

# WAGES BOARDS AND INDUSTRIAL COUNCIL ACT

## ARRANGEMENT OF SECTIONS

### *Industrial wages boards*

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## WAGES BOARDS AND INDUSTRIAL COUNCIL ACT

### An Act to provide for the establishment of a National Wages Board and Area Minimum Wages Committee for States and for Joint Industrial Councils for particular industries.

[1973 No. I. L.N. 55 of 1974.]

[1st October, 1974]

[ Commencement.]

#### *Industrial Wages Boards*

##### **1. Establishment of industrial wages boards**

(1) The Minister may by order direct that an industrial wages board be established to perform, in relation to the workers described in the order and their employers, the functions specified in the subsequent provisions of this Act, if he is of the opinion that wages are unreasonably low or that no adequate machinery exists for the effective regulation of wages or other conditions of employment of those workers:

Provided that no such order shall be made in respect of local government workers.

(2) The Minister shall, in any order establishing an industrial wages board under this section, determine the area with respect to which the board may exercise any of its powers and perform any of its duties.

##### **2. Exercise of powers in the States**

(1) If and so long as no order by the Minister subsists under section 1 the appropriate authority in a State may, after consultation with the Minister, make an order within the State to the like extent and subject to the same conditions as an order of the Minister under that section, and the appropriate authority may make such an order in respect of local government workers in the State.

(2) If and so long as an order of the appropriate authority under subsection (1) of this section subsists, the Minister shall not make an order for the establishment of an industrial wages board in the State as prescribed by section (1) of this Act.

(3) The appropriate authority for a State shall be the Governor or such member of the Executive Council of the State as may be appointed by order of the Governor to be the appropriate authority for the purposes of this section.

(4) Where the appropriate authority in a State is enabled to exercise powers under this section, the expressions "Minister" and "Federal *Gazette*" in sections 3 to 15 of this Act shall be construed as references to the appropriate authority and the State *Gazette*, respectively.

### **3. References to commission of inquiry**

Without prejudice to section 1 of this Act, the Minister, if he is of the opinion that wages are unreasonably low or that no adequate machinery exists for the effective regulation of wages or other conditions of employment of any workers, may refer to a commission of inquiry the question whether an industrial wages board should be established with respect to any of those workers and their employers.

### **4. Procedure of commission of inquiry**

(1) Where the Minister refers to a commission of inquiry under section 3 of this Act the question whether an industrial wages board should be established, and the commission is of opinion with respect to the workers with whom it is concerned-

- (a) that wages are not unreasonably low; or
- (b) that there exists adequate machinery for regulating the wages or other conditions of employment of those workers, and that there is no reason to believe that the machinery is likely to cease to exist or cease to be adequate for that purpose, the commission shall report to the Minister accordingly and may include in its report any suggestions which it may think fit to make as to the improvement of that machinery.

(2) Where any such suggestions are so included, the Minister may take such steps as appear to him to be expedient and practicable to secure the improvements in question.

(3) If the commission is of opinion with respect to the workers with whom it is concerned that-

- (a) wages are unreasonably low; or
- (b) adequate machinery for regulating the wages or other conditions of employment does not exist; or
- (c) existing machinery is likely to cease to exist or cease to be adequate for that purpose,

and that as a result reasonable standards of wages or other conditions of employment are not being or will not be maintained, the commission may make a report to the Minister accordingly and may include in its report a recommendation (in this Act referred to as "an industrial wages board recommendation") for the establishment of an industrial wages board in respect of those workers and their employers.

(4) Where the Minister receives an industrial wages board recommendation, he may, subject to this Act, if he thinks fit, make an industrial wages board order giving effect to the recommendation.

## **5. Making of industrial wages board order**

(1) The Minister shall, before making any industrial wages board order, whether under section 4 of this Act or not, publish a notice in the Federal *Gazette* of his intention to make the order.

(2) The notice published under subsection (1) of this section shall contain the text of the proposed order, and shall specify the time, being not more than forty days from the date of publication, within which an objection with respect to the order shall be made to the Minister.

(3) The Minister may make rules with respect to the notice to be given of any matter under this Act with a view to bringing the matter of which the notice is to be given so far as practicable to the knowledge of the persons concerned.

(4) Every objection made pursuant to subsection (2) of this section shall be in writing and shall state-

- (a) the specific grounds of the objection; and
- (b) the omissions, additions or modifications asked for, and the Minister shall consider any such objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice, but shall not be bound to consider any other objections.

(5) After considering all the objections which, under this section, he is required to consider, the Minister may-

- (a) make the order without amendments; or
- (b) make the order with such amendments as he considers necessary or expedient; or
- (c) refrain from making the order.

(6) Where the Minister makes an industrial wages board order, he shall publish it (and the report of any commission of inquiry relating to the order) in the Federal *Gazette*, and the order shall come into operation on the date on which it is so published or on such later date as may be specified therein.

## **6. Abolition of industrial wages board**

If at any time the Minister considers that the wages or other conditions of employment of workers to whom an industrial wages board order relates or the machinery for the regulation of those wages or conditions have been so altered as to render the industrial wages board unnecessary, he may by order abolish the industrial wages board in question; and section 5 of this Act shall apply in relation to any such order as it applies in relation to industrial wages board orders.

## **7. General provisions as to commissions of inquiry**

(1) Where any question or other matter is referred under section 3 of this Act to a commission of inquiry, the commission shall-

- (a) make all such investigations as appear to it to be necessary;

- (b) publish a notice stating the terms of the reference and specifying a period (not being less than forty days from the date of publication) within which it will consider representations with respect to the reference made to it in writing; and
- (c) consider any such representations and, if it thinks fit, hear oral evidence.

(2) Where the Minister receives any report from a commission of inquiry he may, if he thinks fit, refer the report back to the commission, and the commission shall thereupon reconsider it having regard to any observations made by the Minister and shall make a further report; and the like proceeding may take place on receipt of any further report from the commission in the same manner.

## **8. Wages**

(1) Subject to this section, any industrial wages board may recommend the wages to be paid by the employers to their workers described in the order establishing the said industrial wages board.

(2) Before recommending any wages under subsection (1) of this section, the industrial wages board shall-

- (a) publish a notice of the wages it proposes to recommend and the manner in which and the time (not being less than forty days from the date of the notice) in which objections to the recommendation may be lodged; and
- (b) consider any objections which may be lodged in accordance with the notice.

(3) An industrial wages board may, if the board thinks it expedient to do so, recommend the cancellation or variation of any wages fixed under section 10 of this Act, whether an application is made for the purpose or not.

(4) Where it is proposed to recommend the cancellation or variation of wages fixed under section 10 of this Act, the provisions of this section as to notice shall apply in the same manner as they apply where it is proposed to recommend the said wages.

## **9. Conditions of employment other than wages**

(1) An industrial wages board may, if the Minister has given his permission for the board to consider the making of a recommendation for a condition or conditions of employment other than wages, either generally or for any particular work, make such a recommendation for the workers to whom the said industrial wages board refers.

(2) Before recommending any condition of employment under subsection (1) of this section, the industrial wages board shall-

- (a) publish a notice of the condition which it proposes to recommend and the manner in which and the time (not being less than forty days from the date of the notice) in which objections to the recommendation may be lodged; and
- (b) consider any objections which may be lodged in accordance with the notice.

(3) An industrial wages board may, if the board thinks it expedient to do so, recommend the cancellation or variation of any condition of employment fixed under section 10 of this Act, whether an application is made for the purpose or not.

(4) Where it is proposed to recommend the cancellation or variation of a condition fixed under section 1 a of this Act, the provisions of this section as to notice shall apply in the same manner as they apply where it is proposed to recommend the said condition.

#### **10. Provisions as to orders fixing wages and other conditions**

(1) Where an industrial wages board has recommended any wages or any other condition of employment, or the cancellation or variation of any such wages or condition fixed under subsection (2) of this section, the board shall forthwith send notification thereof to the Minister; and the notification may include a statement of the date from which the board recommends that the wages or condition, or the cancellation or variation, as the case may be, shall become effective.

(2) The Minister, on receipt of a notification under this section with respect to any matter, shall by order fix the wages or condition or conditions, or approve the cancellation or variation, as the case may be:

Provided that-

- (a) the Minister may, if he thinks fit, refer the recommendation back to the industrial wages board;
- (b) the board shall thereupon reconsider it having regard to any observations made by the Minister and may, if it thinks fit, re-submit the recommendations to the Minister either without amendment or with such amendments as it thinks fit, having regard to those observations; and
- (c) where recommendations are so re-submitted, the like proceedings shall be had thereon as in the case of original recommendations.

(3) Any such wages or conditions as aforesaid, or the cancellation or variation of any such wages or conditions, shall become effective from such date (being the date of the order by which they are fixed or approved or a subsequent date) as is specified in that behalf in the order.

(4) Wages and conditions fixed under this section are hereafter in this Act referred to as "statutory minimum wages" or "statutory minimum conditions".

#### **11. Saving as to rights under other laws**

No order made under section 10 of this Act shall have effect so as to prejudice any rights touching conditions of employment, holidays or wages conferred upon any worker by or under any other enactment or other written law.

#### **12. Employers' obligations in respect of orders fixing statutory minimum wages or other conditions**

(1) Where any statutory minimum wages have become effective under section 1 of this Act, an employer shall, in cases to which the statutory minimum wages are applicable, pay to the worker wages not less than the statutory minimum wages, clear of all deductions (except any deductions required by law or deductions in respect of contributions to provident or pension funds or schemes agreed to by the workers and approved by the Governor of the appropriate State); and, if the employer fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N2aO and in the

case of a continuing offence to a fine not exceeding ₦50 for each day or period during which the offence continues.

(2) On the conviction of an employer under this section for failing to pay to a worker wages less than the statutory minimum wages, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the worker on account of wages, the wages being calculated on the basis of the statutory minimum wages, but the power to order payment on account of wages under this provision shall not be in derogation of the right of the worker to recover wages due to him by any other proceedings in a court of competent jurisdiction.

(3) Where any statutory minimum condition of employment, not being statutory minimum wages, has become effective under section 10 of this Act, an employer shall, in cases to which the statutory minimum condition is applicable, apply to the worker a condition not less favourable to the worker than the statutory minimum condition; and, if the employer fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦200 and in the case of a continuing offence to a fine not exceeding ₦50 for each day or period during which the offence continues.

(4) On the conviction of an employer under this section for failing to apply to a worker any condition of employment not less favourable to the worker than the statutory minimum condition, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum by way of compensation as may appear to the court to be due to the worker by reason of the failure, but the power to order the payment of that sum under this provision shall not be in derogation of any right of the worker to recover any such sum as may be due to him by any other proceedings in a court of competent jurisdiction.

(5) Where the immediate employer of any worker to whom any statutory minimum wages or any other statutory condition of employment applies is himself in the employment of some other person and the worker is employed on the premises of that other person, that other person shall, for the purposes of this section, be deemed to be the employer of the worker jointly with the immediate employer.

(6) Any agreement for the payment of wages or the application of any other condition of employment in contravention of the provisions of this section shall be void.

### **13. Permit of exemption for workers affected by infirmity or physical injury**

(1) If the Minister is satisfied that any worker employed, or desiring to be employed, in an occupation to which statutory minimum wages are applicable is affected by any infirmity or physical injury which renders him incapable of earning the statutory minimum wages, the Minister may, if he thinks fit, grant to the worker (subject to such conditions, if any, as he may impose) a permit exempting the worker from the provisions of this Act relating to the payment of wages less than the statutory minimum wages; and, while the permit is in force and any conditions imposed thereon are complied with, the employer shall not be guilty of an offence if he pays to the worker less wages than the statutory minimum wages.

(2) A permit granted under this section may be so granted as to have effect from the date on which the application therefore was made to the Minister, and may be suspended or revoked at any time by the Minister.

#### **14. Duties of industrial wages board in relation to references by the Minister**

Any industrial wages board shall consider, as occasion requires, any matter referred to it by the Minister with reference to the conditions of employment of the workers in respect of whom and in respect of whose employers the board has been appointed, and shall make a report thereon to the Minister.

#### **15. Employer to keep records**

It shall be the duty of every employer of workers in respect of whom an industrial wages board has been made or a notice has been published under section 5 (1) of this Act-

- (a) to keep such records of wages or conditions of employment as are necessary to show that the provisions of this Act are being complied with as respects persons in his employment, and to retain the records for a period of three years after the period to which they refer; and
- (b) to cause to be kept posted in some conspicuous place at or near the place of employment of persons in his employment in such manner and in such form as may be approved by the Minister
  - (i) a copy of every notice relating to wages or conditions of employment of the aforesaid workers which is published by an industrial wages board as required by this Act and a copy of every order made by the Minister relating to the wages or conditions of employment of the said workers; or
  - (ii) such abstract from every such notice or order as the Minister may approve,

and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ₦ 100 and to a daily penalty not exceeding ₦ 10.

#### *National Wages Board and Area Minimum Wages Committees*

#### **16. National Wages Board and Area Minimum Wages Committees**

(1) The Minister may by order establish for the Federation, a Board to be known as the National Wages Board (referred to in this section and in section 17 of this Act, as "the Board"), and the Minister may, after prior consultation with the appropriate authority, set up an area minimum wages committee for the State.

(2) It shall be the function of the Board-

- (a) to examine the application to all unskilled workers of any agreed minimum wage rate in any specified area;
- (b) to examine from time to time the adequacy of minimum wage rates for unskilled workers in the light of any recommendations received from area minimum wages committees;
- (c) to consider any matter referred to it by the Minister with reference to the minimum wage rates of unskilled workers in any area for which an area minimum wages committee has been set up; and
- (d) to report and make recommendations accordingly to the Minister.

(3) The Board shall have all such powers as are reasonably necessary for the proper exercise of its functions; and in particular, without prejudice to the generality of the foregoing, it may-

- (a) carry out specific investigations on matters referred to it, and submit to the Minister reports on the investigations and any other information it may consider desirable for the effective exercise of its functions; and
- (b) call for oral or written information which it considers necessary for the effective exercise of its functions from any source whatsoever, so however that if any person objects to answering any question or producing any document on the ground that it will tend to incriminate him or on any other lawful ground, that person shall not be required to answer the question or produce the document or be liable to any penalty for refusing to do so.

(4) It shall be the function of an area minimum wages committee-

- (a) to make recommendations to the Board on the minimum wages of unskilled workers in the committee's area;
- (b) to carry out specific investigations on matters referred to it by the Board;
- (c) to submit to the Board reports, minutes and any other information it considers desirable for the effective exercise of the Board's functions; and
- (d) to determine urban and rural sub-areas in its area.

## **17. Minimum wage recommendations**

(1) In the execution of its functions under section 16 (2) (d) of this Act, the Board may recommend minimum wages to be paid by employers to workers in any specified area; and any such recommendation may include a further recommendation to cancel or vary any wages fixed under section 10 of this Act.

(2) Section 8 (2) and (4) of this Act, shall apply with the necessary modifications to proposed recommendations under subsection (1) above and, where the Board makes a recommendation under the said subsection (1) of this section-

- (a) section 10 of this Act shall apply as it applies to a recommendation relating to wages made by an industrial wages board under section 8 (1) or (3) of this Act; and
- (b) the references to section 10 in sections II and 12 (1) of this Act shall be deemed to include references to section 10 as applied by paragraph (a) of this subsection.

## *Joint Industrial Councils*

## **18. Establishment of joint Industrial Councils**

(1) Employers and workers in an industry may establish a joint industrial council (referred to in this section and section 19 of this Act as "a Council") for the purpose of negotiating and reaching agreements relating to such matters as are considered by those employers and workers to be matters for negotiating.

(2) When a Council has been established, it shall register with the Minister its agreed constitution and functions and any changes therein which may be agreed upon from time to time.

(3) Where a Council has agreed on any matter concerning wages or conditions of employment for any specified workers or groups of workers in an industry, it shall register the agreement with the Minister for his information; and the Minister may by an order declare that the provisions of any agreement or part thereof in pursuance of this subsection shall be binding on the workers to whom they relate, and that effect shall be given to them, accordingly.

## **19. Extension of agreements**

(1) A Council may apply to the Minister to have the terms of any such agreement as is mentioned in section 18 (3) of this Act extended to cover other employers and workers within the industry to which the agreement relates.

(2) The Minister, upon receipt of an application under subsection (1) of this section, shall satisfy himself that the organisations of employers and workers concerned represent a sufficient proportion of the employers and workers in the industry in question, having regard to its individual circumstances, and on being so satisfied shall publish a notice in the Federal *Gazette*-

- (a) specifying the terms of the agreement and indicating his intention to make an order extending all or any of the terms of the agreement to such employers and workers engaged in the industry (which shall be specified in the order) as are not parties to the agreement; and
- (b) specifying the time, being not more than forty days from the date of publication, within which any objection to his intention shall be made to him.

(3) Every objection made pursuant to subsection (2) of this section, shall be in writing and shall state-

- (a) the specific grounds of the objection; and
- (b) the omissions, additions and modifications asked for,

and the Minister shall consider any objection made by or on behalf of any person appearing to him to be affected, being an objection sent to him within the time specified in the notice specifying the terms of the agreement, but shall not be bound to consider any other objection.

(4) After considering all the objections which under subsection (3) of this section he is required to consider, the Minister may-

- (a) make the order without amendments; or
- (b) make the order with such amendments as he considers necessary or expedient; or
- (c) refrain from making the order.

(5) Where the Minister makes an order under subsection (4) of this section, he shall publish it in the Federal *Gazette*, and the order shall come into operation on the date on which it is so published or on such later date as may be specified therein.

(6) Wages or conditions of employment fixed by an order made under this section shall have effect as if they were statutory minimum wages or, as the case may be, statutory minimum conditions fixed under section 10 of this Act.

## **20. Exemption of marginal employers**

(1) An employer affected by an order made under section 19 of this Act, may appeal in writing to the Minister for a permit of exemption from the order; and on receipt of such an appeal the Minister may reject it or refer it to any person or persons appointed by himself for investigation.

(2) Where the appeal is referred pursuant to subsection (1) of this section, having regard to the grounds of the appeal and the circumstances of the employer, such person or persons shall submit their report to the Commissioner within sixty days from the date of their appointment.

(3) On receipt of such report the Minister may either reject the appeal or issue an exemption permit accordingly, specifying in the permit the minimum wage and conditions or the minimum wage or conditions of employment which shall apply to the workers engaged by the employer concerned.

(4) Wages or conditions of employment specified pursuant to subsection (3) of this section shall have effect as if they were statutory minimum wages or, as the case may be, statutory minimum conditions fixed under section 10 of this Act.

(5) Any person or persons appointed under subsection (1) of this section shall be paid such remuneration and allowances, if any, as may be approved by the Minister with the concurrence of the Federal Ministry of Finance.

### *Miscellaneous and supplemental*

## **21. Officers and their powers**

(1) The Minister may appoint any public officer to act for the purposes of this Act; and every authorised labour officer within the meaning of the Labour Act shall be deemed to have been so appointed.

[Cap. LI.]

(2) Every appointed officer shall be furnished with a certificate of his appointment and when visiting an employer's premises for the purposes of this Act shall, if so required, produce the certificate to the employer or other person holding a responsible position of management at the said premises.

(3) An appointed officer may-

- (a) require the production by an employer of wages sheets or other records of wages and records of conditions of employment, and inspect and examine them and copy any part thereof;
- (b) at all reasonable times enter any premises at which any employer to whom an order made under section 10 of this Act applies carries on his business (including any premises which the officer has reasonable cause to believe to be used by or by arrangement with the employer to provide living accommodation for workers);

- (c) examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, any person whom he has reasonable cause to believe to be or to have been a worker to whom an order made under section 10 of this Act applies or applied, or the employer of any person or a servant or agent of the employer, employed in the employer's business, and require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined, so however that no person shall be required to give any information tending to incriminate himself;
- (d) order any person or body of persons found to have contravened any of the provisions of this Act to take remedial action within a specified reasonable period of time; and
- (e) subject generally to the powers of any Attorney-General, institute proceedings for any offence under this Act and, with the consent of the Minister, appear and have all necessary power for the conduct of the proceedings; and Attorney-General means Attorney-General of the Federation or, as appropriate, Attorney-General or Solicitor-General of a State, as the case may be.

(4) An appointed officer who is authorised in that behalf by general or special directions of the Minister may, if it appears to him that a sum is due from an employer to a worker to whom an order made under section 10 of this Act applies, or to a person who has been such a worker, on account of the payment to him of wages less than the statutory minimum wages, institute on behalf and in the name of that worker or person civil proceedings for the recovery of that sum, and in any such proceedings the court may make an order for the payment of costs by the appointed officer as if he were a party to the proceedings.

(5) The power given by subsection (4) of this section for the recovery of a sum due from an employer to a worker or other person shall not be in derogation of any right of that worker or other person himself to recover that sum by civil proceedings.

(6) The Minister may by writing under his hand without prejudice to the foregoing subsection 1 of this section, delegate to any public officer the exercise of the power conferred on the Minister by subsection (3) (e) or (4) of this section:  
Provided that the existence of such a delegation shall not prevent the continued exercise of the power by the Minister.

## **22. Offences by agent, etc.**

(1) Where an offence for which an employer is by virtue of this Act liable to penalty has in fact been committed by some agent of the employer or by some other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with or before or after the conviction of the employer, and shall be liable on conviction to the same penalty as that to which the employer is liable.

(2) Where an employer is charged with an offence under this Act he shall be entitled, upon complaint duly made by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person to whose act or default he alleges that the offence in question was duly brought before the court at the time

appointed for the hearing of the charge, and, if after the commission of the offence has been proved the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Act and any relevant order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) of this section-

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witnesses called by him in support of his pleas, and to call rebutting evidence ;and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings, other than the prosecution, to any other party thereto.

(4) Where it appears to an appointed officer that an offence has been committed in respect of which proceedings might be taken under this Act against an employer, and the officer is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the employer could establish a defence under subsection (2) of this section, the officer may cause proceedings to be taken against that other person without first causing proceedings to be taken against the employer, and in any such proceedings the defendant may be charged with, and on proof that the offence was due to his act or default, be convicted for the offence for which the employer might have been charged.

### **23. Offences and penalties**

Any person who-

- (a) refuses or neglects to furnish the means required by an appointed officer as being necessary for an entry in the exercise of his powers under section 21 of this Act; or
- (b) hinders or molests any appointed officer in the exercise of his powers under section 21 of this Act; or
- (c) refuses or neglects to produce any document, or to give any information which any appointed officer in the exercise of his powers under section 21 of this Act requires him to produce or give; or
- (d) makes, or causes to be made, or knowingly allows to be made, any wages sheet, record of wages or record of conditions of employment which is false in any material particular; or
- (e) produces, or causes to be produced, or knowingly allows to be produced, any such wages sheet or record to an appointed officer acting in the exercise of his powers under section 21 of this Act, knowing the wage sheet or record to be false; or
- (f) furnishes any information to any appointed officer acting in the exercise of his powers under section 21, knowing the information to be false; or
- (g) fails to comply with an order given under section 21 (3) (d) of this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦ 200 or to imprisonment for a period not exceeding three months, or to both.

#### **24. General provisions for certain bodies established in pursuance of this Act**

(1) Any person or persons appointed under section 20 (1 ) of this Act, as an industrial wages board, a commission of inquiry, the National Wages Board or an area minimum wages committee, is a relevant body for the purposes of this section.

(2) No member of a relevant body, and no other person present at or concerned in any proceedings of a relevant body, shall disclose any information or the contents of any document which has been furnished to the body in question, except with the written consent of the body and of the person who furnished the information or document.

(3) Any person who contravenes subsection (2) of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N200 or to imprisonment for a period not exceeding three months, or to both.

(4) Adequate staff and accommodation for the exercise of a relevant body's functions shall be provided by-

- (a) the Federal Ministry of Employment Labour and Productivity; or
- (b) in the case of an area minimum wages board set up for a State, by the department of government of the State responsible for labour matters.

(5) The validity of any proceedings of a relevant body shall not be affected-

- (a) by any vacancy in the membership of the body; or
- (b) by any defect in the appointment of any member; or
- (c) by reason of the fact that a person not entitled to do so took part in the proceedings.

(6) Subject to this Act and any regulations made thereunder, a relevant body may regulate its own proceedings.

(7) The First Schedule to this Act shall have effect in relation to the relevant bodies therein mentioned.

[First Schedule.]

(8) It shall be the responsibility of the Federal Government to provide the funds needed for payment under section 20 (5) or the First Schedule to this Act.

#### **25. Regulations**

The Minister may make regulations-

- (a) providing for the meetings and procedure of a relevant body within the meaning of section 24 of this Act, including quorum and method of voting;
- (b) prescribing the conditions (not being conditions relating to remuneration or allowances) on which members of such relevant body shall hold office; and
- (c) prescribing any matter of a procedural or administrative nature which in his opinion is necessary or expedient to facilitate the proper operation of this Act.

## **26. Repeal, and transitional and saving provisions**

(1) The Wages Boards Act is hereby repealed.

[Cap. 21 I, 1958 Edition.]

(2) The transitional and saving provisions in the Second Schedule shall have effect notwithstanding subsection (1) of this section or any other provision of this Act.

[Second Schedule.]

## **27. Interpretation**

(1) In this Act, unless the context otherwise requires-

**"appointed officer"** means an officer appointed or deemed to have been appointed under section 21 (I) of this Act;

**"appropriate authority"** has the meaning assigned to it in section 2 of this Act;

**"industry"** includes trade, commerce and groups of occupations or services;

**"local government workers"**, in relation to a State, means persons employed in the State by a local government as defined in the Labour Act or by a joint committee for local government or a local education authority established for the State by law;

[Cap. LI.J]

**"Minister"** means the Minister of Employment, Labour and Productivity.

(2) Section 90 of the Labour Act shall apply for the interpretation of this Act as it applies for the interpretation of the said Labour Act.

## **28. Short title**

This Act may be cited as the Wages Boards and Industrial Councils Act.

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### SCHEDULES

#### FIRST SCHEDULE

*Composition, etc., of bodies established pursuant to section 24*

##### *Industrial Wages Boards*

1. An industrial wages board shall consist of-

- (a) not more than three independent persons;
- (b) such number as the Minister thinks fit of persons who in his opinion represent employers in relation to whom the board is to operate; and
- (c) a number of persons who in the opinion of the Minister represent workers in relation to whom the board is to operate, being a number equal to the number of persons appointed under sub-paragraph (b) above.

- 2.** Subject to paragraph 3 of this Schedule, the members of an industrial wages board shall be appointed by the Minister.
- 3.** Before appointing a person under paragraph I (b) or (c) above, the Minister shall consult the organisations, if any, appearing to him to represent the employers or workers directly concerned.
- 4.** The Minister shall appoint the chairman of an industrial wages board from among the members appointed under paragraph I (a) above, and may appoint from among those persons a deputy Chairman to act in the absence of the Chairman, and shall appoint a secretary who shall be a labour officer.
- 5.** The members of an industrial wages board shall be paid such remuneration and allowances, if any, as may be approved by the Minister with the concurrence of the Federal Ministry of Finance and, subject to any regulations made under this Act shall otherwise hold office on such conditions as may be determined by the Minister.

*Commissions of Inquiry*

- 6.** A commission of inquiry shall consist of:-
  - (a) not more than three independent persons;
  - (b) not more than two persons chosen by the Minister to represent the employers in relation to whom the commission is to operate; and
  - (c) a number of persons equal to the number of those appointed under subparagraph (b) above chosen by the Minister to represent the workers in relation to whom the commission is to operate.
- 7.** The Minister shall appoint the chairman of a commission of inquiry, and may appoint a deputy Chairman to act in the absence of the chairman, from among persons appointed under paragraph 6 (a) above and shall appoint a secretary who shall be a labour officer.
- 8.** Subject to paragraph 9 below, the members of a commission of inquiry shall be appointed by the Minister.
- 9.** The members appointed under paragraph 6 (b) and (c) above shall be appointed after consultation with such organisations representing employers and workers respectively as the Minister thinks fit, and shall be persons who in the opinion of the Minister are not connected with or likely to be affected by the matters to be inquired into by the commission.
- 10.** The Minister may appoint such number of persons as he thinks fit as assessors to be available to any commission of inquiry, being persons who in the opinion of the Minister have an expert knowledge of any of the matters with which the commission is concerned.
- 11.** An assessor shall not vote or otherwise be a party to any report or recommendation of a commission of inquiry.
- 12.** The members of and assessors to a commission of inquiry shall be paid such remuneration and allowances, if any, as may be approved by the Minister with the concurrence of the Federal Ministry of Finance and subject to any regulations made under this Act, shall otherwise hold office upon such conditions as may be determined by the Minister at the time of appointment.

*National Wages Board*

- 13.** The National Wages Board shall consist of-
  - (a) three persons appointed as being independent persons;
  - (b) three persons representing the Federal Government as an employer of labour;

- (c) three persons representing central organisation of employers;
- (d) five persons representing central organisations of workers; and
- (e) three representatives from each area minimum wages committee, appointed on a tripartite basis as representing governmental employers, private employers and workers respectively.

**14.** Subject to paragraphs 15 and 16 below, the members of the National Wages Board shall be appointed by the Minister.

**15.** Before appointing members under paragraph 13 (c) and (d) above, the Minister shall consult such central organisations as appear to him to represent the interests of those concerned.

**16.** The members appointed under paragraph 13 (e) above shall be appointed from among persons recommended by the area minimum wages committee which they are to represent.

**17.** The Minister shall appoint the chairman of the National Wages Board from among the members appointed under paragraph 13 (a) above, and may appoint from among those members a deputy chairman to act in the absence of the chairman, and shall appoint a secretary who shall be a labour officer.

**18.** Members of the National Wages Board shall be paid such remuneration and allowances, if any, as may be approved by the Federal Ministry of Finance and, subject to any regulations made under this Act, shall otherwise hold office on such conditions as may be determined by the Minister at the time of appointment:

Provided that a member of the National Wages Board appointed to represent an area minimum wages committee shall cease to be a member of the National Wages Board if he ceases to be a member of the committee.

#### *Area Minimum Wages Committees*

**19.** An area minimum wages committee shall consist of-

- (a) an independent chairman appointed by the Minister after prior consultation with the Governor of the State for which the committee is set up;
- (b) three members representing governmental employers (of whom one member shall represent the Federal Government as an employer of labour and the other two members shall represent other governmental employers);
- (c) three members representing private employers; and
- (d) three members representing the workers.

**20.** An area minimum wages committee may co-opt additional members for any particular purpose, but no such co-opted member shall have the right to vote.

**21.** The members of an area minimum wages committee, other than the chairman, shall be appointed by the Minister after prior consultation with the Governor of the appropriate State.

**22.** The chairman and other members (including co-opted members) of an area minimum wages committee shall be paid such remuneration and allowances, if any, as may be approved by the Minister with the concurrence of the Federal Ministry of Finance.

#### *Interpretation*

**23.** In this Schedule-

**"governmental employers"** in relation to an area minimum wages committee set up for a State, means the Federal Government or the State as an employer of labour and any employer of local government workers in the State;

**"independent person"** means a person who is-

- (a) a retired or self-employed member of the professional classes, or a member of the judiciary, the clergy or the teaching staff of a university; and
  - (b) in the opinion of the Minister, independent of the representatives of the employers and workers in the relevant industry in as much as he is detached from and has no interest in the industry or in the issues in question.
- 

SECOND SCHEDULE  
[Section 26 (2).]

*Transitional and Saving Provisions*

**1.** The following items of subsidiary legislation, that is to say-

- (a) the Wages Board (Publication of Notices) Rules;
- (b) orders made under the Wages Boards Act; and
- (c) orders in council made under any enactment repealed by that Act which remain in force notwithstanding the repeal of the enactment,

shall, to the extent that they were in force immediately prior to the commencement of this Act, remain in force as if they had been made under this Act and may be amended, added to, varied or revoked accordingly.

**2.** All wages boards appointed under the Wages Boards Act and existing immediately before the commencement of this Act, are hereby dissolved.

**3.** Any labour officer or inspector appointed under section 20 of the Wages Boards Act to act for the purposes of that Act shall, if his appointment was subsisting immediately before the commencement of this Act, be deemed to be an appointed officer within the meaning of this Act.

**4.** Within the twelve months immediately following the commencement of this Act the Minister may, by order in the Federal *Gazette*, make such additional transitional or saving provisions (not inconsistent with this Schedule) as appear to him to be necessary or desirable.

WAGES BOARDS AND INDUSTRIAL COUNCILS ACT

SUBSIDIARY LEGISLATION

*List of Subsidiary Legislation*

- 1** Wages Board (Retail and Ancillary Trades) (Lagos) Order.
- 2. Wages Boards (Publication of Notices) Rules.

*List of Subsidiary Legislation-continued*

3. Conditions of Employment (Tailoring, Shirt-making and Ancillary Trades or Occupations) Order.
4. Conditions of Employment (Printing and Allied Trades or Occupations) Order.
5. Conditions of Employment (Minesfield) Order.
6. Conditions of Employment (Motor Industry Trade and Occupations) (Lagos State) Order.
7. Conditions of Employment (Stevedore and Dock Labour in the Port of Lagos) Order.
8. Conditions of Employment (Catering Trade) (Lagos State) Order.
9. Conditions of Employment (Building and Civil Engineering Industry) (Lagos State) Order.
10. Retail and Ancillary Trades (Lagos) Conditions of Employment Order.

**WAGES BOARD (RETAIL AND ANCILLARY TRADES) (LAGOS) ORDER**

[L.N. 147 of 1957.]

under section 5 (6)

[7th November, 1957]

[Commencement.]

**1. Short title**

This Order may be cited as the Wages Board (Retail and Ancillary Trades) (Lagos) Order.

**2. Direction**

It is hereby directed that there shall be established in respect of the workers described in the Schedule hereto and their employers a wages board to be known as the Retail and Ancillary Trades (Lagos) Wages Board.

**SCHEDULE**

*Workers and their Employers in respect of whom a wages board is established*

All workers employed in Lagos in retail and ancillary trades, that is to say, any trade or business wholly or mainly conducted for the retail sale of goods by any employer who by himself or his agent employs any other person as a worker, except workers employed-

- (a) in any trade or business conducted in a market or at any stall in a public place or open space (not being the property of a private owner);
- (b) in any trade or business conducted by a street trader;
- (c) in any trade or business wholly or mainly concerned with the preparation and sale of meals or refreshments; or
- (d) as drivers engaged in the transportation or distribution of retail goods.

## **WAGES BOARDS (PUBLICATION OF NOTICES) RULES**

[L.N. 30 of 1958.]

under section 5 (3)

[20th February, 1958]

[Commencement.]

### **1. Short title**

These Rules may be cited as the Wages Boards (Publication of Notices) Rules.

### **2. Publication of notices and orders**

When any order is made under the provisions of the Act, the person issuing the order shall cause notice of the order to be given as soon as may be in such manner as he thinks necessary to bring it to the notice of persons affected and without prejudice to the foregoing it shall be a sufficient notification of any rule, order, direction or instruction of the Minister or the secretary of a wages board or any person that may be authorised in that behalf, if the same is published in the Federal *Gazette*.

### **3. Date of notice**

The date which is to be taken for the purposes of the Act, as the date of publication of a notice published in the Federal *Gazette* shall be the date of such *Gazette*.

### **4. Service by post**

A notice to be served on any person for the purposes of any of the provisions of the Act may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

### **5. Posting of notices**

(1) The employer of any worker who is affected by any notice published in the Federal *Gazette* in accordance with rule 3, shall post up and keep posted up a sufficient number of true copies of the notice in prominent positions on his premises or on premises under his control in such a manner as to ensure that the notice shall be brought to the knowledge of, and can conveniently be read by, all the workers employed by him who are affected thereby.

(2) Where any notice to which this rule applies refers to some prior notice or notices in such manner that, properly to be understood, it must be read in conjunction with such prior notice or notices or some part or parts thereof, a sufficient number of true copies of that prior notice or notices shall also be posted up so that they may be read and construed as one notice.

**CONDITIONS OF EMPLOYMENT (TAILORING, SHIRT-MAKING AND  
ANCILLARY TRADES OR OCCUPATIONS) ORDER**

under section 9

**PART I**

*Preliminary*

**1. Short title**

This Order may be cited as the Conditions of Employment (Tailoring, Shirt-making and Ancillary Trades or Occupations) Order.

[32 of 1944\*. 7 of 1946.]

**2. Interpretation**

In this Order, unless the context otherwise requires-

**"adult"** means a person of and above fourteen years of age;

**"casual worker"** means an adult worker employed on piece-work or otherwise on the premises of the employer for a period which amounts to not more than forty hours in a working week of 45 hours with one work-free day in that week;

**"day"** means a period between the hours of 7 a.m. and 6.30 p.m.;

**"general minimum time rate"** means the general minimum time rate fixed under the provisions of the Wage Fixing (Tailoring, Shirt-making and Ancillary Trades or Occupations) Order or any order amending or revoking the same;

[38 of 1947.]

**"shift system"** means any system whereby workers, whether adult or juvenile, carrying out work on the premises of the employer, whether such work be piece-work or otherwise, are employed, in batches or singly in relays or shifts for periods of half a working week of 45 hours with one work-free day in that week;

**"juvenile"** means a person between twelve and fourteen years of age;

**"night"** means the period between the hours of 6.30 p.m. and 7 a.m.;

**"normal working hours"** means working hours other than overtime.

**3. Age of employment**

No employer shall employ on his premises any person who is under the age of twelve years.

- 
- This Order was made under section 15 of the Labour (Wage Fixing and Registration) Act, No. 40 of 1943, which was repealed by No. 54 of 1945, but remains in force by virtue of section 20 of the Interpretation Act.

## PART II

### *Adults*

#### **4. Maximum normal working hours**

(I) The maximum normal working hours of any adult worker when employed upon the premises of the employer, whether such employment be on piece-work or otherwise, shall be 45 hours in any period of seven days with one work-free day in that period.

(2) The maximum normal working hours in anyone working day shall be eight hours on any five days of the said period of seven days and five hours on the remaining one working day.

#### **5. Breaks and meals**

In every working day of eight hours every employer shall ensure-

- (a) that each adult worker employed on his premises is given a total of one-and-a-half hours for the purposes of meals and rest of which total at least one complete hour shall be allotted for meals; and
- (b) that no such worker is employed continuously for more than five hours at any one time.

#### **6. Overtime**

No employer shall cause any adult worker employed on his premises to work overtime in excess of nine hours in any period of seven days in excess of one-and-a-half hours in anyone day.

#### **7. Employment by night**

(I) Except under a certificate granted by the Minister of Employment Labour and Productivity under the provisions of sub-paragraph (2), no employer shall permit any work to be undertaken on his premises during the night.

(2) On application being made to him in writing by any employer, the Minister of Employment Labour and Productivity, being satisfied as to the essentiality of the work and the conditions under which the work will be done, may, in his discretion, issue a certificate permitting the applicant to employ adult workers in the night in such numbers and during such periods and subject to such other conditions as may be specified in the certificate.

(3) In the event of any employer failing to comply with the conditions contained in any certificate issued under the provisions of sub-paragraph (2), the Minister of Employment Labour and Productivity may cancel the said certificate forthwith and such cancellation shall be without prejudice to any other penalty which may be incurred by the employer.

## PART III

### *Juveniles*

#### **8. Maximum working hours**

(1) The maximum normal working hours of any juvenile worker when employed on the premises of the employer, whether such employment be on piece-work or otherwise, shall be thirty hours in any period of seven days with one work-free day in that period.

(2) The maximum working hours in anyone working day shall be five hours on any six days of the said period of seven days and such maximum working hours shall in no case extend beyond the hour of 1.30 p.m. on any day.

#### **9. Prohibition of overtime and night work**

No employer shall cause any juvenile on his premises to work overtime or on night work in any circumstances whatsoever.

#### **10. Power driven machines**

(1) No employer shall employ any juvenile to work with, manage or operate any power-driven machine, save in accordance with the specified written permission of the Minister of Employment Labour and Productivity and any conditions contained therein.

(2) For the purposes of this paragraph the expression "**power-driven machine**" means any machine the motive agency for which is other than that obtained by the hands or feet of the worker.

## PART IV

### *Apprentices*

#### **11. Contracts**

(1) No employer shall employ upon his premises any person as an apprentice unless such person has entered into a contract of apprenticeship in accordance with the provisions of any written law then in force relating to contract of apprenticeship.

(2) Notwithstanding the provisions of any such written law, every contract shall contain all particulars and covenants relating to sick pay, medical treatment and payment thereof, and, where necessary, provisions as to food, accommodation and the general welfare of the apprentice.

#### **12. Minimum period of contract**

The minimum period of apprenticeship which may be entered into shall be five years in the case of a juvenile and four years in the case of an adult.

#### **13. Ratio of apprentices**

(1) The maximum ratio of the number of apprentices to the number of unapprenticed adult workers employed upon the premises of any employer shall be two to one, save that this ratio shall not apply in any case where the employer has only one apprentice.

(2) In the event of the ratio specified in sub-paragraph (I) not being maintained by reason of the fact that the number of the said unapprenticed adult workers has been reduced during the period of any apprenticeship for a period of more than one month, then the employer shall either arrange for the assignment of the contract of apprenticeship or for the termination of the said contract:

Provided that on application being made in writing, the Minister of Employment Labour and Productivity may in his discretion extend the period of one month for such further period as he may think fit generally or in respect of any particular apprentice or apprentices.

#### **14. Maximum working hours**

Subject to the provisions of paragraph 15, the provisions of paragraphs 4 and 8, relating to the maximum working hours of adults and juveniles respectively, shall apply to apprentices according as to whether such apprentices are adults or juveniles.

#### **15. Overtime and night work**

No employer shall cause any apprentice to work overtime or on night work in any circumstances whatsoever.

#### **16. Premiums**

The payment of premiums in respect of contracts of apprenticeship shall be governed by the provisions of section 18 of the Wages Boards Act.

### **PART V**

#### *General*

#### **17. Holidays with pay**

Every adult and juvenile worker, other than a casual worker or piece-worker, continuously employed on the premises of an employer for a period of twelve months, shall be entitled to be allowed holidays for a period of one week with pay at the general minimum time rate, or to be paid the equivalent pay in lieu of such holiday:

Provided that in the event of any such worker ceasing to be employed by an employer after having completed six months continuous employment before he becomes entitled to be allowed a holiday, such worker shall be paid any holiday remuneration which has accrued due to him in respect of that proportion of the twelve months in which he was employed.

#### **18. Sick leave with pay**

(I) Every worker, whether adult or juvenile, other than a casual worker, shall on the production to the employer of a medical certificate granted by a qualified medical practitioner, be allowed sick leave with pay at the general minimum time rate of not more than seven days in every twelve months.

(2) Such sick leave shall accrue as from the beginning of the employment and shall be available pro rata on the expiration of six months from such beginning.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **19. Public holidays and Sundays**

No worker shall be compelled to work on any statutory public holiday or, if any worker has any religious scruples in that behalf, upon any Sunday:

Provided that where no work is done by any worker on either a statutory public holiday or a Sunday, such worker shall not be entitled to any remuneration for that holiday or Sunday, as the case may be.

## **20. Shift system**

No employer shall employ any workers on any shift system save with the express permission in writing of the Minister of Employment Labour and Productivity and such permission may be granted subject to such conditions as the Minister of Employment Labour and Productivity may, in his discretion, think fit and shall be subject to cancellation at any time.

## **21. Hospital expenses**

(1) Hospital expenses shall be paid by an employer in respect of any worker, whether adult or juvenile other than a casual worker, employed on the premises of the employer on piece-work or otherwise in a pro rata proportion of three weekends in any period of twelve months.

(2) The provisions of sub-paragraph (I) shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **22. Transfer**

In any case where a worker, whether adult or juvenile, other than a casual worker, employed on the premises on piece-work or otherwise is transferred from one branch of the employer's business to another, the employer shall pay the expenses of transport and subsistence and also wages at the general minimum time rate in respect of the period for the journey.

## **23. Records**

(1) Every employer shall keep records of-

- (a) the names of all workers and apprentices;
- (b) the number of days worked by and the rate of pay of each worker and the total amount paid to him in each month; and
- (c) the number of hours of overtime worked by each worker, the days on which such overtime took place and the remuneration made therefor.

(2) Such records shall be made available for inspection by the Minister of Employment Labour and Productivity or any duly authorised labour officer at all reasonable times.

## **24. Notices of hours of work**

Every employer shall make and keep posted in a conspicuous part of his premises a timetable of hours of work and breaks for meals and rest in respect of all workers employed on his premises.

## **25. Domestic service**

No worker, whether adult or juvenile, other than a casual worker, employed on the premises of the employer on piece-work or otherwise, and no apprentice, shall perform any kind of domestic service for the employer unless such worker or apprentice is lodged and fed by the employer by mutual arrangement and such domestic service shall then only be such as would normally be performed by the family of the employer.

## **26. Conditions of premises**

Every premises in which workers and apprentices are employed, shall have a number of exits therefrom and sanitary accommodation in proportion to the numbers of persons employed as may be approved by the Minister of Employment Labour and Productivity.

# **CONDITIONS OF EMPLOYMENT (PRINTING AND ALLIED TRADES OR OCCUPATIONS) ORDER**

under section 9

## **PART I**

### *Preliminary*

#### **1. Short title**

This order may be cited as the Conditions of Employment (Printing and Allied Trades or Occupations) Order.

#### **2. Interpretation**

In this Order, unless the context otherwise requires-

"**adult**" means a person of or above eighteen years of age;

"**assistant foreman**" or "assistant chargehand" means an employee who is responsible to a foreman or chargehand for the proper allocation of duties to, the carrying out of the work of, and the supervision of, the staff under his control;

"**casual worker**" means a foreman, chargehand, assistant foreman, assistant chargehand, journeyman, proof reader or checker employed on time work for any period which amounts to not more than fifteen days in any calendar month;

"**day**" means the period between the hours of 7 a.m. and 6.30 p.m.;

**"foreman"** or "chargehand" means an employee in charge of an establishment, or department thereof, who gives out work to employees under his control, maintains discipline among and supervises them, and who is generally responsible to the employer for the efficiency of the establishment or department;

**"general minimum time rate"** means the general minimum time rate fixed under the provisions of the Wage Fixing (Printing and Allied Trades or Occupations) Order, amending or revoking the same;

[33 of 1946. (*supra*).]

**"journeyman"** includes-s-

- (a) compositor, chaseman, type-composing machine operator, stereotyper and any employee other than an apprentice, who is concerned with the setting up, locking up, duplication or breaking down of type;
- (b) machinist, composing or type-casting machine attendant, ruler, roller caster, and any employee, other than an apprentice, who is concerned with the minding and feeding of printing, binding or other machinery;
- (c) binder, assistant binder, folder, trimmer, and any employee, other than an apprentice, who is concerned with the cutting, numbering, assembling and binding of books and pamphlets, of paper or like material substituted therefor, whether printed or not;

**"juvenile"** means a person under the age of sixteen years but over the age of twelve years;

**"night"** means the period between the hours of 6.30 p.m. and 7 a.m.;

**"normal working hours"** means working hours other than overtime;

**"proof reader" or "checker"** includes any employee, other than an apprentice, who is concerned with the checking of preliminary printing;

**"shift system"** means any system whereby workers, whether adults, young persons or juveniles carrying out work, whether such work be piece-work or otherwise, are employed in batches or singly in relays or shifts;

**"young person"** means a person of or above the age of sixteen years, but under the age of eighteen years.

## PART II

### *Adults*

#### 3. Maximum normal working hours

(1) The maximum normal working hours of any adult worker or young person, whether employed as a piece-worker or otherwise, shall be forty hours in any period of seven days with one work-free day in that period.

(2) The maximum normal working hours in anyone working day shall be seven hours on any five days of the said period of seven days and five hours on the remaining one working day.

#### **4. Women and young persons: Breaks and meals**

A woman or young person shall not be employed continuously for a spell of more than four-and-a-half hours without an interval of at least half-an-hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

*[Order in Council 28 of 1949.]*

#### **5. Overtime**

No employer shall cause any adult worker to work overtime in excess of twelve hours in any period of seven days and in excess of two hours in anyone day:

Provided that the Minister of Employment Labour and Productivity may, in his discretion and subject to such limitations as he may think fit to impose, authorise by writing under his hand the working of overtime in excess of the hours prescribed by this section.

#### **6. Employment by night**

(I) No night shift shall exceed six working hours and there shall be a break of at least half-an-hour after not less than three hours or more than four-and-a-half hours continuous work; and

(2) The maximum working hours of any adult worker or young person employed on night work in any period of seven days shall not exceed 36.

### **PART III**

#### *Juveniles*

#### **7. Maximum working hours**

(1) The maximum normal working hours of any juvenile shall not exceed 27 in any period of seven days with one work-free day in that period.

(2) The maximum working hours in anyone working day shall not exceed four-and-a-half and shall in no case extend beyond 1.30 p.m. on any day.

(3) No juvenile shall be permitted to work overtime or on night work.

(4) No juvenile shall be employed other than as an apprentice.

## PARTIV

### *Apprentices*

#### **8. Contracts**

(1) No employer shall employ any person as an apprentice unless such person has entered into a written contract of apprenticeship in accordance with the provisions of any written law then in force relating to contracts of apprenticeship.

(2) Upon completion of the period of apprenticeship, the employer shall endorse the contract as follows-

"I hereby certify that ..... has/had completed his apprenticeship to my/our satisfaction.

(Signature) .....

(Date) .....";

and the employer shall thereupon deliver the contract so endorsed to the apprentice.

#### **9. Minimum period of contract**

The minimum period of apprenticeship which may be entered into shall be five years.

#### **10. Ratio of apprentices**

(1) The maximum ratio of the number of apprentices to the number of journeymen shall be-

- (a) where not more than fourteen journeymen are employed, one to two provided that the total number of apprentices shall not exceed four, and provided that this ratio shall not apply if the employer has only one apprentice;
- (b) where not less than fifteen and not more than twenty journeymen are employed, one to three provided that the total number of apprentices shall not exceed five;
- (c) where the number of journeymen employed exceeds twenty, one to four provided that not more than twelve apprentices shall be employed without the approval in writing of the Minister of Employment Labour and Productivity.

(2) In the event of the ratio specified in sub-paragraph (1) not being maintained, by reason of the fact that the number of the said journeymen has been reduced during the period of any apprenticeship for a period of more than one month, then the employer shall either arrange for the assignment of the contract of apprenticeship or for the termination of the said contract:

Provided that on application being made in writing the Minister of Employment Labour and Productivity may in his discretion extend the period of one month for such further period as he may think fit generally or in respect of any particular apprentice or apprentices.

## **11. Maximum working hours**

Subject to the provisions of paragraph 12, the provisions of paragraphs 3 and 7 relating to the maximum working hours of adults, young persons and juveniles respectively, shall apply to apprentices according as to whether such apprentices are adults, young persons or juveniles.

## **12. Overtime**

No employer shall cause any young person or juvenile to work overtime in any circumstances whatsoever.

## **13. Premiums**

The payment of premiums in respect of contracts of apprenticeship shall be governed by the provisions of section 18 of the Wages Boards and Industrial Councils Act.

[Cap. W1.]

## **14. Educational standard**

The minimum educational qualification of an apprentice shall be a Grade II Middle or an Elementary Standard VI Certificate recognised by the Education Authority.

## **PART V**

### *General*

## **15. No piece-work off employer's premises**

No journeyman employed upon piece-work shall be permitted to work other than upon the premises of the employer.

## **16. Foremen or chargehands**

An employer shall employ a foreman or chargehand when the total number of journeymen employed by him reaches eight, except where it can be proved to the satisfaction of the Minister of Employment Labour and Productivity that the employer himself undertakes the duties of foreman or chargehand, and for every additional eight journeymen employed he shall employ an assistant foreman or assistant chargehand.

## **17. Leave with pay**

An employer shall grant not less than seven consecutive days' leave on full pay at his normal rate in respect of each leave-earning period of twelve months, to all employees and apprentices, other than casual workers or piece-workers, who have been continuously employed for a period of more than one year. An employer shall be held personally responsible for ensuring that such leave shall be taken, and it shall not be permissible to grant wages in lieu thereof:

Provided that in the event of any such worker ceasing to be employed after having completed six months' continuous employment before he becomes entitled to leave, such worker shall be paid any leave pay which has accrued to him in respect of that proportion of the twelve months in which he was employed.

## **18. Sick leave with pay**

(1) Every worker and apprentice, whether adult, young person or juvenile, other than a casual worker, shall, subject to the satisfaction of the employer, or on the production to the employer of a medical certificate granted by a qualified medical practitioner who shall be nominated by the employer if the employer so desires, be allowed sick leave, with pay at his normal rate, of not more than seven days in every twelve months.

(2) Such sick leave shall accrue as from the beginning of the employment and shall be available pro rata on the expiry of six months from such beginning.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **19. Sundays**

No employee shall be compelled to work upon any Sunday, if he has any religious scruples in that behalf:

Provided that in all cases in which a worker agrees to perform work upon a Sunday that day shall be regarded as a normal working day and provided that he shall not be permitted to work for more than six consecutive days without a work-free day in lieu thereof.

## **20. Public holidays**

A statutory public holiday shall be deemed a work-free day with pay:

Provided that where an employee is called upon to perform work thereon he shall receive one full day's pay in addition to his normal wages.

## **21. Medical expenses**

(1) The cost of medical attention by a qualified medical practitioner approved by the employer and of hospital expenses shall be paid by the employer in respect of any worker, other than a casual worker, whether adult, young person or juvenile and whether employed on piece-work or otherwise in a pro rata proportion of three weeks in any period of twelve months.

(2) The provisions of sub-paragraph (I) shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **22. Transfer**

An employer shall be responsible for the payment of transfer expenses in respect of any employee who is transferred from one branch of the employer's business to another, and in addition for the payment of full pay at his normal rate during the period required for the journey.

## **23. Allowance when travelling**

Any employee when travelling within the scope of his employment, including travel on transfer, outside the boundaries of the town of Lagos and which necessitates his

absence from his normal place of residence for one or more full nights shall receive a reasonable lodging and subsistence allowance in addition to his wages.

#### **24. Time of payment**

Wages and amounts due on account of piece-work in respect of any calendar month shall be paid not later than the last day of that month or on the first working day thereafter or at such lesser intervals as may be agreed upon:

Provided that all such sums owed to a worker by an employer shall be paid to him on the date of the termination of his contract.

#### **25. Records**

(1) Every employer shall in addition to the requirements of section 15 of the Wages Boards and Industrial Council Act keep such records as are necessary to show details of work performed on Sundays and particulars of work-free days granted in lieu thereof. [Cap. W1.]

(2) Such records shall be made available for inspection by the Minister of Employment Labour and Productivity or any duly authorised labour officer or inspector at all reasonable times.

#### **26. Notices of hours of work**

Every employer shall make and keep posted in a conspicuous part of his premises a timetable of hours of work and breaks for meals and rest in respect of all workers and apprentices employed on his premises.

#### **27. Domestic service**

No employee, whether adult, young person or juvenile, shall be permitted to perform any kind of domestic service for the employer for whom he works unless such employee is lodged and fed by his employer by mutual arrangement and such domestic service shall then only be such as would normally be performed by a member of the employer's family.

#### **28. Safety devices**

Adequate guards shall be provided for all moving parts of machinery, and free passageways shall be maintained around all power operated machines; and it shall be the duty of an employer to ensure that all possible precautions are taken to protect his employees from accidents due to the machines with which they may come into contact during the course of their work.

#### **29. Conditions of premises**

On all premises in which workers and apprentices are employed-

- (a) all doors shall be constructed so as to open outwards; and while any person is employed in any part of the establishment such doors shall not be fastened so that they cannot easily be opened from the inside;
- (b) adequate fire-fighting appliances shall be available at all times;

- (c) no latrine or water closet shall communicate directly by door, window or other opening, with any room used for work connected with the industry;
- (d) notices shall be prominently displayed in all workrooms, advising employees of the danger of lead poisoning, and of the means whereby it may be avoided;
- (e) employers shall provide employees with proper washing facilities on their premises, which shall include the supply of soap and clean towels, and separate space shall be set aside as a cloakroom; and latrines and lavatories to the satisfaction of the health authorities shall be provided;
- (f) an employer shall be responsible for the provision of overalls of a type to be approved by a health officer, and the adequate laundering of the same, to the following categories of employees:
  - Type-composing or type-casting machine attendants (not operators); roller-and metal-casters; press-room assistants, and compositors:
  - Provided that aprons only may be supplied to compositors in place of overalls;
- (g) an adequate supply of wholesome drinking water shall be installed, and the containers for use when drinking shall be of a type approved by the health authority;
- (h) no food shall be introduced into, prepared, or consumed in any workroom;
- (i) proper ventilation shall be provided in all workrooms, which shall include the provision of funnels or blowers when considered necessary by the health authorities;
- (j) all passageways, exits and other means of approach shall be kept free from obstructions and provided with adequate illumination;
- (k) adequate lighting shall be provided in all workrooms.

## **CONDITIONS OF EMPLOYMENT (MINES FIELD) ORDER**

*[Orders in Council 10 of 1948. 47 of 1951. 15 of 1953. L.N. 22 of 1956.]*

under section 9

### **1. Short title**

This Order may be cited as the Conditions of Employment (Minesfield) Order.

### **2. Interpretation**

In this Order, unless the context otherwise requires-

"**casual worker**" means an unskilled labourer employed for any period which amounts to not more than fifteen days in any calendar month;

"**day**" means the period between the hours of 6.30 a.m. and 6.30 p.m.;

**"employer"** means any person who by himself or his agent employs any other person as an unskilled labourer or as a task worker, and may include any such agent;

*[Order in Council 47 of 1951.]*

**"indigenous worker"** means a native of the Minesfield whose employment as a time worker, task worker, or tributer is for a period not exceeding six months in any year;

**"Minesfield"** means the mining areas comprising-

- (a) the local government areas of Jos, North-Sura, South Sura, Gindiri, Sha-Daffo, Monguna, Ron in West Pankshin, and Jerna'a in Plateau State;
- (b) the local government areas of Ningi, Burra, Lame, Toro and Lere in Bauchi State;
- (c) the local government areas lying East of Minna-Kano railway line in Kaduna State;
- (d) the local government areas of Nassarawa and Lafia in Nassarawa State; and
- (e) the local government areas of Tudun Wada in Kano State;

**"night"** means the period between the hours of 6.30 p.m. and 6.30 a.m.;

**"task work"** means work performed by a task worker;

**"task worker"** means any worker, other than a time worker or a tributer, who works with a pick, shovel, fork, crowbar, head pan, or other implement, and whose work is calculated by quantity of such work performed, and is remunerated on that basis;

**"time worker"** means a worker employed on a daily rated time basis;

**"tributer"** means a person who, directly or indirectly, is permitted to win minerals, receiving in return remuneration in accordance with the quantity and quality of the minerals so won paid directly or indirectly by the person permitting him to win the minerals, and whose mining is of an indiscriminate nature, and who may choose his own working place;

**"unskilled labourer"** includes the following-

- (a) pick and shovel man;
- (b) head panner;
- (c) dam boy;
- (d) leat boy;
- (e) sluice box boy;
- (f) sump boy;
- (g) handpump attendant;
- (h) camp cleaner and sanitary labourer;
- (i) road labourer;
- (j) watchman,

and any other worker, other than a tributer, whose emoluments are not higher than those of the above and who is engaged in operations for or incidental to mining or obtaining minerals;

"**worker**" means any time worker, task worker, or casual worker, who is engaged in operations for or incidental to mining or obtaining minerals.

[*Order in Council A1 of 1951.*]

## PART I

*Children and young persons*

### **3. Age of employment**

No employer shall employ on the Minesfield in any capacity any person who is under the age of sixteen years.

## PART II

*Adults*

### **4. Maximum normal working hours**

(1) The maximum normal working hours of any worker, other than a watchman, shall be 48 hours in any period of seven days, with one work-free day in that period.

(2) The maximum normal working hours in anyone working day shall be eight hours.

### **5. Breaks and meals**

(1) A worker, other than a task worker or a watchman, shall not be employed

continuously for a spell of more than five hours without an interval of at least one hour for a meal or rest.

[*Order in Council 47 of 1951.*]

(2) For the purposes of this article employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

### **6. Overtime**

No employer shall cause any worker, other than a task worker or a watchman, to work overtime in excess of twelve hours in any period of seven days, and in excess of two hours in anyone day.

### **7. Employment by night**

No night shift shall exceed eight working hours for any worker, other than a watchman.

[*Order in Council 47 of 1951.*]

## PART III

### *Watchmen*

#### **8. Watchmen**

(1) The maximum normal working hours of any watchman shall be twelve hours in any period of 24 hours.

(2) No employer shall cause any watchman, during the period of his duty, to perform any manual labour or any other kind of work which does not normally form part of the duties of a watchman and no watchman shall be called upon to work overtime.

## PART IV

### *General*

#### **9. Holidays with pay**

(1) A worker, after a period of twelve months in the continuous employment of an employer, shall be given a holiday of one week and an additional two days of travelling time with full pay at his normal rate, and shall be given a similar holiday with respect to every such period thereafter.

*[Order in Council 47 of 1951.]*

(2) Any holiday required to be given in pursuance of this article or any part thereof may, by agreement between the worker and the employer, be deferred and, similarly, may be taken separately or conjointly with any other such holiday or part thereof.

*[Order in Council A] of 1951.]*

(3) A worker who ceases to be employed after having completed-

*[Order in Council A] of 1951.]*

- (a) less than twelve but not less than six months in the continuous employment of an employer; or
- (b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with sub-paragraph (I) shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for one week at his normal rate as the said period shall bear to twelve months.

#### **10. Sick leave with pay**

(1) Every worker shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with full pay for fourteen days, and thereafter with half pay for fourteen days in every period of twelve months.

(2) Such sick leave shall accrue as from the beginning of the employment, and shall be available *pro rata* on the expiration of six months from such beginning.

(3) In the case of time workers "**full pay**" and "**half pay**" shall be taken to mean respectively full pay and half pay at the current rate of pay of the worker, exclusive of

Sundays and such full pay and half pay shall be respectively at a rate not less than the minimum daily rate and half the minimum daily rate laid down, exclusive of Sundays.

(4) In the case of task workers "**full pay**" and "**half pay**" shall be taken to mean, respectively, full pay and half pay at the minimum rate for task workers, exclusive of Sundays.

#### **11. Sunday work**

A worker shall not be required against his will to work on a Sunday.

[*Order in Council* 47 of 1951.]

#### **12. Public holidays**

The following statutory public holidays shall be observed, and any work performed on these days shall be remunerated at the rate of double time:

Good Friday, Easter Monday, Christmas Day, Boxing Day, Id el Fitr, Id el Kabir and Moulud Nubijyi.

#### **13. Medical attention**

Every worker shall be entitled to medical attention and hospital expenses as laid down in the Labour Health Areas Regulations.

[Regulation 14 of 1948.]

#### **14. Savings**

The provisions of paragraphs 10 and 13 shall be in addition to, and not in derogation of, the provisions of the Workmen's Compensation Act.

[Cap. W6.]

#### **15. Records**

Every employer shall, in addition to the requirements of section 19 of the Wages Boards and Industrial Councils Act, keep such records as may be required by the Minister of Employment Labour and Productivity.

[Cap. W1.]

#### **16. Safety devices**

Adequate guards shall be provided for all moving parts of machinery, and free passageways shall be maintained around all power operated machines. It shall be the duty of an employer to ensure that all possible precautions are taken to protect his workers from accidents due to machines with which they may come in contact during the cause of their work, or from any other working conditions, to the satisfaction of a labour officer or other inspector authorised in that behalf.

#### **17. Housing**

Housing shall be provided for workers as laid down in the Labour Health Areas Regulations.

[Regulation 14 of 1948.]

## **18. Firewood**

Every employer in Jos district and in the five western districts of Pankshin district shall make reasonable arrangements to the satisfaction of a labour officer, or Inspector authorised in that behalf, to make available supplies of firewood to his workers. On a date to be notified by the Minister of Employment, Labour and Productivity every employer in Jos district and in the five western districts of Pankshin district shall make arrangements to the satisfaction of a labour officer or inspector authorised in that behalf to make available to his workers supplies of firewood at the rate of one-and-a-half cords per worker per annum at a reasonable cost.

## **19. Supplies of grain**

(1) Every employer shall, unless it is not reasonably practicable having regard to the availability of supplies and the state of communications to obtain such supplies, make arrangements to have supplies of grain available at intervals of time of not more than one week, and at a distance of not more than two miles from the place of work or camp of his workers, so that time workers, task workers and tributers may voluntarily purchase such grain in the following quantities and at a price not exceeding the local retail market price-

*[Order in Council 15 of 1953. L.N. 22 of 1956.]*

- (a) for a time worker or a task worker, other than an indigenous worker - #24 in a week;
- (b) for a tributer other than an indigenous worker-
  - (i) in respect of any week in which such tributer's earnings amount to not less than ₦ 1,₦ 24;
  - (ii) in respect of any week in which such tributer's earnings amount to less than ₦1 but not less than 4k, such quantity as shall bear the same proportion to ₦ 24 as the said earnings shall bear to ₦ 1;
- (c) for an indigenous time worker, task worker or tributer - a quantity not less than one fifth of the quantity provided for a non-indigenous worker in accordance with sub-paragraphs (a) and (b).

(2) Duty shall be paid at the rate in force at the time when the worts are collected in the collecting vessel.

*[Order in Council 15 of 1953.]*

## **20. Tributers**

With the exception of paragraphs 3 and 19 nothing in this Order shall apply to tributers,

**CONDITIONS OF EMPLOYMENT (MOTOR INDUSTRY TRADE AND  
OCCUPATIONS) (LAGOS STATE) ORDER**

under section 9

**PARTI**

*Preliminary*

**1. Short title**

This Order may be cited as the Conditions of Employment (Motor Industry Trades and Occupations, Lagos State) Order.

**2. Interpretation**

In this Order, unless the context otherwise requires-

**"adult"** means a person of or above the age of eighteen years;

**"apprentice"** means an employee who is serving a period of five years' apprenticeship in the motor industry;

**"casual worker"** means a chargeman or journeyman who is employed for not more than six consecutive days in anyone period and for not more than an aggregate of fifteen days in any calendar month;

**"charge man"** means a journeyman who is able to take full charge of anyone or more of the operations set forth in classifications (a), (b) and (c) of the definition of the expression "journeyman" and who is responsible for maintaining discipline among the mechanics under his control, for the allocation and supervision of normal routine jobs, and for the general standard of efficiency of the work as set by his employer or manager or engineer;

**"day"** means the period between the hours of 7.00 a.m. and 6.30 p.m.;

**"five years"** apprenticeship in the motor industry;

**"journeyman"** means an employee who has completed a five years' apprenticeship or other course of training approved by the Minister of Employment Labour and Productivity in any of the occupations in the following groups or classifications-

- (a) *Bodywork*.-acetylene or electric welding, blacksmith or spring maker, body-maker, coach and carriage trimmer, coach painter or sprayer, coachsmith, motor panel beater or sheet metal worker;
- (b) *Mechanical*.-injection pump tester and calibrator on diesel and other engines, motor fitter and turner, motor mechanic or turner and tester, motor vehicle instrument maker or repairer, motor vehicle assembler, radiator assembler, chassis repairer, straightener and aligner, wheelwright, tyre builder, buffer, and vulcaniser;

(c) *Electrical*.-motor vehicle electrician, including electrical fitter or armature winder, magnet winder, electrical wiremen or cable jointer, motor vehicle battery assembler or battery mechanic;

"**motor industry**" means the trade or business concerned with the buying, selling, servicing, repairing, re-conditioning, hiring or garaging of any motor vehicle for profit or reward;

"**motor vehicle**" means any mechanically propelled vehicle intended or adapted for use on roads;

"**night**" means the period between the hours of 6.30 p.m. and 7.00 a.m.;

"**omnibus**" means any motor vehicle used or intended to be used for carrying eight or more passengers for hire or reward, the passengers paying separate and distinct fares or at the rate of separate or distinct fares for the separate places;

"**piece-work**" means work paid for not by the number of hours worked but by the quantity of work performed.

### **3. Age of employment**

No employer shall employ in the motor industry any person in any capacity who is under the age of fourteen years.

## **PART II**

### *Adults*

### **4. Maximum normal working hours**

(1) The maximum normal working hours of any employee, other than a driver, when employed on work for an employer, whether such employment be on piece-work or otherwise, shall be 45 hours in any period of seven days with one work-free day in that period.

(2) The maximum normal working hours for any employee, other than a driver, in anyone working day shall be eight hours on any five days of the said period of seven days and five hours on the remaining one working day.

### **5. Breaks and meals**

In every working day every employer shall ensure that each worker, other than a driver, employed on work for such employer shall-

- (a) be given not less than one hour for the purposes of meals and rest; and
- (b) not be continuously employed for more than five hours at anyone time.

### **6. Overtime**

No employer shall permit any employee, other than a driver, to work overtime on behalf of such employer in excess of nine hours in any period of seven days or in excess of one-and-a-half hours in anyone day.

## **7. Employment by night**

(1) No night shift shall exceed six working hours for any employee other than a driver, and there shall be a break of at least half an hour in every such shift of six hours.

(2) Every employer shall be responsible for providing a break of at least eighteen hours before any employee shall revert from night shift to day shift or *vice versa*.

## **PART III**

### *Drivers*

## **8. Hours of driving**

(1) No driver shall drive or be employed to drive-

- (a) for more than six days in every period of seven days;
- (b) for any continuous period of more than five and one-half hours; or
- (c) for periods amounting in the aggregate to more than ten and one-half hours in any period of 24 hours commencing two hours after midnight; or
- (d) so that the driver has not at least eight consecutive hours for rest in any period of 24 hours calculated from the commencement of any period of driving.

(2) Where in any such period of 24 hours one period of duty only is worked not exceeding eight hours in length, then such period may be worked instead of the period specified in sub-paragraph (1) (b):

Provided that the driver is allowed intervals of rest and time for refreshment of not less than forty minutes in the aggregate and one of such intervals is not less than twenty minutes, to be taken not earlier than two hours after the beginning nor later than five hours after the beginning of the eight-hours period of duty.

(3) Where it is necessary for a driver to conclude a long-distance journey the period specified in (c) of sub-paragraph (I) may be extended to a period which shall not exceed twelve and one-half hours in all.

(4) All time worked by a driver in excess of nine hours on any working day shall be regarded as overtime.

## **9. Continuous period**

Any two or more periods of driving time shall be deemed to be a continuous period unless separated by an interval of not less than thirty minutes:

Provided that in the case of an omnibus operating wholly within the town of Lagos and a distance not exceeding 32 kilometres beyond the boundaries of the town of Lagos such interval shall be of fifteen minutes exclusive of any stops occasioned by the time-table of the vehicle being driven.

## **10. Fire brigade vehicles and ambulances**

This Part shall not apply to drivers of fire brigade vehicles or ambulances.

## PART IV

### *Apprentices*

#### **11. Minimum period of contract**

(1) The minimum period of apprenticeship shall be five years.

#### **Ratio of apprentices**

(2) The maximum ratio of the number of apprentices to the number of journeymen employed on work for an employer shall be one apprentice to one journeyman.

#### **Restrictions on driving**

(3) No apprentice shall be permitted to accompany any driver for the purpose of receiving tuition in driving while such driver is engaged in the normal course of his duties: Provided that the provisions of this sub-paragraph shall not apply where a vehicle is set aside for the purpose of instruction and as long as members of the public are not at the same time carried in such vehicle.

## PART V

### *General*

#### **12. Holidays with pay**

(1) Every adult and apprentice employee, other than a piece-worker or a casual worker employed within the limits of the definitions of the expressions "piece-work" and "casual worker", shall, if continuously employed on work for an employer for a period of twelve months, be entitled to holidays for seven consecutive days with full pay in respect of each such period of twelve months.

(2) Holidays accruing may be accumulated if an employer and an employee both agree to such accumulation, but wages in lieu of holidays shall not be granted, and an employer shall be held personally responsible for insisting that holidays be taken.

(3) In the event of any such employee ceasing to be employed by an employer after having completed six months' continuous employment before he becomes entitled to a holiday, such employee shall be paid any holiday remuneration which has accrued to him in respect of that proportion of the twelve months in which he was employed.

#### **13. Sick leave with pay**

(1) Every adult and apprentice employee, other than a casual worker, shall, on the production to the employer of a medical certificate granted by a qualified medical practitioner, be allowed sick leave with pay at the general minimum time rate of not less than seven days in every twelve months.

(2) Such sick leave shall accrue as from the beginning of he employment and shall be available pro rata on the expiration of six months from such beginning.

#### **14. Medical attention**

Every adult and apprentice employee other than a casual worker shall be entitled within any period of twelve months to medical attention by a qualified medical practitioner approved by the employer and to hospital treatment, at the expense of the employer, in the ratio of six weeks to 52 weeks:

Provided that the disability of such employee has not been brought about by his own misconduct.

#### **15. Saving of Cap. W6**

The provisions of paragraphs 13 and 14 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

#### **16. Sunday work**

Work may be performed on Sundays provided that one work-free day during the week is granted to any employee who may be required so to work:

Provided that where in the opinion of the Minister of Employment Labour and Productivity it is impracticable to grant a work-free day in lieu of a Sunday this paragraph may be relaxed.

#### **17. Piece-work**

Piece-work shall be permitted provided that the remuneration of the employee engaged on such piece-work is not less than the fixed minimum rate for the class of work involved, and that the piece-work is such as could normally be completed within the prescribed working hours.

#### **18. Allowances on transfer and when travelling**

(1) Any employer shall be responsible for the payment of transfer expenses in respect of an employee who proceeds on transfer from one branch of such employer's business to another branch, and for the payment of full wages to such employee in respect of the period of time required for the journey.

(2) An employee, when travelling within the scope of his employment, including travel on transfer, beyond the boundaries of the town of Lagos, which necessitates his absence from his normal place of residence for one or more full nights, shall receive a reasonable lodging and subsistence allowance in addition to his wages.

#### **19. Records**

Every employer shall, in addition to the requirements of section 15 of the Wages Boards and Industrial Councils Act, keep such records as are necessary to show that the provisions of these Regulations are being complied with.

[Cap. W1.]

## **20. Notice of hours of work**

Every employer shall make and keep posted in a conspicuous part of his premises a timetable of hours of work and breaks for meals and rest in respect of all adult and apprentice employees employed on his premises.

## **21. Safety devices**

Adequate guards for all moving parts and other suitable safety devices shall be provided by an employer in respect of all machinery on his premises, and free passageways shall be maintained around all mechanically operated machines.

## **22. Condition of premises**

- (1) On all premises in which employees and apprentices are employed-
  - (a) adequate arrangements for the prevention of fire and a sufficiency of fire-fighting appliances shall be available at all times;
  - (b) employees shall be provided with proper washing facilities;
  - (c) adequate lighting and ventilation shall be provided;
  - (d) suitable first-aid equipment shall be provided for the immediate treatment of cuts, burns, and other minor injuries.
- (2) A separate workroom shall be set aside for spray painting where this is carried out.

## **CONDITIONS OF EMPLOYMENT (STEVEDORE AND DOCK LABOUR IN THE PORT OF LAGOS) ORDER**

[27 of 1949.]

under section 9

### **1. Short title**

This Order may be cited as the Conditions of Employment (Stevedore and Dock Labour in the Port of Lagos) Order.

### **2. Interpretation**

In this Order, unless the context otherwise requires-

"dock worker" means any person employed as a dock worker within the area of the Port of Lagos, and includes any crane driver, dock labourer, dock labourer headman, lighterman, longshoreman, luggage porter, quay-side worker, stevedore, stevedore gang wayman, stevedore headman, stevedore winchman, water-front shed porter, and winch-man who is so employed, but does not include any worker engaged in operations incidental to the transport of goods or passengers by road or rail;

**"employer"** includes any person who by himself or his agent employs any dock worker within the area of the Port of Lagos, and any owner, agent, master or mate of any ship or lighter, any superintendent or manager of any quay or wharf or water-front shed on which any dock worker is so employed;

**"Port of Lagos"** means the area containing all the harbourage and docks, wharves and jetties, in Lagos Lagoon from the entrance mole up to and including Yaba Canal from east of its entrance to Porto Novo Creek to west of the Macgregor Canal;

**"week"** means a continuous period of seven days.

### **3. Age of employment**

A person who has not attained the age of eighteen years shall not be employed as a dock worker.

### **4. Maximum normal working hours**

(1) The normal hours of work of a dock worker, exclusive of intervals for meals and rest, shall not exceed-

- (a) 45 hours in any week;
- (b) eight hours in any day from Monday to Friday inclusive; and
- (c) five hours on Saturday.

(2) The total hours of work of any dock worker, exclusive of intervals allowed for meals and rest but inclusive of overtime, shall not exceed 66 hours in any week.

### **5. Intervals for meals and rest**

(1) A dock worker shall not be employed continuously for a spell of more than five hours without an interval of at least one hour for a meal or rest.

(2) For the purposes of this paragraph, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

### **6. Holidays with pay**

(1) A dock worker, after a period of twelve months in the continuous employment of an employer, shall be given a holiday of one week with full pay at his normal rate, and shall be given a similar holiday with respect to every successive such period.

(2) Any holiday required to be given in pursuance of this section, or any part thereof may, by agreement between the dock worker and the employer, be deferred and, similarly may be taken separately or conjointly with any other such holiday or part thereof.

(3) A dock worker who ceases to be employed after having completed-

- (a) less than twelve but not less than six months in the continuous employment of an employer; or
- (b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with sub-paragraph (1),

shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for one week at his normal rate as the said period shall bear to twelve months.

#### **7. Sick leave with pay**

(I) A dock worker, after a period of six months in the continuous employment of an employer, shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with half his normal pay.

(2) Sick leave allowable in accordance with sub-paragraph (1)-

- (i) shall not be less than twelve days in any period of twelve months' continuous employment; and
- (ii) shall accrue from the beginning of the period of employment at the rate of not less than one day for each completed month of employment, so, however, that it shall not be accumulated over a period exceeding twelve months.

#### **8. Medical attention**

A dock worker, after a period of six months in the continuous employment of an employer, shall be entitled to receive, at the expense of the employer, medical attention from a qualified medical practitioner approved by the employer and hospital treatment, as and when such attention and such treatment are required:

Provided that-

- (a) the employer shall be liable for the expenses of such periods of medical attention and of hospital treatment as shall not exceed in the aggregate six weeks in any period of twelve months' continuous employment; and
- (b) the disability of the dock worker is not attributable to his own neglect or fault.

#### **9. Meaning of continuous employment**

For the purposes of paragraphs 6, 7 and 8, a dock worker shall be deemed to be in the continuous employment of an employer for any period during which he is employed by the said employer on each successive normal working day without interruption otherwise than by way of public holidays, holidays with pay, sick leave, and any periods of medical attention and hospital treatment allowed in accordance with this Order, or any other absence approved by the employer.

#### **10. Saving of Cap. W6**

The provisions of paragraphs 7 and 8 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

#### **11. Sunday work**

A dock worker shall not be required against his will to work on a Sunday.

CONDITIONS OF EMPLOYMENT (CATERING TRADE)  
(LAGOS STATE) ORDER

under section 9

[*1st April, 1950*]  
[Commencement.]

**1. Short title and commencement**

This Order may be cited as the Conditions of Employment (Catering Trade) (Lagos State) Order in Council, and shall come into operation on the 1st April, 1950.

**2. Interpretation**

In this Order, unless the context otherwise requires-

"**catering trade**" includes the trade carried on (whether for profit or not) in any undertaking or any part of an undertaking, other than a private household, wholly or mainly engaged in one or more of the following activities, that is to say, the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers and any other activity so far as it is incidental or ancillary to any such activity as aforesaid or the undertaking:

Provided that the expression shall not include-

- (a) any trade carried on in a market or at any stall or table in a public place or open space (not being the property of a private owner);
- (b) any trade carried on by a street trader;

"**employed**" means employed within the area of Lagos State in the catering trade;

"**employer**" means any person who by himself or his agent employs any other person in the catering trade, and may include any such agent;

"**week**" means a continuous period of seven days.

**3. Age of employment**

No employer shall employ on his premises any person who has not attained the age of fourteen years.

**4. Maximum normal working hours**

(I) The normal hours of work of any employed person, other than a watchman, who has attained the age of sixteen, exclusive of intervals for meals and rest, shall not exceed-

- (a) 54 hours in any week; and
- (b) nine hours in any day.

(2) The total hours of work of any employed person who has not attained the age of sixteen, exclusive of intervals for meals and rest, shall not exceed-

- (a) 48 hours in any week; and
- (b) eight hours in any day.

(3) The normal daily hours of work of any employed person shall be completed within a period of not more than sixteen hours.

(4) The total hours of work of any employed person, other than a watchman, who has attained the age of sixteen, exclusive of intervals allowed for meals and rest but inclusive of overtime, shall not exceed 62 hours in any week.

(5) The hours of work of a watchman shall be deemed to include the whole of the time during which the watchman is required to be on or about the premises to be watched and shall normally not exceed 72 hours in any week.

## **5. Intervals for meals and rest**

(1) A person who has attained the age of sixteen shall not be employed continuously for a spell of more than five hours without an interval of at least one hour for a meal or rest.

(2) A person who has not attained the age of sixteen shall not be employed continuously for a spell of more than four hours without an interval of at least one hour for a meal or rest.

(3) For the purposes of this paragraph, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

## **6. Weekly day of rest**

(1) On one day in each week an employed person shall not normally be employed about the business of an employer.

(2) The employer shall fix, and shall specify in a notice in the prescribed form, the day of the week on which persons employed by him shall not normally be employed about his business, and may fix different such days for different such persons.

(3) The notice required in accordance with the last preceding sub-paragraph shall be kept constantly affixed in a position where it may be readily seen and read by any person whom it affects, and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(4) The notice shall be affixed before the persons to whom it relates cease work on the Saturday preceding the week during which it is to have effect.

## **7. Holidays with pay**

(I) An employed person, after a period of twelve months in the continuous employment of an employer, shall be given a holiday of one week with full pay at his normal rate, and shall be given a similar holiday with respect to every successive such period.

(2) Any holiday required to be given in pursuance of this paragraph, or any part thereof may, by agreement between the employed person and the employer, be deferred

and, similarly, may be taken separately or conjointly with any other such holiday or part thereof.

(3) A person who ceases to be employed after having completed-

- (a) less than twelve but not less than six months in the continuous employment of an employer; or
- (b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with sub-paragraph (I),

shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for one week at his normal rate as the said period shall bear to twelve months.

## **8. Sick leave with pay**

(I) An employed person, after a period of six months in the continuous employment of an employer, shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with full pay at his normal rate.

(2) Sick leave allowable in accordance with sub-paragraph (1)-

- (a) shall not be less than seven days in any period of twelve months' continuous employment; and
- (b) shall accrue from the beginning of the period of employment at the rate of not less than seven twelfths of one day for each completed month of employment, so however, that it shall not be accumulated over a period exceeding twelve months.

## **9. Medical attention**

An employed person after a period of six months in the continuous employment of an employer, shall be entitled to receive, at the expense of the employer, medical attention from a qualified medical practitioner approved by the employer and hospital treatment, as and when such attention and such treatment are required:

Provided that-

- (a) the employer shall be liable only for the expenses of such periods of medical attention and of hospital treatment as shall not exceed in the aggregate four weeks in any period of twelve months' continuous employment; and
- (b) the disability of the person is not attributable to his own neglect or fault.

## **10. Meaning of continuous employment**

For the purposes of paragraphs 7, 8 and 9, a person shall be deemed to be in the continuous employment of an employer for any period during which he is employed by the said employer on each successive normal working day without interruption otherwise than by way of public holidays, holidays with pay, sick leave and any periods of medical attention and hospital treatment allowed in accordance with this Order, or any other absence approved by the employ

## **11. Saving of Cap. W6**

The provisions of paragraphs 8 and 9 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.J

## **12. Washing facilities**

As far as is reasonably practicable there shall be provided and maintained for the use

of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

## SCHEDULE

### PRESCRIBED FORM OF NOTICE AS TO THE WEEKLY DAY OF REST OF EMPLOYED PERSONS

*Conditions of Employment (Catering Trade) (Lagos State) Order*  
[Paragraph 6.]

*Prescribed form of notice as to the weekly day of rest of employed persons*

I HEREBY GIVE NOTICE that the persons employed in this undertaking will not normally be employed about my business on the day named below in the week following the date of this notice and until further notice. \*

Names of employed persons	Day of the week on which persons will not normally be employed

\*Strike out the words "until further notice" if the notice is intended to apply only to one week.

If the same day is fixed for all employed persons, the word "All" only need be inserted in this column.

.....  
*Signature of employer or agent*

Date .....

This notice must be kept constantly affixed in a position where it may be readily seen and read by any person whom it affects, and must be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

The notice must be affixed before the employed persons to whom it relates cease work on the Saturday preceding the week during which it is to have effect.

**CONDITIONS OF EMPLOYMENT (BUILDING AND CIVIL ENGINEERING INDUSTRY)  
(LAGOS STATE) ORDER**

[*Order in Council 35 of 1951.*]

under section 9

[1st November, 1951]

[Commencement.]

**1. Short title**

This Order may be cited as the Conditions of Employment (Building and Civil Engineering Industry) (Lagos State) Order, and shall apply to the employment of all persons employed in the building and civil engineering industry within Lagos State, other than persons directly employed by Government, the Town Council or a local government.

**2. Interpretation**

In this Order, unless the context otherwise requires-

"apprentice" means an employed person serving under a written contract of apprenticeship;

"building and civil engineering industry" means, without in any way limiting the ordinary meaning of the expression, the industry in which the employer and employed person are associated for the purpose of erecting, renovating (including painting, redecorating and painting), repairing, maintaining, or altering buildings or structures, or making articles for use in the erection, completion or alteration of buildings and structures, whether the work is performed, the material prepared or the necessary articles are made on the sites of the buildings or structures or elsewhere, and of carrying out all work performed by persons employed in such industry who are engaged in the following trades or subdivisions thereof;

- (a) asphalting, which includes covering floors, flat or sloping roofs, water proofing or damp proofing of basements or foundations;
- (b) bricklaying, which includes concreting and the fixing of concrete blocks, tiling of walls and floors, pointing, paving, facing work in slate, in marble or in composition, laying or making drains or culverts in brickwork or concrete blocks, slating and roof tiling;
- (c) concreting, which includes erecting and fixing steel reinforcement;
- (d) drain laying, which includes the digging of trenches or open drains, making or concreting open drains and laying drainage pipes or sewers;
- (e) french polishing, which includes polishing with a brush or pad, and spraying with any composition;
- (f) glazing, which includes the cutting and fixing of glass or substitute products into rebates formed in wood or metal doors, window frames or like fixtures, and all operations incidental thereto;

- (g) joinery, which includes the fixing of all wooden fittings and the manufacture of all articles of joinery incidental to such fittings and including cupboards, kitchen dressers, or other fixtures which accrue to the building as a permanent portion thereof;
- (h) metal work, which means the fixing of metal windows, metal doors, builders' iron work, metal frames, metal stairs and decorative or architectural metal work;
- (i) masonry, which includes stone cutting and building (also the cutting and building of ornamental and monumental stonework), concreting and the fixing or building of precast or artificial stone or marble, paving, pointing, wall and floor tiling;
- (j) painting, which includes the processes of decorating, glazing, distempering of walls, lime and colour-washing of walls, staining, varnishing, graining, marbling, spraying, sign-writing and wall decorating;
- (k) plastering, which includes modelling, model making, mould making, facing of casts to moulds, making or fixing plasters, granolithic, terrazzo and composition floor laying, composition wall covering and polishing, precast or artificial stonework, wall and floor tiling and paving work, fixing metal lathing, and all processes incidental to the completion of ceilings and walls;
- (l) plumbing, which includes brazing and welding, lead burning, sanitary and domestic engineering, caulking and water fittings;
- (m) steel erecting, which includes the titling and erecting of all forms of steel construction and the erecting or fixing of all classes of steel or other metal columns, girders, joists or sheeting which form part of a building or structure;
- (n) steel bending, which includes making and fitting all forms of steel reinforcement and metal lathing;
- (o) ventilating engineering, which means the titling or fixing of all forms of ventilating apparatus, fittings, or fixtures used for the purpose of or in connection with a building or structure;
- (P) woodworking, which includes carpentry, veneer panelling and polishing and sandpapering of same, woodwork machining, turning, carving, fixing of corrugated iron, wood-lathing, composition ceiling and wall covering, wood asphalt-based floor coverings including sandpapering of same, drilling and plugging of walls, shuttering or preparation of forms or moulds for concrete;

**"employed"** means employed within the area of the town of Lagos in the building and civil engineering industry;

**"employer"** means any person who by himself or his agent employs any other person in the building and civil engineering industry, and may include any such agent;

**"essential service"** means any piece of work the consequences of non-performance of which, either alone or in combination with other factors or agents, will be to endanger human life or seriously to endanger public health, including the health of the inmates of a hospital or similar institution, or to cause serious bodily injury, or to expose valuable property, whether real or personal to destruction or serious injury;

**"piece-work"** means work calculated by the quantity of such work performed and remunerated on that basis;

**"structure"** includes wall, boundary, garden and retairung walls, and monuments, tombs and cemetary memorials of the nature of a building or structure;

**"week"** means a continuous period of seven days.

### **3. Age of employment**

A person who has not attained the age of sixteen years shall not be employed in the building and civil engineering industry.

### **4. Maximum normal working hours**

(1) The normal hours of work of any employed person, exclusive of intervals for meals and rest, shall not exceed-

- (a) 44 hours in any week;
- (b) eight hours in any day from Monday to Friday inclusive; and
- (c) four hours on Saturday.

(2) The total hours of work of any employed person other than an apprentice, exclusive of intervals allowed for meals and rest but inclusive of overtime, shall not exceed-

- (a) 58 hours in any week;
- (a) ten hours in any day from Monday to Friday; and
- (c) eight hours on Saturday:

Provided that the total hours of work of such an employed person, inclusive of overtime, may exceed the said hours when such person is employed on an essential service.

### **5. Intervals for meals and rest**

(1) An employed person shall not be employed continuously for a spell of more than five hours without an interval of at least one hour for a meal or rest.

(2) For the purposes of this paragraph, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

### **6. Holiday with pay**

(1) An employed person, after a period of twelve months in the continuous employment of an employer, shall be given a holiday of one week with full pay at his normal rate, and shall be given a similar holiday with respect to every successive such period.

(2) Any holiday required to be given in pursuance of this section, or any part thereof may, by agreement between the employed person and the employer, be deferred and, similarly, may be taken separately or conjointly with any other such holiday or part thereof.

(3) A person who ceases to be employed after having completed-

- (a) less than twelve but not less than six months in the continuous employment of an employer; or
- (b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with sub-paragraph (I),

shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for one week at his normal rate as the said period shall bear to twelve months.

## **7. Sick leave with pay**

(1) An employed person, after a period of six months in the continuous employment of an employer, shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with full pay at his normal rate.

(2) Sick leave allowable in accordance with sub-paragraph (1)-

- (a) shall not be less than seven days in any period of twelve months' continuous employment; and
- (b) shall accrue from the beginning of the period of employment at the rate of not less than seven twelfths on one day for each completed month of employment, so however that it shall not be accumulated over a period exceeding twelve months.

## **8. Medical attention**

An employed person, after a period of six months in the continuous employment of an employer, shall be entitled to receive, at the expense of the employer, medical attention from a qualified medical practitioner approved by the employer and hospital treatment as and when such attention and such treatment are required:

Provided that-

- (a) the employer shall be liable only for the expenses of such periods of medical attention and of hospital treatment as shall not exceed in the aggregate six weeks in any period of twelve months' continuous employment; and
- (b) the disability of the person is not attributable to his own neglect or fault.

## **9. Meaning of continuous employment**

For the purposes of paragraphs 6, 7 and 8, a person shall be deemed to be in the continuous employment of an employer for any period during which he is employed by the said employer on each successive normal working day without interruption otherwise than by way of public holidays, holidays with pay, sick leave and any periods of medical attention and hospital treatment allowed in accordance with this Order, or any other absence approved by the employer.

## **10. Saving of Cap. W6**

The provisions of paragraphs 7 and 8 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **11. Sunday work**

An employed person shall not be required against his will to work on Sunday.

## **12. Apprentices**

(1) An employer shall not employ any person as an apprentice unless such person has entered into a contract of apprenticeship in accordance with the provisions of any written law for the time being in force relating to contracts of apprenticeship.

(2) Notwithstanding the provisions of any such written law, every contract of apprenticeship shall contain in clear and unambiguous terms all that may be necessary to define the rights and obligations of the parties thereto.

(3) A contract of apprenticeship shall be made for a period of not less than five years.

(4) On the completion of the apprenticeship the employer shall issue to the apprentice a certificate as to his competency.

(5) The number of apprentices employed in any trade by an employer shall not at any time be greater than the number of persons trained in the said trade then employed by the employer.

(6) An apprentice shall not be employed outside the maximum normal hours of work determined in accordance with sub-paragraph (I) of paragraph 4.

## **13. Records**

Every employer shall keep such records as are necessary to show that the provisions of this Order are being complied with.

## **RETAIL AND ANCILLARY TRADES (LAGOS) CONDITIONS OF EMPLOYMENT ORDER**

[L.N. 99 of 1960.]

under section 9

[1st July, 1960]

[Cornmencernent.]

## **1. Short title**

This Order may be cited as the Retail and Ancillary Trades (Lagos) Conditions of Employment Order.

## **2. Remuneration and conditions of employment of retail workers in Lagos**

The remuneration and conditions of employment contained in the Schedule in respect of workers to whom the Schedule applies are hereby fixed.

### SCHEDULE

#### ARRANGEMENT OF PARAGRAPHS

##### PART I

###### *Conditions of employment*

###### PARAGRAPH

1. Holidays with pay.
2. Deferred holidays, etc.
3. Weekly day of rest.
4. Sick leave.
5. Medical attention.
6. Saving of Workmen's Compensation Act.
7. Calculation of employment.

##### PART II

###### *General*

8. Interpretation.
9. Conditions in premises.

##### PART III

###### *Application*

10. Workers to whom Schedule applies.

##### PART I

###### *Conditions of employment*

###### **1. Holidays with pay**

An employed person, after a period of twelve months in the continuous employment of an employer, shall be given a holiday with full pay at his normal rate, and shall, be given a similar holiday with respect to every successive such period; and the duration of the holiday shall in the case of each worker be in accordance with the following table-

<i>Type of employment</i>	<i>Duration of annual holiday</i>
(a) workers in categories (x)-(xiv) of paragraph 2	one week a year
(b) workers in categories (i)-(ix) of paragraph 2	two weeks a year

## **2. Deferred holidays, etc.**

(1) Any holiday required to be given in pursuance of paragraph 6 may, by agreement between the employed person and the employer, be deferred for not more than six months and, may be taken separately or conjointly with any other such holiday or part thereof.

(2) A person who ceases to be employed otherwise than by dismissal after having completed-

- (a) less than twelve but not less than six months in the continuous employment of an employer; or
- (b) not less than six months in the continuous employment of an employer since he last qualified for holidays in accordance with paragraph 6,

shall, with respect to such period of employment, be paid an amount which shall bear the same proportion to full pay for the period of leave to which he is entitled under paragraph 6 at his normal rate as the said period shall bear to twelve months.

## **3. Weekly day of rest**

(1) In every week a worker shall be entitled to a work free day.

(2) Any worker who works for and at the request of his employer on a work-free day shall be paid for such work at a rate not less than his ordinary rate of pay and a half of such rate unless the worker and the employer shall have agreed that a whole day within three days immediately before or after the work-free day shall be substituted therefor:

Provided that no worker shall be compelled to work on a work-free day.

## **4. Sick leave**

(I) An employed person, after a period of six months in the continuous employment of an employer, shall, on the production to the employer of a certificate from a qualified medical practitioner stating that in consequence of illness he is unfit for work, be allowed sick leave with full pay at his normal rate.

(2) Sick leave allowable in accordance with the provisions of subparagraph (I) shall not be less than seven days in any period of six months.

## **5. Medical attention**

An employed person, after a period of six months in the continuous employment of an employer, shall be entitled to receive, at the expense of the employer, medical attention and hospital treatment from a qualified medical practitioner approved by the employer as and when such attention and such treatment are required:

Provided that-

- (a) the employer shall be liable only for the expenses of such period of medical attention and of hospital treatment as shall not exceed in the aggregate four weeks in any period of twelve months' continuous employment, but shall not be liable for operation fees nor for cost of dental treatment; and
- (b) the disability of the person is not attributable to his own neglect or fault.

## **6. Saving of Workmen's Compensation Act**

The provisions of paragraphs 9 and 10 shall be in addition to and not in derogation of the provisions of the Workmen's Compensation Act.

[Cap. W6.]

## **7. Calculation of employment**

For the purpose of calculating continuous employment, qualifying a worker for an annual holiday or sick leave or medical attention, the worker shall be deemed to be in the continuous employment of an employer for any period during which he is employed by the said employer on each successive normal working day without interruption otherwise than by way of public holidays, holidays with pay, sick leave and any period of medical attention and hospital treatment allowed in accordance with this Schedule, or any other absence approved by the employer.

## PART II

### *General*

## **8. Interpretation**

In this Schedule-

**"bookkeeper"** means any person employed wholly or mainly in keeping books of accounts or related duties;

**"cashier"** means any person employed wholly or mainly in receiving, paying, and accounting for cash other than those whose duty includes the receiving and accounting for cash sales;

**"clerk"** means any person employed wholly or mainly on clerical work, and includes work ordinarily performed by invoice clerks;

**"customs clerk"** means any person employed wholly or mainly on clerical duties connected with customs or excise duty and is capable of preparing customs entries;

**"labourer"** means any person employed on general labouring work;

**"office messenger"** means any person employed in carrying a message inside or outside any office and includes a literate office boy;

**"petrol station attendant"** means any person who is wholly or mainly engaged in the serving of customers at petrol filling stations;

**"qualified medical practitioner"** means a medical practitioner registered under the Medical and Dental Practitioners Act;

[Cap. M8.]

**"sales clerk"** means any employed person whose duties include the supervision of the sale of and the accounting for commodities;

**"shop assistant"** means any person employed mainly in the selling of commodities;

**"shorthand typist"** means any person employed wholly or mainly in shorthand writing and typing;

**"storekeeper"** means any person in charge of premises used as a store or warehouse for commodities wholly or mainly intended for sale by retail, and who is responsible for the care of, handling and accounting for such commodities;

**"subordinate staff"** means any person employed on odd jobs and shall include cleaner, handyman, shop boy and porter;

**"typist"** means any person employed wholly or mainly in copy typing;

**"watchman"** means any person employed wholly or mainly in guarding the employer's premises for the prevention of theft, fire, damage or trespass;

**"week"** means a continuous period of seven days.

## **9. Conditions in premises**

In all premises in which workers are engaged in the retail and ancillary trade there shall be provided-

- (a) adequate supply of wholesome drinking water;
- (b) for use of all female employed persons whose work is done standing, suitable facilities for sitting, sufficient to enable such persons to take advantage of any opportunities for resting which may occur in the course of their employment.

## PART III

### *Application*

## **10. Workers to whom Schedule Applies**

The workers to whom this Schedule applies are all workers employed in Lagos in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged wholly or mainly for the retail sale of goods:

Provided that workers shall be excepted who are employed-

- (i) in any trade or business conducted in a market or at any stall or table in a public place or open space (not being the property of a private owner);
- (ii) in any trade or business conducted by a street trader;
- (iii) in any trade or business wholly or mainly concerned with the preparation and sale of meals or refreshments; or
- (iv) as drivers engaged in the transportation or distribution of retail goods.