



NIGERIA LABOUR CONGRESS

MOTTO: LABOUR CREATES WEALTH

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A Communique

Preamble

The National Executive Council (NEC) of the Nigeria Labour Congress held an emergency virtual meeting on 2nd March 2021. The virtual meeting was anchored from the Labour House Auditorium, Abuja. The NEC comprises all the Presidents, General Secretaries and Treasurers of NLC's affiliate unions; Chairpersons and Secretaries of State Councils and the FCT; and members of the National Administrative Council.

The National Executive Council of the NLC considered three major issues during its emergency meeting. The issues are the move by a section of Nigeria's political class to move the national minimum wage from the Exclusive Legislative List to the Concurrent Legislative List; the ploy to establish state judiciary councils through constitution amendment; and the prevailing hoarding of the Premium Motor Spirit also known of '**petrol**' by petrol marketers in major cities of Nigeria.

Considerations of NEC:

1. Attempt to Remove the National Minimum Wage from the Exclusive Legislative List to the Concurrent Legislative List

The attention of the entire working class in Nigeria has been drawn to a bill which was listed in the House of Representatives as HB 950. This bill which was sponsored by Honourable Garba Datti Mohammed of Sabon Gari Federal Constituency, Kaduna State had passed the 1st and 2nd reading in February 2021. The NEC considered that the bill is a classic case of the "**Hand of Esau and the Voice of Jacob**" as it has all the imprimatur of anti-workers forces in the political establishment. The NEC considered Hon. Garba Datti as only a hireling in the plot by his sponsors to disorient, injure, and exterminate Nigeria's working class.

The NEC further reasoned that the attempt to undermine Nigeria's working class is a foreboding effort to destroy the very fabrics that holds the Nigerian nation together. This is more so given the fact that Organized Labour in Nigeria is about the only truly pan Nigerian organization with diverse membership that cuts across tribal, ethnic and religious affiliations which has continued to speak and champion for the rights of all Nigerians regardless of creed and breed.

In contrast, the political elites in Nigeria have remained the problem of the Nigerian State who through their actions and inactions have ensured that Nigeria remained divided along ethnic, tribal and religious lines for their own selfish purposes. This dividing influence of our political class has become increasingly prominent in recent times. This challenge has even transcended to public institutions which have shifted away from holding and promoting nationalistic views to championing very narrow and hollow ethno-religious sentiments.

The NEC described as very unfortunate the fact that at this challenging period in our national life, the political class seeks to add fuel to the fires burning in our country by declaring a war against the working class of Nigeria and prosecuting same by attacking the core rights of workers.

The NEC described the current battle to remove the National Minimum Wage from the Exclusive List to the Concurrent Legislative List as an attempt to negate the struggle and fight by Nigerian workers to get the National Minimum Wage passed as an Act of Parliament forty years ago.

The NEC reminded the political class that the National Minimum Wage is a global standard adopted by the International Labour Organization (ILO) through Convention 26 which was ratified by Nigeria on June 16, 1961. The ratification of this very important Convention by Nigeria was given statutory effect by the signing into law of the National Minimum Wage Act by the President Shehu Shagari government in May 1981.

The NEC reasoned that the National Minimum Wage is an offshoot of a global convention ratified by Nigeria, and that Nigeria as a Sovereign gave effect to the National Minimum Wage by putting it in the Exclusive Legislative List. The NEC warned that any attempt to move the National Minimum Wage from Exclusive Legislative List to Concurrent Legislative List will make Nigeria a laughing stock in the comity of nations.



The NEC, thus, asserted that a national minimum wage does not preclude the states from fixing their own minimums, except that they should not be lower than the national minimum which is the benchmark. The NEC posited that in most countries, state minimums are much higher than the national minimum. NEC pointed out that in Nigeria there are examples of states paying higher than the national minimum. The NEC went on to posit that the national minimum wage is not synonymous with various salary structures adopted by the 36 states of the federation as each state adopts and pays what it can afford.

The NEC also reiterated the point that the national minimum wage is a product of negotiations between Labour, the Organized Private Sector and Government (represented by state governments, federal government and relevant departments, agencies and parastatals), and paying it is not a favour to workers. And that before agreeing on the national minimum wage, a number of issues are taken into consideration during negotiations with data provided by appropriate government agencies. At the end of negotiations, the final outcome on the national minimum wage is reasonable, realistic and implementable. Precedence shows that ability to pay is not dependent on surplus resources but on prudence, financial discipline, and the will to pay.

The NEC submitted that the logic of a national minimum wage has a calming effect on the entire nation including enhanced productivity, capacity and standard of living. The NEC, therefore, debunked the confusion of the national minimum wage with the issue of fiscal federalism. The NEC argued that if this were the case, private firms would not have been brought under minimum wage laws anywhere in the world. Yet, a country-by-country analysis of minimum wage laws in the 26 federal nations of the world renders hollow the argument of those who want the national minimum wage removed from the Exclusive Legislative List. This analysis reveals that jurisdictional arrangement is not an issue of federalism. Rather, it reflects the historical path and efficiency considerations of individual nations.

In the light of the foregoing, the NEC called on President Muhammadu Buhari not to allow fifth columnists masquerading as politicians to derail his government by railroading the legislature into removing the national minimum wage from the exclusive to the concurrent list - a move that the global workers solidarity regards as anathema.



In very succinct observations, the NEC went on to itemize the implications of removing the national minimum wage from the exclusive legislative list to the concurrent list as follows:

- a) It could lead to the exclusion of the private sector (both organised and unorganised) from the concept, rationale and logic of a national minimum wage, yet, it is in this informal sector, as we pointed out earlier, that horrendously unfair labour practices take place;
- b) Introduction of politics into wage determination, with dire consequences as was the case during the First Republic;
- c) Negation of the principle of collective bargaining with an inevitable destination, a hostile industrial space with diminished productivity and national security implications; and
- d) It will create over time an undesirable situation whereby state minimum variations across states become a "beggar-thy-neighbour" instrument in seeking to attract economic establishments to locate in states. It is in order to avoid this type of injurious competition that income tax, personal or company, is legislated on exclusively by the Centre. Moreover, the NEC buttressed that a multiplicity of minimum wages will serve to create a segmentation of the Labour market, which could weaken national economic growth and cohesion.

2. The Ploy to Establish State Judicial Councils

The NEC also considered the submission of a bill with the number HB. 1062 sponsored by Honourable Abbas Tajudeen representing Zaria Federal Constituency of Kaduna State and seeking a constitutional amendment to allow for establishment of State Judicial Councils.

The NEC submitted that the passage of the bill would occasion a further exacerbation of the institutional crisis in our country, constitute an existential threat to our democratic experience and greatly imperil the corporate existence of the Federal Republic of Nigeria. The NEC also reasoned that given the heterogenous nature of Nigeria in terms of culture, religion, and ethnicity, it would be difficult if not impossible to manage the fallout from the decentralization of our judiciary.



3. Hoarding and Scarcity of the Premium Motor Spirit (PMS)

The NEC-in—Session also frowned heavily and condemned in very strong terms the current hoarding and ensuing artificial scarcity of the Premium Motor Spirit (PMS) commonly known as 'petrol' in Fuel Stations in major cities in Nigeria. The NEC also observed that most of the Fuel Stations only use one pump to dispense petrol in the affected cities.

The NEC noted that the current trend of petroleum products hoarding and the resultant artificial scarcity imposes great hardship and suffering on the already traumatized Nigerian workforce and people who are being punishing and further impoverished in order to satisfy the greed of a few marketers of refined petroleum products.

Decisions of the National Executive Council

After a careful consideration of the issues before it especially in light of their implications to the working-class family and the masses of our people in Nigeria, the National Executive Council resolved as follows:

1. The NEC decided that there will be a national protest action commencing from the 10th of March 2021 in the Federal Capital Territory and especially to the National Assembly. The protest is to make a strong statement that Nigerian workers would not lie low and watch hard fought rights which are of global standards bastardized by opportunistic and narrow thinking politicians;
2. The NEC resolved that the national protest action will be concurrently held in all the 36 states of the federation and to the different State Houses of Assembly across Nigeria;
3. The NEC decided that should the need arise; it has empowered the National Administrative Council of the NLC to declare and enforce a national strike action especially if the legislators continue on the ruinous path of moving the National Minimum Wage from the Exclusive Legislative List to the Concurrent Legislative List;

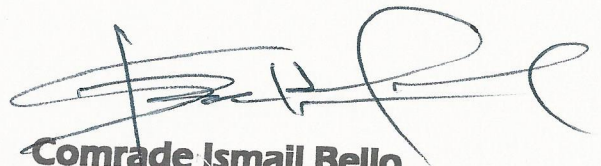


4. The NEC condemned and rejected in its entirety the ploy to decentralize Nigeria's judiciary through the establishment of State Judicial Councils describing the move as unpatriotic, self-serving and an attempt to throw Nigeria into judicial and social chaos;
5. On the current hoarding of petrol and the attendant scarcity, the NEC called on relevant regulatory agencies of government to rise up to the protection of the interests of the majority of Nigerians from the exploitative hands of market forces who are bent on making maximal profits from the sufferings of fellow citizens;
6. The NEC warned that should the current artificial scarcity persist that the various leadership structures of the NLC should picket petrol stations found to be inflicting pains on Nigerians; and
7. The NEC resolved that all the resolutions and decisions adopted at the emergency meeting should be pursued in collaboration with the Trade Union Congress (TUC) in the overall interest of all Nigerian workers.

Signed



**Comrade Ayuba Wabba, mni
President**



**Comrade Ismail Bello
Ag. General Secretary**

2nd March 2021

