BALTIC JOURNAL OF LAW & POLITICS
A Journal of Vytautas Magnus University
VOLUME 15, NUMBER 7 (2022)
ISSN 2029-0454

Cit.: *Baltic Journal of Law & Politics* 15:7 (2022):60-80
DOI: 10.2478/bjlp-2022-007008

A Reflection on the Socio-Legal Conundrum of Unfair Termination of Employment in Nigeria.

Andrew Ejovwo Abuza[1]*
Kingsley Omote Mrabure[2]
Kenneth Owhighose Odhe[3]

[1*]Ph.D (Law); PGDE; B.L; Teachers Registration Council of Nigeria (TRCN) Certificate of Registration as a Certified Teacher, Associate-Professor of Law, Department of Private Law, Faculty of Law, Delta State University, Oleh Campus, Oleh-Nigeria. Email: andrewabuza@yahoo.com. Phone: 08033685544.
[2]Ph.D (Law); B.L; Associate-Professor of Law, Department of Public Law, Faculty of Law, Delta State University, Oleh Campus, Oleh-Nigeria. Email: kingomote@yahoo.com. Phone: 07035420479.
[3]B.Sc Political Science; Dip in Law; LL.M; B.L, LL.B Doctoral Student, Faculty of Law, Delta State University, Oleh Campus, Oleh-Nigeria. Email: kennethodhe@gmail.com. Phone: 07015543759.

***Corresponding Author: -**

[1*]Ph.D (Law); PGDE; B.L; Teachers Registration Council of Nigeria (TRCN) Certificate of Registration as a Certified Teacher, Associate-Professor of Law, Department of Private Law, Faculty of Law, Delta State University, Oleh Campus, Oleh-Nigeria. Email: andrewabuza@yahoo.com. Phone: 08033685544.

Abstract
The 1999 Constitution of Nigeria and the 2006 National Industrial Court Act (NICA) bestows on the National Industrial Court of Nigeria (NICN) exclusive jurisdiction to hear and determinelabour disputes relating to or connected with unfair labour practices, including unfair termination of employment. There is, nevertheless, no general statutory rights, in explicit terms, given to workers under the Nigerian Labour Law, not to have their employments unfairly terminated and to claim compensation, re-instatement and re-employment for unfairtermination of employment. This paper reflects on the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria. The research methodology employed by the authors is basically doctrinal analysis of relevant primary and secondary sources. The paper finds that the unfair termination of employment of workers inNigeria is contrary to the United Nations (UN) International Labour Organisation (ILO) Termination of Employment Convention 158 of 1982 (Convention 158) as well as international human rights' norms or treaties. The paper recommends that Nigeria should promulgate a Labour Rights Act that would give to workers, in explicit terms, the rights not to have their employments unfairly terminated and to claim compensation, re- instatement and re-employment for unfair termination of employment in line with the practice in other countries, including Kenya and the United Kingdom (UK).

Keywords: Unfair- termination of employment, Unfair labour practice, 1999 Nigerian Constitution, Constitution (Third Alteration) Act 2010, Worker, Re-employment, Re-instatement, Employer, Nigeria.

1. Introduction

The general rule under the Labour Law in Nigeria, governed significantly by the common-law,[1] is that an employer in a mere master and servant contract of employment can terminate the contract of employment with an employee of any grade or level for good or bad reason or for no reason at all and contrary to the terms and conditions of the employee's contract of employment or the right to a fair hearing, guaranteed under the common-law and the

[1] By virtue of being colonised by Britain, Nigeria received English Law made-up of: (i) the statute of general application in force in England on 1 January 1900; (ii) the doctrines of equity; and (iii) the common-law of England. See s 32(1) of the Interpretation Act Cap 192 Laws of the Federation of Nigeria (LFN) 1990 (now Cap 123 LFN 2004).

Constitution of Nigeria.[2] All that the employee is entitled to is damages for wrongful dismissal. The damages is the amount he would have earned over the period of a proper notice to terminate the contract of employment or the amount of money payable instead of a proper notice to terminate the same.[3]

The motive of the employer in terminating the contract of employment with the employee by issuing a notice of termination is not relevant.[4] Motive is a reason for doing something.[5] Put in another words, motive is the hidden or real reason which made a party to a contract of employment to terminate the same.

Often times, the employer decides to terminate his employee's appointment by giving notice of termination because of some hidden reasons, such as the active participation of the employee in activities of trade union. Where such is the real reason why the employee's employment was terminated, it can be said to be a case of unfair termination of employment for which the court should intervene to invalidate such a termination of employment.[6] It is an open secret that many Nigerian workers have been victims of unfair termination of employment, due to their participation in union activities. A good case in point is that of *COB Eche v State Education Commission and Another,*[7] where the plaintiff was dismissed from the Anambra State Public Service on the account that he took part in a strike by teachers in the State.

It is disappointing that the Nigerian Labour Law does not provide, in explicit terms, for general statutory rights of an employee not to have his employment unfairly terminated and to claim compensation, re-instatement and re-employment for unfair termination of employment as well as the circumstances where a termination may be considered to be unfair. The National Assembly of Nigeria (NAN) is to blame for this, as none of its enactments, including the Constitution of the Federal Republic of Nigeria 1999 (1999 Nigerian Constitution),[8] as amended provides for general statutory rights of an employee not to have his employment unfairly terminated and to claim compensation, re-instatement and re-employment for unfair termination of employment as well as circumstances where a termination of employment may be considered unfair. These are the gaps this paper or research aims to address. Put in another words, the gaps above constitute the rationale behind conducting this study. A point to make is that these *lacunae* in Nigeria's laws would not augur well for the system of administration of justice in the industrial sub-sector of Nigeria's political economy, as it is prone to misuse as has been the case, for example, since the coming into force of the 1999 Nigerian Basic Law. The case of *Godwin Okosi Omoudu v Aize Obayan and Another*[9] is a typical example.In the case, the second defendant-university terminated the claimant's employment, in breach of the contract of employment between the parties, as he was not paid one month's salary instead of notice before or contemporaneously with the termination as enunciated under the said contract of employment and for a reason which is unfounded.

Needless to pin-point the planned five-days warning strike by the Nigeria Labour Congress (NLC) as well as Trade Union Congress (TUC) and their affiliates in Kaduna State from 16 to 19 May 2021 to reverse the termination of the employment of over 7, 000 civil servants in

---

2 See Samson Babatunde Olarewaju v Afribank Nigeria Public Limited Company [2001] 13 NWLR (Pt. 731) 691, 695 – 97, Supreme Court (SC), Nigeria.

3 See Abalogu v Shell Petroleum Development Company of Nigeria Ltd [2001] FWLR (Pt. 66) 662, SC, Nigeria.

4 See Calabar Cement Company Ltd v Daniel [1997] 14 NWLR (Pt. 188) 750, 758, Court of Appeal (CA), Nigeria and Ben Chukwuma v Shell Petroleum Development Company of Nigeria Ltd [1993] 4 NWLR (Pt. 289) 512, SC, Nigeria.

5 P Phillips et al (ed), AS Hornsby's Oxford Advanced Learner's Dictionary: International Students Edition (Oxford: 8th edn, Oxford University Press 2010) 963.

6 AE Abuza, General Principles of Nigerian Labour Law: Law of Contract of Employment (vol. 1) (Eku: Justice and Peace Printers and Publishers 2018) 91-92.

7 [1983]1 FNR 386, 391, High Court (HC), Nigeria.

8 Cap C 23 LFN 2004.

9 (Unreported) Suit No. NICN/AB/03/2012, Judgment of Adejumo J of the NICN, Lagos delivered on 8 October 2014

Kaduna State on account of redundancy without following the due process, having not given notice to the workers and their unions as well as paid severance package as encapsulated under section 20 of the Labour Act[10] 2004. This is an obvious case of unfair-termination of employment of workers by their employer, that is the Kaduna State government.[11] The strike paralysed economic activities of the State for the days it enured.[12] The strike was, however, suspended on 19 May 2021 to give way for a reconciliatory meeting on 20 May 2021 at theinstance of the Federal Government of Nigeria (FGN). At the end of the meeting, a memorandum of understanding was signed by both the State government and the NLC. Inspite of this agreement, the Kaduna State government continued with laying-off workers in the State, as declared before the commencement of the strike.[13] This prompted the NLC to write a letter to President Muhammadu Buhari, threatening to resume the suspended strike in Kaduna.[14] Meanwhile, Governor Nasir El-Rufai of Kaduna State, nonetheless, says there is no going back on 'right sizing' of the State's work force.[15] According to His Excellency, about 90% of the State's Federal Allocation is currently being expended on civil servants.[16]

It is note-worthy that the unfair- termination of employment of workers by their employers has adverse effect on the victims of unfair- termination of employment and the political economy of Nigeria. To be specific, it has led to strike by trade unions whose members employment had been unfairly terminated by the employers of the same as well as Federations of trade unions to which the trade unions, whose members employment had been unfairly terminated by the employers of the same, belonged. A typical example is the case of unfair termination of employment of workers by the Kaduna State government. As disclosed already, the strike by the NLC and TUC as well as their affiliates in Kaduna State from 16 to 19 May 2021 to reverse the termination of the employment of over 7,000 civil servants in Kaduna State on account of redundancy without following the due process, having not given notice to the workers and their unions as well as paid severance package contrary to section 20 of the Labour Act 2004 paralysed economic activities of the State for the days it enured. Many people are actually upset by this ugly situation. To make it worse, the officials of the government whose action of unfair termination of employment led to the workers' strike are not being dealt with or removed from office by the Government of Nigeria.

Of course, the practice in Nigeria contrasts with the practice in other countries like the UK, Canada, Kenya, South Africa and Ghana. In the UK, for instance, section 94(1) of the Employment Rights Act (ERA) 1996 specifically provides for the right of the employee not to be unfairly dismissed. While sections 95, 99, 100, 104A, 104C, 105(1), (3) and (7A) of the ERA 1996 contain circumstances where a termination of employment can be regarded to be unfair.[17] Again, the reliefs of interim relief, compensation, re-instatement or re-engagement are available to an employee whose employment is unfairly terminated in the UK.[18]

A relevant question to pose at this juncture is: is the unfair- termination of employment of workers in Nigeria lawful? Another relevant question to pose is: are there lessons from other countries? A further relevant question to pose is: should there not be statutory rights, in explicit terms, given to Nigerian workers not to have their employments unfairly terminated and to claim the reliefs of compensation, re-instatement and re-employment for unfair-termination of employment in line with the practice in other countries? These questions constitute the basis or foundation of this paper.

---

10 Cap L 1 LFN 2004.

11 'NLC may escalate Kaduna Strike to National Industrial Action' <https://m.guardian.ng>appointments> accessed 26 July 2021.

12 'NLC writes Buhari, threatens to resume suspended strike in Kaduna' <https://www.preminmtimes.ng> accessed 25 July 2021.

13 Ibid.

14 Ibid.

15 Ibid.

16 Ibid.

17 See, also, <https://www.acas.org.uk/dismissals> accessed 7 July 2021.

18 <https://www.acas.thomsonreuters.com> accessed 7 July 2021.

The paper borders on human rights and social work. To be sure, the purpose of this paper is to reflect on the socio-legal conundrum of unfair- termination of employment of workers in Nigeria. It gives the meaning of employee, employer, unfair- termination, re-instatement, re-employment or re-engagement, human right and social work. It gives a brief history of the socio-legal conundrum of unfair- termination of employment of workers in Nigeria. It examines critically applicable laws, including the Nigerian Constitution and case-law on the of the socio-legal conundrum of unfair- termination of employment of workers under the Nigerian Labour Law. It adopts the position that the unfair- termination of employment of workers in Nigeria is unlawful, unconstitutional and contrary to the Convention 158 as well as international human rights' norms or treaties. It reveals the practice in other countries and offers suggestions, which, if implemented, could end the problem of unfair- termination of employment of workers in Nigeria. Thus, this study is devoted to the protection of Nigerian workers who are suffering from social deprivation and are economically and socially disadvantaged in relation to their employers.

II. Conceptual Framework

The word 'employee' is a key-word in this paper. Section 48(1) of the Trade Disputes Act 2004[19] defines a worker as follows:

any employee, that is any member of the public service of the Federation or of a State or any individual other than a member of any such public service who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work or is otherwise expressed or implied, oral or in writing and whether it is a contract personally to execute any work or labour or a contract of apprenticeship.

The definition above can be criticised. To be specific, it includes as a worker any person under - a contract personally to undertake any work or labour, that is an independent contractor and an apprenticeship contract. These persons cannot be considered to be engaged under a contract of service so as to call them workers[20].

Anyhow, a worker, irrespective of his grade, qualifies as an employee within the meaning of a worker in the definition above.

On the other side of the spectrum, an 'employer', another key-word in this paper, means:

Any person who has entered into a contract of employment to employ any other person as a worker either for himself or for the service of any other person and includes the agent, manager or factor of that first mentioned person and the personal representative of a deceased employer[21].

The employer of a worker would include a corporate institution or an unincorporated institution, an individual, the local Government Council, the State Local Government Service Commission and the Civil Service Commissions of both the Federal and State governments.

Unfair- termination of employment' constitutes other keywords in this paper. The expression is, also, known as unfair-dismissal or unjust-dismissal. It is part of unfair labour practice. 'Unfair- termination of employment' means the termination of a contract of employment bereft of a valid reason or good cause or fair procedure or both.[22] Another key-word in this paper is 're-instatement'. It means to go back to a person's job. Re-instatement is a remedy that is only granted in Nigeria in favour of a employee whose contract of employment is with statutory flavour or protected by statute[23]. 'Re-employment' is another key-word in this paper. Re-employment or re-engagement, as it is sometimes called, means that the worker gets his

19 Cap T8 LFN 2004.

20 See AE Abuza, 'Lifting of the Ban on Contracting-out of the Check-off System in Nigeria: An Analysis of the issues involved' (2013) 42(1) The Banaras Law Journal 61.

21 See s 91 of the Labour Act 2004.

22 <https://deale.co.za/unfair-dismissal-southafrica> accessed 7 July 2021.

23 Olaniyan v University of Lagos [1985] 2 NWLR (Pt. 9) 363, SC, Nigeria.

employment back, but starts as a new worker. The expression "Human right" also, constitutes key-words in this paper. Its meaning is fairly-well-understood. Human right is a i right which is inherent to every human being inspite of race, sex, nationality, religion, language, ethnicity or any other status. Arguably, the right to suitable employment is a human right guaranteed under section 17(3) (a) of the 1999 Nigerian Basic Law.

Lastly, the expression "social work" also constitutes key-words in this paper. It is also fairly well-understood. To cut matters short, it means a work that is embarked upon by trained personnel, including an academic with the aim of alleviating or finding solutions to the conditions or situations of those people in a society like workers suffering from deprivation of a social nature.

III. Brief history of the socio-legal conundrum of unfair termination of employment of workers in Nigeria.

In this sub-section, the discourse shows that the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria dates back to the period when Nigeria was under the colonial rule of Britain.

What is regarded as Nigeria presently came into existence on 1 January 1914. This followed the amalgamation of the Colony of Lagos and Protectorate of Southern Nigeria as well as the Protectorate of Northern Nigeria by Sir Lord Fredrick Lugard, the person whom the British colonial master of Nigeria appointed the first Governor-General of the nation.[24]

The authors cannot state with exactitude how and when the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria began in Nigeria. Nevertheless, it is very obvious that the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria started with the introduction of wage employment during the colonial period of Nigeria.
It is note-worthy to point out that Nigeria was given independence by the UK on 1 October 1960. The nation became a Republic in October 1963. Over the period between when Nigeria came into existence and presently many Nigerian workers have suffered from the socio-legal conundrum of unfair termination of employment ofworkers. A typical example is that of the *Eche* case. Unfortunately, some ordinary courts in Nigeria have refused to give the Nigerian worker the right to sue for unfair termination of employment and claim remedies such as compensation or damages, re-instatement and re-employment for unfair termination of employment. Of course, a notable case in point is *Samson Babatunde Olarewaju v Afribank Public Limited Company,*[25] where the Supreme Court of Nigeria declared that an employer in a mere master and servant contract of employment can terminate the contract at any time and for any reason or no reason at all. The position of the apex Court in Nigeria is predicated on the common-law.

The 1999 Nigerian basic law, as amended, based on the Presidential system of government came into effect on 29 May 1999, signaling the starting of the Fourth Republic of the country. In 2010, the 1999 Nigerian basic law was amended by the Constitution (Third Alteration) Act (CTAA) 2010.[26] Its section 254A (1) creates the NICN. The Court is conferred with exclusive jurisdiction over all labour and employment-related disputes. Section 254C(1)(f) of the 1999 Nigerian Constitution, as amended by the CTAA 2010 gives the Court exclusive jurisdiction to hear and determine labour disputes, relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation issues. It is true that unfair- termination of employment is not mentioned in the provisions above. Regardless, it is an open secret that unfair-dismissal is part of unfair labour practice.
Inspite of the provisions above, the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria has continued without end in Nigeria.

---

24 See AE Abuza, 'A Reflection on the Regulation of Strikes in Nigeria' (2016) 42 (1) Commonwealth Law Bulletin 6 & 21, quoted in AE Abuza, 'A Reflection on the Issues Involved in the Exercise of the Power of the Attorney-General to enter a nolle prosequi under the 1999 Constitution of Nigeria' (2020) 1 Africa Journal of Comparative Constitutional Law 85.

25 Olarewaju (n 2).

26 Act No 1 of 2010.

IV. Analysis of Case-law on the socio-legal conundrum of unfair termination of employment ofworkers under the Nigerian Labour Law.

The courts in Nigeria have discussed the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria in many cases. A discourse on a few selected cases would suffice in this section. One important caseis *Babatunde Ajayi v Texaco* Nigeria Limited.[27] In the case, the appellant/plaintiff was employed on 7 March 1978, as Operations Manager by the first respondent/defendant- company a post which is permanent and pensionable. The second respondent/defendant was the Managing Director of the first respondent/defendant-company. While the third respondent/defendant was the General Manager of the first respondent/defendant-company. By a letter dated 1 February 1979, the second respondent/defendant directed the appellant/plaintiff to proceed on leave on the ground that his future relationship with the first respondent/defendant-company was under review. By another letter dated 23 March 1979, the second respondent/defendant invited the appellant/plaintiff to see him between 2 and 4pm on that day. When the appellant/plaintiff went to meet with the second respondent/defendant, he was asked in the presence of the third respondent/defendant to tender his resignation of appointment, as Operations Manager to the first respondent/defendant-company. He was given up to 26 March 1979 to hand-over his letter of resignation, otherwise he would be dismissed from employment. The appellant/plaintiff refused to resign as requested by the second respondent/defendant. On his failure to resign as requested, the second and third respondents/defendants, pursuant to Exhibit D1- Employee's Handbook of the first respondent/defendant-company, terminated the employment of the appellant/plaintiff for working against the first respondent / defendant- company. Instead of giving the appellant/ plaintiff one month's notice of termination or paying the same one month's salary in lieu of one month's notice of termination, the second and third respondents/defendants paid the same three months' salary in lieu of notice of termination and gave the same all his entitlements.

The appellant/plaintiff filed a suit in the High Court of Lagos State, Lagos claiming against the respondents/defendants-(1)a declaration that:(a) the appellant/plaintiff was the Operations Manager of the first respondent/defendant-company under a contract of employment; (b)any breach of the said contract of employment between the appellant/plaintiff and the first respondent/defendant-company is illegal, invalid, ultra vires, null and void and of no effect; (2) any injunction restraining the first respondent/defendant- company by itself, its servants and / or agents or otherwise from committing a breach of the said contract of employment existing between the appellant/plaintiff and the first respondent/defendant-company or in any way interfering with the appellant/plaintiff in the performance of his duties as Operations Manager. In the alternative, the appellant/plaintiff claimed against the first respondent/defendant-company the sum of 634, 833 naira (₦) as special and general damages for anticipatory breach of contract. The appellant/plaintiff argued that in terminating his contract of employment, the second and third respondents/defendants were not acting in the interest of the first respondent/defendant-company but solely for their own selfish, irrelevant and improper motive. The trial High Court, Olanrewaju Bada J, in its judgment delivered on 2 November 1979 declared that 'in the circumstances, I cannot make the declaration sought. In so far as a declaration cannot be made, an order for injunction, in the circumstances cannot be made'. His Lordship, however, held that 'the threatened termination of the appellant/plaintiff's appointment was unlawful'. The trial High Court granted the alternative claim because the Court found the termination of appellant/plaintiff's employment contract malicious.

Being aggrieved by the judgment of the trial High Court, the respondents/defendants appealed to the Court of Appeal. Justice Mahmud Mohammed JCA, delivering the leading Judgment of the Court of Appeal on 18 March 1985 with which the other two Justices of the Court concurred, allowed the appeal of the respondents/defendants and set aside the decisionof the trial High Court in the matter. His Lordship held that the termination of the appellant/plaintiff's contract

[27] [1987] 3 NWLR (Pt. 62) 577, 593, SC, Nigeria.

of employment with the first respondent/defendant-company was lawful, having been done under the terms and conditions in Exhibit D1.

Being dis-satisfied with the judgment of the Court of Appeal, the appellant/plaintiff Appealed against the judgment to the Supreme Court of Nigeria. Justice Andrews Otutu Obaseki JSC, delivering the leading judgment of the Supreme Court of Nigeria on 12 September 1987 with which the other four justices of the Court concurred, dismissed the appeal of the appellant/plaintiff and affirmed the decision of the Court of Appeal. His Lordship stated thus:
where in a contract of employment there exist a right to terminate the contract given to either party, the validity of the exercise of their right cannot be vitiated by the existence of malice or improper motive. It is not the law that motive vitiates the validity of the exercise of a right to terminate validly an employment of the employee.There must be other considerations. The exercise is totally independent of the motive that prompted the exercise.[28]
The authors take the position that the decision of the Supreme Court of Nigeria in the *Ajayi* case is not right and, thus, unacceptable. It is argued that a termination of employment that contains ingredients of unfairness such as being ill-motivated or as a result of improper motive or bad or invalid reason like a worker's participation in a strike is unfair or unjust and the court ought to intervene and invalidate the same.In the *Eche* case, Araka, CJ of the Anambra State High Court of Justice rightly invalidated the dismissal of the plaintiff by the Anambra State Public Service Commission on ground of participation in a teachers' strike. The Court seemed to have taken this stance because it considered the dismissal to be ill-motivated or based on a bad or invalid reason.

Another pertinent case in point is *Samson Babatunde Olarewaju v Afribank Public Limited Company.*[29] In the case, the appellant/plaintiff was a Deputy-Manager of the respondent /defendant-company. He was suspended from work on some allegations of fraud and embezzlement of money as well as sundry allegations. He later appeared before the Senior Staff Disciplinary Committee of the respondent/defendant-company which tried him of the foregoing allegations. At the end, the Committee submitted its report to the respondent/defendant-company. By a letter, the appellant/plaintiff was summarily dismissed from employment. No reason for the summary-dismissal was postulated by the respondent/defendant-company in the letter of dismissal. The appellant/plaintiff instituted a suit in the High Court of Bornu State, Maiduguri challenging his summary-dismissal from employment by the respondent/defendant-company. The trial High Court held that the summary-dismissal was wrongful on account that the appellant/plaintiff was not first arraigned before a court of law to have his guilt on the offences alleged against the same established. It declared the summary-dismissal a nullity and ordered the immediate re-instatement of the appellant/plaintiff.

Being aggrieved by the judgment of the trial High Court, the respondent/defendant-company appealed against the judgment to the Court of Appeal which set-aside the judgment and order of the trial High Court. Being dis-satisfied with the judgment of the Court of Appeal, the appellant/plaintiff appealed against the judgment to the Supreme Court of Nigeria. Honourable Justice AloysiousIyorger Katsina-Alu JSC, delivering the leading judgment of the apex Court to which the other four Justices of the Court concurred, dismissed the appeal of the appellant/plaintiff. His Lordship pointed out that the appellant/plaintiff had a mere master and servant relationship with the respondent/defendant-company. Justice Katsina-Alu declared that:
In a master and servant class of employment, the master is under no obligation to give reasons for terminating the appointment of his servant. The master can terminate the contract with the servant at any time and for any reason or no reason. In the instant case, no reason was given for the dismissal of the appellant.
His Lordship held as follows:

[28] See, also, Calabar Cement Company Limited v Daniel [1991] 4 NWLR (Pt. 188) 750, CA, Nigeria and Fakuade v Obafemi Awolowo University Teaching Hospital Complex Management Board [1993] 4 NWLR (Pt.291) 45, 58, SC, Nigeria.

[29] See Olarewaju (n 25).

in a pure case of master and servant, a servant's appointment can lawfully be terminated without first telling him what is alleged against him and hearing his defence or explanation. Similarly, a servant in this class of employment can lawfully be dismissed without observing the principles of natural justice.
Additionally, it was held by Justice Katsina-Alu that it was not necessary under section 33 of the 1979 Nigerian Constitution (now section 36 of the 1999 Nigerian Constitution) that before an employer can summarily dismiss his employee under the common law, the employee must be arraigned and tried before a court of law where the gross misconduct borders on criminality.[30] In His Lordship's view, where the employer's Disciplinary Committee had found the employee guilty of gross misconduct bordering on criminality, the employer can either cause the same to be prosecuted in the court of law or summarily dismiss him from employment. Lastly, Justice Katsina-Alu held thus:
where a master terminates the contract with the servant in a manner not warranted by the contract, he must pay damages for breach of contract. The remedy is damages. The Court cannot compel an unwilling employer to re-instate a servant he has dismissed. The exception is in case where the employment is specially protected by statute. In such case, the employee who is unlawfully dismissed may be re-instated to his position.
It is very obvious from the foregoing decisions of the Supreme Court of Nigeria and the other ordinary courts in Nigeria that they are not ready to give an employee under a mere master and servant relationship the right to sue for unfair termination of employment or to claim re-instatement or re-employment for unfair- termination of employment. Their stance is based on the position under the common-law.

The authors take the position that the decision of the Supreme Court of Nigeria in the *Olarewaju* case is not right and, thus, unacceptable for the following reasons. First, the apex Court in the *Olarewaju* case had suggested that the master is under no obligation to give reasons for the summary-dismissal of the servant. This is not right, as in a contract of employment, whether a mere master and servant contract of employment or contract of employment protected by statute, reasons for the summary-dismissal of the servant must be postulated.[31] It should be noted that summary-dismissal is predicated on misconduct of theemployee. An employer cannot summarily dismiss the servant from his employment for doing no wrong. Of course, summary-dismissal goes with it a stigma and deprives the dismissed servant of benefits while the termination of a contract of employment does not carry a stigma and deprive the employee whose contract of employment is terminated of benefits. Often times, a servant who is summarily dismissed from service cannot secure an employment in the public service for the remaining part of his life on earth. The courts, therefore, insist that reasons for the summary-dismissal of the servant must be postulated by the master which said reasons must be justified by the master, otherwise the summary-dismissal would not be permitted to stand.[32] In addition to this, the courts of law insist that where an employer pleads that an employee was dismissed from his employment on account of a specific misconduct, the dismissal cannot be justified in the absence of adequate opportunity being accorded to him to explain, justify or else defend the misconduct that is alleged.[33]

Second, the decision of the apex Court in the *Olarewaju* case is not in alignment with its earlier decision in *Ewaremi v African Continental Bank Limited,*[34] where it upheld the decision of the trial High Court which ordered the re-instatement of a company-employee in a pure master and servant contract of employment on account that the purported dismissal of the appellant/plaintiff from the service of the respondent/defendant-company was null and void.

30 This view was upheld by the Court of Appeal in BS Onwusukwu v The Civil Service Commission and Another [2020] 10 NWLR (Pt.1731)201-202, CA, Nigeria.
31 See Abomeli v Nigerian Railway Corporation [1995] 1 NWLR (Pt. 372) 451-456, CA, Nigeria, quoted in AE Abuza, 'An examination of the power of removal of Secretaries of Private Companies in Nigeria' (2017) 4 (2) Journal of Comparative Law in Africa 50.
32 See Johan Nunnick v Costain Blansevort Dredging Ltd [1960] LLR 90, High Court, Nigeria and Ogunsanmi v CF Furniture (WA) Company Ltd [1961] 1 ALL NLR 862, 864, HC, Nigeria, quoted in Ibid., 51.
33 See James Avre v Nigeria Postal Service [2014] 46 NLLR (Pt. 147) 1, 10, CA, Nigeria, quoted in Ibid.
34 [1978] 4 SC 99, SC, Nigeria.

Nigeria should borrow a leaf from other countries. For example, in the Indian case of *Provisional Transport Services v State Industrial Court*,[35] the Supreme Court of India (per Nagpur Das Gupta J) declared that an industrial court would invalidate a dismissal of a worker and order re-instatement of the same where his dismissal was done bereft of a fair enquiry.[36]
Third, the decision of the apex Court in the *Olarewaju* case is contrary to section 36(4) of the 1999 Nigerian basic law, as amended. It states as follows:
Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing in public within a reasonable time by a court or tribunal.
The apex Court had in previous cases interpreted the provisions above to mean that where a Nigerian is alleged to have committed an offence he must be brought before the ordinary court for trial in order to establish his guilt and that no administrative panel can try the same for the offence alleged against him.[37]

Arguably, the action of the apex Court in giving an employer or his disciplinary committee the option or right to try a servant who is a Nigerian on allegation of committing an offence is tantamount to a usurpation of the court's duty for the benefit of a master or his disciplinary committee and depriving a Nigerian servant the protection given by section 36(4) of the 1999 Constitution, as amended.[38] It is argued that nobody in Nigeria should be permitted to usurp the jurisdiction and authority of the court of law in the nation under any pretext or guise whatsoever.[39]

Fourth, the Supreme Court can be criticised for taking the position in the *Olarewaju* case that a master in a mere master and servant relationship can terminate the contract of employment for any reason or no reason at all. It is argued that a termination of an employment contract bereft of a valid reason is invalid or wrongful, being contrary to the Convention 158. To be sure, article 4 of the Convention states thus:
The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.

Articles 5 and 6 of the Convention above list matters which cannot constitute valid reasons for termination of employment. These matters are: membership of a trade union or participation in trade union activities outside working hours or with the consent of the employer within working hours; seeking office as, or acting, as having acted in the capacity of, a workers' representative, the filing of a complaint or the participation in proceedings against an employer involving alleged contravention of laws or regulations or recourse to competent administrative bodies; sex, colour, race, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; absence from job during maternity leave; and temporary absence from employment due to illness or injury.

It is argued that the Convention 158 has no force of law in Nigeria and, therefore, cannot be applied by the NICN in labour dispute resolution, having not been ratified by Nigeria. As disclosed earlier, the NICN is the Court that has exclusive original jurisdiction over all labour and employment-related issues. It is rather worrisome that Nigeria a member of, and former member of the Governing body of, the ILO, has not ratified this Convention. The nation should sign and ratify the Convention 158 forthwith. As a member of the UN and ILO, it is obligated to apply the Convention 158. Needless to stress that the nation must show respect for international law and its treaty obligations, as enjoined by section 19(d) of the 1999 Nigeria basic law, as amended.

---

35 AIR [1963] 114, 117, SC, India.
36 Quoted in Abuza (n 31) 56.
37 See Garba v University of Maiduguri [1986] 1 NWLR (Pt. 18) 550, SC, Nigeria and Gregg Olusanya Sofekun v Akinyemi and Three Others [1980] All NLR 153, 165, SC, Nigeria.
38 See Abuza (n 31).
39 Ibid., 55. Good enough, the apex Court in the recent case of Central Bank of Nigeria v Uchenna Godswill Dinneh [2021] 15 NWLR (Pt. 1778) 91, 98, SC, Nigeria rejected the decision of Justice Katsina-Alu on s 36 above.

Lastly, the apex Court can, also, be criticised for taking the position in the *Olarewaju* case that in a mere master and servant relationship, the servant's employment can lawfully be terminated without first telling the same what is alleged against the same and hearing his defence or explanation as well as the servant in a mere master and servant relationship can lawfully be dismissed from employment without observing the rules of natural justice. This position is certainly contrary to procedural fairness or the rules of natural justice, that is, *audi alteram partem*- meaning hear the other side of a case and *nemo judex incausa sua*- meaning a person cannot be a judge in his own cause. Procedural fairness or these rules of natural justice are enunciated under the Convention 158, the common law and section 36(1) of the 1999 Nigerian basic law, as amended which guarantees the right to a fair hearing to all Nigerians. Thus, such dismissal from employment without adherence to procedural fairness or the rules of natural justice is void and a nullity for being inconsistent with, or a contravention of, procedural fairness or the rules of natural justice or the provisions of the 1999 Nigerian basic law, as earlier disclosed. To be sure, article 7 of the Convention 158 embracesthe principle of a fair hearing before dismissal or termination of employment by the employer. It declares thus:
The employment of a worker shall not be terminated before he is provided with an opportunity to defend himself against the allegation made, unless the employer cannot reasonably be expected to provide opportunity.

A pertinent case decided under the common law is *R v Chancellor, University of Cambridge*.[40] In the case, the University of Cambridge withdrew all the degrees it awarded in favour of its former student one Dr. Bentley without first hearing his explanation or defence. The Court of king's Bench declared the action of the University unlawful. It issued an order of mandamus to the University requiring the restoration of Bentley's Degrees of Bachelor of Arts and Bachelor and Doctor of Divinity of which he had been deprived by the University without a fair hearing. Fortesque, J of the Court stated that even the Almighty God adhered to the rules of natural justice, as he did not punish Adam by driving him and his wife, Eve from the Biblical Garden of Eden for disobeying the same[41] without first hearing him. It is a general principle settled by cases that the breach of statute or natural justice is a nullity.[42] Good enough, the Supreme Court of Nigeria in *Olatunbosun v NISER Council*[43] a case in point, held that procedural fairness was acclaimed as a principle of divine justice with its origin in the Biblical Garden of Eden.

An important point to bear in mind is that the approach of the 1999 Nigerian basic law, as amended, as could be discerned from its section 36(1) is in alignment with the position under international instruments. For example, the Charter of the United Nations 1945 guarantees the right to a fair hearing. Also, the Universal Declaration of Human Rights (UDHR) 1948 guarantees the right to a fair hearing and other fundamental rights in its articles 3 to 20. Admittedly, the UDHR is a soft-law agreement and not a treaty itself and in this way not legally-binding on member-States of the UN, including Nigeria. However, it has become customary international law that has been embraced globally in protecting human rights.[44]

Additionally, the African Union (AU) African Charter on Human and Peoples' Rights (ACHPR) 1981 guarantees to every individual, including a worker the fundamental right to be heard in its article 7. The African Charter has not only been signed and ratified by Nigeria but has equally

---

40 [1723] 93 English Reports (ER) 698, Court of King's Bench, the UK. See, also, Adedeji v Police Service Commission [1967] 1 All NLR 67, SC, Nigeria; Eperokun v University of Lagos [1986] 4 NWLR (Pt. 34) 162; SC, Nigeria and Bamgboye v University of Ilorin [1999] 10 NWLR (Pt. 662) 296, 299, SC, Nigeria, quoted in Abuza (n 31).

41 See the Book of Genesis, Chapter 3, verses 11-19 of the New World Translation of the Holy Scriptures (New York: Watchtower Bible and Tract Society of New York, Inc., 2013) 46-47.

42 See, for example, Adeyemi Adeniyi v Governing Council of Yaba College of Technology [1993] 6 NWLR (Pt.300) 426, 461, SC, Nigeria and Governor of Oyo State and Others v Oba Folayan (Akesin of Ora) [1995] 8 NWLR (Pt. 413) 292, SC, Nigeria, quoted in Abuza (n 31) 51.

43 [1988] 3 NWLR (Pt.80) 25, SC, Nigeria, quoted in Abuza (n 31) 52.

44 See KM Danladi, 'An Examination of Problems and Challenges of Protection and Promotion of Human Rights under European Convention and African Charter' (2014) 6(1) Port Harcourt Law Journal 83.

been made a part of municipal law, as enjoined by the provisions of the same and section 12(1) of the 1999 Nigerian basic law.[45] In *Sanni Abacha v Gani Fawehinmi,*[46] the apex Court in Nigeria held that since the ACHPR had been incorporated into Nigerian Law, it enjoyed a status higher than a mere international instrument and the same was part of theNigerian body of laws.

Furthermore, the UN International Covenant on Civil and Political Rights (ICCPR) 1966 guarantees to every individual, including a worker the fundamental right to a fair hearing in its article 14(1). It has been postulated that the ICCPR now has the effect of a domesticated enactment, as required under section 12(1) of the 1999 Nigerian basic law, as amended and, therefore, has the force of law in Nigeria, since the ICCPR guarantees labour rights to workers in its article 22(1) and has been ratified by the nation.[47]

Again, the Arab Charter on Human Rights (ACHR) 2004 guarantees to every individual, including a worker the right to legal remedy in its article 9 and the European Convention on Human Rights (ECHR) 1953 guarantees to every individual, including a worker the fundamental right to a fair and public hearing in its article 6. While the American Convention on Human Rights (AMCHR) 1969 guarantees to every individual, including a worker the fundamental right to a fair hearing in its article 8. It should be noted, nevertheless, that Nigeria is not obligated to apply the provisions of the ACHR, ECHR and AMCHR above, as the country is not a member-State of the Council of the League of Arab States, Council of Europe and Organisation of American States, as well as State-Party to the ACHR, ECHR and AMCHR.

It is wise to contend that as a member of the UN and AU as well as a State-Party to the ACHPR and ICCPR, Nigeria is obligated to apply the provisions of the Charter of the UN, ICCPR and ACHPR. The country, in this light, must demonstrate respect for international law as well as its treaty obligations, as enjoined by section 19(d) of the 1999 Nigerian Constitution, as amended.

With respect to the right to a fair hearing guaranteed to citizens of Nigeria under section 36(1) of the 1999 Nigerianbasic law, as amended the Nigerian Court of Appeal (per Helen Moronkeji Ogunwumiju JCA) held in *Nosa Akintola Okungbowa and Six Others v Governor of Edo State and Eight Others*,[48] that fair hearing is a constitutional and a fundamental right encapsulated in the Nigerian basic law which cannot be waived or unjustly denied to a Nigerian, including a worker, and that a breach of the same in any proceeding nullified the whole proceeding. Also, the Supreme Court of Nigeria (per Amiru Sanusi JSC) held in *James Avre v Nigeria Postal Service*[49] that the right to a fair hearing is such an important, radical and protective right, that the courts of law put-up every effort to protect the same. It even implies, according to the apex Court, that a statutory form of protection will be less effective, if it does not warmly embrace the fundamental right to be heard. It went further to assert that when an employee is accused by his employer of committing any act of misconduct, he must be given the opportunity to explain and give his reason, if any, for committing such a misconduct.

---

45 See African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 LFN 2004.

46 [2000] 6 NWLR (Pt.660) 228, 251, SC, Nigeria, quoted in AE Abuza, 'The Problem of Electoral Malpractices in the Democratic Politics of Nigeria: A Contemporary Discourse' (2019) 9(2) Gujarat National Law University (GNLU) Journal of Law, Development and Politics 57.

47 See Aero Contractors Company of Nigeria Limited v National Association of Aircrafts Pilots and Engineers and Two Others [2014] 42 NLLR (Pt. 133) 64, 717, per Kanyip, Judge of the NICN and AE Abuza, 'Derogation from Fundamental Rights in Nigeria: A Contemporary Discourse' (2016) 1(1) North Eastern Hill University (NEHU) Law Journal 16.

48 [2015] 10 NWLR (Pt. 1467) 257, 268-69, CA, Nigeria. See, also: Mohammed Sambo Dasuki v Federal Republic of Nigeria and Two Others [2021] 9 NWLR (Pt. 1781) 249, 253, CA, Nigeria; and Destra Investment Ltd v Federal Republic of Nigeria and Another [2021] 6 NWLR (Pt. 1771) 57, 65, CA, Nigeria and Sylvanus Eze v University of Jos [2021] 2 NWLR (Pt. 1760) 208, 213, SC, Nigeria.

49 [2020] 8 NWLR (Pt. 1727) 421-422, SC, Nigeria.

Regarding fundamental rights generally, the Nigerian Court of Appeal (per Abdu Aboki JCA) held in *Mallam Abdullah Hassan and Four Others v Economic and FinancialCrimes Commission (EFCC) and Three Others*,[50] that:
(a) fundamental rights are rights without which neither liberty nor justice would exist;
(b) fundamental rights stood above the ordinary law of the land and in fact constituted a primary condition to civilised existence; and
(c) it was the duty of the court, including the Supreme Court of Nigeria to protect these fundamental rights.
The words of the Nigerian Court of Appeal (per Obande Festus Ogbuinya JCA) in *Nigeria Security and Civil Defence Corps and Six Others v Frank Oko*[51] are very apt. According to the Court:
(a) fundamental rights are rights attaching to man as a man because of his humanity;
(b) fundamental rights fell within the perimeter of species of rights and stood on top of the pyramid of laws and other positive rights.
(c) fundamental rights constituted a primary condition for a civilised existence;
(d) due to fundamental rights' kingly position in the firmament of human rights, section 46 of the 1999 Nigerian Constitution, as amended allocated to every Nigerian whose fundamental right was or had been harmed, even *quiatimet*, to approach the Federal High Court or State High Court to prosecute his complaint and obtain redress.

A germane point to make is that due cognisance must be given to the import of the provisions of Chapter Four of the 1999 Nigerian basic law, as amended in which section 36(1) of the 1999 Nigerian basic law, as amended is a part. In actuality, they are sacrosanct. Should any provision require amendment, the 1999 Nigerian basic law, as amended provides for a tedious and challenging procedure in section 9(3). The nation, in this light, must apply, and show respect for, the basic law. It is important to bear in mind that in Nigeria the provisions of the Constitution are supreme and binding on all persons as well as authorities throughout the Federal Republic of Nigeria, including the Supreme Court of Nigeria.[52]

In the final analysis, it is contended that the decision of the Supreme Court in the *Olarewaju* case on the issue is null and void. This contention is based on the insightful provision in section 1(3) of the 1999 Nigerian basic law, as amended. The argument is strengthened by the decision of the apex Court in *Attorney General of Abia State v Attorney-General of the Federation.*[53] May be, the Justices of the Supreme Court of Nigeria would have come to a different conclusion if they had applied their minds to the points above.
Happily, the NICN seems to have departed from the old traditional or common- law position on unfair termination of employment, owing to its expanded jurisdiction under the 1999 Nigerian basic law, as amended by the CTAA 2010. To cut matters short, the NICN now has exclusive jurisdiction to hear and determine all labour and employment-related disputes, including disputes relating to or connected with unfair labour practice or termination of employment[54]

According to section 254 C (6) of the 1999 Nigerian basic law, as amended by the CTAA 2010 an appeal shall lie from the decision of the NICN in criminal causes and matters, as stated in section 254C(5) above to the Court of Appeal as of right. Arguably, the decision of the Court

---

50 [2014] 1 NWLR (Pt. 1389) 607, 610, CA, Nigeria, quoted in Abuza (n 31).
51 [2020] 10 NWLR (Pt. 1732) 314-315, CA, Nigeria.
52 See the 1999 Nigerian Constitution, s 1(1).
53 [2002] 6 NWLR (Pt. 763) 264, SC, Nigeria, quoted in AE Abuza, 'A Review of the Jurisdiction of the High Courts and National Industrial Court to hear and determine Labour Disputes Litigation in Nigeria' (2016) 3 (2) Journal of Comparative Law in Africa 157-58.
54 See the 1999 Nigerian basic law, as amended by the CTAA 2010, s 254 C(1). See, also, s. 7 (1) of the NICA 2006 and Musa Ismaila Maigana v Industrial Training Fund and Another [2021] 8 NWLR (Pt. 1777) 1, 9, SC, Nigeria. Note that the NICN, also, has criminal jurisdiction, as it can exercise jurisdiction and powers in criminal cases and matters arising from any cause or matter of which jurisdiction is conferred on the same by s 254C of the Constitution above or any other Act of the National Assembly or by any other law. See s 254 C(5) of the Constitution above.

of Appeal in any such criminal causes and matters shall be appealable to the Supreme Court of Nigeria.

A significant point to note is that based on the interpretation given to the provisions of section 243(2) and (3) of the 1999 Nigerian basic law, as amended by the CTAA 2010, by the Supreme Court of Nigeria in *Skye Bank Public Limited Company v Victor Iwu,*[55] all decisions of the NICN in the exercise of its civil jurisdiction are appealable to the Court of Appeal which said Court shall be the final court on labour disputes not touching on criminal causes or matters of which jurisdiction is bestowed on the NICN by virtue of section 254 C or any other Act of the National Assembly or any other law.[56]
It is instructive to note that the NICN considers unfair- termination of employment to be an unfair labour practice.[57] In tune with global best practices, the Court now insist that valid reasons must be advanced by an employer in termination of the contract of employment of an employee, whether or not it is a mere master and servant relationship.[58] To cut matters short, the NICN is now ready to declare invalid any determination of a contract of employment prompted by motive or reasons outside the recognised reasons for the termination of a contract of employment in article 4 of the Convention 158 or not in tune with procedural fairness or the rules of natural justice or the right to a fair hearing in alignment with the Convention 158 and other international best practices in labour, employment as well as industrial relation matters.[59] Also, it is now ready to award appropriate remedies such as monetary compensation, re-instatement and re-employment, whether or not the contract of employment involved is a pure master and servant relationship. To be sure, the NICN warmly embraced the principle of unfair dismissal in arriving at its decision in *Godwin Okosi Omoudu v Aize Obayan and Another.*[60] In the case, the first defendant was a Professor and Vice-chancellor of the Covenant University, the second defendant. The NICN (per Adejumo J) held that the termination of the claimant's employment by the second defendant-university on 18 August 1981 was in contravention of the contract of employment between the parties and that the termination of the claimant's appointment was, also, based on an unfounded reason, as disclosed before and was, therefore, wrongful.

His Lordship asserted that it can never be just where an employer bereft of just and established cause express doubt about the integrity of an employee and based on this expression of doubt about the integrity of the employee goes ahead to terminate his contract employment in a way that did not allow for discussion and refusal. Justice Adejumo went further to assert that the law has moved from the narrow confines of the common-law in master and servant contract of service to a more pro-active approach which secures the rights of both parties to an employment contract. In this way, according to the learned Justice, the attention has shifted to protection of employees in issues of unfair labour practices in line with the practice of other nations.

Justice Adejumo concluded that section 254C(1) (f) of the 1999 Nigerian basic law, as amended

55 [2017] LPELR 42595, SC, Nigeria.

56 This is consistent with the practice in other countries, including Kenya and Uganda where the Court of Appeal is the final appellate Court on labour disputes. See, for example, s 17(1) of the Employment and Labour Relations Act 2011 of Kenya and the Ugandan case of DFCU Bank Ltd v Donnakamali, Civil Application No. 29 of 2019 arising from Supreme Court Civil Appeal No.1 of 2019 <https://www.bownaslaw.com> accessed 25 July 2021.

57 See Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) v Schlumberger Anadrill Limited [2008] 11 NLLR (Pt. 29) 164, NICN, Nigeria.

58 See CJ Chibuzor, 'The Concept of Unfair Labour Practice and its applicability in Nigeria' <https://www.patrelipartners.com/the concept-of-unfair-labour-practice-and-its-applicability-in-Nigeria/> accessed 11 July 2021.

59 Note that pursuant to s 254 C (3) of the 1999 Nigerian Constitution, as amended by the CTAA 2010 and the NICN (Civil Procedure) Rules, 2017 a judge of the NICN may refer a claim filed in the Court to the Alternative Dispute Resolution Centre within the Court premises for conciliation and mediation. But where conciliation and mediation fail, the judge shall adjudicate over the labour dispute. See NICN (Civil Procedure) Rules 2017, Order 24, Rules 1, 7 & 8.

60 See (n 9).

by the CTAA 2010 created an entirely new concept and right of unfair labour practice which is both foreign to the common-law concept of master and servant relationship and the industrial relations jurisprudence hitherto- meaning before now, existing in Nigeria. According to his Lordship, it was natural and expected that if this new right was violated there must be a remedy, otherwise the whole purpose of creating the right would be defeated. Justice Adejumo asserted further that if no specify remedy was created by the Nigerian Constitution, the NICN was duty-bound to look at the practice in other countries where the concept had been borrowed. The Court, in the view of His Lordship, was duty-bound to give section 254C (1) (f) above a broad interpretation and interpret the same as both accommodative of giving a right and imposing a remedy for its violation.

Honourable Justice Adejumo granted the following reliefs in favour of the claimant:

(i) the termination of claimant's employment is declared wrongful;
(ii) the claimant is awarded one-month salary in lieu of notice of termination of his contract of employment;
(iii) the claimant is awarded five-months salaries as general damages;
(iv) the claimant is awarded the costs of ₦100, 000; and
(v) the judgment sum shall attract 10% interest rate per annum, from the date of this judgment until the judgment debt is fully-liquidated.

The decision of the NICN above is commendable, being in tune with the practice in other nations, including South Africa, Kenya, the UK, Canada and Ghana. However, the Court can be vilified. Firstly, section 254C (1)(f) above does not stipulate in explicit terms the right of an employee not to have his employment unfairly terminated or right not to be subjected to unfair labour practice. Secondly, section 254C (1)(f) above or any other Nigerian statutory provision does not provide for the circumstances that would amount to unfair termination of employment or any remedy for unfair termination of employment or unfair labour practice. Lastly, contrary to the doctrine of separation of powers, His Lordship tried to make law by substituting his own words for the words used in the Nigerian basic law in order to give them a meaning which suits the Court. In *Abdullahi Inuwa v Governor of Gombe State and Two Others*[61], the Nigerian Court of Appeal held that it is not the function of the court to amend the Constitution.

To sum-up on the matter of analysis of case-law on the socio-legal conundrum of unfair termination of employment ofworkers in Nigeria under the Nigerian labour law, it is not out of context to stress that the unfair-termination of employment ofworkers in Nigeria is unlawful, unconstitutional and contrary to the Convention 158 as well as international human rights' norms or treaties.

V. Practices on unfair termination of employment ofworkers in other countries.

What is of interest in this sub-section is the issue of the socio-legal conundrum of unfair termination of employment in other countries. The relevant countries with regards to the socio-legal conundrum of unfair termination of employment ofworkers are discussed below:

United Kingdom

In the UK a nation practicing the common law, the legislature has intervened by enacting the ERA 1996 to provide for a right of the employee not to have his employment unfairly terminated,[62] circumstances where a termination of employment can be considered to be unfair,[63] remedies of interim relief, compensation, re-instatement or re-engagement[64] and employees who can sue for unfair termination of employment. Regarding the latter, it should be emphasised that the UK imposes limitations on the exercise of the right to file a suit for unfair-

61 [2020] 5 NWLR (Pt. 1716) 32, 36-37, CA, Nigeria.

62 See ERA 1996, s 94(1). See, also, M Suff, Essentials of Employment Law (London: Cavendish Publishing Ltd., 1998) 106.

63 These circumstances or invalid or bad reasons for the termination of contract of employment, include: (a) where the employee is pregnant or on maternity leave; and (b) where the employee is a trade union member or representative. See <https://www.acas.org.uk/dismissals> accessed 7 July 2021. See, also, ss 95, 99, 100, 104 A, 104 C, 105(1), (3) & (7A) of the ERA 1996. For details, see S Deakin and G S Morris, Labour Law (Oxford: 5th edn, Hart Publishing Ltd., 2009) 429-430.

64 <https://www.acas.thomsonreuters.com>accessed 7 July 2021. See, also, CJ Carr and PJ Kay, Employment Law (London: Longman Group UK Ltd., 1990) 158.

termination of employment. To be sure, only employees who have worked for an employer for a period of at least two years have a right to file a claim for unfair- termination of employment.[65] There are exceptions for those persons who are dismissed automatically and those persons who are dismissed principally for a reason connected with political opinion or affiliation.[66] Furthermore, the right to bring a complaint to an Employment tribunal which is conferred with jurisdiction to hear and determine labour disputes, including cases of unfair- termination of employment is not given to self-employed people, independent-contractors, members of the Armed forces or Police forces, unless the termination of employment is connected with health and safety or whistleblowing.[67]

VI. Observations/Findings

In this section, the authors highlight or give the summary of observations/findings during the research as can be seen in the preceding sections.

It is glaring from the foregoing reflection on the socio-legal conundrum of unfair termination of employment of workers in Nigeria that some ordinary courts in Nigeria have not given Nigerian workers the right to sue for unfair- termination of employment. These courts have based their decisions on the position of employees in a mere master and servant relationship under the common-law.

It is observable that the unfair- termination of employment of workers in Nigeria is unlawful and contrary to, among other international laws, the Convention 158.

Also, it is observable that section 254C (1)(f) of the 1999 Nigerian basic law, as amended by the CTAA 2010 gives the NICN exclusive jurisdiction to hear and determine claims on unfair labour practice, including unfair- termination of employment. Regrettably, neither the basic law above nor any other enactment in Nigeria provides for general statutory rights of an employee not to have his employment unfairly terminated by the employer and remedies such as re-instatement, re-employment and compensation for unfair termination of employment as well as circumstances where a termination of employment of an employee would be considered unfair. Thus, the socio-legal conundrum of unfair termination of employment of workers in Nigeria has continued without an end. A typical example is the *Omoudu* case.

Again, it is observable that the legislature in the UK, South Africa, Canada, Ghana and Kenya have intervened to give recognition to the right of workers to sue for unfair termination of employment and claim remedies, including re-employment for unfair termination of employment, as disclosed before. These developments are certainly commendable. They are in tune with international law.

The socio-legal conundrum of unfair termination of employment of workers in Nigeria must be accorded the highest consideration it deserves by the FGN under the leadership of President Buhari so that it is not accused of pretending on the matter of vesting in the NICN exclusive jurisdiction over labour disputes relating to unfair labour practices, including unfair- termination of employment. A continuation of the socio-legal conundrum of unfair termination of employment of workers in the nation poses a grave danger to the industrial sub-sector of Nigeria's political economy. It is already engendering industrial disharmony with capacity to halt economic growth and development. The authors wish to re-call the five-days warning

---

65 See Carr and Kay, Ibid., 139.

66 <https://www.gov.ukdismiss-staff> accessed 25 July 2021.

67 Ibid. Note that in South Africa, Canada, Ghana and Kenya-all countries practicing the common-law, there are statutory provisions which provide for right of a worker not to have his employment unfairly terminatedbe by his employer, circumstances under which a dismissal or termination can be considered unfair and remedies such as payment of compensation, re-instatement and re-employment for the unfair termination of employment of a worker and employees who can sue for unfair termination of employment. See, for example: South African Labour Rights Act1995, ss 2, 185, 187(1) &<https://www.labourguide.co.za/discipline-dismissal/712-unfair-dismissals> accessed 10 July 2021; the Canadian Labour Code Act 1985, s 240(1) & 'No 15-Adjudication of unjust dismissal complaints' <http://www.crib.ccri.ca<site>eng> accessed 19 July 2021;Ghana's Labour Act 2003, ss 63(1) – 4, 64 & 66; and the Kenyan Employment Act 2007, ss. 35(4)(a), 45(3), 46(a)-(i) & 49.

strike by the NLC and TUC as well as their affiliates in Kaduna State, as disclosed before. Incessant strike by workers has capacity to impact negatively on the economy of Nigeria. This would undoubtedly discourage both local and international businessmen from investing their resources in the economy of Nigeria. In this way, President Buhari may not be able to accomplish totally the 'Change Agenda' of the FGN for the all-round socio-economic development of the country.

VII. Recommendations

The socio-legal conundrum of unfair termination of employment of workers in Nigeria should be effectively tackled in Nigeria. In order to surmount the problem, the authors strongly recommend that Nigeria should promulgate a new law to be known as the 'Labour Rights Act' to provide for a right not to have workers' employment unfairly terminated and right to seek remedies of re-instatement, re-employment and compensation for unfair- termination of employment as well as circumstances where a termination of employment would be considered unfair. A law on unfair- termination of employment such as the proposed 'Labour Rights Act' would take care of the problem above and give some protection to workers who may otherwise be rounded out of employment on account of their union activities and other invalid reasons for the termination of employment.[68] The recommendation above is a novelty or new recommendation in the paper, geared towards curbing unfair- termination of employment in the current situation in Nigeria, as it is not contained in existing literature on labour rights protection in Nigeria consulted by the authors and therefore addresses a gap in the same. It is significant to bear in mind that the unfair- termination of employment of workers is being undertaken in Nigeria by some employers for invalid or bad reasons. Some employers actually terminate the employment of their workers on account of their active participation in trade union activities. This is unacceptable, as it is not in alignment with the Convention 158. The authors wish to recall the provisions of Article 4 of the Convention 158, as disclosed earlier. Articles 5 and 6 of the Convention 158 list matters which cannot constitute valid reasons for termination of employment to include membership of a trade union or participation in trade union activities outside working hours or with the consent of the employer within working hours.

Also, the termination of the employment of a worker on account of his active participation in trade union activities is contrary to section 12(4) of the Trade Unions Act[69] 2004, as amended by the Trade Unions (Amendment) Act[70] 2005 which provides that membership of a trade union is voluntary and no employee shall be victimised for refusing to join or remain a member of a trade union. Needless to recall that in the *Eche* case, Araka, CJ of the Anambra State High Court of Justice invalidated the dismissal of the plaintiff by the Anambra State Public Service Commission on ground of participation in a teachers' strike. It is argued that the court took the position because it considered the dismissal to be ill- motivated or based on a bad or invalid reason.

Furthermore, it should be re-iterated that the unfair- termination of employment of workers may also be in conflict with the right to procedural fairness or the rules of natural justice or right to a fair hearing guaranteed under the common law, Article 9 of the ACHR, Article 7 of the ACHPR, Article 14 (1) of the ICCPR, Article 6 of the ECHR, Article 8 of the AMCHR, Article 3 of the UDHR, Article 7 of the Convention 158 and section 36(1) of the 1999 Nigerian basic law, as amended.

The authors wish to re-iterate the provisions of Article 7 of the Convention 158, as disclosed before. As a member of the UN and AU as well as State Party to the ICCPR and ACHPR, Nigeria is obligated to apply the provisions of the ICCPR and ACHPR.
Also, Nigeria should sign and ratify the Convention 158 forthwith, as disclosed before. The nation, being a member of the UN and ILO, is obligated to apply the Convention 158. It needs to be re-iterated that the nation must show respect for international law and its treaty obligations, as

68 O. Ogunniyi, Nigerian Labour and Employment Law in Perspective (Lagos: Folio Publishers 1991) 326
69 Cap. T 14 LFN 2004.
70 No. 17 of 2005.

enjoined by section 19 (d) of the 1999 Nigerian basic law, as amended.

With respect to section 36(1) of the 1999 Nigerian basic law, as amended, it has been disclosed before that the Nigerian Court of Appeal (per Helen Moronkeji Ogunwumiju JCA) held in the *Okungbowa* case that fair hearing is a constitutional and a fundamental right guaranteed under the Nigerian basic law which cannot be waived or unjustly denied to a Nigerian, including a worker, and that a breach of the same in any proceeding nullified the whole proceeding[71]. Of course, due cognisance must be given to the import of Chapter Four provisions of the 1999 Nigerian basic law, as amended in which section 36(1) of the 1999 Nigerian basic law, as amended is a part. They are indeed sacrosanct. Little wonder section 9(3) of the 1999 Nigerian basic law, as amended provides for a tedious and challenging procedure for their amendment. The nation is obligated to apply, and show respect for, the basic law. It should be stressed that section 1(1) of the 1999 Nigerian basic law, as amended declares the Constitution above to be supreme and its provisions to have binding effect on all authorities and persons, including the employer of a worker throughout the Federal Republic of Nigeria.[72]
The recommendation above is consistent with the approach in other nations, including the UK, South Africa, Canada, Ghana and Kenya where the legislature has intervened to accord workers a right not to have their employments unfairly terminated, a right to claim remedies, including re-employment for unfair- termination of employment and state the circumstances where a termination of employment of an employee could be considered unfair, as disclosed before. Of course, the approach in these countries is consistent with the UN Charter, UDHR, ACHR, ICCPR, ACHPR, ECHR, AMCHR, the Convention 158 and other international human rights' norms or treaties.

The law's approach to the servant and master relationship has changed dramatically. Workers are no longer considered slaves or properties of their employers. They have been granted labour rights, including the right to a fair hearing, right not to be held in slavery or servitude and be required to perform compulsory or forced labour, right to freedom of association, including the right to join a trade union for the protection of workers' interest, right to collective bargaining and right not to have their employments unfairly terminated under international law and municipal laws[73]. With the *Eche* and *Provisional Transport Services* cases as well as other countries of the world guaranteeing the right of the employee not to have his employment unfairly terminated, the dissipation and later extermination of the menace of unfair termination of employment is feasible and, indeed, inevitable. Nigeria cannot fold its arms and do nothing serious on the matter. The country, in this light, must adopt positive measures to identify strongly with the international law -motivated efforts in these countries where unfair- termination of employment has become unlawful.

In the final analysis, it is postulated that unfair- termination of employment is not in the best interest of the worker, as the same is thrown out of employment unjustly. Section 17(3)(a) of the 1999 Nigerian basic law, as amended guarantees the rights to adequate means of livelihood and suitable employment to all Nigerians, including workers. A plausible argument to advance is that an employment ought to be regarded as a fundamental right so that where an employment contract is breached by an employer, whether or not in a mere master and servant relationship, for example, if he did not give to the employee fair hearing or follow the agreed or fair procedure in terminating the employment contract the appropriate remedy ought to be re-instatement. The judgment of Adolphus Godwin Karibi-Whyte, JSC in *Olaniyan v University of Lagos*[74] is very apt. His lordship declared that the law has reached the stage

71 See, also, Eyitayo Olayinka Jegede and Another v Independent National Electoral Commission and Three Others [2021] 14 NWLR (Pt. 1797) 409, 443, SC, Nigeria.

72 The supremacy of the Nigerian Constitution was upheld in Iboyi Kelly v Federal Republic of Nigeria (2020) 14 NWLR (Pt. 1745) 479, 492, CA, Nigeria and Uyo Local Government v Akwa Ibom State Government and Another (2021) 11 NWLR (Pt. 1786) 1, 13, CA, Nigeria.

73 See, for example, the UN ILO Declaration on Fundamental Principles and Rights at Work 1998, 'About the Declaration-ILO' <https://www.ilo.org>lang.en> accessed 6 July 2021, s 94(1) of the UK ERA 1996 and ss 33, 34(1) & 40 of the 1999 Nigerian Constitution, as amended.

74 (n 23), quoted in Abuza (n 31).

where the principle to be warmly embraced is that the right to a job is analogous to a right to property. According to the learned Justice Karibi-Whyte, where a man was entitled to a particular job re-instatement of the man to his job was the only just remedy where the termination of his employment was invalid.

Additionally, both the 1999 Nigerian basic law, as amended and the AU Convention on Preventing and Combating Corruption (AUCPCC) 2003 frown against corruption and abuse of power in the public and private sectors of the economy.[75] It is crystal clear that the unfair- termination of employment of a worker is tantamount to corruption[76] and an abuse of power. The emphasis being placed on the right of a worker not to have his employment unfairly terminated shouldbe perceived, however, not as one seeking to accomplish the propagation of a labour right of workers as an end itself but rather as a means of assuring the economic prosperity of the entire citizenry or mankind. It is not for mere sloganeering that the motto of the NLC a Federation of trade unions of workers in Nigeria is 'Labour creates wealth'. To cut matters short, it is labour that creates the wealth of Nigeria and, indeed, any other country.
The authors are of the view that the recommendation above, if implemented, could effectively end the socio-legal conundrum of unfair termination of employment of workers in Nigeria.

VIII. Concluding Section

This paper has reflected on the socio-legal conundrum of unfair termination of employment of workers in Nigeria. It identified gaps in the various applicable laws and stated clearly that the socio-legal conundrum of unfair termination of employment of workers in Nigeria is unlawful, unconstitutional and contrary to international human rights' norms or treaties as well as the Convention 158. This paper, also, highlighted the practice in other countries and made suggestions and recommendations, which, if carried-out, could effectively address or end the socio-legal conundrum of unfair termination of employment of workers in Nigeria.

FUNDING AND / OR CONFLICT OF INTERESTS OR COMPETING INTERESTS

This Paper or research work is self- funded and there is no potential conflict of interests or competing interests, as the paper or research work has not been published in any Journal or elsewhere to the best of the authors' knowledge.

REFERENCES

a. Books

Abuza, A.E., General Principles of Nigerian Labour Law: Law of Contract of EmploymentLaw (vol. 1) (Eku: Justice and Peace Printers and Publishers 2018).

Carr, C.J and Kay, PJ., Employment Law (London: Longman Group UK Ltd., 1990). Deakin, S and Morris, G.S., Labour Law (Oxford: 5th edn, Hart Publishing Ltd., 2009).

Ogunniyi, O., Nigerian Labour and Employment Law in Perspective (Lagos: Folio Publishers1991).

Phillips, P., et al (eds). AS Hornsby's Oxford Advanced Learner's Dictionary: InternationalStudents Edition (Oxford: 8th edn, Oxford University Press 2010).

Suff, M., Essentials of Employment Law (London: Cavendish Publishing Ltd., 1998).

The New World Translation of the Holy Scriptures (New York: Watchtower Bible and TractSociety of New York, Inc., 2013).

b. Journal Articles

Abuza, AE., 'Lifting of the Ban on Contracting-out of the Check-off System in Nigeria: An Analysis of the issues involved' (2013) 42(1) The Banaras Law Journal 61.

Abuza, AE., ' A Reflection on the Law and Policy on Curbing Desertification in Nigeria' (2016)6(2) Gujarat National Law University (GNLU) Journal of Law ,Development and Politics 143.

Abuza, AE., 'A Review of the Jurisdiction of the High Courts and National Industrial Court tohear and determine Labour Disputes Litigation in Nigeria' (2016) 3 (2) Journal of ComparativeLaw in Africa 157-58.

Abuza, AE., 'A Reflection on the Regulation of Strikes in Nigeria' (2016) 42(1) CommonwealthLaw Bulletin 6 and 21.

75 See, for example, the 1999 Nigerian Constitution, as amended, s 15(5) and AUCPCC 2003, art 3 (5).

76 Note that President Buhari identifies corruption as the basic reason for the prevalence of poverty in Nigeria. See Vanguard (Lagos 14 September 2015) 7, quoted in AE Abuza, 'A reflection on the Law and Policy on Curbing Desertification in Nigeria' (2016) 6(2) GNLU Journal of Law, Development and Politics 143.

Abuza, AE., 'An Examination of the Power of Removal of Secretaries of Private Companies inNigeria' (2017) 4 (2) Journal of Comparative Law in Africa 50.
Abuza, AE., 'Derogation from Fundamental Rights in Nigeria: A Contemporary Discourse ' (2016) 1(1) North Eastern Hill University (NEHU) Law Journal 16.
Abuza, AE., ' The Problem of Electoral Malpractices in the Democratic Politics of Nigeria: A Contemporary Discourse' (2019) 9(2) Gujarat National Law University (GNLU) Journal of Law, Development and Politics 57.
Abuza, AE., 'A Reflection on the Issues Involved in the Exercise of the Power of the Attorney-General to enter a nolle prosequi under the 1999 Constitution of Nigeria' (2020) 1 Africa Journal of Comparative Constitutional Law 95.
Danladi, KM., 'An Examination of Problems and Challenges of Protection and Promotion of Human Rights under European Convention and African Charter' (2014) 6(1) Port Harcourt Law Journal 83.

c. Statutes

African Charter on Human and Peoples' Rights 1981.
African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9Laws of the Federation of Nigeria 2004.
African Convention on Preventing and Combating Corruption 2003.
American Convention on Human Rights 1969.
Arab Charter on Human Rights 2004.
Canadian Labour Code Act 1985.
Charter of the United Nations 1945.
Constitution of the Federal Republic of Nigeria Cap C23 Laws of the Federation of Nigeria 2004.
Constitution of the Federal Republic of Nigeria (Third Alteration) Act No 1 of 2010.
European Convention on Human Rights 1953.
Ghana's Labour Act No. 551 of 2003.
Interpretation Act Cap 192 Laws of the Federation of Nigeria 1990.
Interpretation Act Cap 123 Laws of the Federation of Nigeria 2004.
Kenyan Employment Act Cap 226 Law of Kenya 2007.
Kenyan Employment and Labour Relations Act 2011.
Labour Act Cap L1 Laws of the Federation of Nigeria 2004.
National Industrial Court of Nigeria (Civil Procedure) Rules 2017.
South African Labour Rights Act 1995.
Trade Disputes Act Cap T8 Laws of the Federation of Nigeria 2004.
Trade Unions Act Cap T 14 Laws of the Federation of Nigeria 2004.
Trade Unions (Amendment) Act No 17 of 2005.
United Nations International Labour Organisation Termination of Employment Convention No158 of 1982.
United Nations International Covenant on Civil and Political Rights 1966.
United Nations International Labour Organisation(I L O) Declaration on FundamentalPrinciples and Rights at Work 1998.
United Kingdom Employment Rights Act 1996.
Universal Declaration of Human Rights 1948.

d. Cases

Abdullahi Inuwa v Governor of Gombe State and Two Others (2020) 5 Nigerian Weekly LawReports(Part 1716)32, 36-37,CA, Nigeria.
Abalogu v Shell Petroleum Development Company of Nigeria Ltd [2001] Federation WeeklyLaw Reports (Part 66) 662, Supreme Court, Nigeria.
Aero Contractors Company of Nigeria Limited v National Association of Aircrafts Pilots and Engineers and Two Others [2014] 42 Nigerian Labour Law Reports (Pt. 133) 64, 717, NationalIndustrial Court of Nigeria, Nigeria.
Adedeji v Police Service Commission [1967] 1 All Nigeria Law Reports 67, Supreme Court, Nigeria.
Abomeli v Nigerian Railway Corporation [1995] 1 Nigerian Weekly Law Reports (Part 372) 451-456, Court of Appeal, Nigeria.
Adeyemi Adeniyi v Governing Council of Yaba College of Technology [1993] 6 Nigerian Weekly Law Reports (Part 300) 426, 461, Supreme Court, Nigeria.
Attorney General of Abia State v Attorney-General of the Federation [2002] 6 Nigerian WeeklyLaw Reports (Part 763) 264, Supreme Court, Nigeria.
Babatunde Ajayi v Texaco Nigeria Limited [1987] 3 Nigerian Weekly Law Reports (Part 62) 577, 593, Supreme Court, Nigeria.
Bamgboye v University of Ilorin [1999] 10 Nigerian Weekly Law Reports (Part 662) 296, 299,Supreme Court, Nigeria.
Ben Chukwuma v Shell Petroleum Development Company of Nigeria Ltd [1993] 4 Nigerian Weekly Law Reports (Part 289) 512, Supreme Court, Nigeria.
Calabar Cement Company Ltd v Daniel [1997] 14 Nigerian Weekly Law Reports (Part 188)750, 758, Court of Appeal, Nigeria.

Central Bank of Nigeria v Uchenna Godswill Dinneh (2021)15 Nigerian Weekly Law Reports(Part1778)91,98, SC, Nigeria.
Destra Investment Ltd v Federal Republic of Nigeria and Another [2021] 6 Nigerian WeeklyLaw Reports (Part 1771) 57, 65, Court of Appeal, Nigeria.
DFCU Bank Ltd v Donnakamali, Civil Application No. 29 of 2019 arising from Supreme CourtCivil Appeal No. 1 of 2019 <https://www.bownaslaw.com>accessed 25 July 2021.
Eche v State Education Commission and Another [1983]1 Federation of Nigeria Law Reports 386, 391, High Court, Nigeria.
Eperokun v University of Lagos [1986] 4 Nigerian Weekly Law Reports (Part 34) 152, SupremeCourt, Nigeria.
Ewaremi v African Continental Bank Limited [1978] 4 SC 99, Supreme Court, Nigeria.
Eyitayo Olayinka Jegede and Another v Independent National Electoral Commission and ThreeOthers (2021)14 Nigerian Weekly Law Reports (Part 1797)409,443,SC,Nigeria.
Fakuade v Obafemi Awolowo University Teaching Hospital Complex Management Board
[1993] 4 Nigerian Weekly Law Reports (Part 291) 45, 58, Supreme Court, Nigeria.
Garba v University of Maiduguri [1986] 1 Nigerian Weekly Law Reports (Part 18) 550,Supreme Court, Nigeria.
Gregg Olusanya Sofekun v Akinyemi and Three Others [1980] All Nigeria Law Reports 153,165, Supreme Court, Nigeria.
Governor of Oyo State and Others v Oba Folayan (Akesin of Ora) [1995] 8 Nigerian WeeklyLaw Reports (Part 413) 292, Supreme Court, Nigeria.
Godwin Okosi Omoudu v Aize Obayan and Another (Unreported) Suit No. NICN/AB/03/2012,Judgment of Adejumo j of the National Industrial Court of Nigeria delivered on 8 October 2014.
James Avre v Nigeria Postal Service [2014] 46 Nigerian Labour Law Reports (Part 147) 1, 10,Court of Appeal, Nigeria.
James Avre v Nigeria Postal Service [2020] 8 Nigerian Weekly Law Reports (Part 1727) 421-422, Supreme Court, Nigeria.
Johan Nunnick v Costain Blansevort Dredging Ltd [1960] Lagos Law Reports 90, High Court,Nigeria.
Mallam Abdullah Hassan and Four Others v Economic and Financial Crimes Commission andThree Others [2014] 1 Nigerian Weekly Law Reports (Part 1389) 607, 610, Court of Appeal, Nigeria.
Mohammed Sambo Dasuki v Federal Republic of Nigeria and Two Others [2021] 9 Nigerian Weekly Law Reports (Part 1781) 249, 253, Court of Appeal, Nigeria.
Musa Ismaila Maigana v Industrial Training Fund and Another [2021] 8 Nigerian Weekly LawReports (Part 1777) 1, 9, Supreme Court, Nigeria.
Nigeria Security and Civil Defence Corps and Six Others v Frank Oko [2020] 10 Nigerian Weekly Law Reports (Part 1732) 314-315, Court of Appeal, Nigeria.
Nosa Akintola Okungbowa and Six Others v Governor of Edo State and Eight Others [2015] 10 Nigerian Weekly Law Reports (Part 1467) 257, 268-69, Court of Appeal, Nigeria.
Iboyi Kelly v Federal Republic of Nigeria (2020) 14 Nigerian Weekly Law Reports (Part1745) 479, 492, CA, Nigeria.
Ogunsanmi v CF Furniture (West Africa) Company Ltd [1961] 1 All Nigeria law Reports 862,864, High Court, Nigeria.
Olaniyan v University of Lagos [1985] 2 Nigerian Weekly Law Reports (Part 9) 363, SupremeCourt, Nigeria.
Olatunbosun v NISER Council [1988] 3 Nigerian Weekly Law Reports (Part 80) 25, Supreme Court, Nigeria.
Onwusukwu v The Civil Service Commission and Another [2020] 10 Nigerian Weekly Law Reports (Part 1731)201-202, Court of Appeal, Nigeria.
Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) v SchlumbergerAnadrill Limited [2008] 11 Nigerian Labour Law Reports (Part 29) 164, National Industrial Court of Nigeria, Nigeria.
Provisional Transport Services v State Industrial Court All India Reporter (AIR) 1963, 114, 117, Supreme Court, India.
R v Chancellor, University Cambridge [1723] 93 English Reports 698, Court of King's Bench,the United Kingdom.
Samson Babatunde Olarewaju v Afribank Nigeria Public Limited Company [2001] 13 NigerianWeekly Law Reports (Part731) 691, 695 – 97, Supreme Court, Nigeria.
Sanni Abacha v Gani Fawehinmi [2000] 6 Nigerian Weekly Law Reports (Part 660) 228, 251,Supreme Court, Nigeria.
Skye Bank Public Limited Company v Victor Iwu [2017] Law Pavilion Electronic Law Reports42595, Supreme Court, Nigeria.
Sylvanus Eze v University of Jos [2021] 2 Nigerian Weekly Law Reports (Part 1760) 208, 213,Supreme Court, Nigeria.
Uyo Local Government v Akwa Ibom State Government and Another (2021)11 NigerianWeekly Law Reports (Part 1786)1,13, CA, Nigeria.

e. Internet

'NLC may escalate Kaduna Strike to National Industrial Action' <https://m.guardian.ng>appointments> accessed 26 July 2021.
'NLC writes Buhari, threatens to resume suspended strike in Kaduna'<https://www.preminmtimes.ng> accessed 25 July 2021.
<https://deale.co.za/unfair-dismissal-southafrica> accessed 7 July 2021.
<https://www.patrelipartners.com/wp.content/uploads/2019/07/theconcept-of-unfair-labour-practice-and-its

applicability-in-Nigeria-pdf> accessed 11 July 2021.
<https://www.labourguide.co.za/discipline-dismissal/712-unfair-dismissals> accessed 10 July2021.
<https://www.acas.org.uk/dismissals> accessed 7 July 2021.
<https://www.acas.thomsonreuters.com>accessed 7 July 2021.
<https://www.gov.uk/dismiss-staff> accessed 25 July 2021.
<http://www.crib.ccri.ca>site>eng> accessed 19 July 2021.

f. Newspapers

Vanguard (Lagos, 14 September 2015).