

A SURVEY OF CENTRAL
LABOUR ORGANIZATIONS IN NIGERIA***ABSTRACT**

This paper traces the historical development of central labour organizations in Nigeria from the period of colonial administration up to the restructuring of trade unions in 1978 which gave birth to the Nigeria Labour Congress as the only central labour organization in the country. It also examines the effect of the Trade Unions (Amendment) Act 2005 on central labour organizations in Nigeria. It states that in addition to providing for multiple labour centres, which is justified by the registration of the Trade Union Congress as a federation of trade unions or labour centre for senior staff unions, the Trade Unions (Amendment) Act 2005 was aimed at weakening or completely removing the potency of the Nigeria Labour Congress as the hitherto only central labour organization in the country.

INTRODUCTION

Central labour organizations in Nigeria developed as a reaction to colonial labour policies, particularly the *General Defence Regulations of 1941*, which virtually outlawed strikes by workers in any establishment. The Federated Trade Unions of Nigeria which metamorphosed into the first Trade Union Congress of Nigeria was formed primarily to deal with the situation. Ideological differences and disagreement amongst the leaders of the Trade Union Congress of Nigeria led to the emergence of multiple labour centres in the country.

However, the restructuring of trade unions in 1978 gave birth to the

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Nigeria Labour Congress as the only central labour organization in the country to which only the junior staff unions were affiliated. All efforts by the senior staff unions to register their own central labour organization proved futile. Thus the Nigeria Labour Congress remained the only central labour organization in the country until the *Trade Unions (Amendment) Act 2005* was enacted, which has as its aim the democratization of the labour movement in Nigeria.

This paper traces the historical development of central labour organizations in Nigeria during the period of colonial administration. It also examines the restructuring of trade unions in 1978 which gave birth to the Nigeria Labour Congress as the only central labour organization in the country. Finally, it examines the provisions of the *Trade Unions (Amendment) Act 2005* with regard to multiple labour centres or federation of trade unions and the consequent emergence of the Trade Union Congress of Nigeria as the labour centre for senior staff unions.

DEVELOPMENT OF CENTRAL LABOUR ORGANIZATIONS

The development of central labour organizations in Nigeria dates back to 1941 when the then colonial Government promulgated the *General Defence Regulations*, which virtually made illegal any strike action by workers in any establishment. The unions viewed the regulations as an unwanted incursion into the right of workers to organize and participate in industrial action. The unions met with some nationalist leaders under the Chairmanship of Ernest Ikoli (President of Nigerian Youth Movement, Editor of *Daily Express* and Member of the Legislative Council). The meeting considered the danger to the existence of trade unions of the provision of the *General Defence Regulations 1941* concerning strikes and it was agreed that a central labour organization would be formed to deal with the matter.¹

Consequently, leaders of the trade unions met in Lagos in November 1942 under the auspices of the African Civil Servants Technical Workers Union (ACSTWU) at which the first central labour

1. See Tokunboh, M. A. (1984) *The Labour Movement in Nigeria*. Ibadan: Lantern Books, at p. 41.

organization was inaugurated with the name Federated Trade Unions of Nigeria (FTUN). At its first annual conference in July 1943, the FTUN adopted a resolution changing its name to the Trade Union Congress of Nigeria (TUC). The conference also adopted its constitution and resolved to promote trade union education and to establish a workers' journal known as *The Nigerian Worker*. The conference further elected the members of the General Council of the TUC comprising, among others, T. A Bankole (President) Chief A. S. Coker (Vice-President), M. A. Tukonboh (Secretary General), P.S. Taiwo (Treasurer) and Obafemi Awolowo (Editor of *The Nigerian Worker*).

The TUC was accorded recognition by the Government. Its representatives held monthly consultative meetings with the Department of Labour at which current labour problems were discussed. As was reported in the Department of Labour Annual Report for 1943, "the TUC rendered considerable assistance to the Department of Labour in the settlement of disputes and the general application of labour standards."²

In 1949, disagreement among leaders of the TUC over affiliation with political organizations led to the emergence of a rival labour centre known as Nigerian National Federation of Labour (NNFL) under the leadership of Michael Imoudu (President), Nduka Eze (Secretary) and R. Aghedo (Treasurer). The NNFL immediately affiliated with the National Council of Nigerian Citizens (NCNC).³

However, the shooting incident in Enugu made the union leaders to realize the futility in disunity in the labour movement. As a result, the TUC, NNFL and ACSTWU held a reconciliatory meeting, which gave birth to a single central labour organization known as the Nigeria Labour Congress (NLC) in August 1950 under the leadership of Michael Imoudu (President), F. C. Coker (Deputy President), Nduka

2. See Ananaba, W. (1969) *The Trade Union Movement in Nigeria*. Benin City: Ethiope Publishing Corporation, at p. 41.

3. *Ibid*, at p. 50.

Eze (Secretary-General), N.A. Cole (Publicity Secretary) and Oparah-Eke (Treasurer).

The NLC was, however, short-lived as it was soon involved in an ideological imbroglio over the issue of international affiliation. Michael Imoudu and his followers favoured affiliation to the communist-led World Free Trade Unions (WFTU), while H.P Adebola and others wanted affiliation to the Western-led International Confederation of Free Trade Unions (ICFTU), which broke away from the WFTU in 1949. This eventually split the NLC into two rival central labour organizations, each funded by the international labour centre to which it was affiliated. Imoudu and his followers formed the All Nigeria Trade Union Federation (ANTUF) in August 1953 with Michael Imoudu as President. The ANTUF immediately affiliated with the WFTU. Later, the dissident faction formed the National Council of Trade Unions of Nigeria (NCTUN) in April 1957, which affiliated with the ICFTU. The Government recognized both the ANTUF and NCTUN.

With independence fast approaching and further realizing the futility of disunity in the labour movement, the ANTUF and NCTUN agreed to dissolve the two organizations and to establish a new central labour union. It was also agreed that the new central labour union would not be affiliated to a foreign trade union organization. This led to the formation of a new Trade Union Congress of Nigeria (TUCN) in 1959 with Imoudu as President and Borha as Secretary. Thus at independence in 1960, there was only one central labour organization in Nigeria.

In 1962, the TUCN splited again into two rival central labour organizations known as the Nigerian Trade Union Congress (NTUC) and the United Labour Congress of Nigeria (ULCN) respectively. In the same year, a third central labour centre known as the Nigerian Workers' Council (NWC) was launched. A peace committee known as the Labour Unity Front (LUF) was set up in 1963 to reconcile the three labour centres. The effort failed and the LUF became the fourth labour centre.⁴

4. See Otuturu, G. G. (2007) *Legal Aspects of Industrial Relations in Nigeria*. Port Harcourt: Pearl Publishers, p. 30.

In 1974, in view of the Public Service Review Commission Report (popularly known as the Udoji Commission), labour leaders again felt the urgency of a united labour front to protect the interests of the labour force. Consequently, leaders of the four labour centres came together and formed the Nigerian Trade Union Federation (NTUF). The NTUF was, however, not recognized by the Federal Military Government of General Yakubu Gowon.

In the same year, Mr. J. A. Oduleye (Treasurer of the ULCN) died. At his burial at Apena Cemetery in Lagos, representatives of the four labour centres present signed the “Apena Declaration of Trade Union unity” which was drafted by Mr. Okon Eshiett, then Director of the Trade Union Institute, Lagos. This declaration led to the inauguration of a new Nigerian Labour Congress (NLC) in December 1975.⁵

However, the new Federal Military Government of General Murtala Mohammed refused to recognize the new NLC. Instead, the Government introduced a new national labour policy of “limited intervention and guided democracy”. In pursuance of this new policy, the Government set up a Tribunal of Inquiry headed by Justice Adebisi in February 1976, popularly known as the Adebisi Tribunal, to probe the activities of trade unions and their leaders.

RESTRUCTURING OF TRADE UNIONS

It is to be recalled that in 1962, the ULCN proposed the restructuring of the existing trade unions in the country into 26 industrial and general unions as opposed to the house unions and craft unions which dominated the labour movement at the time. Also in 1964, the Morgan Commission recommended the establishment of 30 joint industrial councils and proposed sufficient similarity in terms of occupations, activities and general economic conditions as criteria for classification.⁶

5. See Onasanya, S. A. B. (1999). *Effective Personnel Management and Industrial Relations* Ikeja: Centre for Management Development, p. 254.

6. See Ananaba, *op. cit.*, at p. 273.

The house unions and craft unions were too small in size and so had too few dues-paying members to be effective. The *house unions* (also called company unions or enterprise unions) comprised only workers employed by a particular employer. Such unions relied solely on the number of workers employed by their employers for their membership and their names were tied to the names of their employers, such as UAC Workers' Union, Texaco African Workers' Union and A.G. Leventis Workers' Union. The *craft unions* comprised workers with particular trade or craft skills. There were very few skilled men in any trade in the country, and these few men could not maintain their unions.

The industrial and general unions, on the other hand, have large membership drawn from workers employed in the same industry in the case of *industrial unions* or similar industries in the case of *general unions*, irrespective of their trade, skill, position or grade. Such unions have large dues-paying membership and are therefore very viable. They are also referred to as *national unions* because their members are drawn from all employers in the particular industry or industries spread across the country.⁷

In 1970, the Wages and Salaries Review Commission headed by Chief S. Adebó, popularly known as the Adebó Commission, described the labour movement in Nigeria as consisting of an untidy assemblage of some 700 unions purporting to cater for the interests of under a million salary and wage earning population. The Commission decried the proliferation of trade unions in Nigeria and recommended the restructuring of the trade unions into industrial unions.⁸

In August 1976, the Adebíyí Tribunal submitted its report in which it indicted the ULCN, NTUC and NWC and their leaders of propagation of the cold war ideological conflicts, exclusive reliance on financial aids from international labour centres and gross mismanagement of union funds. The Tribunal was therefore constrained to recommend, among other things, the banning of certain trade union leaders from holding any office in the trade union movement and the proscription of

7. See Otuturu, G. G., *op. cit.*, at p. 33.

8. See Tokunboh, M. A., *op. cit.*, at p. 93.

affiliation with international labour centres or trade secretariats.

It was against this background that the Government promulgated the *Trade Unions (Central Labour Organizations) Act 1976*, which cancelled the registration of the existing four labour centres (ULCN, NTUC, NWC and LUF) and provided for the appointment of an Administrator of Trade Unions in pursuance of which Mr. M. O. Abiodun was appointed Administrator of Trade Unions in September, 1976. He was to be assisted, in a consultative capacity, by a team of experts in the field of industrial relations.

The Administrator of Trade Unions was charged with the responsibility of performing on behalf of the trade unions the same duties as are normally performed by a central labour organization, taking steps to effect the formation of a single central organization to which shall be affiliated all trade unions in Nigeria and to encourage and effect the formation of strong and effective trade unions. It was also his duty to draw up the constitution of the central labour organization and to conduct the elections of the first officers of the new body.

After extensive consultations with the trade unions, employers' associations and officials of the Ministry of Labour, the Administrator submitted his recommendations to the Government in February 1977. Based on these recommendations, the Government published an approved list of 70 industrial unions and a single central labour organization known as the Nigeria Labour Congress (NLC).

Out of the 70 industrial unions, there were 42 junior staff unions, 19 senior staff unions and 9 employers' associations. The 42 junior staff unions were affiliated to the new NLC, which was inaugurated on 8th February 1978. There was no corresponding central labour organization for the 19 senior staff unions (also called management unions).

The new structure was given statutory recognition under the *Trade Unions (Amendment) Act 1978*.⁹ By a further reorganization under the

9. Formerly *Trade Unions Decree No. 22 of 1978*.

*Trade Unions (Amendment) Act 1996*¹⁰ the Federal Military Government of General Sani Abacha reduced the 42 junior staff unions to 29 trade unions affiliated to the NLC as the only central labour organization in the country.

It is to be noted that under the new structure, all the house unions have been reorganized into industrial and general unions. However, some of the unions are still organized along craft and professional lines. *Professional unions* comprise workers with certain academic or professional qualifications. The Nigerian Union of Civil Service Secretarial and Stenographic Workers (NUCSSSW) is organized along craft line, while the Nigerian Union of Teachers (NUT) and Nigerian Union of Journalists (NUJ) are organized along professional lines.

It is also to be noted that not all the so-called junior staff unions affiliated to the NLC are truly “junior staff unions”. Some of them have membership which cuts across both junior and senior staff. Such professional unions as the NUT and NUJ, for example, have senior staff on their membership. Some Headmasters, who are members of the NUT, are senior staff by all standard of classification; and some journalists, who are members of the NUJ, hold senior staff or management positions in their establishments.¹¹

DEMOCRATIZATION OF LABOUR MOVEMENT

The *Trade Unions (Amendment) Act 1978* which established the NLC provided that all trade unions other than associations of senior staff or employers were deemed to be affiliated to the NLC. The *Trade Unions (Miscellaneous Provisions) Act 1986*¹² further provided that senior staff unions shall not affiliate to the NLC and that it shall be an offence for any senior staff union to affiliate to the NLC.

However, the *Trade Unions (Amendment) Act 2005* removed the provisions of the Principal Act recognizing the NLC as the only central labour organization in the country and introduced the concept of

10 Formerly *Trade Unions (Amendment) Decree No. 4 of 1996*.

11 See Otuturu, G. G., *op. cit.*, at pp. 35-36.

12 Formerly *Trade Unions (Miscellaneous Provisions) Decree No. 17 of 1986*.

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multiple labour centres known as Federation of Trade Unions. The *Act* has as its aim the democratization of the labour movement in Nigeria. This is justified by the registration of the Trade Union Congress in the same year as a federation of trade unions or labour centre for senior staff unions.

It is submitted that in addition to providing for multiple labour centres, the amendment is aimed at weakening or completely removing the potency of the Nigeria Labour Congress as the hitherto only central labour organization in the country. This is in apparent reaction to the role of the Nigeria Labour Congress in organizing series of strike actions to protest the increase in the pump prices of petroleum products in 2004 culminating in the landmark case of *Adams Oshiomole & Anor. v. Federal Government of Nigeria & Anor.*¹³

In that case, the Federal Government instituted an action at the Federal High Court, Abuja, seeking an order to restrain the Defendants/Appellants from embarking on a proposed strike action to protest the increase in the pump prices of petroleum products on the ground that it was not related to the terms of employment of workers. Learned counsel for the Defendants/Appellants contended that section 34 of the *Trade Unions Act 1990* permits the Nigeria Labour Congress to collect and disseminate information to its members and advise them on economic and social matters including the pricing of petroleum products. The Federal High Court delivered its judgement on 27/9/2004 restraining the Defendants/Appellants from embarking on strike action to protest issues outside their terms of employment. The decision was upheld by the Court of Appeal.

It is also submitted that strikes cannot be completely ruled out in any industrial relations system. It does not matter whether we have a single labour centre or multiple labour centres (or federations of trade unions), workers will go on strike whenever the need arises. After all, when the general strikes of 1945 and 1964 took place, there were multiple labour centres. But they all came together and successfully

13 (2005) 1 NWLR (Pt. 907) 414.

prosecuted each strike action. The synergy resulting from unity in diversity far outweighs the strength of a single union or labour centre.

THE NEW LABOUR CENTRES

Section 7(1) of the *Trade Unions (Amendment) Act 2005* amended the Principal Act by deleting section 33 of the *Trade Unions Act 1990*¹⁴ which hitherto recognized the Nigeria Labour Congress (NLC) as the sole labour centre in the country. By section 7(2) of the Act, the phrase “Central Labour Organization” wherever it appears in the Principal Act should be substituted with the phrase “Federation of Trade Unions”.

Section 8 amended section 34 of the Principal Act by inserting immediately before the existing subsection (1) new subsections (1), (2) and (3). Under the Act, a federation of trade unions may be registered by the Registrar if the following conditions are satisfied:

- (a) its main objective is to represent the interest of employees;
- (b) it is made up of 12 or more trade unions none of which shall have been a member of another registered federation of trade unions;
- (c) it has been established by resolution of the national delegates conference of the trade unions that constitute its members;
- (d) it has adopted a name that does not resemble the name of another federation of trade unions;
- (e) it has adopted a constitution and/or rules in accordance with the First Schedule of this Act;
- (f) it has its head office in the Federal Republic of Nigeria;
- (g) it has submitted to the Registrar an application in the prescribed form signed by at least two authorized members of at least 12 registered trade unions wishing to become its members.¹⁵

14 *Cap T14, Laws of the Federation of Nigeria, 2004.*

15 See 34(1) as amended by the *Trade Unions (Amendment) Act 2005*, s. 8.

For purposes of representation at Tripartite Bodies or any other body the registered Federation of Trade Unions shall constitute an electoral college taking into account the size of each registered Federation, for the purpose of electing members who will represent them.¹⁶

EMERGENCE OF THE TRADE UNION CONGRESS (TUC)

Under the *Trade Unions (Amendment) Act 1978* and the *Trade Unions (Miscellaneous Provisions) Act 1986*, the senior staff unions were not allowed to affiliate to the NLC which was the only central labour organization in the country. Initially, the senior staff associations formed their own central labour organization known as the Federation of Senior Staff Associations of Nigeria (FESSAN). But the Registrar of Trade Unions refused to register it on the ground that it would be contrary to the provisions of the *Trade Unions (Amendment) Act 1978* which recognized only the NLC as the only central labour organization in the country.

However, FESSAN and the Ministry of Labour agreed that the former would change its name to the Senior Staff Consultative Association of Nigeria (SESCAN) and that the new body would be registered under the *Land (Perpetual Succession) Act*, which is now Part C of the *Companies and Allied Matters Act 1990*. It was also agreed that the Government would fully integrate SESCOAN as a consultative body, representing the senior staff associations in the country.

As a result, the Senior Staff Consultative Association (SESCAN) was registered under the *Land (Perpetual Succession) Act* in December, 1986 as an incorporated trustee. As its name implies, SESCOAN was not a central labour organization but merely a consultative body and this was considered most unsatisfactory by SESCOAN.

With the enactment of the *Trade Unions (Amendment) Act 2005*, the Senior Staff Consultative Association (SESCAN) metamorphosed into the Trade Union Congress of Nigeria which was duly registered in September 2005 with Dr. (Mrs.) Peace Nkirika Obiajulu (President-

¹⁶ See 24(2) as amended by the *Trade Unions (Amendment) Act 2005*, s. 5.

General) and Chief John Kolawale (Secretary-General).¹⁷ Thus the TUC became the second labour centre or federation, catering for the interests of the senior staff unions.

CONCLUSION

Central labour organizations developed in Nigeria in response to colonial labour policies, particularly the *General Defence Regulations of 1941*. Ideological differences and leadership tussle tore the first central labour organization, the Trade Union Congress, apart and this led to the emergence of multiple labour centres in Nigeria. However, the restructuring of trade unions under the Murtala/Obasanjo military administration in 1978 left the country with the Nigeria Labour Congress as the only labour centre.

The Nigeria Labour Congress remained the only labour centre in the country until 2005 when the *Trade Unions (Amendment) Act 2005* statutorily introduced the concept of multiple labour centres. Under the present statutory regime, any twelve or more trade unions can form a new labour centre or federation of trade unions. Thus the Nigeria Labour Congress is no longer the only labour centre or federation of trade unions in the country. We now have the Trade Union Congress of Nigeria as the labour centre or federation of trade unions catering for the interests of the senior staff unions.

17 See *The Bureaucrat* (Newsletter of the Association of Senior Civil Servants of Nigeria) Vol. 5 No. 1 June 2005, pp.1-2.