

**THE SENATE
FEDERAL REPUBLIC OF NIGERIA**

SENATE COMMITTEE ON LAND TRANSPORT

REPORT

ON

**A BILL FOR AN ACT TO PROVIDE FOR ADEQUATE TRANSPORTATION,
PROTECTION AND OTHER FACILITIES FOR EMPLOYEES IN NIGERIA TO
RESTORE THE DIGNITY AND OTHER MATTERS 2019 (SB.25).**

MARCH, 2019

REPORT OF THE SENATE COMMITTEE ON LAND TRANSPORT ON A BILL FOR AN ACT TO PROVIDE FOR ADEQUATE TRANSPORTATION, PROTECTION AND OTHER FACILITIES FOR EMPLOYEES IN NIGERIA TO RESTORE THE DIGNITY AND OTHER MATTERS 2019. (SB.25)

1.0 INTRODUCTION

The Senate of the Federal Republic of Nigeria at its sitting on **Wednesday, 30th October, 2016** read the Labour Transportation Bill the second time and referred same to the Committee on Land Transport for further legislative action. The Committee deliberated on the Bill and resolved to hold a one –day public hearing on **Thursday, 2nd November, 2017**; to collate more inputs from the general public and stakeholders. The Labour Transportation Bill was sponsored by **Senator Omoworare Babajide Christopher**. It was read for the first time on **Wednesday, 12th August 2015**.

2.0 MEMBERSHIP OF THE COMMITTEE

1. Senator Gbenga B. Ashafa -----Chairman
2. Senator Ovie Omo- Agege-----Deputy Chairman
3. Senator Jibrin I.Barau-----Member
4. Senator Jeremiah T. Useni-----Member
5. Senator Olanrewaju A. Tejuoso-----Member
6. Senator John Owan Enoh-----Member
7. Senator Osinakachukwu T. Ideozu-----Member
8. Senator Victor Umeh-----Member
9. Senator Yahaya A. Abdullahi -----Member
10. Senator Gilbert E. Nnaji-----Member
11. Senator Lawal Yahaya Gamau-----Member
12. Senator Mohammed Isaac Alfa-----Member

3.0 THE OBJECTIVE OF THE BILL

The objective of the Bill is to restore the dignity of man by legally and absolutely putting a stop to unconscionable exploitation and inhumanity of man by his fellow man.

4.0 METHODOLOGY

After the Bill was referred to the Committee, Members adopted the following methodologies in carrying out the assignment:-

- (i). Committee Meetings: the Committee held several meetings to consider the proposed Bill and to map out best strategies in carrying out the assignment within the time given.
- (ii). The Committee agreed to consult widely to feel the pulse of stakeholders on their disposition to the passage of the Bill; and
- (iii). The Committee also agreed to conduct a one – day public hearing in order to collate the views of the stakeholders and members of the general public.

5.0 THE PUBLIC HEARING

Following the adopted methodologies, the Committee on **Thursday, 2nd November, 2017**; conducted a one – day public hearing in order to collate views of stakeholders and that of the general public on the proposed legislation.

The public hearing was declared opened by **His Excellency, Distinguished Senator Abubakar Bukola Saraki**; con, who was ably represented by **Senator Ahmed Lawan**. (Senate Leader)

5.1 LIST OF STAKEHOLDERS INVITED TO THE PUBLIC HEARING

Those who were invited to the public hearing were as follows:

1. The Honourable Minister, Federal Ministry of Transportation (FMoT);
2. The Honourable Minister, Ministry of Justice (FMoJ);
3. The Honourable Minister, Federal Ministry of Power, Works, and Housing (FM.PWH)

4. The Honourable Minister, Federal Ministry of Health (FMoH);
5. The Honourable Minister, Federal Ministry of Education (FMoE);
6. The Honourable Minister, Federal Ministry of Information (FMoI);
7. The Managing Director, Nigeria Railway Corporation (NRC);
8. The Director General, National Institute of Transport Technology,
Zaria (NITT)
9. The Executive Vice – Chairman, Nigeria Communication Commission (NCC);
10. The President, Nigerian Labour Congress (NLC);
11. Vehicle Inspection Officer (VIO);
12. The Nigerian Bar Association (NBA);
13. Director General, Federal Road Maintenance Agency (FERMA);
14. The Corps Marshal, Federal Road Safety Corps (FRSC);
15. Inspector General of Police (IGP);
16. The Managing Director, Julius Berger Nigeria Plc.
17. The Managing Director, China Civil Engineering Construction Corporation
(CCECC)
18. The Managing Director, Gilmor Construction Company
19. The Managing Director, SETRACO Nig. Plc.
20. The Managing Director Dantata and Sawoe Nig. Plc.
21. The Managing Director, PW Construction Company Nig. Plc.
22. The Managing Director, GITTO Nig. Plc.
23. National Association of Road Transport Workers (NARTW);
24. National Association of Road Transport Owners of Nigeria (NARTO);
25. Road Employers' Association of Nigeria (TREAN);

25. Road Employers' Association of Nigeria (TREAN);
26. State Commissioners for Transport; and
27. The General Public.

6.0 LEGISLATIVE SUMMARY

1. OFFENCES (CLAUSE 2)

CLAUSE 2(i): The Committee considered the inclusion of suitable and conducive vessels in the riverine areas for the purpose of conveying employees to and from work.

2. SAFETY MEASURES (CLAUSE 3)

CLAUSE 3: The Committee considered the inclusion of some safety measures such as:

- i. Must be constructed or accommodated for that purpose;
- ii. Must be equipped with seats and seat belts adequately secured in place;
- iii. Must have at least a 46 inch high rail or enclosure on the sides and back of the vehicle;
- iv. Must have its lamps, brakes, horn, mirrors, windshields, turn signals and other safety equipment's
- v. Every truck – type bus must have seats with backrests and must be provided with a minimum of 18 inches seat space for each passenger. Where the sitting id face to face, the aisle between the seats facing each other shall be 24 inches wide at the narrowest point;
- vi. Must be equipped with approved reflectors, fire extinguishers;
- vii. Must carry a conspicuous mark on the outside of the number of passengers to be carried and shall not be allowed to carry more than the posted number.
- viii. Must have exit door that can be opened outward from both the interior and exterior of the vehicle.
- ix. Vehicle(s) meant and designed for carriage of goods and animals be clearly marked "for Goods Only";
- x. Must provide shelter at the various bus – stop.

CLAUSE 4: The Committee raised the cost of fine for the indictment of a Corporate body from five million naira (5,000,000) only and also the accused Director shall also be fined with the sum of two hundred thousand naira (₦ 200, 000:00) only.

4. JURISDICTION (CLAUSE 5)

CLAUSE 5: the Committee considered that the offences under this Bill shall be tried by the industrial court.

5. POWERS OF THE MINISTER (CLAUSE 6)

CLAUSE 6: The Committee also considered that any case of victimization of an employee(s) should be reported to the Minister

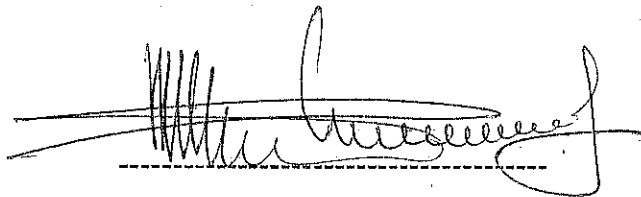
7.0 RECOMMENDATION

The Committee on Land transport after due consideration of the provisions of the Bill, hereby recommends as follows:

**That the Senate do consider and pass the Bill for an Act to provide for adequate transportation, protection and other facilities for employees in Nigeria to restore the dignity and other matters.
(SB.25)**

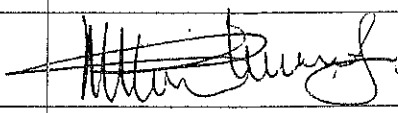
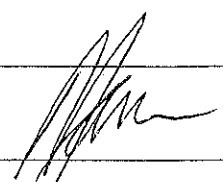
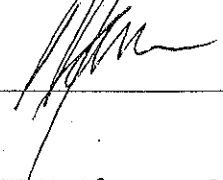
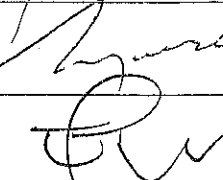
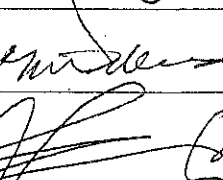
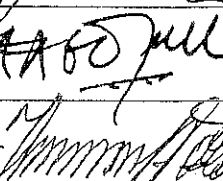
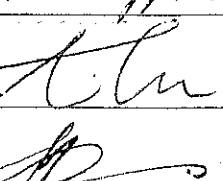
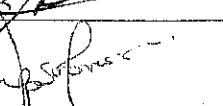



8.0 CONCLUSION

The Committee wishes to thank the Senate President, the entire leadership of the Senate and all our Distinguished colleagues for the opportunity given to serve. It is our hope that with this legislation, human dignity for transportation will be improved.



**Senator Gbenga B. Ashafa
Chairman**

ENDORSEMENT PAGE

S/NO	NAME	STATUS	SIGNATURE
1.	Senator Gbenga B. Ashafa	Chairman	
2.	Senator Ovie Omo- Agege	Vice Chairman	
3.	Senator Jibrin I. Barau	Member	
4.	Senator Jeremiah T. Useni	Member	
5.	Senator Olanrewaju A. Tejuoso	Member	
6.	Senator John Owan Enoh	Member	
7.	Senator Osinakachukwu T. Ideozu	Member	
8.	Senator Victor Umeh	Member	
9.	Senator Yahaya A. Abdullahi	Member	
10.	Senator Gilbert E. Nnaji	Member	
11.	Senator Lawal Yahaya Gamau	Member	
12.	Senator Mohammed Isaac Alfa	Member	
*	Jokotoye Solomon	Clerk	

A BILL FOR AN ACT TO PROVIDE FOR THE TRANSPORTATION, PROTECTION AND OTHER FACILITIES OF EMPLOYEES IN NIGERIA TO RESTORE THEIR DIGNITY AND OTHER RELATED MATTERS 2019. (SB.25)

CLAUSES	PROVISION OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
	<p align="center">LONG TITLE</p> <p>A BILL FOR AN ACT TO PROVIDE FOR THE TRANSPORTATION, PROTECTION AND OTHER FACILITIES FOR EMPLOYEES AND OTHER MATTERS CONNECTED THEREWITH</p>	<p align="center">LONG TITLE</p> <p>A BILL FOR AN ACT TO PROVIDE FOR <u>ADEQUATE</u> TRANSPORTATION, PROTECTION AND <u>OTHER</u> FACILITIES <u>FOR</u> EMPLOYEES <u>IN NIGERIA TO RESTORE THEIR DIGNITY AND OTHER RELATED</u> MATTERS;</p>	<p>Re-drafted to capture the essence of the Bill</p>
1.	<p>1. This Bill applies to all employers of labour and regulates the mode of transportation of their employees.</p>	<p><u>1. APPLICABILITY OF THE BILL</u></p> <p>Retained</p>	
2.	<p>2. (1) any employer operating any form of vehicle (s) for the purpose of conveying the employees to and from work, and from work to sites shall use only cars, vans and buses which are conducive and suitable for such purposes.</p> <p>(2) no employer subject to the provisions of sub-section (1) shall convey employees with an open or semi –open tractor, truck or any other type of vehicle(s) whether same is covered with tarpaulin, zinc or any other material fitted with long iron or wooden benches.</p>	<p><u>2. OFFENCES</u></p> <p>2. (1) <u>An</u> employer operating any form of vehicle for the purpose of conveying the employees to and from work, and from work to sites shall use only cars, vans, <u>vessel (in marine area)</u> and buses which are conducive and suitable for such purposes.</p> <p>(2) no employer subject to the provisions of sub-section (1) shall use:</p>	<p>Redrafted for elegance and clarity.</p>

	<p>(3) no employer shall use any vehicle(s) meant and designed for the carriage of goods or animals for the purpose provided by sub- section (1).</p>	<p>(a) an open or semi –open tractor, <u>non – standard vessel</u> truck or any other type of vehicle whether same is covered with tarpaulin, zinc or any other material fitted with long iron or wooden benches; and</p> <p>(b) any vehicle or vessel designed for the carriage of goods or animals.</p>	
<p>3</p>		<p>3 <u>SAFETY MEASURES</u></p> <p>The transportation of employees shall meet the safety requirement.</p> <ol style="list-style-type: none"> 1. Must be constructed or accommodated for that purpose; 2. Must be equipped with seats and seat belts adequately secured in place; 3. Must have at least a 46 inch high rail or enclosure on the sides and back of the vehicle; 4. Must have its lamps, brakes, horn, mirrors, windshields, turn signals and other safety equipments. 5. Every truck – type bus must have seats with backrests and must be provided with a minimum of 18 inches seat space for each passenger. Where the siting is face to face, the aisle between the seats facing each other shall be 24 inches wide at the narrowest point; 	<p>New insertion</p>

		<p>6. Must be equipped with approved reflectors, fire extinguishers;</p> <p>7. Must carry a conspicuous mark on the outside of the number of passengers to be carried and shall not be allowed to carry more than the posted number.</p> <p>8. Must have exit door that can be opened outward from both the interior and exterior of the vehicle.</p> <p>9. Vehicle(s) meant and designed for carriage of goods and animals be clearly marked "for Goods Only".</p> <p>10. Provision of shelter at the various bus – stop.</p>	
4	<p>3. any employer who violates the provision of this act is guilty of an offence and shall on conviction be liable as follows:</p> <p>(a) in the case of an individual to a fine of =N=200, 000.00 (two hundred thousand naira only) or to imprisonment for a term of one year or both; and</p> <p>(b) in the case of a body corporate to a fine of not less than =N=1,000,000.00 (one million naira only).</p>	<p>4. PENALTY CLAUSE</p> <p>(1) <u>an</u> employer who <u>contravenes</u> the provision of this <u>Bill commits</u> an offence and <u>is</u> liable on conviction.</p> <p>(a) in the case of an individual, to a fine of =N=200, 000.00 (two hundred thousand naira only) or to imprisonment for a term of one year or both; and</p> <p>(b) in the case of a body corporate to a fine of not less than =N=5,000,000.00 (five million naira only).</p> <p>(2) <u>The director of the accused company is also liable to a fine of N200,000:00 (two hundred thousand naira) or imprisonment for a term of one year or both.</u></p>	New insertion

5	4. Offences under this Act shall be tried by the Federal High Court.	<p>5. JURISDICTION</p> <p><u>The National Industrial Court shall have jurisdiction to try Offences under this Bill.</u></p>	
6		<p>6. POWERS OF THE MINISTER</p> <p><u>1. The Minister shall have a general superintendent of matters to which these Bill relates and is authorized to make further rules and regulations in accordance the provision of this Bill.</u></p> <p><u>2. Any case of victimization of an employee shall be reported to the Minister.</u></p>	New insertion
7	Interpretation	7. INTERPRETATION	
	<p>In this act, unless the context otherwise requires-</p> <p>“employers” includes any person who has entered into a contract to employ any other person as a worker either for himself or for the service of any other person, the agent, manager or factor of that first mentioned person and the personal representatives of a deceased employer;</p> <p>“employees” means any person who has entered into works under a contract of employment.</p> <p>an employer whether the contract is for manual labour or clerical work or is expressed or implied or oral or written and whether it is a contract or service or a contract personally to execute a work or labour as a contract staff or independent contractor or casual worker.</p>	<p>In this <u>Bill</u>:</p> <p>“employee” means any person who has entered into works under a contract of employment.</p> <p>“employer” includes any person who has entered into a contract to employ any other person as a worker either for himself or for the service of any other person, the agent, manager or factor of that first mentioned person and the personal representatives of a deceased employer; whether the contract is for manual labour or clerical work or is expressed or implied or oral or written and whether it is a contract of service or a contract personally to</p>	

		execute a work or labour as a contract staff or independent contractor or casual worker; and "Minister" means the Federal Minister for the time being charged with the responsibility for transportation.	
8.	6. Citation This Act may be cited as Labour Transportation Act 2015.	8. CITATION This <u>Bill</u> may be cited as Labour Transportation Bill, 2019.	
	EXPLANATORY MEMORANDUM This Bill seeks to restore the dignity of man by legally and absolutely putting a stop to unconscionable exploitation and inhumanity of man by his fellowman in line with inalienable fundamental rights.	EXPLANATORY MEMORANDUM This Bill seeks to <u>provide for adequate transportation, protection and other facilities for employees in Nigeria</u> to restore <u>their</u> dignity.	