

**THE  
CONSTITUTION  
OF  
NATIONAL UNION  
OF  
HOTELS & PERSONAL  
SERVICES WORKERS  
(AMENDED 2015)**

**THE CONSTITUTION  
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**THE CONSTITUTION OF  
NATIONAL UNION OF HOTELS AND  
PERSONAL SERVICES WORKERS**

**RULE 1: NAME AND REGISTERED OFFICE /  
MOTTO**

- i (a) The name of the union shall be "National Union of Hotels and Personal Services Workers" hereinafter referred to as "the Union".  
(b) The Motto of the union shall be Dedication, Honesty and Hospitality.
- ii The registered office of the union shall be situated at plot No. 81, Kuje Road, Layout II, Gwagwalada, Abuja or at such place as may be decided from time to time by the National Delegates' Conference or the National Executive Council.
- iii Any change in the situation of the registered office of the union shall be notified to the Registrar of Trade Unions in the prescribed form in accordance with the provisions of the Trade Unions Act.

- iv In furtherance of its objects the union may establish and maintain branch offices in any part of the country.

**RULE 2: OBJECTS OF THE UNION**

The principal objects of the Union shall be as follows:

- i. To secure the complete unionization of all workers in all aspect of services enumerated in Rule 3(i) below:
- ii. To obtain and maintain through negotiation, just and proper rate of wages, hours of work, other conditions of employment and to protect the interest of members generally.
- iii. To regulate and promote harmonious relations between members and employers, between one member and another and between members and other employees.
- iv. To provide for members any or all the undermentioned welfare benefits as the National Delegates' Conference, the National Executive Council or the Central Working Committee may decide from time to time as follows:

- (a) Relief in sickness, accident, disablement, distress, unemployment, victimization as a result of trade union activities.
  - (b) Funeral aid.
  - (c) Legal advice and assistance when connected with terms and conditions of employment of members.
  - (d) Maternity Benefits.
  - (e) Assistance to replace lost tools or to purchase essential tools where possession of such tools constitutes one of the conditions of employment.
  - (f) Hospital benefits
  - (g) Strike pay
  - (h) Superannuation benefits
  - (i) Educational benefits for both the members, staff or their children through awards of scholarships at home or abroad or any other schemes that may enhance workers education generally.
- v. To work towards the promotion of such labour legislation which will improve the conditions of services of members and working class generally.
- vi. To work towards the establishment of a printing or publishing business which will undertake the production of newspapers, journals, books pamphlets or such other publications which will promote the economic, social and educational programmes of the union or trade unionism generally.
  - vii. To contribute financially or otherwise towards any project having for its objects, the promotion of the interest of labour and trade unionism generally.
  - viii. To establish and maintain a high standard of workmanship and professional practice in Hotel and Personal services Industry.
  - ix. To encourage the participation of members in the decision making process at local, state and national levels of the union.
  - x. To work towards the advancement of the socio economic and cultural interests of the community and
  - xi. To pursue such other objects as are lawful and are not inconsistent with the spirit and practice of trade unionism in the country as in Trade Unions Acts.

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### RULE 3: MEMBERSHIP

- i. The union is open to all eligible workers in undermentioned establishments which specialise in the rendition of services *GENERALLY INVOLVING THE CARE OF THE PERSON OR HIS APPAREL* as follows:
- (a) Hotels, guest-houses, casinos, restaurants, cafes, canteens, taverns and other drinking and eating places;
  - (b) Rooming houses, camps and other lodging places;
  - (c) Laundries and related services;
  - (d) Cleaning, dyeing and other related services;
  - (e) Barber and beauty-salon;
  - (f) Portrait and photographic studios;
  - (g) Industrial Cleaning and related services;
  - (h) Security Services
  - (i) Tourist organization and related services.
- ii. No self-employed individual shall be member of the union.
- iii. Every member of the union is bound to respect and uphold the constitution of the

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- union and pay the prescribed monthly check-off dues and any other contribution or levy that may be imposed by relevant organs of the union.
- iv. No person shall be deprived of membership of the union on ground of sex, religious persuasion, political belief or ethnic origin.
  - v. A member shall on justifiable cause have the right to transfer his/her membership to a branch of his/her choice provided that there is no break in the payment of check-off dues to the union.
  - vi. Each member shall be entitled to a copy of the union's constitution at a cost to be determined by the Central Working Committee/National Executive Council. Thereafter, every member shall be notified of any amendment/amendments to the constitution.
  - vii. A member shall have the right to have his/her grievances processed by the union on presentation of such grievances to the appropriate organs of the union as stated in Rule 21 B and C.

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- viii. A member upon giving 14 days notice shall have access to the books of the union and such notice shall be addressed to the General Secretary in case of National Secretariat while notice to the State Council or branch shall be addressed to officer-in-charge of the state and branch secretary as the case may be.
- ix. A member shall pay his/her subscriptions to the funds of the union regularly and shall endeavour to participate fully in the affairs of the union. He/She shall refrain from any act which may bring the union into disrepute.
- x. Any member upon promotion to a senior or management cadre shall cease to be member of the union. However, such member can still retain his/her membership by indicating interest in writing to the National Secretariat of the union through the General Secretary.
- xi. The Union shall have the right to take disciplinary action against any member, branch or State Council found liable of an act or conduct or omission prejudicial to the interest, image, progress and unity of the union. The affected member, branch or State Council shall be granted opportunity for self

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- ii. The constitution shall be deemed to be the basis of contract between the members to establish and operate the Union and it shall be binding on every member.
- iii. No new rules shall be made or any rule altered, amended or rescinded unless agreed to by majority votes of members in secret ballot or affirm by members present at the National Delegates' Conference of the union.
- iv. Any alteration and amendment to the constitution shall be filed with the Registrar of Trade Unions in accordance with the law.
- v. A member shall have the right to initiate action at his own expense in connection with any breach of the provisions of the constitution.
- vi. All resolutions and decisions from the appropriate organs of the union shall be binding on every member and shall be duly implemented.
- vii. The government of the union shall be vested in the following organs.
  - (a) National Delegates' Conference
  - (b) National Executive Council
  - (c) Central Working Committee

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- defence at the appropriate organ of the union. There shall be the right to appeal to the higher organ of the union.
- xii. Any member who loses his/her job as a result of retrenchment, termination of appointment, resignation, retirement or dismissal, shall cease to be a member of the union except in proven cases of acts of victimisation or prejudice by the employer or fellow member. The membership shall continue pending the final determination of the matter between the union and the employer.

#### RULE 4: RATES OF SUBSCRIPTIONS

- i. Every member of the union shall pay 5% of his/her basic salary as check-off dues, for the upkeep and maintenance of the union.
- ii. The National Executive Council or the National Delegates' Conference is empowered to review members monthly check-off subscription from time to time.

#### RULE 5: CONSTITUTION AND GOVERNMENT

- i. This document and as it may from time to time be amended shall be known as the "Constitution of the Union."

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- (d) State Delegates' Conference
- (e) State Executive Council
- (f) State Working Committee
- (g) Branch Biennial General Meeting
- (h) Branch Working Committee
- viii. References to State Councils in this constitution shall also include the FCT Area Council of the union.

#### RULE 6: NATIONAL DELEGATES' CONFERENCE

- i. The supreme authority of the union shall be vested in the National Delegates' Conference;
 

The National Delegates' Conference shall be composed of the following:

  - a) National Officers as defined in Rule 13(i)
  - b) Members of the National Executive Council and Central Working Committee, State Chairmen and Secretaries.
  - c) Branch Delegates made up as follows:
    - 10 -100 members - One delegate
    - 101 - 200 members - Two delegates
    - 201 and above - Three delegates (maximum)

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- iii. The National Delegates' Conference shall be held every 4 years on such date and venue as the previous delegates' conference or the National Executive Council shall decide.
- iv. A Special National Delegates' Conference may however, be held at such time and place as the National Executive Council may decide, on the receipt of a resolution adopted by two third (2/3) of the State Councils calling for such a conference. The resolution shall be forwarded to the General Secretary or the National President of the union.
- v. Each branch of the union shall constitute one constituency for the purpose of electing delegates to the National Delegates' Conference of the union.
- vi. To be eligible for nomination and election as a delegate, a candidate must be a member in good financial standing in the union and must have been actively involved in the affairs of the union for two consecutive years preceding his/her nomination and election as a delegate.
- vii. Voting in the election of delegates shall be by secret ballot or affirmation.

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- iv. (a) The President shall preside over the National Delegates' Conference, and in his absence any of the Deputy Presidents shall preside over the meeting.
- (b) In the absence of the President and Deputy Presidents any other person appointed among the elected national officers by the delegates shall preside over the meeting.
- v. Any person who is not a delegate or an accredited officer of the conference or an invited guest shall not be allowed to attend the conference or take part in its proceedings.
- vi. The business of the conference-in-session shall include the following:
  - (a) To receive and deliberate on the Presidential Address;
  - (b) To consider and determine internal questions of policy affecting the union;
  - (c) To receive and deliberate on the report of the activities of the National Executive Council from the General Secretary.
  - (d) To receive and debate on the Financial Report from the National Treasurer;

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- viii. The tenure of office for the National and State elected officers as well as National elected officers of the Women Commission shall be a period of four (4) years.
- ix. No elected officer shall occupy the same office for more than two consecutive terms. He shall not during his tenure in office also hold any other position in any organ of the union.

**RULE 7: BUSINESS OF THE NATIONAL DELEGATES' CONFERENCE**

- i. Item for inclusion in the agenda of conference from any organs of the union or member shall be forwarded to the General Secretary to reach him not later than two months before the conference.
- ii. The National Executive Council shall have the power to determine the items to be forwarded to the accredited delegates to reach them not later than one month before the conference.
- iii. The agenda of the conference together with the supporting papers shall be forwarded to the accredited delegates to reach them not later than one month before the conference.

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- (e) To consider proposals for amendment of the constitution.
- (f) i) To deliberate on all matters on the agenda of the conference.  
ii) To dissolve and elect new national elected officers of the union by secret ballot or affirmation.
- (g) To receive and deliberate on External Auditor's report if any.
- (h) To discuss on the audited financial returns and update account of the union. Filing of three (3) year financial returns shall be a precondition for organizing the conference.
- vii. In furtherance of the business of the conference, the conference-in-session shall have the power to set up committees for detailed examination or investigation of any issue. Such committees shall report back to the conference for any action deemed fit.
- viii. The conference-in-session shall have the power to refer to the Central Working Committee for determination of any matter including outstanding committee's reports

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which it has not been able to dispose of due to time constraints or otherwise. The decision of the Central Working Committee on such matter shall be subject to the approval and ratification by the National Executive Council.

ix. **Eligibility to Contest for National Elective Office**

- (a) Any member wishing to contest as a National officer must be a member of the National Executive Council.
- (b) In addition to (a) above, a member that intends to contest as a President or treasurer must be a serving member of the Central Working Committee.
- (c) A person who is not a financial member for at least two consecutive years shall not be eligible for election as a national officer.
- (d) Any branch or member in arrears of check-off dues and levies shall not be eligible to participate or attend National Delegates' Conference
- (e) Any member found liable of an act or conduct or omission prejudicial to the interest, image, progress and unity of the union shall be disqualified from contesting for any elective post in the union.

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- (f) Where all members of the Central Working Committee are disqualified from contesting election, members of the National Executive Council shall be eligible to contest for any post of their choice.
- (g) In order to promote harmony, love, peace and stability in the union, candidates contesting for posts in the Central Working Committee, are not allowed to use poster or any other publications(s) that can cause chaos within NUHPSW family. Anyone caught using posters will be disqualified from contesting.
- (h) Any member or branch whose past activities has been detrimental or adjudged to be anti-union activities shall not be eligible to participate in the conference.

x. Voting in the election of officers shall be by secret ballot or affirmation. Election procedures shall be as arranged by National Secretariat subject to the approval of CWC.

xi. In order to further encourage women participation in the trade union movement, three (3) women representatives shall be

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appointed by the Central Working Committee (CWC) subject to National Executive Council (NEC) approval at the National level. They shall be members of the Central Working Committee and National Executive Council of the Union. Similarly, three (3) women representatives shall be appointed by the State Working Committee subject to State Executive Council (SEC) approval at the State level. They shall also be members of the State Working Committee of their respective States Council. The tenure of office of the appointed National Women Representatives shall be decided by the Central Working Committee that appointed them.

- xii. There shall be a constituted National Women Commission apart from the three appointed National Women Representatives with the following membership:
  - a. National Women Chairperson – whose status shall be equivalent of Deputy President
  - b. National Women Deputy Chairperson
  - c. National Secretary – shall be an appointed female officer with at least the rank of an Assistant General Secretary
  - d. Assistant National Secretary
  - e. Three Executive Members
  - f. The National Treasurer of the Union

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- xiii. i) Recognising that youth are partners, assets and prerequisite for sustainable development and peace both within the Labour Movement and the Country at large, there shall be constituted a Youth Commission which shall co-ordinate the activities of the Youth Members and shall carry out such other duties as may be assigned to it by relevant organs of the Union through the General Secretary.
- ii) They shall elect among themselves a Chairman, Secretary and three other officers to provide leadership for the commission.
- iii) The tenure of the elected Youth Commission shall be four (4) years and shall have opportunity of re-election making two terms maximum on the same position.

**RULE 8: NATIONAL EXECUTIVE COUNCIL**

- i. The union shall be administered in-between National Delegates' Conference by the National Executive Council in accordance with this constitution.
- ii. The National Executive Council shall consist of all elected National Officers including the

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- three appointed National Women Representatives and the National Chairperson of the Women Commission, appointed officers from the rank of Assistant General Secretary upward, State Chairmen and elected State Secretaries of all State Councils.
- iii. The National Executive Council shall meet once a year on such date and venue to be decided by the Central Working Committee.
- iv. The General Secretary in consultation with the National President, shall have the power to summon an emergency meeting of the National Executive Council.
- v. Items for inclusion on the agenda of the Council from various organs of the union/member, shall be forwarded to the General Secretary to reach him not later than one month before the meeting of the Council.
- vi. The Central Working Committee shall have the power, to determine the items to be included on the agenda and the order of priority.

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- (d) To protect and safeguard the funds of the union
- (e) To set up such departments or committees as it may deem necessary for the smooth and orderly conduct of the affairs of the union;
- (f) To issue directive for proper governance and administration of the affairs of the union; and
- (g) To perform such other functions as may promote the objects of the union.
- xii. Every controversial issues at the meetings of the council shall be decided by majority votes of members cast in secret ballot or by show of hands.
- xiii. No officer or member of the National Executive Council shall be entitled to take part in any discussion or to vote on any matter in which, he/she is personally affected.
- xiv. The National Executive Council shall submit reports of its activities to the National Delegates' Conference for any action it may deem necessary.

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- vii. The agenda of the Council together with the supporting papers shall be forwarded to all members two weeks in advance.
- viii. The President shall preside over the meeting of the Council and in his absence, any of the three Deputy Presidents or any other person appointed among the National Officers by the delegates shall preside.
- ix. The business of the Council shall be the consideration and determination of all matters included on the agenda.
- x. Any matter not included on the agenda of the Council shall not be entertained at the meeting of the Council except with the approval of the council by "simple majority".
- xi. It shall be the duty of the National Executive Council to undertake the following:
  - (a) To guard and further the interest of members of the union;
  - (b) To carry out policies approved by the National Delegates' Conference.
  - (c) To ensure proper and strict observance of the rules of the union's constitution by the members both individually and collectively;

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- xv. In the event of the tenure of office of the national elected officers approaching its end and there exists a genuine reason why the National Delegates' Conference may not hold immediately at the expiration of their tenure, the National President in conjunction with the General Secretary shall within 3 months before the expiration of the said tenure, summon the National Executive Council to consider the need for it to overstay but such overstay must not be more than 3 months from the date of expiration of their office and within the 3 months extension, if granted, the National Elected Officers and the National Secretariat must ensure that the National Delegates' Conference is held.
- xvi. The dissolution of the national elected officers under Rule 8 (xv) shall be by a motion supported by 2/3 of the National Executive Council members at a meeting called for that purpose subject to the provisions of this constitution.
- xvii. In the event of the dissolution of the National elected officers by two thirds (2/3) of the National Executive Council, a seven (7) man Caretaker Committee shall be appointed by the NEC immediately.

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- xviii. The Caretaker Committee shall have the power to change signatories to the Union's Bank Account as the need may arise.
- xix. The Caretaker Committee so appointed shall not remain in office beyond three months.
- xx. To receive the draft budget proposal for deliberation and approval for the next financial year.
- xxi. The National Executive Council shall have power to remove from office any National Officer who contravenes the code of conduct as prescribed in this constitution after the due process of disciplinary procedures and the affected officer shall have the right to appeal to the National Delegates' Conference.

**RULE 9: CENTRAL WORKING COMMITTEE**

- i. There shall be a Central Working Committee which shall consist of the following:
  - a. The National President
  - b. Three National Deputy Presidents
  - c. The National Treasurer
  - d. The National Internal Auditor
  - e. Three National Trustees
  - f. The General Secretary

- g. Heads of Department
- h. Three (3) women representatives appointed by the CWC
- i. National Chairperson of the Women Commission

Apart from the National Elected Officers and General Secretary herein mentioned, all other members of the Central Working Committee shall be Heads of Department at the National Secretariat of the union.

- ii. The Central Working Committee shall meet once in every three (3) months. However, emergency Central Working Committee meeting can be summoned when the need arises.
- iii. It shall administer the day to day affairs of the union in between the meetings of the National Executive Council.
- iv. It shall report its activities to the National Executive Council.
- v. No officer or member of the Central Working Committee shall speak or vote against any collective decision presented by the Committee to the National Executive Council

for consideration in view of the principle of collective responsibility which is binding on all members of the Central Working Committee.

- vi. The President shall preside over the meetings of the committee and in his absence, any of the Three Deputy Presidents or any other person elected among the other National officers present shall preside.
- vii. The Central Working Committee shall have the power to fill any vacancy occurring in the committee either by co-option or appointment of suitable members subject to the approval of the National Executive Council.
- viii. The General Secretary in consultation with the President shall convene a meeting of the Central Working Committee as at when necessary.
- ix. Voting at the meeting of the Committee shall be by secret ballot or by show of hands.
- x. It shall have, the power to appoint a finance committee to protect the funds of the union.
- xi. The Central Working Committee shall have the power to appoint specialists and other

staff to facilitate the smooth administration of the Union. The emoluments of such staff shall be determined by the Central Working Committee and charged to the accounts of the union.

- xii (a) The CWC shall have the power to take disciplinary actions against any erring member(s).
- (b) CWC shall also have power to take disciplinary action against any erring staff in strict compliance with the staff conditions of service of the union.
- (c) The member/staff has the right to appeal to NEC and NDC as the case may be.

**RULE 10: QUORUM**

Fifty percent (50%) or half of the members in attendance at any meeting of the organ of the union as specified in Rule 5 (vii) shall form a quorum except the Central Working Committee where two third (2/3) of the members shall form a quorum.



**RULE 11: STATE COUNCIL**

- i. There shall be a State Council in every state of the federation. However, where a State does not have up to three constituted branches, it shall constitute a State Council of five (5) officers namely: State Chairman, Secretary, Treasurer and two Executive members which must include at least two women.
- ii. The membership of the state council shall comprise of the Chairmen and Secretaries of the branches, the full time officers in the state as well as members of the State Working Committee.
- iii. It shall be the duty of the State Council to:
  - (a) Coordinate and supervise the activities of the branches under its jurisdiction.
  - (b) Serve as effective link between one branch and another.
  - (c) Promote cooperation among the branches under its jurisdiction.
  - (d) Ensure that union policies are widely known, understood and implemented.
  - (e) Generally strengthen the union under its jurisdiction

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- genuine reason prolongs its tenure of office which shall not exceed 3 months in any event.
- vii. Election of members of the State Working Committee shall be by secret ballot or affirmation.
- viii. The Chairman shall preside over the meetings of the State Executive Council and the State Working Committee. In the absence of the Chairman, the Vice Chairman or any member of the State Executive Council shall be appointed by majority of the members present to preside over the meeting of the Council.
- ix. The State Working Committee shall meet once in every 3 months and provide on the spot supervision of the state office of the union.
- x. The State Working Committee shall report to State Executive Council and the State Executive Council shall report to the National Executive Council from time to time.
- xi. The State Working Committee shall have the power to fill any vacancy occurring in the committee by co-option of suitable member subject to the approval of the State Executive Council.

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- iv. The State Executive Council shall meet once in 6 months.
- v. There shall be elected State Working Committee whose members shall comprise of:
  - (a) Chairman
  - (b) Vice -Chairman
  - (c) Elected Secretary
  - (d) Treasurer
  - (e) Assistant Secretary
  - (f) Auditor and
  - (g) Three Ex-officio members
  - (h) Full time officers in the state including organizing secretaries.
  - (i) 3 women representatives appointed by the State Working Committee and ratified by the State Executive Council
- vi. The State Delegates' Conference shall be held once in every FOUR years and the conference shall take place 3 months before the Quadrennial National Delegates' Conference of the union. The State Working Committee shall be dissolved at the State Delegates' Conference and fresh election shall be held to elect new members of the committee except where the National Executive Council upon the existence of a

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- xii. State Council Chairman together with the full time officer in charge of State Council shall represent the union at NLC State Council meetings.

**STATE DELEGATES' CONFERENCE**

- (a) The State Working Committee shall be dissolved three (3) months to the National Delegates' Conference (NDC). At the State Delegates' Conference, fresh elections shall be held to elect new members of the Committee.
- (b) The tenure of State Officers shall be four year.
- (c) To receive and deliberate on the report of the activities of the State Working Committee presented by the full-time officer.
- (d) To receive and deliberate on the report of the State Treasurer.
- (e) To receive the report of the State Auditor if any.

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- (f) It shall have power to appoint Committees
- (g) The State Council shall have power to discipline Branch Executives for proven cases of anti-union activities subject to ratification by the CWC.
- (h) To receive budget proposals for deliberation and approval for each financial year.
- (i) The out-going state officers shall have voting right.
- (j) Any other election conducted at the State Council level after the stipulated period as provided for above shall still be dissolved 3 months before the National Delegates' Conference and fresh election conducted.
- (k) The State Quadrennial Delegates' Conference shall be composed of the State Working Committee members, Branch Chairmen and Secretaries as well as the full time officers in the state who shall of course not have voting right.

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- (m) Where it is practically not possible for election to hold for State Working Committee due to one reason or the other during the State Delegates' Conference, a five man caretaker committee shall be constituted to run the affairs of the Council for three months. During this period, a new election shall be conducted to re-constitute the council.
- (l) **Eligibility to Contest for State Elective Office**
  - (a) Any member wishing to contest as a member of the State Working Committee must be a member of the State Executive Council.
  - (b) Any member who wish to contest as State Council Chairman, Secretary and Treasurer, in addition to (a) above, must be a serving member of the State Working Committee.
  - (c) Any State Working Committee member found liable of an act or conduct or omission prejudicial to the interest, image, progress and unity of the union shall be disqualified from contesting for any elective post in the State Council.

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- (d) Where all the State Working Committee members are disqualified from contesting election, opportunity shall be given to the State Executive Council members to contest for post of their choice.
- (e) Any branch or member in arrears of check-off dues and levies shall not be eligible to participate or attend the State Delegates' Conference.
- (f) National Elected officers residing in a state shall also attend state Quadrennial Delegates' Conference but with no voting right.
- (g) In order to promote harmony, love, peace and stability in the union, candidates contesting for posts in the State Working Committee, are not allowed to use poster or any other publications(s) that can cause chaos within NUHPSW family. Anyone caught using posters will be disqualified from contesting.
- (h) Any member or branch whose past activities has been detrimental or

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adjudged to be anti-union activities shall not be eligible to participate in the conference.

#### **RULE 12: LOCAL BRANCHES**

- i. The union shall not establish a branch executive where the size of the membership is less than (10) members and likely to remain so. However, a contact person shall be appointed to liaise with the State Council when the need arises.
- ii. A branch of the union shall be known by the name authorized by the National Executive Council, which shall cause a charter to be issued to the branch at the time of its inauguration.
- iii. There shall be a Branch Working Committee comprising a Chairman, a Vice-Chairman, a Secretary, Treasurer, an Assistant Secretary, Auditor and three other members elected at the Branch Triennial General Meeting.
- iv. The affairs of the branch shall be conducted in branch meetings presided over by the Branch Chairman and in his absence, the Branch Vice Chairman or by any other person

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appointed by the majority of the members present.

- v. It shall be the business of the Branch Working Committee to provide leadership in all the affairs of the union at the local level without prejudice to the authority and directives of the higher organs of the union.
- vi. The power to dissolve a branch shall not be exercised unless for persistent violation of the rules of the constitution.
- vii. The name and particulars of the Branch shall not be changed without the approval of the National Executive Council.
- viii. a. The power to dissolve an existing Branch Working Committee shall be vested in the Central Working Committee subject to the overall authority of the National Executive Council.  
b. Where it is not possible to conduct a fresh election to reconstitute the Branch Working Committee immediately, a five man Caretaker Committee shall be put in place to run the affairs of the Branch for three months during which a new election shall be organized to reconstitute the Branch Working Committee.

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Branch Working Committee.

- c. The Caretaker Committee shall have power to change signatories to the Branch Union's Account as the need may arise.
- ix. The branch shall hold Triennial General meeting. The Branch Working Committee shall be dissolved at the Branch Triennial General Meeting and fresh election held. Election of Branch Officers shall be by secret ballot or by affirmation.
- x. In the event of dissolution of any branch of the union, the affected branch shall forfeit its charter and all its assets and liabilities shall be vested in the National Trustees of the union subject to assets and liabilities verification by the Trustees.
- xi. The Branch General Meeting shall meet once in every 3 months except in cases of emergency, while Branch Working Committee meet from time to time.
- xii. (a) The local branch shall have the power to remove any officer elected or appointed by them and such removal shall stand until otherwise reversed by

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the higher organs.

- (b) The above provision in (a) is also applicable to the state council.
  - (c) The Branch Working Committee shall have the power to fill any vacancy occurring in the committee by co-option of a suitable member after due consultation and approval of the State Working Committee.
- xiii. **Business of the Branch Triennial Conference**
- (1) To receive and deliberate the branch report of activities by the branch secretary
  - (2) To receive and deliberate on Treasurer's Reports.
  - (3) Shall have power to set-up committees.
  - (4) To dissolve and elect new Branch Working Committee members by secret ballot or by affirmation.
  - (5) The out-going executives shall have voting right.
- xiv. **Eligibility to contest for Branch Elective Office**
- (a) Any member who is not a financial member for at least two consecutive years, except where such branch is a

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new unit, shall not be eligible to contest for any elective post.

- (b) Where a branch has been in existence for more than 2 years, members contesting for the offices of Chairman, Secretary and Treasurer must be a serving member of the Branch Working Committee.
- (c) However, any Branch Working Committee member found liable of an act or conduct or omission prejudicial to the interest, image, progress and unity of the union shall be disqualified from contesting for any elective post in the Branch.
- (d) Where all members of the Branch Working Committee are disqualified from contesting election at the branch level, opportunity shall be given to all financial members of the branch to contest for any elective post of their choice.
- (e) In order to promote harmony, love, peace and stability in the union, candidates contesting for posts in the Branch Working Committee, are not allowed to use poster or any other publications(s) that can cause chaos within NUHPSW family. Anyone

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caught using posters will be disqualified from contesting.

- (f) Any member or branch whose past activities has been detrimental or adjudged to be anti-union activities shall not be eligible to participate in the conference.

#### **RULE 13: OFFICERS AND STAFF**

- i. The National Officers of the Union shall be as follows:
  - a. The National President
  - b. Three Deputy Presidents
  - c. The National Treasurer
  - d. The National Internal Auditor
  - e. Three National Trustees
  - f. Three appointed Women Representatives
  - g. The General Secretary
  - h. Deputy General Secretaries
  - i. Principal Assistant General Secretaries
  - j. Senior Assistant General Secretaries
  - k. Assistant General Secretaries
  - l. National Chairperson of the Women Commission

They shall be known as the Principal officers of the union.

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- vii. On resignation, an officer or staff of the union shall surrender all the properties of the union in his/her possession to either the General Secretary, the National Trustees or the President and shall settle with the union any debt, which may be outstanding against his/her name.
- viii. A National Elected officer removed by the National Executive Council shall stand removed until the National Delegates' Conference decides otherwise.
- ix. On removal from office a National Elected Officer shall surrender the properties of the union in his/her possession to either the General Secretary, the National Trustee or the National President, whichever is appropriate and he/she shall settle with the union any debt outstanding against his/her name.
- x. Members and non-members of the Union shall be eligible for appointment as staff of the Union provided they possess requisite qualifications and experience for the post.
- xi. No vacancy in any of the bodies established by this constitution shall invalidate the proceedings of these bodies provided a

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- ii. Other officers of the union shall include the Chairmen, Vice-Chairmen, Secretaries, Assistant Secretaries, Treasurer, Exco Members and Auditors of the state councils and the local branch officers of the union and all other full-time officers of the union.
- iii. All Principal officers of the union with the exception of the General Secretary, Deputy General Secretaries, Principal/Senior/Assistant General Secretaries, and all other full-time paid officers of the union shall be elected by the duly authorized organs of the union in this constitution.
- iv. No officer of the union shall hold office, paid or unpaid, in any other union except a federation of unions to which this union belongs or a professional body to which any qualified officer may belong.
- v. Any officer or staff of the union may resign his office or appointment at any time after giving appropriate notice.
- vi. In the event of resignation, the General Secretary of the union shall be required to give three months notice, after which his resignation shall become effective.

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quorum is formed in accordance with the provisions of Rule 10 of this constitution.

#### **RULE 14: OFFICERS AND THEIR DUTIES**

- i. **National President**
  - (a) The National President shall be the political head of the union.
  - (b) He shall preside at all National Delegates Conference and at meetings of the National Executive Council and Central Working Committee.
  - (c) He shall together with the General Secretary sign vouchers for all payments approved by the Central Working Committee.
  - (d) He shall be responsible for giving effective leadership on all matters affecting the union and shall keep himself in close touch with the activities of National Secretariat.
  - (e) He shall together with General Secretary sign minutes of all meetings.
  - (f) He shall in conjunction with the National Treasurer and one National Trustee sign cheques on behalf of the union.

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**ii. The Deputy Presidents**

Three Deputy Presidents shall be elected at the Quadrennial Delegates' Conference of the union. The Deputy Presidents shall assist the National President in the performance of his duties. In the absence of the President any of the Deputy Presidents shall act on his behalf.

**iii. The General Secretary**

- (a) The General Secretary shall be full-time paid staff of the union and shall be the Head of Administration of the Union.
- (b) The General Secretary shall be responsible to the National Delegates' Conference, the National Executive Council and the Central Working Committee for the successful operation of the functions of the union.
- (c) He shall conduct the affairs of the National Secretariat and supervise activities of all the organs of the union.
- (d) He shall keep all the organs of the union regularly informed of all decisions taken by the union.
- (e) He shall keep the minutes of the National Delegates' Conference, the National Executive Council and the

Central Working Committee.

- (f) He shall have the power to initiate measures for the improvement of the productive efficiency and the smooth administration of the union.
- (g) He shall have the responsibility of promoting good relations between the National Secretariat, the State Councils and all the Local Branches of the union on the one hand and the National and International Trade Union Organisations on the other in accordance with the provisions of the constitution.
- (h) He shall in consultation with the National President, have the power to convene meetings of the National Executive Council and the Central Working Committee.
- (i) He shall prepare and submit reports on the activities of the union to the National Delegates' Conference and the National Executive Council and shall also prepare administrative materials for the easy conduct of the affairs, of the Central Working Committee.
- (j) He shall issue or cause to be issued any publication as may further the aims and objects of the union.

- (k) The General Secretary shall be responsible for conveying the decisions of the National Delegates' Conference and the National Executive Council to appropriate authorities and other lower organs of the union and shall take necessary steps to ensure their speedy implementation.
- (l) He shall together with other officers of the union ensure that the affairs of the union are carried out in accordance with the provisions of the constitution and the laws of the land.
- (m) He shall keep the nominal roll of the union.
- (n) After due consultation with the National Executive Council/Central Working Committee, he shall issue guidelines for the conduct of National and State Delegates' Conferences.

- duties that may be assigned to them from time to time by the General Secretary or the Central Working Committee.
- (d) They can also serve at the state council offices as full time officers.

**v. The Principal, Senior and Assistant General Secretaries**

- (a) The Principal Assistant General Secretaries, Senior and Assistant General Secretaries shall be Heads of various Departments of the union at the National Secretariat and they can also serve at the State Council Offices as full time officers.
- (b) They shall carry out all duties affecting their Departments or the State Offices of the union as the National Executive Council or the Central Working Committee may direct.

**iv. The Deputy General Secretaries**

- (a) There shall be Deputy General Secretaries, who shall be responsible to the General Secretary.
- (b) Anyone of them may be delegated by the General Secretary to deputize for the General Secretary in his absence.
- (c) They shall perform any other official

**vi. National Treasurer**

- (a) The National Treasurer Shall have general supervision of the finances of the union and he/she shall from time to time submit reports on the financial position of the union to the National Executive Council and the National Delegates' Conference.

- (b) He/She shall receive monies on behalf of the union, and shall promptly pay same to the Union's Bank account within 48 hours and shall keep true and accurate records of all receipts and payments as required by this constitution and the Trade Unions Act.
- (c) He/She shall comply with any regulation made by the National Executive Council to safeguard the funds of the union.
- (d) He/She shall maintain an imprest account of Three Hundred thousand Naira (N300,000) only or an amount to be decided from time to time by the Central Working Committee to enable the union defray some urgent expenses which would promote effective administration of the National Secretariat.
- (e) He/She shall at the end of each month render account on the utilization of the imprest.
- (f) The Central Working Committee shall have the power to authorize the replacement of the imprest account after the retirement of the previous one at a given interval.
- (g) He/She in conjunction with the President and one Trustee shall sign

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cheques on behalf of the Union.

- (h) A qualified Accountant employed by the Union shall render supportive services to the National Treasurer.

vi. **The National Auditor(s)**

The National Auditor(s) shall thoroughly examine all the books of accounts kept by the National Treasurer, check all receipts and payments effected by the union and certify them accordingly. The Auditor(s) shall have easy access to all books of accounts, vouchers and other documents of the union which he/she may consider necessary. The Auditor(s) shall prepare a report on the financial position of the union, and the manner in which the accounts have been kept, having regard to the provisions of the Trade Unions Act concerning the maintenance of good Financial Records and rendition of Annual Financial Returns and Audited Accounts to the Registrar of Trade Unions.

The National Auditor(s) shall be delegated to look into finances of other organs of the union as the need may arise and report back his/her findings to the Central Working Committee or National Secretariat as the case may be.

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vii. **National Trustees**

- i. Three Trustees shall be elected by secret ballot or by affirmation at the Quadrennial National Delegates' Conference of the union.
- ii. The three Trustees for the time being shall have vested in them all real and personal estate and whatever belongs to the union and they shall deal with them in such ways and manner as the National Executive Council may direct.
- iii. A Trustee or any officer of the union may be removed from office by the National Executive Council on grounds of ill health, unsoundness of mind, prolonged absence from the country or for any other reason which renders him unable to perform the duties of his/her office.
- iv. In the event of death, resignation or removal of Trustee or any other officer of the union from office, the office shall be filled temporarily by the National Executive Council. One of the Trustees together with the National Treasurer and President shall be signatories to all bank accounts of the union and shall also sign all the financial documents of the union.

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**RULE 15: DUTIES OF STATE OFFICERS**

**A. State Chairman**

1. The State Chairman shall preside over meeting of State Delegates' Conference, State Council and State Working Committee meetings.
2. He shall sign minutes and other official documents as well as vouchers.
3. He shall keep himself in touch with the activities of the union in the state.
4. He shall sign cheques in conjunction with Treasurer and full time officer in charge of the state.
5. He shall present an address to the State Delegates' Conference, State Council meetings and State Working Committee meeting.
6. He shall perform any other functions as may be found necessary.

**B. Vice Chairman**

- i) He/she shall assist the State Chairman in the performance of his/her duties.
- ii) He/she shall perform the functions of the Chairman in his/her absence.

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**C. Secretary**

He should be responsible for taking minutes at meetings of State Delegates' Conference, State Council Meeting and State Working Committee meeting.

**D. Treasurer**

1. He shall be the custodian of the State Council funds.
2. The state treasurer shall have a general supervision of the state council's funds.
3. He shall submit financial account to the State Council Meeting and State Delegates' Conference.
4. He shall be a signatory to the State council's account.

**E. State Auditor**

1. The state auditor shall thoroughly examine all the financial books kept by the treasurer, check all receipts and payments vouchers.
2. He shall have unhindered access to all books of accounts, examine same and report back to the council in session.
3. He shall also audit the books of account of the branch as may be directed by the State Working Committee

**F. State Exco Members**

Shall act as Trustees in the State Councils, however shall not be signatories to the account.

**G. Appointed Officer in the State**

There shall be a full time officer who shall be the accounting officer in the state.

- i. He/she shall along with the State Chairman and Treasurer sign cheques on behalf of the state council.
- ii. He/she shall perform any other duties that may be assigned to him/her by the National Secretariat in line with the Union's Constitution.
- iii. He/she shall also ensure that the council and branches within his or her jurisdiction are serviced effectively.
- iv. He/she shall ensure that the council and branches within his/ her jurisdiction renders income and expenditure accounts periodically as required by the policy of the union.

**H. Duties of Branch Working Committee**

The duties of the Branch Working Committee shall be as defined under Rule 15 (State Council) but restricted to the branch only.

**RULE 16: FILLING OF VACANT POSTS**

- i. The post of the General Secretary on becoming vacant shall be filled by any one of the candidates short-listed by the National Executive Council and recommended to the National Delegates' Conference for determination.
- ii. The position of the General Secretary shall be advertised where there is no suitable candidate with requisite qualification, experience and ability in Trade Union affairs within the union.
- iii. Any appointee to the post of General Secretary, Deputy General Secretary, Principal Assistant General Secretary, Senior Assistant General Secretary and other full time officers shall hold office at the pleasure of the union, subject to high productivity, efficiency and good behaviour.

**RULE 17: DEPARTMENTALIZATION**

The union shall for the purpose of effective administration and coordination of its activities nationwide, establish the following departments.

1. Administration Department
2. Organisation Department
3. Finance Department
4. Industrial Relations Department
5. Information, Research and Statistic Department
6. Africa/International Affairs Department
7. Education Department
8. Cooperative Department
9. Security Guards Department
10. Photographic, Industrial Cleaning and related Services Department
11. Legal Department
12. Women Affairs Department.

**RULE 18: UNION FUNDS**

- i. The main source of the Funds of the union shall be monthly Checkoff-dues, Service Charge, Levies, Donations, Differentials payment, proceeds from economic and social activities and any source of funds approved by the National Executive Council or the National Delegates' Conference of the union.
- ii. The funds of all units of the union shall be the property of the national Union subject to control by the National headquarters of the union and nothing in this constitution shall



- prejudice the right of the National Executive Council from instituting legal proceedings to recover any money or other property belonging to the union from who-so-ever that is indebted to the union or is in possession of the union's property.
- iii. Every property acquired at any level of the union, in what-ever custody and of what-ever nature shall belong to the National union and its use and management shall be as directed by the National Headquarters of the union.
  - iv. The National Delegates' Conference or the National Executive Council shall have the power to employ the funds of the union in such ways and manners as may be found necessary and expedient.
  - v. The funds and property of the union shall be applied for any purpose that will enhance the attainment of the objects of the union as defined in the constitution.
  - vi. The Funds of the union shall be allocated as follows:

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- (a) **Check-off Dues**
  - Local Branches - 10%,
  - State Council - 20%
  - National Secretariat - 70%

(65% + 5% Educational Fees)  
NLC Monthly contribution of 10% of the National Secretariat Share
- (b) **Service Charge**
  - Local Branches - 30%
  - State Council - 30%
  - National - 40%
- (c) **First Differential Payment:**  
Definition - "Differential" here means; any monetary increase that arises as a result of negotiation of salaries and allowances of members of the union. Such increases in salaries and allowances of our members for the first month after any negotiation shall be paid to the union as first month differential which shall be distributed as follows:
  - Local Branch - 10%
  - State Council - 20%
  - National Secretariat - 70%

Such negotiation could be at NJIC or plant level under the cover of staff conditions of service.

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- (d) **Appointment of Bankers:**  
The Bankers of the Union shall be appointed by the Central Working Committee with the approval of the National Executive Council.
- (e) **Bank Mandate:**  
The signatories to the Union Account and all financial instruments/documents to our bankers shall be two (2) out of the three (3) signatories which must always include the principal signatory capture as "A" (i.e. The National President or National Deputy President to act in place of the National President with either the National Treasurer or National Trustee). Furthermore, they shall also sign all financial instruments/documents of the union.
- vii. All funds of the union shall be paid to the National Secretariat of the union, which shall have authority under this Constitution to, make allocations as specified in Rule 18 (vi) above.
- viii. The National Secretariat shall have the power to delegate its authority under Rule 18 (vi) to the State Councils to collect and disburse Check-off dues, service charge and other

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- funds of the union in strict compliance with allocations made under Rule 18 (vi) of the union's constitution.
- ix. The State Executive Committee and the Branch Executive Committee shall render returns of the funds made available to them to the State Executive Council for onward transmission to the National Secretariat on a regular monthly basis.
  - x. The funds of the union which the members are required to pay under this rule, whether by way of monthly check-off dues, Service Charge, levy, donation, differential, etc. shall not be applied whether directly or indirectly to the furtherance of any political objectives.
  - xi. As stated in the Procedural Agreement, whenever the National Executive Council and the National Delegates' Conference of the union has passed resolution imposing a levy, management shall cooperate to recover such a levy from the salaries/ wages of the union members.

**RULE 19: INVESTMENT OF THE UNION'S FUNDS**

- (a) The funds of the union which is not required for current expenses shall, on the directives of

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the National Executive Council be invested by the Trustees in the name of the union in public stocks, government securities or other business as the National Executive Council may deem fit provided the business is profitable and worthwhile.

(b) **Investment Fund:**

For the Union to survive in difficult time and to diversify the sources of income, all members are to pay every four years investment levy to finance development projects and establish new venture. The amount to be paid will be determined by the National Delegates' Conference or the National Executive Council. The amount so decided could be paid once or instalments.

**RULE 20: MISCELLANEOUS**

- i. Subject to the provisions of the law of the land, members of the union shall not take part in a strike or interfere with the free flow of goods and services in their undertakings without the approval of the National Executive Council or the Central Working Committee. No member of the union shall take part in strike unless the majority of the members have in a secret ballot voted in favour of the strike.

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- ii. A strike or any other type of industrial action not authorised by the National Executive Council or the Central Working Committee, shall be regarded as unofficial strike.
- iii. In deciding whether or not to authorise any form of industrial action, the National Executive Council or the Central Working Committee, shall be guided by the advice of the Branch Executive Committee and the State Executive Council and the provision of the law.

**RULE 21: (A) DISCIPLINE OF MEMBERS**

- i. The National Executive Council, Central Working Committee, National Delegates' Conference shall have the right to take disciplinary action against any member, branch or state council found liable of an act of conduct or omission prejudicial to the interest, image, progress and unity of the union. The affected member, state, branch shall be granted opportunity for self defence. There shall be a right of appeal to the higher organs of the union.
- ii. The National Executive Council shall have power to impose disciplinary action on any

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member or officer of the union for proven cases of any serious misconduct or anti-union activities as follows:

a. **The following offences shall attract Fine:**

- \* Refusal to attend Branch Working Committee and Branch General Meetings after appropriate notification
- \* Absence from the meeting of the State Working Committee and State Executive Council Meetings without genuine reason(s).
- \* Absence from Central Working Committee meeting and National Executive Council Meetings without valid reason(s).
- \* Failure to carry out specific instructions of the organs of the union
- \* Insulting members at union meetings

b. **The following offences shall attract**

**Suspension:**

- \* Deliberate attempt to frustrate the implementation of union policies and programmes
- \* Disruption of union meetings at any level
- \* Wilful destruction of union property
- \* Fighting at union meetings
- \* Releasing/leaking Committee reports before it is presented to appropriate organs that set up the Committee

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c. **The following offences shall attract**

**Expulsion:**

- \* Undermining the authority of the Union as an institution
  - \* Blackmail, libel or slander against officer of the union
  - \* Proven cases of fraud/financial impropriety.
  - \* An established case of bribery/corruption in order to sabotage union interest
  - \* Conspiracy against union programmes and projects.
- iii. Expelled members shall forfeit all the right and privileges of membership

**(B) GRIEVANCE PROCEDURE**

- i. A member at the branch level shall have his/her grievance addressed by the Branch Executive Committee. If he/she is not satisfied with the handling of his/her grievance by the Branch Executive Committee, the said grievance shall be reported to the State Council for adjudication. But if it is still not resolved, then it shall be transferred to the National Secretariat of the union. Furthermore, if the National Secretariat is unable to resolve it, then it shall

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be reported to the CWC, from CWC to the NEC and if it remains unresolved, it shall be reported to the National Delegates' Conference whose decision on the matter shall be final.

ii. Similar procedures shall be followed in handling grievances that may arise at the State and National Levels. That is to say that any grievance that may arise shall be handled by the appropriate organ of the union.

(C) Any aggrieved member or staff of the union should avail himself/herself of the services of organs of the union to seek redress namely: the State Executive Council, Central Working Committee, National Executive Council and National Delegates' Conference.

However, any member or staff of the Union that refused to observe this due process shall be deemed to have committed serious misconduct and shall be sanctioned as spelt out in rule 21 (a) of this constitution.

#### **RULE 22: LEVIES**

i. The National Executive Council or National Delegates' Conference shall have the power at or its appointee(s) shall be responsible for

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ii. The Union may in the interest of the educational advancement of its members and staff offer loan, scholarship and bursaries to any suitable member or staff under such terms and conditions as the National Executive Council may approve from time to time.

#### **RULE 24: DEATH BENEFIT (FUNERAL)**

i. The next of kin as specified in the deceased member file shall be entitled to a death benefit to be determined by the Central Working Committee/ National Executive Council bearing in mind the provision of Section 25(3) of the Trade Unions Act, CAP 437 of 1990.

ii. In any case, no payment shall be made in the absence of a death certificate or any other convincing proof of death.

#### **RULE 25: ALLOWANCE AND BONUSES**

1. The National Executive Council shall determine allowances and bonus to be paid to any union member, officer and staff when necessary in relation to any good services which they have rendered in the interest of the union.

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to impose levy on all members of the union as at when necessary. It shall be mandatory for all members to pay such a levy. The National Secretariat or its appointee(s) shall be responsible for the collection and onward remittance of such levies to the National Secretariat of the union.

ii. The State Working Committee or Branch Working Committee with the consent of the Central Working Committee or National Secretariat shall impose levy on all members within the state or branch and members shall be required to pay the levy.

iii. If any member fails to pay any levy within the stipulated period of its imposition, the amount shall be treated as arrears of contributions.

#### **RULE 23: EDUCATION**

i. The union shall organise seminars, workshops, occasional classes and prepare educational leaflets and other educational programmes either industrial, cultural, social or economic in the interest of its members.

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2. The expenses and allowances payable to state council officials during state conferences and state Councils meetings shall be determined and paid by the State executive council out of their share of Rebates/Allocations. This provision shall apply same to the branch officers.

#### **RULE 26: CONDITIONS OF SERVICE FOR THE SECRETARIAT STAFF OF THE UNION**

The union shall ensure that the Conditions of service of its staff are in line with what is obtainable in the senior, intermediate and junior cadres within the hotels and allied industries which the members are serving as employees.

#### **RULE 27: DISSOLUTION**

i. The union shall not be dissolved except by a resolution of the National Delegates' Conference supported by at least two-third (2/3) majority of the delegates present and voting in a secret ballot.

ii. In the event of dissolution as provided in this constitution and the law of the land, the assets and liabilities of the union shall be fully

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discharged and the remaining funds shall be divided among the members on equal shares.

#### **RULE 28: STRIKE**

No person, trade union or employer shall take part in a strike or lock out or engage in any conduct in contemplation or furtherance of a strike or lock out unless:

- i. The strike or lock out concerns a Labour dispute arising from a collective and fundamental breach of contract of employment or collective agreement on the part of the employee, trade union or employer.
- ii. The provision for arbitration in the Trade dispute Act Cap 432 1990 have first been complied with and
- iii. In the case of an employee or a trade union, a ballot has been conducted in accordance with the rules and constitution of the trade union at which a simple majority of all registered members voted to go on strike.



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- iii. To ensure and encourage at all levels the conduct of industrial relations by means of collective bargaining, consultation and effective communication between employers and their organizations and strong representative Trade Unions within a voluntary and legal machinery, designed for the settlement of disputes and the provision of adequate safeguards for the free association of workers on one hand and employers on the other.
- iv. To develop a vigilant, informed and active membership, conscious of its rights and interests and alive to its responsibilities in the operation of any Trade Union programme as an effective safeguard against abuses.

#### **3. USE OF THE CODE FOR DISCIPLINARY ACTION**

The failure on the part of any member and official of a Trade Union to observe any of its provisions shall in any proceedings for disciplinary action before a committee or tribunal under the constitution of the union be admissible in evidence and any provision of the code which appears to the tribunal or Committee to be relevant to any question arising in the Committee, in determining the question at issue.

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## **NATIONAL UNION OF HOTELS AND PERSONAL SERVICES WORKERS**

### **CODE OF PRACTICE**

#### **1 PREAMBLE**

Although the primary objectives of Trade Union is to further the economic interests of their members, they are basically an integral part of society and cannot realistically be considered outside it. They have become an important part of the economic fabric of Nigeria recognised, respected and consulted by the Government and employers.

#### **2. AIMS**

- i. The Principal aims of this code of practice, therefore are: To encourage the positive contribution which Trade Unions can make to the economic and social progress of Nigeria, her associations and interest and to minimize and resolve the difficulties to which their various operations can give rise, having regard to the laws, regulations, public policies and practices in force in the country.
- ii. To set standards and give practical guidance in the conduct of industrial relations and the development of policies to improve human relations in all types of employment.

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#### **4. MEMBERSHIP RIGHTS AND RESPONSIBILITIES**

- i. Each member of the union shall have the right to full and free participation in the government of the union. This shall include the right.
  - (a) To vote periodically as provided in the union's constitution and rules for the election of branch chapter or state or regional and national officers either directly or through delegates.
  - (b) To undertake honest and democratically conducted elections.
  - (c) To express his/her view as to the method in which the union's affairs should be conducted.
- ii. Each member should have the right to fair treatment in the application of union rules and constitution. Trade union's disciplinary procedures should contain all the elements of fair play and the rules of natural justice, that is, notice, hearing and judgement on the basis of the evidence. A method of appeal to a higher body should be provided to ensure that judgement is not the result of prejudice or bias.

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- i. Each member has the responsibility fully to exercise his/her-right of Trade Union membership and loyalty to support his union. The right of an individual member to criticise the policies of his union and his officers does not include the right to Undermine the union as an institution, to destroy or weaken the union as a collective bargaining agency, to carry slander or libel of any officer of the union.
- ii. Membership meetings, should be held periodically as provided for in the union's constitution and rule with proper notice of time and place. It should be the responsibility of the union to call such meeting and of the members to attend and participate actively.

#### 5. PENALTY FOR BREACH

Sanction for breaches of the code shall be fine, suspension from membership, affiliation, office or employment and, in the case of an employee of a union, termination of employment or dismissal. The amount of the fine and the appropriate punishment shall be left, at the discretion of the Committee/Tribunal.

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#### 6. RESPONSIBILITY OF ELECTED AND APPOINTED OFFICERS OF THE UNION

- i. No person shall hold or retain elected or appointed office in the Nigeria Labour Congress or any of the affiliate Trade Unions who has been convicted of any crime involving moral turpitude, dishonesty and other malpractices offensive to trade union morality or interests.
- ii. No Trade Union official who already receive full pay from his union or from the Nigeria Labour Congress shall receive fees or salaries of any kind from any other source save with permission of the union or the Congress.
- iii. No elected or paid Trade Union official shall have a personal financial interest which conflicts with his full, effective and unalloyed performance of his duties as a workers' representative or a representative of Congress. In particular no elected or paid Trade Union official or employees of a Trade Union Congress shall own or have substantial interest in any business enterprises with which his union bargains collectively or has

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interests and dealing with or in any other concern which is in competition considerable dealing with it.

- iv. All Officers and Staff of the union shall:
  - (a) Espouse the cause of workers and their Trade Unions.
  - (b) Uphold and defend the constitution of the union at all times.
  - (c) Render honest, impartial and efficient services to the union.
  - (d) Serve as an effective link between the union and its members.
  - (e) Be trustworthy and responsible representative of workers to management.
  - (f) Process all legitimate grievances of workers in accordance with established procedures.
  - (g) Implement faithfully agreements voluntarily entered into with the union.
  - (h) Obey all lawful instructions in the discharge of union functions.
  - (i) Eschew all forms of individualism which are inimical to the solidarity, stability and progress of Trade Union movement.
  - (j) Put the interest of the union and its members above personal interest in the conduct of union's affairs

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- (k) Render a true account of his/her stewardship to the members of the union as and when the occasion arises.
- (l) Abide by majority decision and respect the rights of minority.
- (m) Work for the growth of the union in strength and freedom.
- (n) Further the cause of industrial democracy, peace, progress and social justice.

#### 7. FINANCIAL MATTERS

The fact that a Trade Union is a democratic organization implies that the members of the union are entitled to assurance that the union's funds, which are their funds, are not dissipated. They are also entitled to be reasonably informed as to how the funds of the organization are being used or invested.

Since a union holds its funds in trust for the benefit of its membership and to further their interests, it should comply with standards generally applicable to fiduciaries or trustee with respect to the manner in which it keeps record and accounts. Regular audits should be conducted and there should be appropriate distribution of summaries of such

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audits so that the membership and the public are adequately appraised of the state of the organization's finance.

#### **8. CORRUPT PRACTICES**

A basic ethical principle in the conduct of Trade Union affairs is that no responsible Trade Union official should have a personal financial interest which conflicts with the full performance of his duties as workers representative or as representative of Congress and therefore of the Trade unions. All elected and appointed trade Unions officials as well as employees of the Congress and the Trade Union should eschew corrupt practices in all its forms, that is, not only in financial and political matters but also in those matters which involve loss of union prestige and jeopardy of union and membership interest rather than union assets as such.

#### **9. RACKETEERING**

The decisive element in racketeering is personal enrichment at the expense of the workers or employers in the industry. For example, excessive demand, invasion of

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#### **12. UNION ELECTIONS**

As bargaining representatives, trade union officials have power in conjunction with employers, to fix workers' wages, hours and conditions of employment. It is therefore obligatory on all Trade Union members to ensure that officials who wield such power are responsive to the desire of the workers whom they represent. The responsiveness of union officials depends upon the regularity of elections and the honest count of Ballots. Every Trade Union official and members are therefore obliged not to obstruct the free and fair conduct of elections as and when they fall due in accordance with the union's constitution.

#### **13. POACHING OR RAIDING OF UNION MEMBERS**

Poaching or raiding of union members by other unions is contrary to trade union norms and a violation of Trade Union solidarity. It breeds antagonism, unrest, dissatisfaction, disunity, industrial strain and conflict among the unions involved. Above all, poaching adds nothing to the strength and capabilities of the Trade Union movement as a whole.

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management rights to violence in trade disputes can be racketeering if the end result is personal enrichment of an individual or group of individuals utilizing their strategic advantages in the union for that purpose.

#### **10. MISCONDUCT OF AFFILIATED TRADE UNIONS**

If the activities of an affiliated trade union are in the opinion of the Nigeria Labour Congress detrimental to the interest of the Trade Union movement or contrary to the declared principles and policy of the congress, such activities shall warrant an investigation into the conduct of the union in accordance with the established procedure in the Constitution of the Congress.

#### **11. POLITICAL AFFAIRS**

Unless the rules of a Trade Union, otherwise provide in so far as the funds of a Trade Union represent payment which the members are required to make under the rules, whether by way of subscriptions, dues or otherwise, those funds shall not be applied (whether directly, or in any other indirect manner) to the furtherance of any political objectives.

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As a general principle, therefore, no worker who is or has recently been a member of any Trade Union should be accepted into membership of another union without enquiry from his present or former union. No member should be allowed to escape his financial obligations by leaving one union, while in arrears of union's dues and joining another. Neither should a union accept members from any other union, which is engaged in a trade dispute. Other circumstances should be considered on their merits.

#### **14. ETHICAL PRACTICE COMMITTEE**

There shall be established as part of the machinery of the Nigeria Labour Congress an Ethical Practice Committee the functions of which shall be to investigate situation where there is reason to believe that affiliates are dominated, controlled or substantially influenced in the conduct of their affairs by any corrupt and other unethical practices. The Nigeria Labour Congress shall impose appropriate penalties.

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15. GENERAL

The principal aim of Trade Unions is to promote their members interest. They can do this only if the undertakings in which their members are employed prosper. They therefore have interest in the success of those undertakings and an essential contribution to make to it by cooperating in measures to promote increased productivity and efficiency. They also share with management the responsibility for good industrial relations.

