

*Extraordinary*



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NATIONAL MINIMUM WAGE BILL, 2019

ARRANGEMENT OF SECTION

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Exemptions

1 4.-(1) The provisions of Section 3 (1) of this Act shall not apply to-

2 (a) an establishment in which workers are employed on part-time

3 basis;

4 (b) an establishment at which workers are paid on commission or on

5 piece-rate;

6 (c) an establishment employing less than 25 persons;

7 (d) workers in seasonal employment such as agriculture; and

8 (e) any person employed in a vessel or aircraft to which the laws

9 regulating merchant shipping or civil aviation apply.

10 (2) The Minister of Labour and Employment shall, through the

11 National Labour Advisory Council and by Order Published in the Federal

12 Government Gazette) grant other exemptions as he deems necessary in the

13 interest of the national economy, taking into consideration reports from

14 National Salaries, Incomes and wages Commission or such other body that

15 may make representation for exemption.

Establishment  
of Tripartite  
Committee on  
National Minimum  
Wage

16 5.-(1) There is established, a Tripartite Committee on National

17 Minimum Wage (in this Act referred to as lithe Tripartite Committee")

18 consisting of representatives of Government; Organised Labour and Organised

19 Private Sector, on equal representation.

20 (2) The Secretariat of the Committee shall be domiciled in the

21 National Salaries, Income and Wages Commission.

Composition of  
the Tripartite  
Committee

22 6.-(1) The Tripartite Committee which shall be appointed by the

23 President shall be composed as follows:

- 24 (a) A Chairman;
- 25 (b) A Secretary;
- 26 (c) Government's representatives consisting of the following:
- 27 (i) The Secretary to the Government of the Federation,
- 28 (ii) Head of Civil Service of the Federation,
- 29 (iii) Minister of Labour and Employment,
- 30 (iv) Minister of Finance,

- 1 (v) Minister of Budget and National Planning,  
2 (vi) The Executive Chairman, National Salaries, Income and  
3 Wages Commission, and  
4 (vii) a Governor from each of the six Geo-Political Zones to be  
5 nominated by the Governors from that Zone;  
6 (d) Organised labour consisting of representatives from:  
7 (i) Nigeria Labour Congress,  
8 (ii) Trade Union Congress,  
9 (iii) any such labour Centre that may be registered in accordance  
10 with the Labour Laws;  
11 (e) Organised Private Sector consisting of representative from:  
12 (i) Nigeria Employer' Consultative Association,  
13 (ii) Manufacturers Association of Nigeria,  
14 (iii) Nigeria Association of Chambers of Commerce Industry,  
15 Mines and Agriculture,  
16 (iv) Nigeria Association of Small and Medium Enterprises, and  
17 (v) any such employers group that may be registered in accordance  
18 with the Labour Laws.  
19 (2) Without prejudice to the membership listed under subsection  
20 (1) of this Section, the Minister of Labour and Employment may, make  
21 recommendation for the appointment of additional members to the  
22 President.
- 23 7. Pursuant to the provisions of Section 3 (4) of this Act, the  
24 Tripartite Committee shall have the power to make recommendation on the  
25 National Minimum Wage. Powers of  
Tripartite  
Committee
- 26 8. The Tripartite Committee shall be convened by the Chairman  
27 as may be expedient, but not later than six months to the expiration of the  
28 existing National Minimum Wage, to consider a new National Minimum  
29 Wage, provided that, the proceedings and other supplementary provisions  
30 relating to the Committee shall be decided by the members. Meetings of the  
Tripartite  
Committee

1 (3) The Minister of Labour and Employment shall upon receipt of  
2 such report activate the machinery for enforcing compliance within 30  
3 working days.

4 (4) Monitoring of compliance with this Act shall commence 6 months  
5 after' the effective date of the commencement of this Act.

Enforcement

6 **13.** The national minimum wage may be enforced by the aggrieved  
7 worker, Trade Unions and Minister of Labour and Employment as follows:

8 (a) a worker who is paid an amount less than the national minimum  
9 wage shall be contractually entitled to whichever is the higher amount of the  
10 different between his pay and the amount of the national minimum wage that he  
11 should have been paid;

12 (b) without prejudice to the right of the worker to take his case  
13 directly to the National Industrial Court of Nigeria, the worker may file a  
14 formal complaint with toe Minister of Labour and Employment;

15 (c) Trade Unions may demand for compliances with the provisions of  
16 this Act on behalf of their members, provided that, the Trade Unions shall not  
17 later than 30 days from the receipt of the workers complaint bring the claim to  
18 the National Industrial Court of Nigeria;

19 (d) where an employer failed to pay the national minimum wage to a  
20 worker or a group of worker, an authorised officer from the Minister of Labour  
21 and Employment shall serve a notice of Enforcement requiring the employer to  
22 pay the arrears of the wage to the worker(s) named on the notice within 30 days,  
23 provided that, the employer shall be entitled to appeal the notice to the Minister  
24 of Labour and employment who shall resolve the matter within 30 days of the  
25 receipt of the appeal;

26 (e) the notice of enforcement shall state the following, the:

27 (i) amount owed the worker,

28 (ii) period to which the payment applies, and

29 (iii) time limit for the payment;

30 (f) where and employer served with an enforcement notice fails, in



1 whole or in part, to comply with the notice, the matter shall be referred to the  
2 National Industrial Court of Nigeria.

3 14.-(1) Where an offence under this Act is committed by an agent  
4 of the employer or by some other person, that agent or other person shall be  
5 liable to be proceeded against for the offence in the same manner as if he  
6 were the employer.

Offences by the  
Agent

7 (2) An employer who is charged with an offence under this Act, he  
8 shall be entitled to prove that:

9 (a) the offence was due to the act or default of another person; or

10 (b) he has used all due diligence to ensure that this Act is complied  
11 with,.

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

14 (a) the prosecution as well as the person whom the defendant  
15 charges with the offence shall have the right to cross-examine him if he gives  
16 evidence and any witness called by him in support of his plea, and to call  
17 rebutting evidence; and

18 (b) the court may make such order as it thinks fit for the payment of  
19 the costs by any party to the proceedings, other than the prosecution, to any  
20 other party thereto.

21 (4) Where it appears to an authorised officer that an offence has  
22 been committed in respect of which proceedings might be taken under this  
23 Act against an employer, and the officer is reasonably satisfied that the  
24 offence of which complaint is made was due to an act or default of some  
25 other person and that the employer could establish a defence under  
26 subsection (2) of this section, the officer may make recommendation for a  
27 proceedings to be taken against that other person, and in any such  
28 proceedings the defendant may be charged with the offence and on proof  
29 that the offence was due to his act or default, be convicted for the offence for  
30 which the employer might have been charged.

Other offences  
and Penalties

1           15. Notwithstanding the provisions of this Act, a person, commits an  
2 offence and is If able on conviction to a fine not exceeding N250,000.00 or to  
3 imprisonment for a term not exceeding six months or to both, where the person:

4           (a) refuses or neglects to furnish the means required by an authorised  
5 officer as being necessary for any entry in the exercise of his powers under this  
6 Act;

7           (b) hinders any authorised officer in the exercise of his powers under  
8 this Act;

9           (c) refuses or neglects to produce any document or to give any  
10 information which any authorised officer in the exercise of his powers under  
11 this Act requires him to produce or give;

12           (d) makes, or causes to be made, or knowingly allows to be made, any  
13 wage sheet, record of wages or record of conditions of employment which is  
14 false;

15           (e) produces or causes to be produced, or knowingly allows to be  
16 produced, any such wages sheet or record to an authorised officer in the  
17 exercise of his powers under this Act, knowing the wage sheet or record to be  
18 false; or

19           (f) furnishes any information to any authorised officer in the exercise  
20 of his powers. under this Act, knowing the information to be false.

Repeal and  
Savings provisions

21           16.-(1) The National Minimum Wage Act No.6, 1981 as amended,  
22 Cap. 61 Laws of the Federation of Nigeria 2004 is repealed.

23           (2) Without prejudice to Section 6 of the Interpretation Act and  
24 notwithstanding the repeal of the enactment specified under subsection (1) of  
25 this Section:

26           (a) proceedings may be taken on any offence committed under the  
27 repealed Act, in same manner as if the offence has been committed under the  
28 corresponding provisions of this Act;

29           (b) any proceeding or cause of action pending or existing immediately  
30 before the commencement of this Act, by or against any person or body arising

1 from the repealed Act in respect of rights, interest, obligations or liabilities  
2 of the person or body aforesaid may be continued or, has the case may be,  
3 commenced and any determination of a court of law tribunal or other  
4 authority or person may be enforced to the same extent that any such  
5 proceedings, cause of action or determination would have been continued,  
6 commenced or enforced if this Act had not been made.

7 **17.** In this Act, unless the context otherwise requires-

Interpretation

8 "authorised officer" means an officer in the Public Service of the Federation  
9 authorized or deemed to have been authorized to act for the purpose of this  
10 Act;

11 "authorised Labour officer" means any public Office Serving in a Ministry  
12 or department for which the Minister of Labour and Employment is  
13 responsible; and with the consent of the state authority, any officer in the  
14 public service of the state, for the purposes of this Act;

15 "Employer" means any person who has entered into a contract of  
16 employment to employ any other person as a worker either for himself or for  
17 the service of any other person, and includes the agent, manager or factor of  
18 that first mentioned person and the personal representative of a deceased  
19 employer;

20 "Minister of Labour and Employment" means the Minister responsible for  
21 labour matters;

22 "Minister of Finance" means the Minister responsible for finance;

23 "Minister of Budget and National Planning" means the Minister responsible  
24 for budget;

25 "national minimum wage" means the national minimum wage prescribed  
26 under by Section 3 of this Act;

27 "part-time work" means work of a duration shorter than those for  
28 comparable full-time work in a sector or occupation;

29 "Piece-rate" means any type of employment in which a worker is paid  
30 according to the quantity produced regardless of time;

1 "wage" means remuneration or earnings (however designated or calculated)  
2 capable of being expressed in terms of money fixed by mutual agreement or by  
3 law which is payable by virtue of a contract by an employer for work done or to  
4 be done for service rendered; and  
5 "worker" means any person who has entered into-or works under a contract  
6 with an employer whether contract is for manual labour or clerical work or is  
7 expressed or implied or oral or written, and whether it is a contract of service or  
8 a contract personally to execute any work or labour, but excludes the  
9 exemption contained in this Act.

Short title

10 18. This Bill may be cited as the National Minimum Wage Bill, 2019.

## EXPLANATORY MEMORANDUM

*(This note does not form part of this Act but intends to explain its purports)*

This Bill repeals the National Minimum Wage Act No.6, 1981 as amended,  
Cap. 61 Laws of the Federation of Nigeria 2004 and enact the National  
Minimum Wage Act, 2019 to prescribe a National Minimum Wage and provide  
a legal framework for seamless review of the National Minimum Wage.