) and (h), and (2) of the 1999 Constitution and section 7(6) of the National Industrial Court (NIC) Act 2006 merely keep faith with section 19(d) of the 1999 Constitution.

Additionally, the Court then held that the claim of the Claimant had to fail in relation to the ILO doctrine of trade union plurality. It held that:

From all of this, the generally accepted principle by ILO is trade union plurality. But if the workers or employers so wish, the decision being theirs, they can settle for trade union monopoly. Paragraphs 478 to 501 then go on to espouse on this principle of trade union plurality relative to the principle of trade union monopoly. And so statutory (including constitutional) provisions prohibiting the creation of more than one trade union for a given occupation or economic category (paragraph 478) or a law which does not authorise the establishment of a second union in an enterprise (paragraph 481) or require a single union for each enterprise, trade or occupation (paragraph 482), the prevention of two enterprise trade union coexisting (paragraph 480), all fail to comply with Article 2 of Convention No. 87. So, “while it may generally be to the advantage of workers to avoid a multiplicity of trade union organizations, unification of the trade union movement imposed through state intervention by legislative means runs counter to the principle embodied in Articles 2 and 11 of Convention No. 87...” (paragraph 485). Additionally, “while it is generally to the advantage of workers and employers to avoid the proliferation of competing organizations, a monopoly situation imposed by law is at variance with the principle of free choice of workers’ and employers’ organizations”. (paragraph 486). By paragraph 487, “unity within trade union movement should not be imposed by the State through legislation because this would be contrary to the principles of freedom of association”. Trade union unity voluntarily achieved should not be prohibited and should instead be respected by public authorities (paragraph 498). ILO feels strongly about trade union pluralism that in paragraph 492, it is stated thus: The Committee has suggested that a State should amend its legislation so as to make it clear that when a trade union already exists for same employees as those whom a new trade union seeking registration is organizing or is proposing to organize, or the fact that the existing union holds a bargaining

certificate in respect of such class of employees, this cannot give rise to objections of sufficient substance to justify the registrar in refusing to register the new union.

With the greatest respect to my Lord, we observe that the basis of the latter decision was reliance on International Labour Standards exclusively. If my Lord had probably considered constitutional, statutory, case law and even Article 8 of the said Convention 87 on the subject matter, the decision would have been different. To start with, section 5(1) of the Trade Unions Act¹⁰² clearly provides for the procedure for the registration of a trade union. The latter section is backed by section 45 of the 1999 Constitution, which states that nothing in the constitution shall invalidate any law that is reasonably justifiable in a democratic society, among other exceptions. Among the sections so exempted is section 40 of the 1999 Constitution, which provides for freedom of association, into which the formation of trade unions falls under.

It therefore means that section 40 has been saved by section 45; this further implies that section 40 supports section 5(1) of the Trade Unions Act. The latter section is clear about the procedure for the formation of a trade union. We submit with respect that this was not considered by my Lord in the resolution of that dispute. From available records, there is nowhere that both CONUA and NAMDA complied with the laid down procedure in section 5(1) of the Trade Unions Act. Chief among the procedure is the requirement that a public Notice or publication of the prospective trade union be made by the Registrar of Trade Unions within three (3) months for public scrutiny and objections if any. Importantly, Article 8(1) of Convention 87 provides that in the application of the Convention to domestic cases, respect shall be had for the law of the land. What is the law of the land? This brings into fore section 5(1) of the Trade Unions Act. When there is procedural error or omission, we expect that the NICN should have nullified the process of the registration of the two unions and withdrawn their certificates. Article 8(2) of the Convention then provides that the law of the land shall not “impair” the application of the Convention. In this case, the application of Convention 87 by the NICN without recourse to section 5(1) of the Trade Unions Act, amounted to side-stepping domestic legislation and super-imposing International Labour Standards, which did not work justice in the circumstances.

¹⁰² Cap T14 Laws of the Federation of Nigeria 2004.

Coming to existing case law on the issue of registration of a trade union, the timeless and evergreen decision on *Osawe v Registrar of Trade Unions*¹⁰³ is relevant. Apart from appraising the right to join and form a trade union, the Court held that the exercise of the right to join and form a trade union is restricted by the same Trade Unions Act, which provides that the right does not extend to the proliferation and duplication of unions and efforts in places where they already exist.¹⁰⁴ In the case under review, i.e. *Academic Staff Union of Universities v Minister of Labour and Employment & 3 Ors.*¹⁰⁵, the two unions that were registered: CONUA and NAMDA, emanate from the university system, where the Academic Staff Union of Universities (ASUU) already exists to cater for the needs of academic staff. This amounts to duplication and proliferation in the university system which the Trade Union Act prohibits. Granted that the decisions referred herein were pre-Third Alteration Act, however, the NICN should have offered a distinction before proceeding to hold as it did.

From the above cited cases and others, it is safe to say that the NICN has radically shifted to over-reliance or over-dependence on ILO Instruments in its dispute resolution efforts in Nigeria. This is the new normal as far as labour law jurisprudence is concerned. This is aptly captured in the words of Kanyip, thus: “*A general look, therefore, at the decisions of the NICN will show a greater reliance on literature emanating from the ILO.*”¹⁰⁶ It would therefore seem that the transition of the NICN from a court of inferior record to one of global relevance has not been smooth. What is not in doubt however is the role of the NICN in setting the labour agenda in Nigeria, recently, using its constitutional powers to apply ratified ILO Instruments in its dispute resolution strides.

5.0 Conclusion

¹⁰³Supra.

¹⁰⁴See sections 3(2) and 5(4) of the Trade Unions Act. This was upheld by the NICN in the cases of *PERESSA v SSACGNOC (2009) 14 NLLR (part 39) 306* and *NCSU v ASCSN (2004) 1 NLLR (part 3) 429*.

¹⁰⁵Supra

¹⁰⁶Kanyip, B. ‘The Changing Face of Nigerian Labour Law Jurisprudence and What Employers Need to Know’, being a discussion paper presented at the Perchstone & Graeys Labour Law Emerging Trend Seminar on Labour Law and Emerging Trends, which held at the Penthouse, Perchstone & Graeys, No. 1, Perchstone & Graeys Close, off Remi Oloyude Street, off Lekki Epe Expressway, Lagos, 7th April, 2016, 3.

The paper set out to examine the history of trade unionism and the legal framework for industrial relations in Nigeria. The paper has been able to trace the development and evolution of the trade unions movement in Nigeria during the colonial, post-colonial, military and civilian dispensations. This trajectory has produced a vibrant, formidable and impactful trade unions movement in Nigeria. Trade unionism is not a perfect engagement like any other human enterprise; there is always room for improvement. The paper also reviewed some relevant laws to trade unionism in Nigeria. A common thread is that the laws are obsolete and archaic. They cannot support modern and contemporary trade union practice. There is therefore the urgent need to overhaul our laws relating to trade unionism and align them with international labour best practices. Some cases were highlighted to buttress the points made like the *Federal Government & Anor v Academic Staff Union of Universities (ASUU)*.¹⁰⁷ A work like this will definitely elicit some recommendations, which could be multi-faceted, considering the issues discussed. A few are highlighted herein under.

1. There is an urgent need for contemporary legislation on trade unions and industrial relations in Nigeria. A good place to start such this statutory revolution is from international labour standards applicable to trade unionism and industrial relations as well as international best practices relating thereto. This will ensure modern practice in industrial relations and put to rest the colonial and military vestiges in the laws regulating industrial relations in Nigeria. It is regrettably noted that still pending at the National Assembly are Bills like the Bill for an Act to Establish Labour Institutions, a Bill for an Act to Amend the Labour Act, a Bill for an Act to repeal the National Directorate of Employment Act, a Bill for an Act to repeal the Factories Act and enact the Occupational Safety and Health in Workplaces Act, a Bill for an Act to amend the Nigeria Social Insurance Trust Fund Act and to provide for Social Security/Protection for all categories of workers, the unemployed and aged without discrimination. If passed, these would greatly change the labour, employment and industrial relations landscape in Nigeria. Also, changes in industrial relations laws should intentionally curb the wide and enormous powers exercisable by the Minister of Labour and Employment to ensure a fair system.

¹⁰⁷Supra.

2. Trade unions should introspectively gauge their performance in the light of delivery of results according to the objects of the trade unions. Trade unionists should ensure that the objects of a trade union are effectively carried out despite the hurdles and challenges faced. The only justification for the existence of a trade unions is for the purposes it was formed. The realization that trade unions are people-oriented and sometimes the only viable medium to engage on behalf of the voiceless, should guide and direct trade unions to stand for what they are formed for.
3. Governmental interference should be discouraged. The modern world of work requires mutuality in governance. Social justice above dictatorial whims characterise the work space in modern times. Whilst the role of government in law making and social protections is welcome, undue interference with trade unions activities should be discouraged. A case in point is the *Tricycle Owners Association of Nigeria v. Federal Ministry of Labour and Employment & Anor.*¹⁰⁸, where the NICN emphatically held that a purported regulation from the Federal Ministry of Labour and Employment, seeking to regulate the affairs of the Claimant by dissolving the duly elected officers of the Claimant and appointing a Caretaker Committee, violated the extant provisions of ILO Convention No. 87, which Nigeria ratified on 17th October, 1960.
4. Judicial circumspection, especially by the NICN is required. The NICN is bridging the gap between the old labour, employment and industrial relations guard and the contemporary labour regime. The NICN is achieving this under the auspices of the Third Alteration Act, 2010. However, as noted in the *Federal Government & Anor. vs. Academic Staff Union of Universities (ASUU)*¹⁰⁹case, the application of international labour standards and best practices should be done cautiously. Hopefully, when a more robust legal regime for labour law is enacted in Nigeria, recourse to some international labour standards will reduce.

¹⁰⁸ Unreported in Suit No. NICN/ABJ/216/2022, judgment of which was delivered on 17th January, 2023.

¹⁰⁹Supra.