



- 93 – 116 **Constitutional Safeguards for a Sustainable Democracy in Nigeria**
- Chief Wole Olanipekun, SAN
- 117 – 121 **The Arrest and Detention in Prison of Chief Diepreye Alamieyeseigha, Governor of Bayelsa State in the Context of Sovereign Immunity**
- Emeritus Professor David A. Ijalaye
- 122 – 143 **Dispensation of Justice in Constitutional Proceedings in Nigeria**
- John Oluwole A. Akintayo
- 144 – 159 **Is Executive Immunity coterminous with Executive Corruption?**
- Ilias B. Lawal
- 160 – 171 **True Federalism: A recipe for the Survival of Democracy in Nigeria**
- L. O. Taiwo
- 172 – 181 **An Appraisal of Collective Bargaining and the Enforceability of Collective Agreements in Nigeria**
- Gogo G. Otuturu
- 182 – 195 **An Appraisal of Tax Exemptions in the Personal Income Tax Act**
- Alero Akeredolu
- 196 – 205 **Criminal Responsibility and the Defence of Intoxication: Law and Policy in Conflict**
- O. I. Adejumo
- 206 – 213 **The Nigerian Pension Reform Act 2004-Rights and Duties of the Worker**
- Bukola Ruth Akinbola
- 214 – 222 **Human rights and the right of a surviving spouse to inheritance under Customary Law in Nigeria: An Appraisal**
- S. O. Akintola & E A. Taiwo
- 223 – 228 **Tribute to Chief Frederick Rotimi Alade Williams SAN, CON, CFR**
- Adegbola Adeniyi

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THE NIGERIAN PENSION REFORM ACT 2004 – RIGHTS AND DUTIES OF THE WORKER

BY

Bukola Ruth Akinbola*

1.0 INTRODUCTION

Workers the world over, hope for a retirement that is characterised by rest and adequate retirement benefits (lump sum, periodical or both) which will cater for their needs in post working years. A responsible government also seeks to regulate the management of workers' emoluments to ensure that this desire is met. Thus workers' incomes are regulated in such a way that gratuities and pensions are to be paid from the point of retirement from active working life, to meet the needs of the pensioner even after he/she has stopped working. Where retirement benefits (pensions and/or gratuities) are properly managed and regulated as required by law, retirement is something to look forward to. Unfortunately, this has not been the experience of most Nigerian retired workers in the last few decades preceding the enactment of the pension Reform Act, 2004. The perception of the law and pension before the Pension Reform Act can best be described as follows:

Most workers want nothing more of the law than that it should leave them alone ... the law does have things to say about relations and conditions at the place of work, and neither worker nor employer expect it to be silent.¹

Many workers in Nigeria have tried to avoid and wish away retirement even for reason of old age, due to the uncertainties

and untold hardships associated with receiving their gratuities and pensions. Many retired workers have even died without receiving either gratuity or pension due to excessive delays in payment of same. The fear of such experiences has been responsible for vices such as falsification of age and other illegal practices to circumvent retirement by prolonging length of service, a practice that is not uncommon among employees. Some employees retire from a job and sign up for another job and keep working right into their graves in order to generate an income in the absence of the retirement benefits which should have accrued to them as of right. Any responsible government will respond to such a state of things by addressing the root cause(s) of such an anomaly.

Some questions that readily come to mind at this point include: do retired Nigerian workers get their pensions as of right under the law? In the instances where pensions are not paid as at when due, what difference will the Pension Reform Act make? This article will explore these and other issues.

2.0 CLARIFICATION OF TERMS

Before a discussion of the employee's rights under the 2004 Pension Reform Act, a few terms need to be put in perspective. The concepts of pension, employee, rights and duties will be examined briefly here. Pension has been variously defined. It is "a sum of money paid regularly to a widow, a person who has retired from work, a soldier who has been seriously injured in a war ..."² It is "money that a company or the government pays regularly to someone after they have stopped working because they are old or ill."³ It is also the "regular payment made by the state to somebody

* Department of Public & International Law, University of Ibadan, Ibadan, Nigeria.

Email: <brakinbola@gmail.com>

¹ K. W Wedderburn, *The Worker and the Law*, Penguin, London, 1965, p. 1.

² *The Chambers University Learners' Dictionary* (International Students' Edition), Ibadan, Spectrum, 1980, p. 525.

³ *Longman Active Study Dictionary*, New Edition, Pearson Education Limited, Essex, 2000, p. 488.

old, widowed, or by a former employer to an employee after long services.”⁴

From the foregoing, pension may arise consequent upon several factors like widowhood, injury in war, disability and retirement from work after long service respectively. This paper is concerned with the last reason listed, which is the pension for retirement from work after long service. Black’s *Law Dictionary* has defined pension as “a fixed sum paid regularly to a person (or to the person’s beneficiaries), especially by an employer as a retirement benefit.”⁵ It “is a periodical payment made especially by government, company or employer, in consideration of past services or relinquishment of rights...”⁶ Pension is paid regularly (normally monthly) with the amount of such based generally on length of employment and amount of wages or salary which the pensioner earned whilst in the service of the employer. Two perspectives have been identified in respect of retirement pension, namely the ‘privilege view’ and the ‘right view’ respectively.⁷ While the privilege view sees retirement pension as a gratuitous allowance which is granted by the employer to its former employee without valuable or legal consideration,⁸ the right view on the other hand, sees the retirement pension as a deferred compensation for services rendered.⁹ In other words, while the privilege view perceives retirement pension as a privilege or favour, the same

is perceived as a right and not a privilege or favour, due to the pensioner by the rights view. The later view suggests enforceability by a court action under the law while the favour view may not form the basis for a court action. The ‘right’ view appears to be more generalized as it can be borne out of a contractual relationship between any employee and an employer. Consequently, if there is failure to pay pension as at when due, a person (provided such has the locus standi), can make recourse to a court action for the recovery of such pension as of right. On the other hand, the privilege view does not seem to be open to just anyone, since by the nature of privileges generally; they are limited to those covered by the provision that creates the privilege.

An employee is “someone who is paid to work for someone else.”¹⁰ An employee may be a worker in the government or private sector. The Pension Reform Act 2004 in fact provides for both employees of government (Federal and States) as well as private sector workers, making it possible for all categories of workers to have their pension benefits regulated by the Act.¹¹ Leaving out the private sector from the PRA 2004 would have put the private sector employee at the mercy of the employer in some instance due to unequal bargaining power.

Since an employee is a person who works for another and is paid for work done¹², one may ask: what then is the justification for pensions? All things being equal, a person can only work effectively up until a certain age after which retirements becomes necessary especially due to age.¹³ At the point of retirement, the needs of a person, especially for sustenance, are met through pension payment. Pension arrangement therefore secures and ensures

⁴ *The Advanced Learner’s Dictionary of Current English*, 2nd ed., Oxford University Press, 1963, p. 719.

⁵ *Black’s Law Dictionary*, 8th ed., Thompson West Group, St. Paul (Minnesota), 2004, p.1170.

⁶ *The Concise Oxford Dictionary*.

⁷ See generally John Oluwole A. Akintayo, “Pension Rights of Political Officer Holders in Nigeria” (2005) Vol. 4 *University of Ibadan Journal of Private and Business Law*, pp. 103-127.

⁸ *Moran v. Fireman’s Pension Fund Commission of Jersey City* 20 N. J. Misc 479 28A 2d 885; *State ex. Rel. Parker v. Board of Education of City of Toreka* 155 Kan. 754, 129, P.2d 266 –267.

⁹ *Waite v. Waite*, 6c 3d 461, 99 Cal. Repr. 325, 330; 492 P. 2d. 1 cited in *Black’s Law Dictionary*, *op. cit.*, p. 1134.

¹⁰ *The Chambers University Learners’ Dictionary*, (note 2 above). p. 213.

¹¹ S. 1 (2) of the Pension Reform Act (PRA) 2004.

¹² *Merriam-Webster’s Collegiate Dictionary*, 11th ed., (Springfield, Massachusetts, USA) 2003, p.408.

¹³ *Black’s Law Dictionary*, (note 5), p.1342.

some income for the employee in post retirement life.

A right according to the *Longman Dictionary* is a thing that someone is "... legally or morally allowed to do".¹⁴ For example, in the United States, women did not have a right to vote until 1920.¹⁵ This aligns well with the right and privilege approaches to pension, which view pension as the right of the pensioner on the one hand and as a privilege on the other hand. There have been many scholarly efforts by jurists to define and explain the concept of right. The word "right" as a generic term has been used to describe a number of concepts, which in reality include privilege, power and immunity.¹⁶ The concept of right is often more complex and intricate than is apparent to a non-legal user of the word.¹⁷ A legal right connotes that the law gives recognition to such a right. The distinguishing feature of legal rights is that they are interests which the law recognises and protects. A right can therefore be described as an interest created by or recognized by law. *Black's Law Dictionary* defines 'right' as follows:

As a noun, and taken in the concrete sense, a power, privilege, faculty or demand inherent in one person, an incident upon another. Rights are defined generally as 'powers of free action'. And giving to the term a juristic content, a right is well defined as 'a capacity residing in one man of controlling with the assent and assistance of the state, the actions of others.

A power, privilege or immunity to guaranteed under a constitution, statutes or decisional laws, or claimed as a result of long usage.¹⁸

The concept of right has also been the subject of much jurisprudential analysis by renowned jurists like Hohfeld, Bentham,

Windscheid, Thon, Bierling and Salmon. The analysis of Wesley N. Hohfeld is particularly relevant here. According to him, the expression right *stricto sensu* means claim. He believes that right or claim and duty are jural correlatives; the presence of a right in one person implies the presence of a duty in another person.¹⁹ By the approach of Hohfeld, the pension rights of individuals imply a duty or obligation under the law to pay such pension claims on the part of the employer.²⁰ The concept of right as analysed by Hohfeld, agrees more with the right approach to pension claim as against the privilege approach. The logical implication of pension right as a claim, law to compel the employer to pay to the pensioner (the claimant) whatever is due to him/her as pension may enforce it.

Since the existence of a right in a person according to Hohfeld implies also the existence of a corresponding duty in another person, what then is a duty? The *Advanced Learner's Dictionary* defines a duty as 'what one is obliged to do'²¹ while the *Longman Active Study Dictionary*²² defines the duty as "something that you have to do because it is right or it is part of your job". These two definitions have "obligation" (which has to be carried out by one person towards another) as their focal emphasis. The pension right of a worker thus puts an obligation in the form of a duty on the employer to pay pensions as at when such is due while it gives the worker the right to claim payment of same. *Black's Law Dictionary* describes duty thus:

In its use in jurisprudence, this word (duty) is the correlative of rights. Thus, whenever there exists a right in any person, there also rests a corresponding duty upon some other

¹⁴ *Ibid.*, p. 570.

¹⁵ *Ibid.*

¹⁶ *Shaw v. Profitt* 109 P. 584, 57 or 192, Ann (as. 1913A, 63).

¹⁷ John Oluwole A. Akintayo, *op. cit.*, (note 7) p.104.

¹⁸ *Black's Law Dictionary*, *op. cit.*, (note 5) pp. 1323 - 1324.

¹⁹ R.W.M. Dias, *Jurisprudence*, 5th ed., London, Butterworths, 1985, p. 24.

²⁰ John Oluwole A. Akintayo, *op. cit.*, (note 7) p.105.

²¹ *Longman Active Study Dictionary*, *op. cit.*, p. 312.

²² *The Chambers University Learners' Dictionary*, *op. cit.*, p. 204.

person or upon all persons generally.²³

In essence, a right as a correlative of duty, is incapable of an existence independent of a duty and where a duty is identified, the implication is that there is an existing right in another person(s). There is also the logical inference that a right and a duty cannot exist in the same entity at the same time over the same subject matter. As correlatives, where the right inheres in X, the duty can only exist in another entity (outside x) or the generality of persons (which may include x).

The existence of pension rights in a worker or a group of workers implies that a correlative duty exists in the employer of such a worker or workers and this may be the government or the private employer. Pension right will be futile without a corresponding duty in the employer to pay pensions when due. What then are the rights of a worker under the Nigerian Pension Scheme as established by the Pension Reform Act 2004? These will be examined after a brief overview of the Pension Reform Act 2004.

3.0 BACKGROUND TO THE PENSION REFORM ACT 2004

Before the enactment of the Pension Reform Act 2004, retirement benefits in Nigeria were regulated by the Pensions Act²⁴ for employees in the Federal Public sector and by the Pension Laws for employees in the States Public Services of the economy. The Pension Act was promulgated as a Decree in 1979 with retrospective effect from 1974. The practice of most states was to adopt the provisions of the repealed Pensions Act in their respective Pensions Laws. The National Social Insurance Trust Fund Act had limited application in respect of

employees in the private sector of the economy.²⁵

The repealed Pensions Act (1979) had several defects one of the most obvious of which is that it had a limited scope as it applied only to certain classes of employees; it excluded the self-employed completely.²⁶ The pension policy of the Nigerian government before the PRA 2004 was as inherited from the colonial administration and was gratuitous in nature as no contribution was required to be made by the employee. The situation allowed for exercise of a lot of discretion by the government, sometimes to the disadvantage of the employee. The PRA 2004 has set out to strengthen the pension arrangements and redress the defects therein.

4.0 AN OVERVIEW OF THE PENSION REFORM ACT 2004

The Pension Reform Act 2004 is contributory in nature, as against what obtained previously when the entire funds for pension were government financed

²³ *Black's Law Dictionary, op. cit.*, (note 5) p. 605. Also see *Mc Donald v. Bayard Sav. Bank* 98 N.W. 1025, 1026, 123 Iowa, 413; *Lakeshore & M.S. Ry. Co. v. Kurtz*, 37 N. E. 303/304, 10 Ind. App. 60.

²⁴ Cap 346, Laws of the Federation of Nigeria (LFN) 1990.

²⁵ S. 10(1) of the National Social Insurance Trust Fund Act (NSITF Act) makes the Act applicable in respect of every person who (a) is employed by a company incorporated (or deemed to be incorporated) under the Companies and Allied Matters Act 1990, or (b) is employed by a partnership irrespective of the number of persons or (c) in any other case, where the number of persons employed is not less than five.

(2)(a) provides further that the employers and employees to which the Act applies shall be registered with the Board in such a manner as may be prescribed by regulations.

(3) The existence of a private pension scheme in respect of workers to whom the Act applies shall not exempt an employer or employees referred to in subsection (1) of this section from the provisions of this Act.

S. 11 of the NSITF Act provides for exemptions from the provisions of the Act which include (a) persons in Federal or State or Local Government Public Service who are entitled to the benefit of any scheme or pension on terms substantially similar to those prescribed by the Pension Act; or (b) a person who is entitled to diplomatic or equivalent status under the Diplomatic Privileges and Immunities Act or (c) a person not being a citizen of Nigeria.

²⁶ Regulation 4 of the Pensions Regulations 1951.

without any contribution from the workers²⁷, for the public sector. The non-contributory nature of the scheme under the 1979 Act, explains its increasing unsustainability. The nature of the Pension Reform Act 2004 therefore constitutes a drastic deviation from the previous pension practice in Nigeria by introducing the requirement of contribution by workers, to the financing of Pension funds.²⁸ The Pension Reform Act became operative in Nigeria on 25th June 2004. In terms of its scope, it also deviates drastically from the Pension Act 1979 as it covers not only Public Sector employees but also most private sector employees as well as interested self-employed persons.

The inclusion of workers in the private sector in the new pension scheme did not go without opposition as the Private Sector workers headed for a Federal High Court in Lagos in February, 2005 to press home their opposition to the implementation of the new contributory pension scheme, perceiving the scheme as a ploy by the government, to control funds for pension from the private sector rather than a scheme for the improvement of the pension arrangement subsisting within the private sector before the advent of the Pension Reform Act 2004. According to the chairman of the Joint Labour Unions in the Private Sector, speaking on behalf of the Unions:

Both the junior and senior staff unions are against the scheme because it is the public sector pension that needs to be corrected. How can you correct something that is good? We are sure the government just wants the money in the private sector pension schemes to fund their inefficiency in the public sector pension.²⁹

²⁷ B. O. Nwabueze, *Military Rule and Social Justice in Nigeria*, Ibadan, Spectrum Law Publishing, 1993, p. 177.

²⁸ S. 9 of the Pension Reform Act 2004, Federal Republic of Nigeria, Official Gazette No. 60, Vol. 91

²⁹ Billy Bright Anokwuru, Chairman of the Joint Labour Unions in the Private Sector, *The Punch* Newspaper, Thursday, 24 February 2005, p. 64.

Harmonisation and uniformity will certainly be valuable in pension fund administration, but only if there is efficiency and integrity.

The Pension Reform Act 2004 has been effective since 25 July 2005 which is its commencement date. The pension scheme has been implemented in the Federal Public Sector as appropriate monthly deductions have been made from worker's income, as their contributions to the Pension scheme.³⁰ It is not certain what the verdict will be for the private sector workers' suit, but since the Pension Reform Act 2004 is an Act of the National Assembly that has been validly enacted; the decision of the court is unlikely going to exempt private employment from the scheme permanently. It is proposed that the implementation of the scheme ought to be gradual in respect of the private sector to enable employers adjust their operations to suit the demands of the scheme.

The Pension Reform Act 2004 contains 103 sections which are divided into 14 parts. It has many spelling and grammar errors in its present form. Notwithstanding its many defects, the Act offers an opportunity for Nigeria to have a more secured post retirement benefit arrangement which may be more sustainable than the 'pay-as-you-go' system formally operative before 2004, because of its contributory nature.

5.0 PARTIES TO THE CONTRIBUTORY PENSION SCHEME (CPS)

There are at least six (6) key parties involved in the CPS in Nigeria under the Pension Reform Act (PRA) 2004: The parties to the scheme include:

(i) The Employee (also called the contributor or worker in this article) who makes half the monthly contribution.

³⁰ The payment slips for the staff of the University of Ibadan for instance, shows that deductions of pension contributions of staff took effect only a few months after the PRA 2004 commenced.

(ii) The Employer³¹ (also a contributor and includes both government and the private sector employer).

(iii) The Government,³² which has regulatory powers over pensions. Government also doubles as a contributor in respect of the pensions of Government workers.

(iv) The Pensions Assets Custodians³³ (PAC) which are the entities licensed by the National Pension Commission (PenCom) to hold pension assets in safe custody. The Pension Assets Custodian has also been referred to as the Pension Fund Custodian (PFC) in this article.

(v) The Pension Fund Administrators³⁴ (PFAs) which are the expert entities licensed by the PenCom and charged with the responsibility of managing and investing the Pension Funds on behalf of the Employee.

(vi) The National Pension Commission³⁵ (PenCom) is the Agency of Government that is charged with the regulation and supervision of the pension schemes. It has the power to formulate, direct and oversee the overall policy on pension matters in Nigeria.

The Government and PenCom have been treated as separate parties in this article because, even though PenCom was set up by the Federal Government of Nigeria, as a regulatory body it is expected to maintain an impartial position in regulating the activities of government as an employer. Given the complex interrelationship between PenCom and Government as an employer, it is difficult to see how justice and fairness will be maintained by PenCom when Government defaults in its responsibility to pay contribution promptly. However, it is hoped that PenCom will consciously strive to do justice as an unbiased umpire at all times notwithstanding the saying that "he who pays the piper, dictates the tune."

³¹ S. 1 (2) (a) (b) PRA 2004,

³² S. 1 PRA 2004.

³³ S. 46 PRA 2004.

³⁴ SS. 44 & 45 PRA 2004

³⁵ SS. 14 & 15 PRA 2004

6.0 DUTIES OF A WORKER UNDER THE CONTRIBUTORY PENSION SCHEME

As earlier noted, a right is a correlative of a duty and a pension right exists only after a duty has been performed to occasion a pension right. What then are the duties of obligations of a worker under the contributory pension scheme, which will entitle such a worker to a pension right? Under the new Pension Reform Act 2004, it appears that there are three major duties of the employee namely:

(i) To work (in the public or private sector) in order to generate an income from which deductions are to be made for contribution to pension account.³⁶

(ii) To notify his employer of the PFA of his choice and the identity of his retirement saving account.

(iii) Not to withdraw from his retirement savings account before the age of 50 years³⁷ except under exceptional circumstances specified in S. 3 (2) (a) (b) & (c).

The exceptional circumstances are if an employee:

(a) is retired on the advice of a suitably qualified physician or a properly constituted medical board certifying that the employee is no longer mentally or physically capable of carrying out the function of his office;

(b) is retired due to his total or permanent disability either of mind or body;

(c) retires before the age of 50 years in accordance with the terms and conditions of his employment.

In the above circumstances, the employee shall be entitled to make withdrawals in accordance with section 4 of the Pension Reform Act.

All the exceptional grounds appear just and equitable and allow the avoidance of undue hardship where there is a ground for exception. If there is however absolute prohibition of exception, it further

³⁶ SS. 1 & 2 (a) and (b) PRA 2004.

³⁷ S. 3 (1) PRA 2004.

forestalls, arbitrariness and abuse of discretion in the event of exceptional circumstances such as those listed in s. 5 (a-c) of the Act.

7.0 RIGHTS OF THE WORKER UNDER THE PRA 2004

The rights of the worker are of crucial importance in the Contributory Pension Scheme (CPS). It is part of the employee's income that is statutorily taken as contribution to the scheme by the employer,³⁸ remitted to the PFC and administered according to the discretion and expertise of the PFA (a factor which varies from one PFA to another, depending on business acumen, training and experience). The employee is the most vulnerable party in the CPS. The rights of the employee therefore deserve every attention and will form the focus of this part of the article.

7.1 Right to Payment of Pension³⁹

The most significant right of the employee under the PRA 2004, is to be paid his pension as at when due. Once a qualified pensioner properly demands his pensions, there should be prompt and proper payment, devoid of undue delays, bureaucratic bottlenecks or any form of default in full payment.⁴⁰ Other rights of the employee are also important particularly as they serve to actualize the right to payment of pension at the due time. Payment of retirement benefit to an Employee from his Retirement Savings Account (RSA) becomes due at the age of 50 years or at retirement, whichever is later. The Pension Reform Act provides:

A holder of a retirement savings account upon retirement or attaining the age of 50 years, whichever is later, shall utilize the balance standing to the credit of his retirement savings account for the following benefits:⁴¹

The modes of payment have been specified in S. 4 (1) (a – c) and these can be in the form of:

(a) programmed monthly or quarterly withdrawals calculated on the basis of the employee or contributor's life span.

(b) annuity for life purchased from a life insurance company licensed by the National Insurance Commission with monthly or quarterly payment; and

(c) a lump sum from the balance standing to the credit of his RSA: provided that the amount left after that lump sum withdrawal shall be sufficient to procure an annuity of fund programmed withdrawals that will produce an amount not less than 50% of his annual remuneration as at the date of his retirement.⁴²

Where an employee dies, he does not lose his entitlements under the CPS. Rather, his entitlements under the life Insurance Policy maintained under S. 9 (3) of the PRA 2004 will be paid into his retirement savings account and then the PFA will apply such in favour of the beneficiary under a will or in accordance with Probate or Administration laws applicable if the employee dies intestate.

Payments of any amount payable as a retirement benefit under the Act shall not be taxable up to the amounts statutorily specified in the PRA 2004.⁴³ However, voluntary contributions made in excess of the statutory limits are not exempted from being taxed. S. 9. (4) (5).

7.2 Right to Change Employment and Still Maintain the Same Retirement Savings Account (RSA)⁴⁴

An employee has the right to change employment from one organisation to another and still retain the same retirement saving account (RSA). The desire to protect one's RSA therefore, does not militate against change of employer by the employee. Where the employee finds a better job and wishes to change his job, such is at liberty to do so under the Act. Such changes do not attract any

³⁸ SS. 8(4) & 9(1)(a)(i) PRA 2004.

³⁹ SS. 2 (a) (b) 8 (4) 4 (1) (2) PRA 2004.

⁴⁰ SS. 11 (7), and 8 (4) PRA 2004.

⁴¹ S. 4 (1) PRA 2004.

⁴² S. 4 (1) PRA 2004.

⁴³ S. 7 (1). PRA 2004.

⁴⁴ S. 13 PRA 2004.

disadvantages to the RSA of an Employee, and ought not to do so in consonance with the principles of labour law.

7.3 Right to Choose a Pension Fund Administrator⁴⁵

The employee has the right to use his discretion in the choice of a suitable PFA, and no employer has any right to impose a particular PFA on its employees. Criteria for the choice of PFA usually include the experience of such an administrator, its capital base, nature of business investments it has been known for, track record of performance overtime, among others. Currently PFAs are marketing themselves to workers all over Nigeria with offers intended to attract patronage. This competition is a welcome phenomenon and gives the Employee a right and variety of choices. Information is a very valuable tool in making a right choice of a PFA and it is important that employees be duly informed. The onus for creating adequate awareness has been placed on the PenCom by the PRA 2004.

7.4 Right to Change a Pension Fund Administrator (PFA)⁴⁶

It is the right of the employee if he so wishes, (but not more than once a year) to transfer the retirement savings account maintained under the Act from one PFA to another, without adducing any reason for such transfer. This right is necessary to shield the employee from bearing the consequences of lack of expertise or the indolence of any PFA. It also empowers the employee to participate in ensuring that his retirement savings account attracts the best or optimum benefit. Furthermore, it encourages healthy competitive offers from the PFA, which must impress its contributors by administering their contributions well.

7.5 Rights to Regular Statements of Accounts on Contribution, Earnings and Annual Audited Accounts

Transparency is a vital element for the success of any financial transaction.⁴⁷ Published rates of returns, regular statements of contributions and earnings and annual

audited accounts are compulsory requirements which all PFAs must meet. The employee is therefore entitled as of right to these. Where necessary, the employee may seek a transfer of his RSA from one PFA to another, based on these. The employee therefore has a right to up to date information on his RSA, not just as a privilege.

8.0 CONCLUSION

The Contributory Pension Scheme in the manner crafted and enacted by the Pension Reform Act of 2004 is still a relatively new system in Nigeria and many stakeholders are still studying its implications in different ramifications. It is commendable that the Federal Government of Nigeria has responded to the hardships of retired Nigerian workers and followed global trends by acknowledging the need to reform Nigeria's pension arrangements with a view to making them more viable and sustainable. The goals of the Pension Reform Act 2004 as good as they appear, will however depend on high integrity from all stakeholders, especially from the implementers including government of the Federal Republic of Nigeria, state and governments who will subsequently subscribe to the contributory pension scheme, employers of labour, Pension Fund Custodians, the Pension Fund Administrators and the National Pension Commission. The activities of these stakeholders have considerable impact on the rights of Nigerian workers to retirement benefits. It is most important in view of the global need for sustainable pension systems in the context of far-reaching global economic reforms that they exhibit strength of character and uncommon fidelity to the spirit of the Pension Reform Act. This entails commitment of government and other employers of labour to their obligation to pay and remit statutory contributions; prudent, honest and transparent management of the contributions by the Pension fund administrators and custodians and effective supervision and monitoring by the Pension Commission in order to realise the goals of the Pension Reform Act 2004.

⁴⁵ S. 11 (1) PRA 2004.

⁴⁶ S. 11 (2) PRA 2004.

⁴⁷ S. 47 (e) (f) PRA 2004.