

# Journal of Law, Policy and Globalization

ISSN 2224-3240 (print)

ISSN 2224-3259 (online)

Vol.28

2014

IBADAN UNIVERSITY LIBRARY



International Institute for Science, Technology & Education  
Accelerating Global Knowledge Creation and Sharing

# Jurisdiction of the National Industrial Court of Nigeria: A Critical Analysis

FagbemiSunday

Department of Public and International Law, Faculty of Law, University of Ibadan, Ibadan, Nigeria

\*Email: [sakinifagbemilaw@gmail.com](mailto:sakinifagbemilaw@gmail.com)

## Abstract

In all known legal systems, jurisdiction is the basis on which the power of the court is premised. It is a threshold issue in the process of judicial adjudication. It is therefore fundamental principle of law that any decision reach by a court of law without jurisdiction is null, void and of no legal effect whatsoever. Due to the importance of jurisdiction, every court undertaking judicial exercise must ensure that it has jurisdiction to entertain the matter brought before it to avoid embarking on futile exercise. This paper critically examines the jurisdictions of the National Industrial Court in Nigeria. The paper recommends further amendment to the provisions of two important statutory provisions which conferred jurisdiction on the National Industrial Court: the National Industrial Court Act, 2006 and the Constitution of Federal Republic of Nigeria (Third Alteration) Amendment Act, 2010. The aim of this is to bring the operation of the Nigeria National Industrial Court in conformity with its peers the world over.

**Keywords:** Teething Problems, Jurisdiction, Original, Appellate, Appeal and Court.

## 1. Introduction.

Notably, labour and industrial disputes are essentially social and economic issues. Whenever there is labour dispute, the economy sector within the country is first hit. Trade disputes usually arise whenever there is disagreement in labour relations. Labour dispute is a product of clash of interest between employer and workers or between workers *inter se*. In labour relations, the basic interest of employer and employees are diametrical. The disputes may take various forms and dimensions such as: protest, demonstration, lock-out, retrenchment, strike action or outright dismissal from work. Sometime, the disputes may be one or more combinations of the foregoing dimensions or forms.

Due to the staggering effects of labour disputes, countries, the world over have advocated expeditious means for the resolution of labour dispute before it goes out of hand. In Nigeria, in order to give room for quick resolution of labour and industrial disputes and matters related thereto, it is mandatory for the management and labour union to include in their collective agreement the means for the settlement of any dispute that may arise in the course of their relationship. Invariably, under section 4 of the Trade Disputes Act, the parties are expected to refer the dispute to a Mediator mutually agreed upon and appointed by or on their behalf. However, where parties fail to settle their dispute within seven days after the dispute had been referred to a Mediator, the dispute shall be reported to the Minister of labour and Productivity, who shall refer the dispute to a Conciliator, the Conciliator is expected to reconcile the parties.

Conciliation is a process of peace-making in industrial relations. Its main aim is to bring about speedy settlement of labour disputes without resorting to strike or lock-out, it also hasten the termination of work stoppages where this has occurred.

Any disputes which cannot be resolved through mediation or conciliation are referred to Industrial Arbitration Panel or Arbitration Tribunal (AIP). Where a matter is referred to AIP, it should be resolved within fourteen days. Although, AIP is not expected to adopt formal proceeding like ordinary courts, however its proceedings are patterned along the lines of courts. For instance, the parties are allowed to be represented by persons of their choice to present the case. At the end, the panel arrives at its decision called 'award'. The award is therefore forwarded to the Minister who will thereafter release it to parties. Where, however, the disputes could not be resolved through arbitration or conciliation as discussed above, the alternative mechanism for the resolution of labour dispute is through judicial process.

In Nigeria, there are in the past several Courts of coordinate jurisdictions handling labour and industrial disputes. Such Courts include the High Court of the Federal Capital Territory. Abuja, the Federal High Court of Justice and the State High Court of Justice. The major problem with these Courts is that their jurisdictions apart from labour related matters extended to other civil causes and matters. Due to this, proceedings before these regular courts take years before they are resolved. This and other reasons led to the agitation for the establishment of specialised Courts to handle industrial and labour disputes.

Of course, Industrial Court is not limited to Nigeria; this court is christened Industrial or Labour Courts in other countries like: Trinidad and Tobago, Ghana, Tanzania, America, India, Ireland, South Africa, Kenya and so on,. The Nigeria Government established the National Industrial Court (NIC) with the mandate to prevent and settle labour or industrial disputes and matters related thereto.

## 2. Nigeria Industrial Court Teething Problems

The National Industrial Court was established during the Military Government under the Trade Disputes Decree No. 7, of 1976. At the inception, the court was a court of limited jurisdiction. For this reason, it contended with several teething problems. These problems impacted negatively on the ability of the court to deliver on its mandate as a specialised Court. Although, the NIC was established as superior court of record, it was not so recognized in the Constitution of Nigeria. The Court also at the inception enjoyed concurrent jurisdiction with other courts of coordinate jurisdictions such as: Federal High Court of Justice, State High Court of Justice, and the High Court of the Federal Capital Territory, Abuja, Customary Court of Appeal and Sharia Court of Appeal. Due to the confusion with respect to the jurisdiction of the court with other courts on the same strata, several cases which ought to have been instituted in the court were instituted in the Federal High Court, State High Court or in the High Court of Federal Capital Territory, Abuja. Similarly, decisions of these other courts, including the Supreme Court of Nigeria, which held that the Federal High Court of justice, State High Court of justice and the High Court of Federal Capital Territory, Abuja have concurrent jurisdiction with the National Industrial Court did not help the matter. (See the case of *Attorney General of Oyo State v. Nigeria Labour Congress (2003) 8 NWLR (Pt. 821) 1 at 35*).

In a bid to find a lasting solution to the several teething problems which confronted the NIC at the inception, the Nigerian Government, in the year 2006, enacted the National Industrial Court Act, 2006 (NICA). The steps taken in NICA to resolve the problems associated with the jurisdiction of the court are: One, the NICA repealed Part II of the Trade Disputes Act and re-established NIC as court of superior record. Two, section 11 of the NICA, 2006 by *fiat* abated the jurisdiction of the Federal High Court, the State High Court and the High Court of Federal Capital Territory, Abuja to entertain labour or industrial dispute or any matter related thereto, except where such matters are part-heard.

In spite of above pragmatic steps taken by the Government in identifying the jurisdiction of the NIC, litigants continued to institute their cases in these other Courts instead of the NIC. To completely checkmate this seemingly self-imposed problems on the part of litigants, the Nigeria National Assembly in collaboration with the State House of Assemblies in Nigeria in 2010 amended the Nigeria Constitution through the Constitution of the Federal Republic of Nigeria (Third Alteration) Amendment Act, 2010 thus incorporating the establishment of the NIC, its composition and power like other superior courts of record into the provisions of the Constitution. (See section 6 (3) (5) (a) to (i) of the Constitution of the Federal Republic of Nigeria Constitution, 1999 as amended). Specifically, section 254 of the Constitution of the Federal Republic (Third Alteration) Amended Act, 2010, reaffirmed and reinforced the status and jurisdiction of the NIC as contained in the National Industrial Court Act, 2006.

## 3. Jurisdiction of the National Industrial Court in Nigeria

Jurisdiction is a fundamental and bedrock of any judicial proceedings. Accordingly, the *Black's Law Dictionary* defines 'jurisdiction' as "government's general power to exercise authority over all persons and things within its territory". Within the context of judicial proceedings, 'jurisdiction' has been defined to mean 'a court's power to decide a case or issue a decree'. It follows that before a court of law entertains any matter brought before it for adjudication, it must ensure that it possesses the jurisdiction to sit over the matter, failing which the proceedings no matter how well conducted amount to nullity.

Procedurally, jurisdiction of court does not exist in vacuum. For this reason, court's authority or jurisdiction is a product of constitution or other specific statutes. Of course, no court of law can assume jurisdiction without being statutorily empowered to do so. In Nigeria, the jurisdiction of the NIC is a product of several enactments. For instance, before the enactment of the NICA, 2006 and the Constitution of the Federal Republic of Nigeria (Third Alteration) Amendment Act, 2010, various sections of the Trade Dispute Act such as sections 14, 15, 16, 17, 18 and 20 vested power on the Minister of Labour and productivity or any aggrieved party to refer labour disputes to the NIC either for outright adjudication or for the interpretation of arbitral award. Similarly, by virtue of sections 7 and 8 of the Trade Union Act, where the Registrar of Trade cancels registration of a Trade Union, which registration is in existence on the date specified in the notice of cancellation, any official or member of the Trade Union may within thirty days thereof appeal to the appropriate court to make appropriate order on the purported cancellation. The phrase 'appropriate court' in the above sections is defined, in section 54 of the Trade Union Act, to mean 'the Industrial Arbitration Panel or the National Industrial Court as the case may be'.

The above was the position in Nigeria before the enactment of the NICA, 2006 and the amendment to the Constitution of Nigeria in 2010. Section 7 of the NICA, 2006 conferred on the NIC exclusive jurisdiction to adjudicate civil causes and matters relating to labour, industrial trade union and industrial relations and environment and conditions of work, health, safety and welfare of labour and matter incidental thereto amongst others. These provisions in the most inordinate and over bloated manner were reinforced and strengthened by section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010.

Although, the NIC is still a court of coordinate jurisdiction with other superior courts of record in its sphere of authority like the Federal High Court, the State High Court and the High Court of Federal Capital Territory, Abuja. However, by virtue of section 254C (1), its jurisdiction is exclusive to it and cannot be concurrently exercised or shared among the other High Courts in the same pedestal of authority or power. Reason for this assertion is found in the definition of the phrase 'exclusive jurisdiction' in the *Black's Law Dictionary*, where it is defined to mean 'a court's power to adjudicate an action or class of actions to the exclusion of all other courts'. Premised on the foregoing, the decisions of the Supreme Court of Nigeria in the cases of *Attorney General, Oyo State v. National Labour Congress (supra)* and *National Union of Electricity Employer & Other v. Bureau of Public Enterprises (2010) 7 NWLR (Pt. 194) 538*, which limited the jurisdiction of the NIC and placed it at par with the jurisdictions of the Federal High Court, the State High Court and the High Court of Federal Capital Territory, Abuja have ceased to have validity of law.

The combined effects of section 7 of the NICA, 2006 and section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010 are that the present jurisdiction of NIC is exclusive to it and cannot be shared with other courts. However, a close look at the jurisdiction of the court reveals that it is over ambitious and inimical to the interest of workers which it seeks to protect. For instance, the decision of the court, except where contrary provisions are made, is not subject to review by a higher judicial authority. The purport of this has technically made the court a court of *first and last resort* in virtually all its sphere of authority. This position, without mincing word amount to judicial rascality and portend injustice for litigants.

It should be noted that the provisions of section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010 is an improvement on the jurisdiction of NIC as contained in section 7 of the NICA, 2006. Hence, the provision of section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010 is used in this paper as basis for discussion being a *grundnorm*. For avoidance of doubt, section 254C (1) of the Constitution (Third Alteration) Act, 2010, which conferred jurisdiction on NIC provides as follows:

"Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters-

- (a). relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and matters incidental thereto or connected therewith;
- (b). relating to, connected with or arising from Factories Act, Trade Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or any other Act or Law relating to labour, employment, industrial relations, workplace or any other enactment replacing the Acts or Laws;
- (c). relating to or connected with the grant of any order restraining any person or body from taking part in any strike, lock-out or any industrial action, or any conduct in contemplation or in furtherance of a strike, lock-out or any industrial action and matters Connected therewith or related thereto;
- (d). relating to or connected with any dispute over the interpretation and application of the provisions of Chapter IV of this Constitution as it relates to any employment, labour, industrial relations, trade unionism, employer's association or any other matter which the Court has jurisdiction to hear and determine;
- (e). relating to or connected with any dispute arising from national minimum wage for the Federation or any part thereof and matters connected therewith or arising there from;
- (f). relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;
- (g). relating to or connected with any dispute arising from discrimination or sexual harassment at workplace;
- (h). relating to, connected with or pertaining to the application or interpretation of international labour standards;
- (i). connected with or related to child labour, child abuse, human trafficking or any matter connected therewith or related thereto;
- (j). relating to the determination of any question as to the interpretation and application of any-
  - (i). collective agreement;
  - (ii). award or order made by an arbitral tribunal in respect of a trade dispute or a trade union dispute;
  - (iii). award or judgment of the Court;
  - (iv). term of settlement of any trade dispute;
  - (v). trade union dispute or employment dispute as may be recorded in a memorandum of settlement;
  - (vi). trade union constitution, the constitution of an association of employers or any association relating to

- employment, labour, industrial relations or work place;
- (vii).dispute relating to or connected with any personnel matter arising from any free trade zone in the Federation or any part thereof;
- (k). relating to or connected with disputes arising from payment or nonpayment of salaries, wages, pensions, gratuities, allowances, benefits and any other entitlement of any employee, worker, political or public office holder, judicial officer or any civil or public servant in any part of the Federation and matters incidental thereto;
- (l).relating to-
- (i).appeals from the decisions of the Registrar of Trade Unions, or matters relating thereto or connected therewith;
- (ii). appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, labour, trade unions or industrial relations; and
- (iii). such other jurisdiction, civil or criminal and whether to the exclusion of any other court or not, as may be conferred upon it by an Act of the National Assembly;
- (m).relating to or connected with the registration of collective agreements.

By virtue of the above provisions, the NIC is conferred with original and appellate jurisdictions as far as labour and industrial disputes and matters related thereto are concerned. However, the first fundamental blunder committed by the Nigerian National Assembly is noted in the opening paragraph of section 254C (1) which state that '*National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters*'. On the face value of this opening paragraph, one may be tempted to think that NIC is conferred with jurisdictions to adjudicate only civil causes and matters connected to or related to labour and industrial disputes. However, a closed look at the main provisions of the section reveal that the NIC has jurisdiction to entertain criminal causes and matters arising from workplace or matters related thereto.

As stated earlier, jurisdiction is life-wire to judicial proceedings, hence, any provision relating to court's jurisdiction should be free from unambiguity and confusion. It is unethical for the Nigeria Law Makers to lump together the civil and criminal jurisdictions of the NIC without any clear demarcation. For avoidance doubt, the civil jurisdictions of NIC are contained in paragraphs (a), (b), (c), (d), (e), (f), (h), (j), (k), (l) and (m) of section 254C (1). Conversely, the criminal jurisdictions of the National Industrial Court are contained in paragraphs (g) and (i) of the section 254C (1). The best thing to do is to demarcate the two jurisdictions under separate headings.

As at today, the provisions of section 254C (1) of the Constitution (Third Alteration) Amendment Act, 2010 govern the civil and criminal jurisdictions of the NIC on labour and industrial disputes and matters related thereto in Nigeria. Within this context, NIC has original and appellate jurisdictions in all matters listed in section 254 C (1). For instance, its appellate jurisdiction is contained in paragraph 254C (1) which provides as follows:

- (l). relating to-
- (i). appeals from the decisions of the Registrar of Trade Unions, or matters relating thereto or connected therewith;
- (ii). appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, labour, trade unions or industrial relations; and

In addition to the above, the court is further conferred with appellate and supervisory jurisdiction in matters listed in section 254C (3) to wit:

"The National Industrial Court may establish an Alternative Dispute Resolutions Centre within the Court premises on matters which jurisdiction is conferred on the court by this Constitution or any Act or Law:

Provided that nothing in this subsection shall preclude the National Industrial Court from entertaining and exercising appellate and supervisory jurisdiction over an arbitral tribunal or commission, administrative body, or board of inquiry in respect of any matter that the National Industrial Court has jurisdiction to entertain or any other matter as may be prescribed by an Act of the National Assembly or any Law in force in any part of the Federation".

In spite of the fact that NIC possesses appellate jurisdiction, its decisions as noted earlier, save in respect of criminal causes and matters are not subject to appeal. For instance, Section 254C (6) provides that:

"Notwithstanding anything to the contrary in this Constitution, appeal shall lie from the decision of the National Industrial Court from matters in sub-section 5 of this section to the Court of Appeal as of right".

Sub-section 5 referred to in section 254C (6) provides thus:

"The National Industrial Court shall have and exercise jurisdiction and powers in criminal causes and

matters arising from any cause or matter of which jurisdiction is conferred on the National Industrial Court by this section or any other Act of the National Assembly or by any other law.”

The criminal matters which NIC can adjudicate includedisputes arising from discrimination or sexual harassment at workplace, matter connected with or related to child labour, child abuse, human trafficking or any matter connected therewith. These matters apart from not having direct link to labour or industrial relationsare intangible part of the numerous civil jurisdictionsconferred on the NICunder section 254C (1).

The provision of section 254C (6), it is observed, is also contrary to the provision of section 254D (1) which conferred on the NIC, as far as its jurisdiction is concerned, the powers of a High Court. Interestingly, section 240 of the Constitution of the Federal Republic of Nigeria, 1999 as amended conferred on the Court of Appeal exclusive jurisdiction to the exclusion of any other court of law in Nigeria, to hear and determine appeals from the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja , High Court of a State, Sharia Court of Appeal in the Federal Capital Territory, Abuja and States levels and the Customary Court of Appeal in the Federal Capital Territory, Abuja and States respectively. However, theseslaudable provisions are delimited by section 243 (2)and (3) of the Constitution of the Federal Republic of Nigeria, 1999 as amended which provide thus:

(2). “An appeal shall lie from the decision of the National Industrial Court as of right to the Court of Appeal on questions of fundamental right as contained in Chapter IV of this Constitution as it relates to matters upon which the National Industrial Court has jurisdiction.

(3). An Appeal shall only lie from the decision of the National Industrial Court to the Court of Appeal as

may be prescribed by an Act of the National Assembly: Provided that where an Act or Law prescribed that an appeal shall lie from the decision of the National Industrial Court to the Court of Appeal, such appeal shall be with the leave of the Court of Appeal”.

The implication of the above provision among others are that while appeal from the decision of the Federal High Court and a High Court lie to the Court of Appeal as of right, an appeal from the decision of the NIC as of right is limited to questions of fundamental right as contained in Chapter IV of the Constitution. In all other decisions, an aggrieved litigant can only appeal against the decision of NIC only at the whims and caprices of the almighty National Assembly or at best appeal with the leave of the Court of Appeal where the enabling Act or Law prescribes an appeal. There is no doubt that these provisions have tendencies to foist on Nigerian litigants precarious and helpless situations on the following grounds.

In the first instance, to enjoy the provision of section 243(3), the Nigeria Constitution must be amended. The problem with this is that any amendment to the Constitution is a serious project in any country operating written constitution. For instance, to amend any provision of the constitution in Nigeria, there is a need to call for referendum and thereafter, both the National Assembly and States House of Assemblies must agree to the amendment. Furthermore, a bill for the amendment or alteration of any provision of the Constitution of Nigeria required two-third majority of both the National Assembly and State House of Assemblies to sail through (see section 9 of the Constitution of the Federal Republic of Nigeria, 1999 as amended). These processes are cumbersome and may take long time to complete. The result is that the process may outlive the life span of the National Assembly that starts it, not only that, the prospective appellant, if alive, would have suffered untold hardship and injustice during the process. In the second instance, the NIC is established and operated as Federal Court, at present there is no replica of the court in any State of the federation. Worse still, on coming into operation of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010, all causes and matters relating to labour and industrial disputes hitherto pending in the various High Courts in Nigeria expect those that were part-heard abated and were transferred to the NIC for adjudication. Hence, the proviso to section 243 (3) may not be helpful due to the fact that the provision of section 1 (3) of the Constitution, which provides inter alia that any law inconsistent with the provisions of the Constitution shall to the extent of the inconsistency be void. This provision may be invoked by the opponent to either short circuit or frustrate the application of section 243 (3).

On the last analysis, the provision of section 254C (1) is inconsistent with the principle of federalism in operation in Nigeria. For instance, all matters relating to labour, employment, pension payment, trade dispute, trade union matters and industrial matters across the country both in public and private sectors have been subsumed under the jurisdiction of the NIC, the implication of this is that no State High Court can adjudicate these matters even where the disputesinvolve state workers and their governments or cases between private sectors and their workers.

Apart from the provisions of section 254C (1), which conferred exclusive jurisdiction on the NIC in civil causes and matters, there are few other innovations introduced in section 254C of the Constitution (Third Alteration) Amendment Act, 2010, which has far reaching effect on the jurisdiction of NIC. Such provisions include section 254C (2) which provide thus:

“Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have

the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified relating to labour, employment, workplace, industrial relations or matters connected therewith”.

The above provision is *impairi material* with the provisions of section 254C (1) paragraphs (f) and (h) and section 7 (6) of the NICA, 2006. With these provisions, it is observed that NIC can now compete favourably with its foreign counterpart in term of wide power to deal with bilateral agreements between Nigeria and Foreign Countries on labour and industrial relations matters. Central to this, are labour relations within the realm of the International Labour Organisation (ILO) conventions and agendas to which Nigeria is signatory. These provisions further give impetus to the NIC to promote and protect international labour standards and best practices in labour and industrial relations. However, there is a stipulation within the provision of section 7 (6) of the NICA, which states that what amount to good or international best practice in labour or industrial relations shall be a question of fact. This stipulation, as it were, will involve the calling of evidence in order to determine what is the best practice in labour and industrial relations and this can lead to delay and subjective standard on the part of the person urging the court to invoke the section. To solve this problem, Honourable Justice Babatunde Adejumo has suggested that this provision obviously will permit the court to borrow from foreign jurisdiction in tandem with the present global village system. This approach, if adopted, will save the time of the court from the divergence views of litigants and their counsel on what is supposed to be the best practice in labour or industrial relations.

Other novel but commendable provisions in section 254C (3) and (4) of the Constitution (Third Alteration) Act, 2010 are the provisions which permit the Court to establish an alternative dispute resolutions centre within the court premises on matters in which jurisdiction is conferred on the Court and to entertain any application for the enforcement of the arbitral award from arbitral tribunal commission of inquiry and administrative body. These provisions are indeed notable and will help the court to quickly resolve industrial and labour dispute in friendly atmosphere. However, where the decision of the court is unsatisfactory to any of the party, the problem of appeal will rear its ugly head and this has tendency to diminish the positive effect which the provision to establish an alternative dispute resolutions centre within the court premises may have.

#### 4. Conclusion

Undoubtedly, labour and industrial related disputes are serious issues in any nation. Labour dispute has staggering effects on both the social and economy sectors of a country resulting in low productivity, unemployment, wastage of human resources and many other problems. To avert this, countries, the world over, have advocated for expeditious resolution of labour dispute before it goes out of hand. Rising to the occasion, the Nigeria Government, in the year 2006, after several years of confusion and problems associated with the jurisdictions of the National Industrial Court of Nigeria came out with statutory regulation on the matter. This regulation was further reinforced and consolidated in the year 2010 by the amendment to the Constitution of Nigeria. However, due to overzealous on the part of the law makers, they introduced into the jurisdiction of NIC some provisions which are incompatible and beyond the assigned status of the court as a court of first instances in all areas of its sphere of authority and power. The conclusion to be drawn from these inelegant provisions is that the problem on the jurisdiction of the NIC is far from being solved. The grey areas have been highlighted and discussed in this paper.

This paper has also examined with condemnation the combined effects of the provisions of NICA, 2006 and the Constitution (Third Alteration) Amendment Act, 2010, which prohibit appeal from the decision of the court to the Court of Appeal. The truth of the matter is that any provision of law which prohibits appeal from a court of first instance is draconian and must not be accepted by any stress of imagination. Similarly, there are a lot of discordant tunes in the provisions of the NICA, 2006 as well as section 254 of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010 on the jurisdictions of the NIC. A good example of this is section 7 (6) of NICA, 2006 and section 254C (2) of the Constitution (Third Alteration) Act, 2010. To make these provisions effective, there is the need to streamline them in the interest of justice.

Finally, all the lapses noted in this paper have far reaching effects on the interest of Nigeria workers. This paper hereby suggests amendment to the provisions of the extant laws in the interest of justice and to bring the operation of NIC of Nigeria in tandem with its peers globally.

#### References

Statutes

Constitution of the Federal Republic of Nigeria, 1999 as amended.

The Constitution of the Federal Republic of Nigeria (Third Alteration) Amendment Act, 2010.

Trade Disputes Act, Cap. T8, Laws of the Federation of Nigeria, 2004 (as amended).

Trade Unions Act, Cap. T14, Laws of the Federation of Nigeria, 2004 (as amended).

National Industrial Court Act, 2006.

#### Books and Journals

- Adejumo, B. A, (2011),“The National Industrial Court of Nigeria: Past, Present and Future”,available: <http://nicn.gov.nji.phi>.Last visited: 19/9/2013, 1-8.
- Amadi, K. L., (2011),“Reflections on the Status of the National Industrial Court under The Constitution (Third Alteration) Act 2010”, *Labour Law Review*, vol. 5. No. 1, 1-22.
- Atilola, B,&Dugeri, M,“National Industrial Court of Nigeria and the Proposed Alternative Dispute Resolution Centre: A Road Map”,available: [www.nicn.gov.ng/Publications/ARTICLE:ON\\_ADR\\_FOR\\_NICN.pdf](http://www.nicn.gov.ng/Publications/ARTICLE:ON_ADR_FOR_NICN.pdf). Last visited: 23/7/2013, 1-23.
- Atilola, B. & Morocco-Clarke.(2011),“National Industrial Court and Jurisdiction over International Labour Treaties under the Third Alteration Act”,*Labour Law Review*, vol. 5. No. 4, 1-6.
- Arowosegbe, O. O, (2011),“National Industrial Court and Quest for Industrial Harmony and Sustainable Economic Growth and Development in Nigeria”,*Labour Law Review*, vol.5, No. 4, 8-10.
- James, Rika. (2013),“The Proper Role and Jurisdiction of the Industrial Court”,available: <http://www.kenyalaw.org/FORUM?p=2333>.Last visited: 19/9/2013, 1-7.
- Ogunye, J. (2014),“National Industrial Court and Judicial Absolutism in Nigeria”, available: <http://www.premiumtimesng.com/opinion/155180-national-industrial-court-judicial-absolutism-in-nigeria>. Last visited: 12/7/2014, 1-4
- Onyearu, A O,“The National Industrial Court Regulating Dispute Resolution in Labour Relations in Nigeria”,available: <http://www.metinpoynnt.com/articles/the-national-industrial-court-regulating-dispute-resolution-in-labour-relation-in-nigeria>. Last visited: 23/7/2013, 1-25
- Garner, B. A., *Black's Law Dictionary, Eight Edition*, Thomson West, 2004.



The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:  
<http://www.iiste.org>

## CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

**Prospective authors of journals can find the submission instruction on the following page:** <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

## MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

## IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

