

**CONSTITUTION AND RULES OF THE  
FOOD, BEVERAGE AND TOBACCO  
SENIOR STAFF ASSOCIATION**

***ARTICLE 1***

**NAME AND REGISTERED OFFICE**

- (a) The name of the Association shall be "Food, Beverage and Tobacco Senior Staff Association" hereinafter referred to as "The Association".
- (b) The registered office of the Association shall be situated at 32, Isaac Street, Igbobi, Fadeyi, Lagos or at such other place as may be decided by the National Delegates Conference.
- (c) Any change of the situation of the registered office shall be notified to the Registrar of Trade Unions in the prescribed form without delay **in compliance with the Trade Unions Act.**
- (d) In furtherance of its objects, the Association may establish and maintain other offices in any part of the country.

***ARTICLE 2***

**OBJECTS**

The principal objects of the Association shall be as follows:

- (a) To organise workers who are qualified for membership.
- (b) To regulate the relations between Senior/ Management Staff and other Staff and between Senior/Management Staff inter se.
- (c) To establish and maintain just and proper hours of work, rates of pay and conditions of work.
- (d) To establish and maintain a high standard of workmanship and professional practice.
- (e) To advance the education and training of members.
- (f) To provide benefits and other assistance to the members as provided for in the Constitution.
- (g) To promote social, cultural and charitable activities for the benefits of its members and families, and the rank and file in the member companies and humanity in general.
- (h) To promote, encourage, support and foster other objects as are lawful and are not inconsistent with the spirit and practice of trade unionism.

### **ARTICLE 3**

#### **MEMBERSHIP**

- (a) Membership of the Association shall be open to all Senior/Management Staff, who are in the employment of Food, Beverage and Tobacco Industries in the Federal Republic of Nigeria.
- (b) No person shall be deprived of membership of the Association on grounds of gender, religious persuasion, political beliefs or ethnic origin.
- (c) Each member shall be supplied free of charge, a copy of the Constitution of the Association on admission to membership and thereafter, each member shall be notified of amendments to the Constitution.
- (d) A member shall have the right to have his/her grievances processed by the Association.
- (e) A **financial** member, upon giving 2 days notice, shall have reasonable access to the books of the Association.
- (f) A member shall pay his/her contributions to the funds of the Association regularly, he/she shall endeavour to participate fully in the affairs of the Association and he/she shall refrain from any action which may bring the Association into disrepute.
- (g) A member shall have the right to resign his/her membership having given three months notice to the Branch Association. The National Secretariat must be informed by the Branch Association before the expiration of the notice.
- (h) The Association shall have the right to take disciplinary measures against any member for acts inimical to the interest of the Association or calculated to undermine the Association as an Institution or to destroy or weaken the Association as a collective bargaining agency or slander or libel any officer of the association. The said act shall be communicated to the member in writing and he/she shall have the right to defend himself/herself and may appeal to the National Delegates Conference if necessary.
- (i) A member shall automatically cease to be a member of the Association on leaving the employment of his/her employer company.
- (j) Should membership terminate for any reason whatsoever such member shall forfeit any right, entitlements and financial contribution already made to the Association.
- (k) Membership shall also terminate in accordance with Article 24.

## **ARTICLE 4**

### **SUBSCRIPTIONS**

- (a) A monthly subscription of 3% of monthly basic salary (subject to a maximum of Four Thousand Five Hundred Naira [N4,500.00] only) of each member shall be deducted for the upkeep and maintenance of the Association.

The ceiling stated above shall thereafter be subject to an upward review of Five Hundred Naira (N500.00) only during every National Delegates Conference.

- (b) 3% of the 60% check-off dues retained by the National Secretariat shall be set aside for the zones and distributed equally amongst the Zonal Councils for their upkeep.
- (c) The total monthly subscriptions in each Branch shall be forwarded direct to the National Secretariat of the Association on monthly basis which in turn shall make 30% rebates to the Branch units.
- (d) 10% of the 70% check-off dues retained by the National Secretariat shall be set aside for the education and training of members.

## **ARTICLE 5**

### **CONSTITUTION AND GOVERNMENT**

- (a) This document as amended from time to time shall be known as the "Constitution of the Association".
- (b) The Constitution shall be deemed to be the basis of the contract between the members to establish and operate the Association.
- (c) No new rules shall be made or any rules altered, amended or rescinded unless agreed to by a majority vote in a secret ballot at the National Delegates Conference of the Association **and it shall not be effective until it is registered by the Registrar of Trade Unions in accordance with the Trade Unions Act.**
- (d) Subject to the overriding authority of this Constitution, each Branch or Council may make supplementary rules for the smooth conduct of its internal affairs.
- (e) All supplementary rules shall be submitted to the Executive Secretary for the approval of the National Executive Council.
- (f) Any supplementary rule which contradicts, derogates from, or is inconsistent with the provisions of this constitution, or the Trade Unions Act shall to that extent be regarded as null and void and of no effect.

- (g) The Government of the Association shall be vested in the following:
  - (i) National Delegates Conference
  - (ii) National Executive Council
  - (iii) Central Working Committee
  - (iv) Local Branches.

## **ARTICLE 6**

### **NATIONAL DELEGATES CONFERENCE**

- (a) The supreme authority of the Association shall be vested in the National Delegates Conference.
- (b) The National Delegates Conference shall be composed of:
  - (i) National Officers
  - (ii) Branch Delegates.
- (c) The National Delegates Conference shall be held every three years in the month of May and at venues to be decided by the National Executive Council or by the previous National Delegates Conference.
- (d) The President shall preside over the Conference and in his/her absence, the Deputy National President or any other person appointed by a majority of the delegates present and voting in that order.
- (e) Subject to the provisions of this Constitution, the National Executive Council shall have the power to summon an extra ordinary or Special Delegates Conference.

**A Special Delegates Conference shall discuss mainly the issues for which it is convened such as amendment to the Constitution, dissolution of the Association and such other matters as may be approved by the National Executive Council.**
- (f)
  - (i) Each Branch of the Association shall constitute one constituency for the purpose of electing delegates to the Conference of the Association.
  - (ii) To be eligible for nomination and be elected as a delegate, a candidate must be a **due paying** member and must have been actively involved in the affairs of the Association for at least one year.
- (g) Voting in the election of delegates shall be by secret ballot.

- (h) To be elected, a candidate must obtain a majority of the votes of members present and voting at the meeting of the Branch called for that purpose.
- (i) Each Branch shall elect five members or any number as may be directed by the National Executive Council.
- (j) The name(s) of elected delegate(s) shall be forwarded to the Executive Secretary of the Association to reach him/her not later than 3 months before the Conference.
- (k) Election of Branch delegates shall take place not later than 4 months before the Conference.
- (l) The Branch may invite observers from the National Executive Council to attend the meeting at which delegates would be elected.
- (m) There shall be a 'Credentials Committee', which will examine the good standing of each nominated delegate before the Conference and the names of any Delegate not in the Central register of members shall be disqualified.
- (n) The National Executive Council shall have the power to deal summarily with any complaints arising from election of Branch Delegates.

## **ARTICLE 7**

### **BUSINESS OF THE CONFERENCE**

- (a) Items for inclusion in the Agenda of the Conference, from whatever source, shall be forwarded to the Executive Secretary to reach him/her not later than 3 months before the Conference.
- (b) The National Executive Council shall have the power to determine the items to be included in the agenda and the order of priority.
- (c) The agenda of the Conference together with the supporting papers shall be forwarded to the delegates to reach them not later than one month before the Conference.
- (d) The President shall preside over the Conference and in his/her absence the Deputy President, or any other person appointed by a majority of the delegates present and voting in that order.
- (e) Any person not being a delegate or member of the Conference or otherwise invited shall not be allowed to attend the Conference or take part in its proceedings.
- (f) The business of the National Delegates Conference shall be the consideration and determination of the internal questions of policy

affecting the members of the Association, reports from national and branch officers and all matters included in the agenda including the election of new officers.

- (g) Any matter not included in the agenda shall not be raised at the Conference save with the express permission of a majority of Delegates present and voting on the issue.
- (h) The Conference shall constitute one constituency for the purpose of electing the National Officers of the Association and the appointment of the Executive Secretary.
- (i) Voting at the Conference shall be by secret ballot only.
- (j) The Executive Secretary shall have the right to speak at the Conference but no right to vote if he/she is a paid Secretary.
- (k) In furtherance of the business of the Conference, the Conference shall have power to set up Committees for detailed examination or investigation of any issue. Such Committees shall report back to the Conference-in-Session for any action it may deem fit.

## **ARTICLE 8**

### **NATIONAL EXECUTIVE COUNCIL**

- (a) The Association shall be administered in-between National Delegates Conferences by the National Executive Council in accordance with this Constitution.
- (b) The National Executive Council shall consist of the National President, Executive Secretary, Deputy National President, Zonal Vice National Presidents, National Treasurer, Auditor, Trustees, Ex-Officio member, Ex-Officio (Women) and Chairpersons of Branch Associations.
- (c) The National Executive Council shall meet every 6 months on dates and at venues to be decided by the President or the previous meeting.
- (d) An extra-ordinary meeting of the National Executive Council may be summoned on the directive of the President or three members of the Council.
- (e) Items for inclusion in the agenda of the Council Meeting from whatever source shall be forwarded to the Executive Secretary to reach him/her not later than 1 month before the meeting of Council.
- (f) The Executive Secretary in consultation with the President shall have the power to determine the items to be included in the agenda and the order of priority.

- (g) The agenda of the Council meeting together with the supporting papers shall be forwarded to the members in advance.
- (h) The President shall preside over the meeting of the Council, and in his/her absence, the Deputy National President, or any other person elected by a majority of the members present and voting in that order.
- (i) The business of the Council meeting shall be the consideration and determination of any matters included in the agenda.
- (j) Any matter not included in the agenda shall not be entertained at the meeting of Council, except with the permission of the Presiding Officer or the majority of the members of the Council.
- (k) It shall be the duty of the National Executive Council to guard and further the interests of members of the Association, carry out policy determined by the Conference, ensure proper and strict observation of the rules of the Association by the members both individually and collectively, safeguard the funds of the Association, set up such departments or committees as it may deem necessary for the smooth and orderly conduct of the affairs of the Association, issue directives for proper governance and administration of affairs and perform such other functions as may promote the objects of the Association.
- (l) Every question at meetings of the Council shall be decided by a majority of votes of members cast by show of hands.
- (m) No officer or member of the Council shall be entitled to take part in any discussion or to vote on any matter in which he/she is personally interested otherwise than as a member of the Association.
- (n) The National Executive Council shall report to the National Delegates Conference for any action it may deem necessary.

## **ARTICLE 9**

### **CENTRAL WORKING COMMITTEE**

- (a) There shall be the Central Working Committee consisting of all elected Principal Officers, the Executive Secretary, and the Deputy Executive Secretary.
- (b) The Central Working Committee shall meet at least every 6 months or as emergency demands.
- (c) The Central Working Committee shall administer the day to day affairs of the Association in-between the meetings of the National Executive Council.
- (d) It shall report its activities to the National Executive Council.

- (e) The President shall preside over the meeting of the Central Working Committee and in his/her absence, the Deputy National President, or any of the Vice Presidents, or any other person selected by a majority of the members present.
- (f) The Executive Secretary in consultation with the President shall convene a meeting of the Central Working Committee as and when the need arises.
- (g) Voting at the meeting shall be by secret ballot or by show of hands.
- (h) To be eligible for election into the Central Working Committee, a candidate must have had at least one year experience in the Executive Committee of his/her Branch Association.
- (i) To have a peaceful transition from one executive to another, the post of National President shall be filled by candidates who are Central Working Committee (CWC) members.
- (j) A candidate shall be eligible to contest elections for which he/she must have had relevant experience in the Branch Executive Committee.
- (k) The positions of National Treasurer and Internal Auditor respectively, shall be held by those **with experience/knowledge in Accounting, but this does not necessarily mean qualified Accountants**. This is to ensure that proper Accounting records are kept in conformity with the requirement of the Trade Unions Act.
- (l) Once elected, a member of the Central Working Committee shall cease to hold office in the Branch Executive Committee except in an ex-officio capacity. This is to give room for others to gather relevant experience at the Branch Executive Committee to equip them for services at the National level.
- (m) To ensure even spread of the offices no Branch shall be allowed to produce more than one Principal Officer at the end of any given election into the Central Working Committee.
- (n) The Central Working Committee shall have the power to take disciplinary measures against any erring member(s) of the Association and such member(s) shall have the right of appeal to the National Delegates Conference.
- (o) Simple majority of the total members of the Central Working Committee (CWC) shall form a quorum.

## **ARTICLE 10**

### **ZONAL COUNCILS**

- a. The Association shall under the administration of the National Secretariat be divided into zones with each zone being presided over by the Zonal Vice President and assisted by other National Officers in the zone or as may be elected by the zone.
- b. There shall be established three (3) zones of the Association which shall include the Western Zone (comprising Branch Associations and Units from the Western part of the country); Eastern Zone (comprising Branch Associations and Units from the Eastern part of the country), and Northern Zone (comprising Branch Associations and Units from the Northern part of the country).
- c. The power to establish a new zone or to dissolve an existing one shall be vested in the National Executive Council (NEC) subject to the over-all authority of the Constitution.
- d. The Council shall meet quarterly and make recommendations to the National Secretariat.
- e. It shall advise the Association on industrial relations in the zone.
- f. It shall help in disseminating information concerning the Association during its meetings.
- g. It shall deliberate on general problems or issues concerning the Association and make zonal positions known to the National Secretariat.
- h. It shall help in the organisation of new Branch Associations in the zone.
- i. It shall apprehend industrial problems and collate relevant information to be sent to the National Secretariat for necessary action.
- j. The Vice President shall preside over the meetings. Minutes of the meetings as well as Branch reports shall be brought to the notice of the National Secretariat for information and necessary action.

## **ARTICLE 11**

### **LOCAL BRANCHES**

- (a) The power to establish a new Branch or to dissolve an existing one shall be vested in the National Executive Council subject to the overall authority of the Constitution.
- (b) The power to establish a new Branch shall not be exercised where the size of the membership is less than a simple majority of potential members.
- (c) The power to dissolve a Branch shall not be exercised unless for persistent violation of the constitution of the Association.
- (d) A Branch of the Association shall be known by the name authorised by the National Executive Council, which shall cause a charter to be issued to the Branch.
- (e) The name and particulars of the Branch shall not be changed without authorisation by the National Executive Council.
- (f) It shall be the business of the Branch to see to the proper organisation of the Association at the grassroots, to represent the members in appropriate cases and to follow the directives of the higher organs of the Association in the conduct of its affairs for the good of the Association.
- (g) The affairs of the Branch shall be conducted in Branch meetings presided over by the Chairperson of the Branch.
- (h) There shall be a Branch Executive Committee comprising the Branch Chairperson, Secretary, Treasurer and Ex-Officio (Women) any other elected members by the Branch meeting.
- (i) The Branch Executive Committee shall be elected by secret ballot at a General Meeting of the Branch every three years.
- (j) Candidates for the positions of Branch Chairperson and Secretary respectively shall be elected from among those who are serving or past members of the Branch Executive Committee. This is to ensure that those to lead the Branch Association not only have some experience in trade unionism no matter how little, but are also familiar with the Association's peculiar experience in the company.

- (k) As much as possible, candidates shall be elected into the Executive Committee on merit and commitment to the basic objectives and aspirations of the Association.
- (l) In order to have continuity and peaceful transition from one executive to another, each Branch Association shall adopt a succession plan.
- (m) The Branch Executive Committee may remove a Branch Officer for acts inimical to the interest of the Branch or calculated to undermine the Association as an institution or to destroy or weaken the Association as a collective bargaining agency or slander or libel any officer of the Branch or the Association. The said act shall be communicated to the member in writing and he/she shall have the right to defend himself/herself and may appeal to the Branch General Meeting and if not satisfied to the National Executive Council.
- (n) It shall be the business of the Branch Executive Committee to provide leadership at the Local Level in the affairs of the Association.
- (o) Under dissolution a Branch shall forfeit its charter and all its assets and liabilities shall be vested in the Association.
- (p) A Branch shall be regarded as a unit of Senior/Management Staff employed by a company within the industrial group.

## **ARTICLE 12**

### **OFFICERS AND STAFF**

- (a) The National Officers of the Association shall be the National President, Deputy National President, Executive Secretary, Zonal Vice Presidents, National Treasurer, National Internal Auditor, Trustees, National Ex-Officio (Women), and National Ex-Officio member. All positions at the National level shall be filled by election, except the position of the paid Secretaries.

In the event of a vacancy occurring in any post of the principal National Officers, such a vacancy shall be filled by the National Executive Council.

- (b) Other officers of the Association shall include the Chairperson, Secretary, and Treasurer and Ex-Officio (Women) and other elected officers of Local Branches.
- (c) All officers of the Association with the exception of a paid Executive Secretary shall be elected by the duly authorised body by this Constitution.

- (d) The post of Executive Secretary, on becoming vacant, shall be filled from among the nominated candidates by the National Executive Council to the National Delegates Conference for determination.
- (e) All National Officers and Branch Officers of the Association shall be elected for a term of three (3) years and could be elected for a second and final term of three (3) years.
- (f) No candidate for any office or committee position at both the National and Branch levels in the Association except a paid Executive Secretary, shall be allowed to run for more than two terms.
- (g) No officer of the Association shall hold office, paid or unpaid, in any other Association other than a Federation of Associations to which the Association belongs.
- (h) Any officer may resign his/her office at any time but when the post of the President becomes vacant in between two Delegates Conferences, the Deputy President shall automatically succeed him/her. In the case of any other vacant elected post occurring in between two Delegates Conferences, the National Executive Council will approve a decision on the recommendation of the Central Working Committee as to whether or not to elect a successor. If the decision favours election of a successor, the elected candidates shall occupy the vacant posts in substantive capacities.
- (i) The Executive Secretary of the Association shall be required to give 3 months notice, after which his/her resignation shall become effective.
- (j) All other officers shall be required to give at least one month's notice to the duly authorised body, after which the resignation shall become effective.
- (k) On resignation, an officer of the Association shall surrender all the properties of the Association, in his/her care to an authorised person on behalf of the Association, and shall settle any debt which may be outstanding against his/her name to the Association.
- (l) The National Executive Council shall have the power to remove any National Officer for acts inimical to the interest of the Association or calculated to undermine the Association as an institution or to destroy or weaken the Association as a collective bargaining agency or slander or libel any officer of the Association. The said act shall be communicated to the member in writing and he shall have the right to defend himself and may appeal to the National Delegates Conference if necessary.
- (m) A National Officer removed by the National Executive Council shall stand removed until the National Delegates Conference decides otherwise.

- (n) On removal from office, a National Officer shall surrender the properties of the Association in his care to either the Executive Secretary, the Treasurer or the President, whichever is appropriate and he/she shall settle any debt outstanding in his/her name to the Association.
- (o) The Local Branch shall have the power to remove any officer elected or appointed by them, subject to confirmation by the National Executive Council.
- (p) The National Executive Council shall have power to appoint specialists and other staff to facilitate the smooth administration of the Association. The emoluments of such staff shall be determined by the National Executive Council and charged to the accounts of the Association.
- (q) No vacancy in any of the bodies established by this Constitution shall invalidate the proceedings of that body.

### **ARTICLE 13**

#### **OFFICERS AND THEIR DUTIES**

(a) **PRESIDENT**

The President shall preside at all Conferences and at the meetings of the National Executive Council. He/She shall sign the minutes and other official documents. He/She shall, together with the Executive Secretary sign vouchers for all payments approved by the National Executive Council, keep himself/herself in close touch with the activities of the Secretariat and perform all other duties pertaining to his/her office.

(b) **DEPUTY PRESIDENT**

The Deputy President shall act for the President in his/her absence or as the President may direct.

(c) **EXECUTIVE SECRETARY**

The Executive Secretary shall be a full time official. He/She shall attend all the meetings of the Central Working Committee, the National Executive Council, the National Delegates Conference and he/she shall keep accurate records of these meetings. He/She shall be in charge of the Secretariat and all paid staff of the Association. He/She shall attend to all correspondence addressed to the Association and he shall report from time to time to the National Executive Council on the affairs of the Association. He/She shall together with other officers of the Association ensure that the affairs of the Association are carried out in accordance

with the provisions of this Constitution and the law of the land. He/She shall keep the Nominal Roll of members **and also the record of all the Assets of the Association. He shall sign all payment vouchers.**

(d) **TREASURER**

The Treasurer shall have general supervision of the finances of the Association and shall from time to time report on same to the National Executive Council. He/She shall receive monies on behalf of the Association and promptly pay same to the Bank and keep a true and accurate record of all receipts and expenditures as required by this Constitution, **Trade Unions Act** and the law of the land and he/she shall comply with any regulations made by the National Executive Council to safeguard the funds of the Association.

(e) **AUDITOR**

The Auditor(s) shall thoroughly examine all the accounts books kept by the Treasurer, check all receipts and payments, and certify them accordingly. The Auditor(s) shall have access to all books, accounts, vouchers and other documents of the Association which he/she or they may consider necessary. The Auditor(s) shall prepare a report on the financial position of the Association and the manner in which the accounts have been kept, having regard to the provisions of the Trade Unions Act concerning the accounts of the Association.

**ARTICLE 14**

**QUORUM**

- (a) 40% of all financial members shall form a quorum for any general meeting. A quorum of the National Delegates Conference shall be formed by the presence of at least 40% of the total number of members and or delegates expected to attend.
- (b) 40% of the number of members of the National Executive Council shall form a quorum.
- (c) Simple majority of the total members of the Central Working Committee (CWC) shall form a quorum.

**ARTICLE 15**

**PUBLICITY**

- (a) All activities of the Association shall be widely publicised in accordance with the directives of the National Executive Council.

- (b) The Association may publish or cause to be published news-letters or magazines as and when necessary but the contents shall be subject to the prior approval of the National Executive Council.

## **ARTICLE 16**

### **STRIKES AND LOCK-OUTS**

- (a) In the event of any dispute arising, the members concerned shall make the case known to their Branch Secretary who shall immediately report the same to the Branch Executive Committee, but in no case shall a cessation of work be threatened or take place without the prior approval of the National Executive Council **having taken cognizance of the provision of Trade Unions Act 2005 as regards strike.**
- (b) Should any Branch or body of members of the Association desire steps to be taken for an advance of wages or improved conditions of employment, the Branch Secretary shall report the claim to the Branch Executive Committee who shall determine what action shall be taken.
- (c) No members of the Association shall take part in a strike unless a majority of the members of the Union have in a secret ballot voted in favour of the strike.

## **ARTICLE 17**

### **TRUSTEES**

- (a) Three Trustees shall be elected at the Triennial National Delegates Conference. They shall hold office at the pleasure of the Association.
- (b) All the property of the Association shall be vested in the Trustees **who shall in turn keep the record of Assets with the National Secretariat.**
- (c) The Trustees may, on behalf of the Association institute or defend any action - sell, lease, surrender, accept surrenders and otherwise deal with the properties on behalf of the Association at the directive of the National Executive Council.
- (d) In the event of death, resignation or removal of a Trustee from office, the office shall be filled temporarily by the National Executive Council.

## **ARTICLE 18**

### **LEGAL ASSISTANCE**

The National Executive Council shall have powers to provide legal assistance for any member whose contributions are fully paid up, for

any matter connected with his/her employment, provided the National Executive Council is satisfied that the case is one on which it is advisable that legal advice or assistance be taken, and provided also that the necessity for legal assistance is not caused by drunkenness, willful neglect of duty or by criminal act on the part of the member.

## ***ARTICLE 19***

### **LOANS**

The Association shall secure loans from the Bank or other Financial Institutions to acquire landed properties or other assets or to finance any of its activities upon the recommendation of the Central Working Committee subject to the approval of the National Executive Council.

## ***ARTICLE 20***

### **INVESTMENT OF FUNDS**

The funds of the Association which are not required for current expenses shall on the direction of the National Executive Council be invested by and in the name of the Trustees for the time being in such public stock, government securities or other funds as the National Executive Council may deem fit.

## ***ARTICLE 21***

### **EXTERNAL AUDITORS**

The National Executive Council shall appoint any reputable firm of Accountants to examine the financial books and audit the accounts of the Association and certify their correctness or otherwise and report thereon.

## ***ARTICLE 22***

### **ANNUAL BUDGET**

The Executive Secretary, as the Chief Executive of the Association, shall prepare an annual budget for the Association which will be subject to approval by the National Executive Council.

## ***ARTICLE 23***

### **INTRA -UNION DISPUTE RESOLUTION**

- a) In the event of the occurrence of intra union dispute(s) in the Association, the matter shall be referred to the Local Branch

Executive in the first instance. If the matter cannot be resolved, the Branch shall report the matter, in writing, to the Executive Secretary.

- b) The Executive Secretary shall, within thirty (30) days of being notified of the dispute attempt to reconcile the aggrieved parties.
- c) If this fails, the Executive Secretary shall refer the matter to the next meeting of the Central Working Committee (CWC) for necessary action.
- d) For the avoidance of doubt, no member, Branch or Unit shall employ other processes, including court litigation, to resolve any intra-union dispute in the Association without exhausting the laid down procedure enumerated in this Article.

## **ARTICLE 24**

### **DISQUALIFICATION OF MEMBERS AND**

#### **REMOVAL OF OFFICERS**

- (a) Any member engaging in any activities considered detrimental to the interests of the Association, having been given a hearing without a change, shall be disqualified for any office for a term of two years, or suspended for a term not exceeding two years, or expelled from the Association.
- (b) Any officer of the Branch Association proving incompetent, neglecting his/her duty, behaving in any way to the detriment of the Association shall be removed from office by the Branch Association on the recommendation of the Branch Executive Committee.
- (c) The Branch Executive Committee shall be removed from office by a two thirds majority vote obtained by secret ballot, if it loses the confidence of the General Meeting or the Extra-ordinary General Meeting.

## **ARTICLE 25**

### **MISCELLANEOUS**

- (a) The National Executive Council shall have the power to impose the following disciplinary measures on any member or officer for acts inimical to the interest of the Association.
  - (a) Suspension and or
  - (b) Expulsion
- (b) In the case of a Branch, the National Executive Council may take appropriate action in accordance with the Constitution. Expelled members shall forfeit all the rights and privileges of membership.

## **ARTICLE 26**

### **LEVIES**

- (a) The National Executive Council may, if they consider it necessary impose a levy upon all members of the Association, and members shall be required to pay such a levy. The levies shall be collected by the Branch Officers and forwarded to the Head Office of the Association.
- (b) A Branch Committee may if they consider it necessary and with the consent of the National Executive Council impose a levy on all members of the Branch and all members of the Branch shall be required to pay such a levy.
- (c) If any member fails to pay a levy within eight weeks of its imposition, the amount shall be treated as arrears of contributions.
- (d) The funds of the Trade Unions which the members are required to pay under the rules, whether by way of subscriptions, dues or otherwise shall not be applied (whether directly or indirectly) to the furtherance of any political objective.

## **ARTICLE 27**

### **FUNERAL BENEFITS**

The National Executive Council shall have the power, as circumstance demands, to approve special assistance in support of the burial of any officer or member of the Association.

## ARTICLE 28

### AMENDMENT

Amendments to the Constitution shall be made at the National Delegates Conference provided that the motion for the amendment is carried by simple majority of all members present and voting in a secret ballot and provided always that notice of any amendment shall have been given to all members at least seven days before the National Delegates Conference.

## **ARTICLE 29**

### **DISSOLUTION**

- (a) The Association shall not be dissolved except by a resolution adopted in a Special Delegates Conference called for that purpose and supported by two-thirds of the delegates present and voting.

- (b) In the event of the Association being dissolved as provided above, all debts and liabilities legally incurred on behalf of the Association shall be fully discharged and the remaining funds divided amongst the members in equal proportions. If the funds of the Association at the time of dissolution are not enough to meet its liabilities the deficit will be made up from equal contribution by members.

## **CODE OF PRACTICE**

### **1. PREAMBLE**

Although the primary objective of trade unions 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 by employers.

### **2. AIMS**

The principal aims of this Code of Practice therefore are:-

- (i) to encourage the positive contribution which the trade unions can make to the economic and social progress of Nigeria, her associations and interests 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 standard and give practical guidance on the conduct of industrial relations and the development of policies to improve human relations in all types of employment.
- (iii) to ensure and encourage at all levels the conduct of industrial relations by means of collective bargaining, consultation and effective communications between employers and their organisations 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 the 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 a trade 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 proceedings shall be taken into account by the committee in determining the question at issue.

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

- (i) Each member of a trade union should have the right to full and free participation in the government of his/her trade union. This should include the right:
  - (a) to vote periodically, as provided in the union's constitution and rules for branch or district, state or regional and national officers, either directly or through delegates.
  - (b) to honestly and democratically conduct elections.
  - (c) to stand for and hold office, subject only to fair and reasonable qualification uniformly imposed.
  - (d) to express his/her views 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 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 should be observed. A method of appeal to a higher body should be provided to ensure that judgements are not the result of prejudice or bias.
- (iii) Each member has the responsibility, fully to exercise his/her rights of trade union membership and loyalty, to support his/her union. The right of an individual member to criticize the policies of his/her union officers does not include the right to undermine the union as an institution to destroy or weaken the union as a collective bargaining agency, or to carry on slander or libel of any officer of the union.
- (iv) Membership meetings should be held periodically, as provided for in the union's constitution and rules with proper notice of time and place. It should be the responsibility of the union to call such meetings and of the members to attend and participate actively.

#### **5. PENALTY FOR BREACH**

Sanctions for breaches of the Code shall be a fine, suspension from membership, affiliations, office or employment and, in the case of employee, of a union, termination of employment or dismissal. The amount of fine and the appropriate penalty shall be left at the discretion of the Committee/ Tribunal.

#### **6. RESPONSIBILITIES OF ELECTED AND APPOINTED OFFICERS OF UNIONS**

- (i) no person shall hold or retain elected or appointed office in any of the trade unions who has been convicted of any crime involving moral turpitude, dishonesty and other malpractice offensive to trade union morality or interests.
- (ii) no trade union official who already received full pay from his/her union shall receive fees or salaries of any kind from any other sources save with permission of the union.

- (iii) no elected or paid trade union official shall have a personal financial interest which conflicts with his/her full, effective and unalloyed performance of his/her duties as a workers' representative. In particular, no elected or paid trade union official or employee of either a trade union shall own or have a substantial interest in any business enterprise with which his/her union bargains collectively or has interests and dealings with or in any other concern which is in competition with such enterprise or has any considerable dealings 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 affairs.
  - (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 Organisation 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 Organisation are being used or invested.

## **8. AUDITED ACCOUNTS**

Since a nation 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 trustees with respect to the manner in which it keeps its records and accounts. Regular audits should be conducted and there should be appropriate distribution of summaries of such audits so that the membership and the public are adequately apprised of the state of the organisation's finances.

## **9. 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/her duties as a worker's representative and therefore of the trade unions. All elected and appointed trade union officials and the trade unions 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 interests rather than union assets as such.

## **10. RACKETEERING**

The decisive element in racketeering is personal enrichment at the expense of the workers or employers in the industry. For example, excessive demands, invasion of management rights, violence in trade disputes can be racketeering if the end result is personal enrichment of an individual or group of individuals utilising their strategic advantages in the union for that purpose.

## **11. POLITICAL AFFAIRS**

Unless the rules of a trade union otherwise provide, in so far as the funds of a trade union represent payments, which the members are required to make under the rules, whether by way of subscriptions, dues or otherwise, these funds shall not be applied (whether directly or through any other union, association or body, or in any other indirect manner to the furtherance of any political objective.

## **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 desires of the workers whom they represent. The responsiveness of union official depends upon the regularity of election and the honest count of ballots. Every trade union officials 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 antagonisms among unions, unrest, dissatisfaction and disunity among the workers involved and industrial strain and conflict. Above all, poaching adds nothing to the strength and capabilities of the trade union movements as a whole.

## **14. MEMBERS**

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 inquiry from his/her present or former union. No member should be allowed to escape his/her financial obligations by leaving one union, while in arrears 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.

## **15. GENERAL**

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