13

REPORT ON A BILL FOR AN ACT TO REPEAL THE NIGERIA SOCIAL INSURANCE TRUST FUND ACT, CAP N88 LFN 2004 AND THE EMPLOYEES' COMPENSATION ACT, CAP. E17A LFN 2004, AND TO ENACT THE NIGERIA EMPLOYEES' COMPENSATION TRUST FUND AGENCY ACT TO MAKE PROVISIONS FOR COMPENSATION FOR ANY DEATH, INJURY, DISEASE OR DISABILITY ARISING OUT OF OR IN THE COURSE OF WORK AND FOR RELATED MATTERS (SB. 557).

PROVISIONS OF THE BILL	COMMITTEE OF THE WHOLE RECOMMENDATION
PART I – OBJECTIVES **Objectives** **1.** The objectives of the Bill are to— *(a)* provide for an open and fair system of guaranteed and adequate compensation for all employees or their dependants for any death, injury, disease or disability arising out of or in the course of work; *(b)* provide rehabilitation to employees with work-related disabilities as provided in this Bill; *(c)* establish and maintain a solvent compensation fund managed in the interest of employees and employers; *(d)* provide for fair and adequate assessments for employers; *(e)* provide an appeal procedure that is simple, fair and accessible, with minimal delays; and *(f)* combine efforts and resources of relevant stakeholders for the prevention of workplace disabilities, including the enforcement of occupational safety and health standards.	**RETAINED**
Application **2.** (1) Subject to the provisions of section 3 of this Bill, this Bill shall apply to all employers and employees in the public and private sectors, including the informal sector, self-employed and those in compulsory national service, including industrial training attachment and national youth service scheme. (2) *(a)* All employers and employees to which this Bill applies shall be registered with the Agency in such manner as may be prescribed by the Agency from time to time. *(b)* An employer who fails to register an employee under its employ in line with the provisions of paragraph (a) of sub-section (2), commits an offence under this Bill and is liable to pay compensation to the employee that would have been payable to the employee for any injury, disease or death arising out of or in the course of work within the scope of this Bill.	**RETAINED**
Exemption **3.** Without prejudice to the generality of the provisions of section 2 of this Bill, this Bill shall not apply to any member of the armed forces of the Federal Republic of Nigeria other than a person employed in a civilian capacity.	**RETAINED**
PART II - ESTABLISHMENT OF THE NIGERIA EMPLOYEES' COMPENSATION TRUST FUND AGENCY **Establishment of the Agency** **4.** (1) There is hereby established an Agency known as the Nigeria Employees' Compensation Trust Fund Agency (in this Bill referred to as "the Agency"), which shall be a body corporate with perpetual succession which can sue or be sued, in	**RETAINED**

its corporate name, and subject to this Bill, perform all acts that bodies corporate may by law perform. (2) The Agency shall deploy and manage the Fund established in section 15 of this Bill for the administration of the Employees' Compensation Scheme.	
Functions of the Agency **5.** The Agency shall— *(a)* carry out an assessment of the amounts to be paid into the Fund under this Bill; *(b)* undertake regular actuarial valuation of industries, sectors and workplaces and determine the rates of contributions by employers into the Fund by such industry, sector or workplace; *(c)* receive and credit into its account, all monies payable into the Fund by employers under this Bill; *(d)* make all payments of the various compensation or benefits to any person entitled to such compensation or benefit and make all disbursements required to be made out of the Fund established under this Bill; *(e)* invest any money standing to the credit of the Fund only in accordance with the advice of the Investment Committee established under this Bill; *(f)* cooperate with the body and other relevant stakeholders responsible for Occupational Safety and Health for the prevention of occupational accidents and diseases, and for the promotion of safety and health culture at the workplace; *(g)* issue certificates of compliance upon request by the employer, and such certificates shall be a requirement for any employer in its dealings with government at any level, including seeking procurement and contracts from Federal, State, and Local Government and their Ministries, Departments, and Agencies of Governments at all levels; and *(h)* carry out other activities as are necessary or expedient to ensure the effective performance of its functions under this Bill.	**RETAINED**
Power of the Agency **6.** The Agency shall be responsible for – *(a)* the administration of the Fund and the investment of sums forming part of the Fund; and *(b)* the payment of the various benefits provided under this Bill to persons entitled to the benefit; and the general administration of this Bill and regulations made thereunder.	**RETAINED**
Establishment of the Governing Board **7.** (1) There is hereby established for the Agency, a Governing Board (in this Bill referred to as "the Board") which shall consist of –	**RETAINED**
(a) the Chairman; *(b)* two persons each from – *(i)* Nigeria Employers' Consultative Association; and *(ii)* Nigeria Labour Congress *(c)* one person each nominated by –	

(i) the Federal Ministry of Labour and Employment; *(ii)* the Central Bank of Nigeria; *(d)* the Managing Director and Chief Executive; and *(e)* the three Executive Directors appointed pursuant to section 11(1) of this Bill. (2) The Chairman and other members of the Board shall— *(a)* be appointed by the President on the recommendation of the Minister; and *(b)* be persons of proven integrity and ability. (3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters as specified in the Schedule.	
Powers of the Board **8.** The Board shall *(a)* be in charge of overall policies for the administration of the Fund established under section 15 of this Bill; *(b)* approve investment of any money in the Fund on the advice of the Investment Committee established under this Bill; *(c)* fix the terms and conditions of service, including remuneration of the employees of the Agency; *(d)* formulate policies and strategies for assessment of compensation, rehabilitation and welfare of employees who sustain injuries or contract occupational diseases at the workplace or in the course of work; *(e)* formulate and enforce policies for occupational safety and health; *(f)* make rules for the reconsideration of benefits payable under this Bill; *(g)* make regulations, from time to time, providing a regulatory framework for dealings with the informal sector; and *(h)* such other things which, in the opinion of the Board, are necessary to ensure the efficient performance of the Agency under this Bill.	**RETAINED**
Tenure of office **9.** (1) A member of the Board appointed, otherwise than by office, shall hold office for a term of four years from the date of his appointment and, subject to the provision of subsection (2) of this section, shall be eligible for reappointment for a further term of three years. (2) The office of a member of the Board shall become vacant if he resigns as a member of the Board by notice in writing under his hand addressed to the Minister; or (3) The members of the Board shall be paid such remuneration and allowances as the Federal Government, from time to time, determine	**RETAINED**
Cessation of membership **10.** A member of the Board shall cease to hold office if – *(a)* he becomes of unsound mind; or *(b)* he becomes bankrupt or makes a compromise with his creditors; or	**RETAINED**

(c) he is convicted of a felony or of any offence involving dishonesty; or *(d)* he is guilty of serious misconduct in relation to his duties.	
PART III - THE MANAGEMENT AND STAFF OF THE AGENCY **Appointment of the Managing Director and Executive Directors** **11.** (1) There shall be appointed for the Agency a Managing Director and Chief Executive and three Executive Directors by the President on the recommendation of the Minister. (2) The Managing Director shall be the chief executive of the Agency and shall, subject to the general control of the Board, be primarily responsible for the execution of the policies and decisions of the Board and the day-to-day management and supervision of the activities and affairs of the Agency. (3) The Minister may consult with the Nigeria Labour Congress, and the Nigeria Employers Consultative Association in making recommendations to the President on the appointment of the Managing Director or an Executive Director. (4) The Managing Director and the Executive Directors shall each hold office for a term of four years in the first instance and shall be eligible for reappointment for one further term of four years and no more.	**RETAINED**
Removal from office of the Managing Director and Executive Directors **12.** Notwithstanding the provision of section 11 (4) of this Bill, the Managing Director or an Executive Director of the Agency may be removed from office by the President if any circumstances arise which would require the Managing Director/Chief Executive or Executive Director to cease to hold office as a member of the Board under section 10 of this Bill.	**RETAINED**
Appointment of Secretary **13.** (1) There shall be for the Board a Secretary who shall – (a) be appointed by the Board; and (b) be responsible to the Board through the Managing Director and Chief Executive. (2) Subject to the directions of the Board, the Secretary shall arrange the business of the meetings of the Board, conduct the correspondence of the Board and perform such other functions as the Board or the Managing Director may, from time to time, direct. (3) The Secretary shall be a lawyer or a Chartered Secretary and Administrator with at least 10 years cognate experience.	**RETAINED**
Staff of the Agency **14.** (1) The control of the employees (including their promotion and discipline) shall vest in the Board but may be delegated by the Board to the Managing Director/Chief Executive subject to such conditions as the Board may specify.	**RETAINED**

(2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Board shall be determined by the Board from time to time. (3) The members of staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria.	
PART IV - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIA EMPLOYEES' COMPENSATION TRUST FUND **Establishment of the Fund** **15.** There is hereby established the Nigeria Employees Compensation Fund (in this Bill referred to as "the Fund") into which shall be credited all monies, funds or contributions by employers for adequate compensation to employees or their dependents for any death, injury, disability or disease arising out of or in the course of work.	**RETAINED**
Management of the Fund **16.** Subject to the provisions of this Bill, the Fund shall be managed by the Agency for the purposes prescribed in this Bill.	**RETAINED**
Sources of the Fund **17.** The resources of the Fund established under section 15 of this Bill shall consist of – *(a)* contributions payable by employers into the Fund pursuant to the provisions of this Bill; *(b)* fees and assessments charged or made pursuant to this Bill or any order or regulations made thereunder; *(c)* the proceeds of investments of the Fund; *(d)* donations, gifts and grants from any national or international organizations; and *(e)* any money that may accrue to the Fund from any other source.	**RETAINED**
Expenditure of the Fund **18.** The money in the Fund shall be expended for— *(a)* payment of adequate compensation for all employees or their dependants for any injury, disease or disability arising out of or in the course of work; *(b)* the provision of rehabilitation to employees with work-related disabilities; *(c)* payment of remuneration and allowances of members and staff of the Agency; *(d)* supporting activities and programmes on the prevention of occupational accidents and hazards and the promotion and enforcement of occupational safety and health at the workplace; *(e)* purchase of any equipment or material required for carrying out the functions of the Agency under this Bill; and *(f)* carrying out any activity or doing anything with respect to any of the functions of the Agency.	**RETAINED**
Annual estimate, etc. **19.** The Agency shall cause to be prepared not later than 31st day of August in each year, an estimate of its income and expenditures for the succeeding year.	**RETAINED**

Accounts of the Agency **20.** (1) The Agency shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Agency's activities and the Fund, including such particular accounts and records as the Minister may require. (2) The Agency shall, not later than three months, after the end of the financial year, prepare and submit to the Auditor General of the Federation a statement of accounts in respect of that financial year. (3) The Agency shall present yearly reports on all its activities to the President.	**RETAINED**
Audits of the Agency's Account **21.** (1) The Agency shall appoint an auditor in accordance with the guidelines for the appointment of auditors issued by the Auditor-General of the Federation. (2) The accounts kept by the Agency under section 20(1) shall be examined by the auditor. (3) The auditor shall within six months after the end of each financial year, make a report to the Agency and the Minister on the statement of accounts prepared under section 20(2)and such report shall state whether or not, in the opinion of the auditor, the statement of accounts gives a true and fair view of the Agency's affairs. (4) The Minister may require the Agency to obtain from its auditor such other reports, statements or explanations in connection with the Agency's operations, funds and property as the Minister may consider necessary, and the Agency shall forthwith comply with any such requirement. (5) Notwithstanding the provision of subsection (4) of this section, the Minister shall authorise the Agency to publish and distribute to all the social partners of the Agency and the National Assembly its audited statement of accounts within one month following the receipt of the auditor's report under subsection (3) of this section.	**RETAINED**
PART V - ESTABLISHMENT OF THE INVESTMENT COMMITTEE, ETC. **Investment Committee** **22.** (1) There is hereby established a committee of the Board to be known as the Investment Committee (in this Bill referred to as "the Investment Committee") which shall consist of— *(a)* the Managing Director/Chief Executive of the Agency; *(b)* the representative of the Central Bank of Nigeria, *(c)* a representative, of the Nigeria Labour Congress; *(d)* a representative of the National Employers' Consultative Association; *(e)* a representative of the Federal Ministry of Labour & Employment; and *(f)* the Executive Director in charge of finance and investment. (2) The Investment Committee shall— *(a)* carry out investment surveys in the economy and draw up a list of safe and profitable investment, such as treasury bills, bonds, commercial papers and real estate, etc.; and	**RETAINED**

(b) carry out any duty or activity as the Board may, from time to time, direct. (3) The Investment Committee shall advise the Board on the investment of any money standing to the credit of the Fund under this Bill. (4) The Investment Committee shall review yearly and submit to the Board for approval the investment policy of the Board. (5) The Investment Committee shall, subject to the Interpretation Act, make its standing orders and supplementary rules for its proceedings.	
PART VI - PROCEDURES FOR MAKING CLAIMS **Employee's Notification of Injury** **23.** (1) In every case of an injury, occupational disease or death of an employee in a workplace within the scope of this Bill, the employee, dependants or any other person, may within 24 hours or the next working day of the occurrence or receipt of the information of the occurrence, inform the employer by giving information of the disease or injury to a manager, supervisor, first-aid attendant, agent in charge of the work where the injury occurred or other appropriate representative of the employer, and the information shall include— *(a)* the name of the employee; *(b)* the time and place of the occurrence; and *(c)* in ordinary language, the nature and cause of the disease or injury if known. (2) In the case of an occupational disease, the employer to be informed of the death or disability is the employer who last employed the employee in the employment to the nature of which the disease was due. (3) The employee shall, if he or she is fit to do so and on request of the employer, provide to the employer particulars of the injury or occupational disease on a form prescribed by the Agency, and supplied to the employee or the dependant by the employer. (4) Failure to provide the information required under sub-section (1) of this section is a bar to a claim for compensation under this Bill, unless the Agency is satisfied that the – *(a)* information, although imperfect in some respects, is sufficient to describe the disease or injury suffered; *(b)* employer or the employer's representative had knowledge of it; or *(c)* employer has not been prejudiced, and the Agency considers that the interests of justice requires that the claim be allowed.	**RETAINED**
Employer's Obligation to Report Death, Injury or Disease of an Employee **24.** (1) Subject to sub-section (6) of this section, employer shall report to the Agency and the nearest office of the body in charge of Occupational Safety and Health in the State within 24 hours or the next working day of its occurrence every injury to an employee that is or is claimed to be one arising out of and in the course of work.	**RETAINED**

(2) Subject to sub-section (6) of this section, an employer shall report to the Agency, within 24 hours or the next working day of receiving information under section 23 of this Bill, every occupational disease or claim for or allegation of an occupational disease. (3) An employer shall, immediately, report the death of an employee arising out of and in the course of work to the Agency. (4) A report under this section shall be transmitted electronically or otherwise in such form and manner as prescribed by the Agency and shall state— *(a)* the name and address of the employee; *(b)* the time and place of the disease, injury or death; *(c)* the nature of the injury or alleged injury; *(d)* the name and address of any specialist or accredited medical or trado-medical practitioner who attended to the employee; and *(e)* any other particulars required by the Agency under this Bill, Order or any regulation made thereunder. (5) The failure to make a report required under this section, unless allowed by the Agency on the ground that the report for some sufficient reason could not have been made, constitutes an offence under this Bill. (6) Without prejudice to the generality of the provisions of this section, the Board may, by Order or Regulation, define and prescribe a category of minor injuries not required to be reported under this section. (7) The Agency shall not be bound to process or pay any claim where the injury, disease or death for which a claim for compensation is raised has not been reported to it prior to the claim application. (8) The report required to be made under sub-section (1) of this section may be transmitted electronically or in any other manner as may be prescribed by the Agency. (9) The Board may make rules of procedure for making claims for compensation under this Bill.	
Application for compensation **25.** (1) An application for compensation may be made on the form prescribed by the Agency and shall be signed by the employee, or the deceased employee's dependants, Provided that in the case of death, where the dependant of the deceased employee is unable to apply for compensation, the employer shall apply on behalf of the deceased's dependant. Where an employer is required to sign a claim application but refuses to do so, the injured employee or dependant may notify the Agency of such refusal within a reasonable time. (2) Unless an application is filed or a determination is made within one year after the date of death, injury or disability arising from an occupational accident or disease, no compensation shall be payable, except as otherwise provided in sub-section (3) of this section.	**RETAINED**

(3) If the Agency is satisfied that there existed special circumstances which precluded the filing of an application within 1 year after the date of the occurrence, the Agency may pay the compensation provided by this Bill if the application is filed within 3 years after that date. (4) The Agency may pay the compensation provided under this Bill for the period commencing on the date the Agency received the application for compensation if— *(a)* the Agency is satisfied that special circumstances existed which precluded the filing of an application within one year after the date referred to in sub-section (2) of this section; and *(b)* the application is filed not more than 3 years after the date referred to in subsection (2) of this section. (5) Notwithstanding the time limits set in sub-sections (2) and (3), the Agency may pay the compensation for an occupational disease provided under this Bill if— *(a)* sufficient medical or scientific evidence was not available on those dates for the Agency to recognize the disease as an occupational disease and this evidence became available at a later date; and *(b)* the application is re-filed.	
PART VII - COMPENSATION FOR DEATH, INJURY OR DISEASE **Compensation for injury** **26.** (1) Any employee, whether or not in a workplace, who suffers any injury arising out of or in the course of work shall be entitled to payment of compensation in accordance with Part VIII of this Bill. (2) An employee is entitled to payment of compensation with respect to any accident sustained while – *(a)* on the way between the place of work and the employee's place of residence and vice versa; *(b)* on the way to and from the place where the employee usually takes meals; or *(c)* on the way to and from the place where the employee usually receives remuneration provided that the employer has prior notification of such places. (3) Where an injury disables an employee from earning full remuneration at the workplace, compensation shall be payable pursuant to this Bill from the first working day following the day of the injury, except that only a health care benefit shall be payable in respect of the day of the injury. (4) Where the injury or disease is caused by accident and the accident arose out of the employment, unless the contrary is shown, it shall be presumed that the injury occurred in the course of the employment. (5) Where an injury or disease is superimposed on an already existing disability, compensation shall be allowed only for the proportion of the disability following the personal injury or disease that may reasonably be attributed to the personal injury or disease, the measure of the disability attributable to the personal injury or	**RETAINED**

disease shall, unless the contrary is shown, be the amount of the difference between the employee's disability before and disability after the occurrence of the personal injury or disease.	
Compensation for Mental Stress **27.** (1) Subject to sub-section (2) of this section, an employee shall be entitled to compensation for mental stress not resulting from an injury for which the employee is otherwise entitled to compensation, only if the mental stress is— *(a)* an acute reaction to a sudden and unexpected traumatic event arising out of or in the course of the employee's work; or *(b)* diagnosed by an accredited medical or trado-medical practitioner as a mental or physical condition amounting to mental stress arising out of the nature of work or the occurrence of any event in the course of the employee's work. (2) Where the mental stress is caused as a result of the decision of the employer to change the work, the working conditions of work in such a way as to unfairly exceed the work ability and capacity of the employee thereby leading to mental stress, such situation shall be liable to compensation to the degree as may be determined under any regulation made by the Board. (3) For the purposes of ascertaining the conditions under sub-sections (1) and (2) of this section, the Agency may appoint a Medical Board of Inquiry consisting of relevant specialists to review the situation to determine whether or not the employee is entitled to compensation for mental stress.	**RETAINED**
Compensation for Occupational Disease **28.** (1) Where— *(a)* an employee suffers from an occupational disease and is disabled from earning full remuneration at the workplace; *(b)* the death of an employee is caused by an occupational disease; *(c)* the disease is shown to be due to the nature of any employment in which the employee was employed, whether under one or more employments; or *(d)* an employee suffers from any occupational disease as published by the Agency, compensation and health care benefits shall be payable under this Bill. (2) For the purposes of this section, the date of disability shall be treated as the date of occurrence of the disability. (3) Any employee in any workplace who becomes disabled from any uncomplicated disease or from any disease complicated by any other disease, condition or factor shall be entitled to compensation for total or partial disability or as shall be determined under this Bill. (4) Where death results from any disability under sub-section (3) of this section, the dependants of the employee shall be entitled to compensation under this Bill, except that neither the employee nor a dependant shall be entitled to compensation for the disability or death unless the employee—	**RETAINED**

(a) has been in the employment in a workplace associated with exposure to an agent or agents leading to that condition; and *(b)* was free from the disease and complicating disease before being first exposed to the agent causing the disease in the workplace. (5) Where an employee has been exposed to the agent causing the disease in two or more classes or subclasses of industry in the workplace, the Agency may apportion the cost of compensation among the funds provided by those classes or subclasses on the basis of the duration and severity of the exposure in each. (6) Where a deceased employee was, at the date of death, under the age of 70 years and suffering from an occupational disease of a type that impairs the capacity of the vital organs of non-traumatic origin, it shall be presumed that the death resulted from the occupational disease. (7) The compensation payable for occupational disease may, in addition to the provisions of this section of this Bill, be determined by an Order or Regulations made by the Board. (8) For the purposes of ascertaining occupational disease under this section, the Board may appoint a Medical Board of Inquiry consisting of relevant specialists to review the situation to determine whether or not the employee is entitled to compensation.	
Compensation For hearing impairment **29.** (1) Where an employee suffers from hearing impairment of non-traumatic origin, but arising out of or in the course of work under this Bill, the employee shall be entitled to compensation under this Bill. (2) Where the hearing impairment referred to in sub-section (1) of this section amounts to total deafness, but with no loss of earnings resulting from the hearing impairment, compensation shall be calculated as may be provided by an Order or Regulations made by the Board under this Bill in respect of— *(a)* the ranges of hearing impairment; *(b)* the percentages of disability; *(c)* the methods or frequencies to be used to measure hearing impairment; and *(d)* any other matter relating to hearing impairment. (3) If a loss or reduction of earnings results from the hearing impairment, the employee shall be entitled to compensation for a total or partial disability as established under this Bill. (4) Any compensation paid for the hearing impairment of an employee under sub-section (3) of this section shall not be less than the amount determined under sub-section (2) of this section. (5) Where a hearing impairment under this section is superimposed on an already existing hearing impairment, compensation shall be allowed only for the proportion of the impairment following the hearing impairment that may reasonably be attributed to the exposure in two or more classes or subclasses of industry in a workplace, unless the contrary is shown, and the amount of	**RETAINED**

compensation shall be the difference between the employee's impairment before and impairment after the occurrence of the last exposure. (6) Where an employee suffers from hearing impairment caused by exposure to causes of hearing impairment in two or more classes or subclasses of industry in a workplace, the Agency may apportion the cost of compensation among the funds provided by those classes or subclasses on the basis of the duration or severity of the exposure in each. (7) An application for compensation under this section shall be accompanied or supported by— *(a)* a report of a medical practitioner who specializes in ailments of ear or hearing accredited by the Agency; *(b)* an audiogram and a report by the employer of the working environment where the employee has been in employment; or *(c)* other evidence of hearing impairment, as the Agency may, from time to time, determine. (8) For the purposes of sub-section (7) of this section, the Agency may, in consultation with the Nigerian Medical and Dental Practitioners Council and other relevant professional bodies, make rules, regulations and guidelines for accreditation of medical practitioners and other specialists.	
Compensation for Injuries Occurring outside the normal workplace **30.** Where the injury to an employee occurs while the employee is working outside the normal workplace, which would otherwise entitle the employee to compensation under this Bill if the injury occurred in the workplace, compensation shall be paid to the employee under this Bill if— *(a)* the nature of the business of the employer extends beyond the usual workplace; *(b)* the nature of the employment is such that the employee is required to work both in and out of the workplace; or *(c)* the employee has the permission of the employer to work outside the normal work place.	**RETAINED**
Limitation of Actions, Subrogation, etc. **31.** (1) The provisions of this Bill are in lieu of any right of action, statutory or otherwise, founded on a breach of duty of care or any other cause of action, whether that duty or cause of action is imposed by or arises by reason of law or contract, express or implied, to which an employee, dependant or member of the family of the employee is or may be entitled against the employer of the employee, or against any employer within the scope of this Act, or against any employee, in respect of any death, injury or disability arising out of and in the course of work and where no action in respect of it lies. (2) The provisions of sub-section (1) of this section shall apply only when the action or conduct of the employer, the servant or agent of the employer or the employee, which caused the breach of duty, arose out of and in the course of work within the scope of this Bill. (3) Where the cause of death, injury or disability of an employee is such that an action lies against some person, other than an employer or employee, the injured employee or deceased employee's dependant may claim compensation or may	**RETAINED**

bring an action and if the employee or dependant elects to claim compensation, the employee or dependant shall do so within 6 months of the occurrence of the injury or death or any longer period, as the Agency may, from time to time, determine and an election by the employee or dependant to bring an action in court shall be a bar to claim compensation from the Agency in respect of such injury, disability or death.

(4) Where the Agency is satisfied that, due to physical or mental disability, an employee is unable to exercise his or her right of election under sub-section (3) of this section, and an undue hardship results, the Agency may pay the compensation under this Bill until the employee is able to make an election and if the employee then elects not to claim compensation, no further compensation may be paid, but the compensation so paid shall be a first charge against any sum recovered.

(5) An application for compensation filed by a parent or guardian on behalf of any dependant of a deceased employee, who is under 18 years of age, shall be a valid election under this section.

(6) If the employee or dependant applies to the Agency claiming compensation under this Act, neither the making of the application nor the payment of compensation under it restricts or impairs any right of action against the party liable, but as to every such claim, the Agency is subrogated to the rights of the employee or dependant and may maintain an action in the name of the employee or dependant or in the name of the Agency, and if more is recovered and collected than the amount of the compensation to which the employee or dependant would be entitled under this Bill, the amount of the excess, less costs and administration charges shall be paid to the employee or dependant.

(7) The Agency shall, with respect to the provisions of sub-section (6) of this section, have exclusive competence to determine whether to maintain an action or compromise the right of action and its decision shall be final.

(8) Nothing in this Bill shall prevent an employer of the injured or deceased from maintaining an action upon contract or indemnity agreement against another employer or independent contractor in respect of the personal injury or death of an employee.

(9) Where the Agency is of the opinion that another employer or an independent contractor caused the injury or death of the employee referred to in sub-section (8) of this section, it may order that the compensation be charged in whole or in part to the other employer or independent contractor.

(10) In any action brought under this section, an award for damages shall include—

(a) health care provided under section 44 of this Bill; and
(b) remuneration paid by an employer during the period of disability for which regard has been had by the Board, or would have been had if the employee had elected to claim compensation, in fixing the amount of a periodical payment of compensation

Compensation cannot be waived **32.** (1) No employee or the deceased employee's dependant, next of kin or beneficiary shall agree with his employer or the deceased employee's employer to waive or to forgo any benefit or right to compensation to which the employee or the dependants are or may become entitled under this Bill. (2) Any agreement in whatever form between the employer and the employee in contravention of sub-section (1) of this section shall be void and unenforceable.	**RETAINED**
Contribution by Employees for Compensation Prohibited **33.** (1) No employer shall, either directly or indirectly, deduct from the remuneration of an employee any part of a sum which the employer is or may become liable to pay into the Fund established under section 15 of this Bill, or to require or permit the employee to contribute in any manner towards indemnifying the employer against a liability which the employer has incurred or may incur under this Bill. (2) Any person who contravenes the provisions of sub-section (1) of this section commits an offence and shall— *(a)* be liable on conviction to imprisonment for a term not exceeding 1 year or to a fine of not less than N500,000.00 or to both such imprisonment and fine; and *(b)* in addition to the penalty in paragraph (a) of this subsection, repay to the employee any sum which has been so deducted or otherwise contributed from the remuneration of the employee. (3) Where the offence in sub-section (2) was committed by a body corporate, it shall— *(a)* be liable on conviction to a fine of not less than N10, 000, 000; and *(b)* in addition to the penalty in paragraph (a) of this subsection, repay to the employee any sum which has been so deducted or contributed from the remuneration of the employee. (4) No employer shall, by reason of its liability for any contribution (or penalty thereon made under this Bill or regulations made thereunder, reduce, whether directly or indirectly, the remuneration or allowances of any employee on behalf of whom the contribution is payable under this Bill.	**RETAINED**
Compensation not assignable or liable to attachment **34.** A sum payable as compensation or by way of computation of a periodic payment in respect of it shall not be assigned, charged or attached, nor shall it pass by operation of the law except to a personal representative, and a claim shall not be set off against it except for money advanced by way of financial or other social welfare assistance owing to the Federal, State or Local Government, or for money owing to the Agency.	**RETAINED**
Vocational Rehabilitation, etc. **35.** (1) The Agency may, in getting an injured employee back to work or in assisting to lessen or remove a resulting disability, take any measure and make the expenditures from the Fund that it considers necessary or expedient, regardless of the date on which the employee first became entitled to compensation. (2) The Agency may, where it considers it necessary, provide counselling services to dependants.	**RETAINED**

PART VIII - SCALE OF COMPENSATION	RETAINED
Compensation in fatal cases **36.** (1) Where death results from the injury of an employee, compensation shall be paid to the dependants of the deceased— *(a)* where the deceased employee leaves dependants wholly dependent on his earnings a widow or widower - *(i)* and two or more children, a monthly payment of a sum equal to 90 per cent of the total monthly remuneration of the employee as at the date of death, (ii) and one child, a monthly payment of a sum equal to 85 per cent of the total monthly remuneration of the deceased employee as at the date of death, *(iii)* without a child who, at the date of death of the employee, is 50 years of age or above, or is an invalid spouse, or any of the spouse is invalid, a monthly payment of a sum equal to 60 per cent of the total monthly remuneration of the deceased employee, and *(iv)* who, at the date of the death of the employee is not an invalid spouse, is under the age of 50 years or any of the spouse is under the age of 50 years and has no dependent children; a monthly payment of a sum that is equal to the product of the percentage determined by subtracting 1 per cent from 60 per cent for each year for which the age of the dependant, at the date of death of the employee, is under the age of 50 years, and provided that the total percentage shall not be less than 30 per cent; *(b)* where the deceased employee leaves a surviving spouse not wholly dependent on his earnings, but had a reasonable expectation of pecuniary benefit from the continuation of the life of the employee, either a widow or a widower - (i) and one child, a monthly payment of a sum equal to 30 per cent of the total monthly rate of compensation under the Bill would be payable; (ii) and two children, a monthly payment of a sum equal to 40 per cent of the total monthly rate of compensation under the Bill would be payable; and *(iii)* and three or more children, a monthly payment of a sum equal to 50 per cent of the total monthly rate of compensation under the Bill would be payable; *(c)* where there is no surviving spouse eligible for monthly payments under this section, and the— (i) dependant is a child, a monthly payment of a sum equal to 40 per cent of the total monthly rate of compensation under this Bill that would have been payable if the deceased employee had, at the date of death, sustained a permanent total disability	

(ii) dependants are 2 children, a monthly payment of a sum equal to 60 per cent of the monthly rate or compensation under this Bill that would have been payable if the deceased employee had, at the date of death, sustained a permanent total disability; or

(iii) dependants are 3 or more children, a monthly payment of a sum equal to 80 per cent of the total monthly rate of compensation under this Bill that would have been payable if the deceased had, at the date of death, sustained a permanent total disability;

(d) monthly payments to eligible children under this Bill shall be made to children up to the age of 21 or until they complete undergraduate studies, whichever comes first;

(e) where the surviving child is disabled, the Agency shall determine the period of the monthly payment for such time as the Agency believes that the disabled child would not have been dependent on the deceased employee;

(f) where the deceased employee does not leave a dependent spouse or child entitled to compensation under this section, but leaves other dependants or next of kin who were wholly dependent on him or her, the Agency shall determine a one-off sum reasonable and proportionate to the pecuniary loss suffered by such dependants or next of kin by reason of death of the employee;

(g) where—

(i) no compensation is payable under subsection (1) (a)-(e) of this section; or

(ii) the compensation is payable only to a spouse, a child or children or a parent or parents; but the employee leaves a spouse, child or parent who, though not dependent on the remuneration of the employee at the time of the death of the employee, had a reasonable expectation of pecuniary benefit from the continuation of the life of the employee, the Agency shall make monthly payment of an amount to be determined by the Agency to such spouse, child or children, parent or parents in line with the provisions of sub-section (15) of this section; and

(h) where the employee leaves no dependent widow or widower or the widow or widower subsequently dies, and the Agency considers it desirable to continue the existing household, and when a suitable person acts as a foster parent or an administrator of the estate of the deceased employee in keeping up the household and taking care of and maintaining the children entitled to compensation, in a manner satisfactory to the Agency, the same allowance shall be payable to the foster parent or administrator and on behalf of the children as would have been payable to a widow or widower and children, and shall be continued as long as those conditions continue.

(2) Where a disabled spouse ceases to be disabled, or a widow or widower with dependent children no longer has dependent children or there is a reduction in the number of dependent children, the spouse, widow, widower or children shall be

entitled to the same category of benefits as would have been payable if the death of the employee had occurred on the date the disabled spouse ceases to be disabled or the widow or widower no longer has dependent children or the number of dependent children is reduced, as the case may be.

(3) Where there is a widow or widower and a child or children, and the widow or widower subsequently dies, the allowances to the children shall, if they are in other respects eligible, continue and be calculated in the same manner as if the employee had died leaving no dependent spouse.

(4) Where at the date of death a spouse is not disabled, but is suffering from a disability that results in a substantial impairment of work ability and earning capacity, the Agency may, having regard to the degree of disability or the extent of impairment of work ability or earning capacity, pay the spouse a proportion of the compensation that would have been payable if the spouse had been disabled.

(5) For the purpose of this Bill, where 2 employees in a workplace are married to each other, and both are contributing to the support of a common household, each is deemed to be a dependant of the other.

(6) Where 2 parents contribute to the support of a common household in which their children also reside, the children are deemed to be dependants of the parent whose death is compensable under this Bill.

(7) Where compensation is payable as the result of the death of an employee, or of injury resulting in death, and where at the date of death the employee and dependant spouse were living separate and apart, and there was—

(a) in force at the date of death a court order or separation agreement providing periodic payments for support of the dependent spouse or children living with that spouse, no compensation under sub-section (1) of this section shall be payable to the spouse or children living with the spouse, but monthly payments shall be made in respect of that spouse and those children equal to the periodic payments due under the order or agreement; or

(b) no court order or separation agreement in force at the date of death providing periodic payments for support of the dependent spouse, or children living with that spouse, and the employee and dependent spouse were—

(i) living separate and apart for a period of less than 3 months preceding the date of death of the employee, compensation shall be payable in accordance with the provisions of sub-section (1) of this section, or

(ii) separated with the intention of living separate and apart for a period of 3 months or longer preceding the death of the employee, monthly payments shall be made up to the level of support which the Agency believes the spouse and those children would have been likely to receive from the employee if the death had not occurred.

(8) The compensation payable under sub-section (7) of this section shall not exceed the compensation that would have been payable under sub-section (1) of this section had there been no separation.

(9) Where an employee has lived with and contributed to the support and maintenance of a wife or husband and the employee and the wife or husband have—

(a) no children, for a period of 3 years; or
(b) children, for a period of one year, immediately preceding the death of the employee, and where the employee does not leave a dependent widow or widower, the Agency may pay the compensation to which a dependent widow or widower would have been entitled under this Bill to the wife or husband.

(10) Where—

(a) an employee has lived with and contributed to the support and maintenance of a wife or husband for the period set out in sub-section (9) of this section;
(b) an employee also left, surviving, a dependent widow or widower from whom, at the date of death, the employee was living separate and apart; and
(c) there is a difference in the amount of compensation payable to the widow or widower by reason of the separation and the amount of compensation that would have been payable to that spouse if that spouse and the employee had not been living separate and apart, the Agency may pay compensation to the wife or husband up to the amount of the difference.

(11) Where in any situation there is a need to apportion allowances payable to dependants among those dependants, the formula for apportionment shall be determined by the Agency, unless the Agency has grounds for a different apportionment, the sharing formula shall be where there –

(a) is a dependent spouse and one child, two-thirds to the dependent spouse and one-third to the child;
(b) is a dependent spouse and more than one child, half to the dependent spouse, which shall be shared in equal shares among the spouses and half among the children in equal shares; and
(c) are children but no dependent spouse, among the children in equal shares.

(12) If a dependant is entitled to receive compensation as a result of the—

(a) death of an employee; and
(b) subsequent death of another employee, the total compensation payable for the dependant as a result of those deaths shall be an amount that the Agency has reasonable grounds to believe is appropriate, provided that the compensation payable to a dependant shall not be—

(i) less than the highest of the amounts that would otherwise be payable in respect of the death of any of the employees; and

(ii) more than 90 per cent of the average remuneration of an employee. (13) The compensation payable under section 35 of this Bill may be paid to a spouse, only if the deceased employee was— *(a)* less than 55 years of age on the date of the death, until— (i) the date the deceased employee would have reached 55 years of age, if the deceased employee were alive or (ii) the Board is satisfied that the deceased employee would retire after reaching 55 years of age, if the deceased employee were alive or (iii) the date the deceased employee would have retired, if the deceased employee were alive, as may be determined by the Agency; and *(b)* 55 years of age or older on the date of the death, until— (i) 2 years after the date of the death, (ii) the Agency is satisfied that the deceased employee would have retired after the date referred to in sub-paragraph (i) of this paragraph, or (iii) the date the deceased employee would have retired, as may be determined by the Agency (iii) or the date when the deceased employee's spouse remarries. (14) The Agency may, in special circumstances, create and manage Trust Accounts for minor dependants and disabled employees who are entitled to compensation payable under this Bill. (15) Where a situation arises that is not expressly covered by this section, or where some special additional facts are present that would, in the opinion of the Agency, make the strict application of this section inappropriate, the Agency may make rules and take decisions it considers fair in the circumstances.	
Compensation relating to enemy warlike actions **37.** Where death, injury, disability or disease of an employee occurs in the course of work as a direct result of enemy warlike action or counteraction and provision has been made for compensation in respect of such action for the employee or the deceased employee's dependants by the Government, the employee, or his dependants are entitled to compensation under this Bill only when the compensation provided by the Government is less than that provided by the Bill, and shall be only to the extent of the difference.	**RETAINED**
Period for making payments **38.** The Agency shall make monthly payments under this Bill for a period as provided by the Bill or as provided by the Board from time to time by regulation.	**RETAINED**
Proof of existence of dependents **39.** The Agency may, from time to time, require the proof of the existence and condition of injured employees or dependents and beneficiaries, who are in receipt of compensation payments that are deemed necessary by the Agency, and pending the receipt of that proof, the Agency may withhold further payments.	**RETAINED**

Permanent total disability **40.** (1) Subject to this Bill, if a permanent total disability results from the injury of an employee, the Agency shall pay to the employee compensation that is a periodic payment equal to 90 per cent of the remuneration of the employee. (2) The compensation awarded under this section shall be payable monthly.	**RETAINED**
Permanent partial disability or disfigurement **41.** (1) Subject to this Bill, if a permanent partial disability results from the injury of the employee, the Agency shall— *(a)* estimate the impairment of earning capacity from the nature and degree of the injury; and *(b)* pay the employee's compensation that is a periodic payment equal to 90 percent of an estimate of the loss of remuneration resulting from the impairment. (2) The compensation referred to in sub-section (1) of this section shall be determined and calculated in accordance with the percentage of disability as published by the Agency from time to time. (3) Subject to this Bill, if— *(a)* a permanent partial disability results from the injury of an employee; and *(b)* the Agency makes a determination under sub-section (5) of this section with respect to the employee, the Agency may pay the employee compensation with a periodic payment that is equal to 90 per cent of the difference between the remuneration of the worker before the injury and whichever of the following amounts the Agency considers better represents the loss of earnings of the employee the remuneration that – *(i)* the employee is earning after the injury; or *(ii)* the Agency estimates the employee is capable of earning in a suitable occupation after the injury. (4) A payment may be made under sub-section (3) of this section only if the Agency determines that the combined effect of the occupation of the employee at the time of the injury and the disability resulting from the injury is so exceptional that an amount determined under sub-section (1) does not appropriately compensate the employee for the injury. (5) In making a determination under sub-section (4) of this section, the Agency shall consider the ability of the employee to continue in his or her occupation at the time of the injury or to adapt to another suitable occupation. (6) Where permanent partial disability results from the injury, the minimum compensation awarded under this section shall be calculated in the same manner as provided by section 41 of this Bill for temporary total disability, but to the extent only of the partial disability. (7) Where the employee has suffered a serious and permanent disfigurement which the Agency considers is capable of impairing the employee's earning	**RETAINED**

capacity, a lump sum in compensation may be paid, although the amount the employee was earning before the injury has not been diminished. The disability percentages for different body parts shall serve as a guide in computing the one-off lump sum payment for disfigurement.	
Period of Payment for Permanent total or Partial disability **42.** (1) The compensation payable under section 40, 41, 43 or 44 of this Bill may be paid to an employee, only if the employee is— *(a)* less than 55 years of age on the date of the injury, until— *(i)* the date the employee reaches 55 years of age, or *(ii)* the Agency is satisfied that the employee would retire after reaching 55 years of age, or *(iii)* the date the employee would retire, as may be determined by the Agency; and *(b)* 55 years of age or older on the date of the injury, until— *(i)* 2 years after the date of the injury, *(ii)* the Agency is satisfied that the employee would retire after the date referred to in sub-paragraph (i) of this paragraph, or *(iii)* the date the employee would retire, as may be determined by the Agency.	**RETAINED**
Temporary total disability **43.** (1) Subject to section 47(4) of this Bill, if a temporary total disability results from an employee's injury, the Agency may pay the employee compensation of a lump sum in accordance with the percentage of disability as published by the Agency from time to time. (2) The payment referred to in sub-section (1) of this section shall not be in respect of any disability that lasts for a period of more than 12 months.	**RETAINED**
Temporary partial disability **44.** (1) Subject to section 47(4) of this Bill, if a temporary partial disability results from an employee's injury, the Agency may pay the employee compensation of a lump sum in accordance with the percentage of disability as published by the Agency from time to time. (2) The payment referred to in sub-section (1) of this section shall not be in respect of any disability that lasts for a period of more than 12 months.	**RETAINED**
Healthcare and disability support **45.** (1) In addition to the other compensation provided by this Bill, the Agency may provide for the injured employee any medical, surgical, hospital, nursing and other care or treatment, transport, medicines, crutches and apparatus, including artificial members, that it may consider reasonably necessary at the time of the injury, and thereafter during the disability, to cure and relieve from the effects of the injury or alleviate those effects, the Agency may adopt rules and regulations with respect to furnishing health care to injured employees entitled to it and for the payment of it. (2) The Agency may make a daily allowance for the subsistence of an injured employee when, under its direction, the employee is undergoing treatment at a place other than the place where the employee resides, and the power of the Agency	**RETAINED**

to make a daily allowance for subsistence under this section extends to an injured employee who receives compensation, regardless of the date the employee first became entitled to compensation.

(3) Where in a case of emergency, or for other justifiable cause, an accredited medical or trado-medical practitioner other than the one provided by the Agency is called in to treat the injured employee, and if the Agency finds there was a justifiable cause and that the charge for the services is reasonable, the cost of the services shall be paid by the Agency.

(4) The Agency may authorize employers to provide health care at the expense of the Agency on terms fixed by the Agency, and the employer shall provide to an injured employee, when necessary, immediate conveyance and transport to a hospital or accredited medical or trado-medical practitioner for initial treatment.

(5) Where an injured, disabled employee or an employee with occupational disease, personally paid for the medical bills or health care or treatment pursuant to the provisions of sub-section (4) of this section, the Employer shall forward a letter of indemnity to the Agency of any liability which may arise as a result of the direct payment to the affected employee before the Medical Expenses Refund shall be made directly to the affected employee.

(6) Health care furnished or provided under sub-section (3) or (4) of this section shall at all times be subject to the direction, supervision and control of the Agency and the Agency may enter into contract with any medical or trado-medical practitioner, nurse or other person, accredited by the Agency, authorized to treat human ailments, hospitals and other institutions for any health care required, and to agree on a scale of fees or remuneration for that health care; and all questions as to the necessity, character and sufficiency of health care to be provided shall be determined by the Agency.

(7) The fees or remuneration for health care provided under this section shall not be more than the fees that would be properly and reasonably charged if the employee were paying, and the Agency may, from time to time, fix and determine the amount, on the advice of the Minister charged with responsibility for health.

(8) Without limiting the powers of the Agency under this section to supervise and provide health care in every case where it considers the exercise of such powers expedient, the Agency shall permit health care to be administered by the medical or trado-medical practitioner who may be selected or employed by the injured employee.

(9) The Agency may assume the responsibility of replacement and repair of—

(a) artificial appliances, including artificial limbs or members damaged or broken as the result of an accident arising out of and in the course of the employment of an employee; and

(b) eye glasses, dentures and hearing aids broken as a result of an accident arising out of and in the course of employment if such breakage is accompanied by objective signs of personal injury, or, where there is no personal injury, if the accident is otherwise corroborated.

(10) Where an injury to an employee results in serious impairment of the sight of the employee, the Agency may, to protect the remaining vision of the employee, provide the employee with protective eye glasses.	
Duty of accredited Medical or Trado-Medical Practitioner and other Specialists **46.** (1) Every medical or trado-medical practitioner or accredited medical or trado-medical practitioner attending or consulted on a case of injury or alleged case of injury to an employee in a workplace within the scope of this Bill shall— *(a)* provide the reports in respect of the injury in the form required by the Agency or regulations made by the Board, but the first report containing all information requested in it shall be supplied to the Agency within 7 days after the date of his or her first attendance on the employee; *(b)* provide a report within 7 days after the employee is, in the opinion of the medical or trado-medical practitioner or accredited medical or trado-medical practitioner, able to resume work and, if treatment is being continued after resumption of work, to furnish further adequate reports; *(c)* if a specialist whose opinion is requested by the attending accredited medical or trado-medical practitioner or the Agency , or if the specialist continues to treat the employee after being consulted as a specialist, the specialist shall be required to provide his or her first report to the Agency within 7 days after completion of consultation, but if the specialist is regularly treating the employee, the specialist shall submit reports as required in paragraphs (a) and (b) of this subsection; and *(d)* give all reasonable and necessary information, advice and assistance to the injured employee and a deceased employee's dependants in making application for compensation, to provide the required certificates and proofs, without charge to the employee. (2) Every specialist or accredited medical or trado-medical practitioner who is authorized by this Bill to attend to an injured employee is subject to the same duties and responsibilities, and any health care furnished by the specialist or accredited medical or trado-medical practitioner is subject to the direction, supervision and control of the Agency. (3) Unless the Agency otherwise directs, a claim for medical services or health care shall not be paid if it is submitted later than 90 days from the date that the— *(a)* last treatment was given; or *(b)* accredited medical or trado-medical practitioner or person providing the medical service was first aware that the Agency may be liable for his services, whichever first occurs. (4) An accredited medical or trado-medical practitioner or other person authorized to render health care under this Bill shall confine his or her treatment to injuries to the parts of the body he or she is authorized to treat under the Medical and Dental Practitioners Act under which he or she is permitted to practice, and any unauthorized treatment shall not be paid for by the Agency.	**RETAINED**

(5) An accredited medical or trado-medical practitioner or other person who fails to submit prompt, adequate and accurate reports and accounts as required by this Bill or the Agency , commits an offence under this Bill, and the accreditation to render health care pursuant to this Bill may be canceled by the Agency or suspended for a period to be determined by the Agency. (6) Where the right of accreditation of a medical or trado-medical practitioner or other person is cancelled or suspended under sub-section (5) of this section, the Agency shall notify— *(a)* the medical or trado-medical practitioner or other person; *(b)* inform the Nigerian Medical and Dental Council established under the Medical and Dental Practitioners Act or the relevant professional body to which the person is authorized to treat human ailment; and *(c)* the injured employee who seeks treatment from him or her of the cancellation or supervision.	
Retirement benefits **47.** (1) This section applies to an employee who is receiving periodic payments under section 40 or 41 of this Bill. (2) A periodic payment under this Bill shall not prejudice the beneficiary receiving any entitlement under the Pension Reform Act. (3) The Agency shall set aside, at the time a periodic payment is made to an employee, an amount that— *(a)* is equal to 10 per cent of the periodic payment, or an amount set by the Pension Reform Act; and *(b)* is in addition to the periodic payment. (4) Subject to the Pension Reform Act, an employee may apply to the Agency to contribute to the amount set aside or to be set aside under subsection (3) of this section an amount that is not less than 1 per cent and not greater than 10 per cent of each subsequent periodic payment made to the employee. (5) Subject to sub-section (6) of this section, if the employee makes an application under sub-section (4) of this section, the Agency shall, deduct the amount of contribution of the employee from each subsequent periodic payment made to the employee and remit this contribution along with the amount set aside under sub-section (2) of this section to the retirement savings account of the employee pursuant to the Pension Reform Act. (6) The deductions made by the Agency under sub-section (5) of this section may not be varied, except in response to an application by the employee to stop the deductions or transfer the deductions into his or her retirement savings account. (7) An employee may make the respective applications under sub-section (4) or sub-section (6) of this section only once. (8) An application made under sub-section (4) or (6) of this section shall be made in a form prescribed by the Agency.	**RETAINED**
Payment of retirement benefits	**RETAINED**

48. (1) Any amount set aside as a retirement benefit under section 47 of this Bill shall be paid to the employee as part of his or her accrued retirement benefits in accordance with the provisions of the Pension Reform Act 2004. (2) The provisions of sections 36, 37, 38, 39,40,41,42,43,44,45,46,47 and 48(1) shall not apply to the informal sector, provided the scale of compensation for the informal sector shall be published by the Agency from time to time.	
PART IX - EMPLOYERS' ASSESSMENT AND CONTRIBUTIONS **Employers' contribution to the Fund** **49.** (1) Notwithstanding the repeal of the Employees' Compensation Act, 2010, every employer within the meaning of this Bill as at the commencement of the Employees' Compensation Act 2010 or at any time in the year 2011 shall continue to be regarded as employers for the purpose of this Bill and shall, make a minimum monthly contribution of 1.0 percent of the gross total monthly payroll into the Fund. (2) The contributions payable by Federal, State and Local Governments in respect of their employees may be deductible from the Federal, State and Local Governments' monthly allocations and Internally Generated Revenue and remitted into the Fund established under section 15 of this Bill. (3) Without prejudice to the provisions of sub-section (1) of this section, the Agency shall, from time to time, make regulations prescribing— (a) the categorization of risk factors of each class or sub-class of industry, sector or workplace and the amount of contributions to be made into the Fund; and (b) for different assessment rates applicable to each class and subclass of industry, sector or workplace mentioned under paragraph (a) of this sub-section.	**RETAINED**
Assessments **50.** (1) The Agency shall assess employers for such sums in such manner, form and procedure as the Agency may, from time to time, determine for the due administration of this Bill. (2) Assessments shall, in the first instance, be based upon estimates— *(a)* of the employer's payroll for the year provided under section 58 of this Bill; or *(b)* as determined by the Agency under section 60 of this Bill. (3) The Agency may, by order, establish a minimum assessment.	**RETAINED**
Assessment Payable **51.** (1) Payment of any assessment made under section 50 of this Bill shall be due on the 1st January in the year for which it relates. (2) The Agency may provide for the payment of the amount of assessment by instalment, in which case the assessment for the year is payable on the dates determined by the Agency.	**RETAINED**

(3) Failure to pay a contribution payable by an employer in respect of his employee prior to the date of the occurrence of the accident resulting in an injury or disease or death of the employee, constitutes an offence under this Bill.	
Liability for assessment, etc. **52.** (1) The Agency shall have a cause of action for any unpaid assessment and shall be entitled to the costs of any action to recover the unpaid assessment. (2) If, for any reason, an employer liable to assessment is not assessed by the Agency, the employer shall be liable for the amount for which the employer should have been assessed, or as much as the Agency considers reasonable, and payment of that amount may be enforced as if the employer had been assessed for that amount. (3) Subject to the provisions of the Constitution of the Federal Republic of Nigeria (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings), any employee of the Agency authorized in that behalf by the Agency and who is a legal practitioner may before any court of competent jurisdiction conduct or defend any complaint or other proceedings arising under this Bill. (4) The court before whom any person is convicted of an offence under this Bill may, without prejudice to any civil remedy, order that person to pay to the Fund the amount of any contributions together with any interest or penalty on the contribution, certified by the Agency to be due from that person to the Fund at the date of the conviction and the amount shall be paid into the Fund for the credit where applicable, of the employees concerned. (5) Proceedings in respect of an offence under this Bill may be commenced at any time after the commission of the offence. (6) An action for the recovery of contribution or other penalty under this section may be instituted in the name of the Agency by an employee of the Agency authorized to do so.	**RETAINED**
Assessment rates **53.** (1) The Board may provide for different assessment rates applicable to each class and sub-class of industry classified under section 54 of this Bill. (2) Publication in the Federal Gazette of a statement of percentages and rates fixed by the Board applicable to specific industries constitutes an assessment upon, and notice to, each employer in those industries for the period named in the Federal Gazette.	**RETAINED**
Employer Classification **54.** (1) For the purposes of this section, the Board may establish classes and sub-classes of industries as it deems appropriate. (2) The Board shall assign every employer to an appropriate class or sub-class based upon the industry in which the employer operates. (3) The Board may, by regulations— *(a)* create new classes in addition to those referred to in sub-section (1) of this section;	**RETAINED**

(b) divide classes into sub-classes and divide sub-classes into further sub-classes; *(c)* consolidate or rearrange any existing class and sub-class; *(d)* assign an employer, independent operator or industry to one or more classes or sub-classes; *(e)* withdraw from a class— *(i)* an employer, independent operator or industry, *(ii)* a part of the class, or *(iii)* a sub-class or part of a sub-class and transfer it to another class or sub-class or form it into a separate class or sub-class; or *(f)* withdraw from a sub-class— *(i)* an employer, independent operator or industry, *(ii)* a part of the sub-class, or *(iii)* another sub-class or part of another sub-class and transfer it to another class or sub-class or form it into a separate class or sub-class. (4) If the Board exercises authority under sub-section (3) of this section, it may make the adjustment and disposition of the funds, reserves and accounts of the classes and sub-classes affected as the Board considers just and expedient.	
Employer to Provide an estimate of Payrolls **55.** (1) Except in the case of the informal sector, every employer shall— *(a)* keep, at all times, at some place in Nigeria, the location and address of which the employer has given notice to the Agency, complete and accurate particulars of the employer's payrolls; *(b)* cause to be furnished to the Agency — *(i)* when the employer becomes an employer within the scope of this Bill, and *(ii)* at other times, as required by any regulation made by the Agency of general application or any decision of the Agency limited to a specific employer, an estimate of the probable amount of the payroll of each of the employer's industries within the scope of this Bill, together with any further information required by the Agency; and *(iii)* provide signed copies of reports of the employer's payrolls, not later than the 31st December in each year or at such other times and in the manner required by the Agency. (2) Where the employer fails to comply with sub-section (1) of this section, the employer is liable to pay as a penalty for the default, a percentage of the assessment prescribed by regulations or determined by the Board, and the Agency may make its own estimate of the payrolls, assess and levy on that estimate and the employer is bound by it. (3) In computing the amount of the payroll for the purpose of assessment, regard shall be had only to that portion of the payroll that represents workers and employment within the scope of this Bill.	**RETAINED**

(4) If an employer does not comply with sub-section (1) of this section, or if a statement made in pursuance of its requirements is not true and accurate, the employer, for every failure to comply and for every such statement shall be liable to imprisonment for a term not exceeding one year or fine of not less than N500,000 or to both imprisonment and fine for an individual or a fine of not less than N10,000,000 for a body corporate and in addition, each director, manager or officer of the body corporate shall be deemed to have committed the offence and shall be liable on conviction to imprisonment for a term not exceeding one year or a fine of N500,000 or to both such imprisonment and fine.	
Statement and estimate of earnings **56.** (1) Every employer shall, not later than the last day of February in each year or at such other time as may be required by the Agency, provide, in a manner to be determined by the Agency, a statement— *(a)* of the total amount of all earnings paid to its employees in the preceding year; *(b)* estimating the earnings that will be paid to its employees in the current year or any part of it as directed by the Agency; *(c)* of the nature of the work activities; and *(d)* of any additional information as the Agency may require. (2) If the statement is found to be incorrect, the Agency shall reassess the employer for each year that the statement was incorrectly made and may charge the employer interest, at a rate determined by the decision of the Agency, on any assessment that was not paid. (3) Employers shall declare the earnings of an employee who would be entitled to compensation and who is employed outside Nigeria as if the worker were employed in Nigeria. (4).Earnings paid to an employee in excess of the maximum assessable earnings shall not be included in the employer's statement under sub-section (1). (5) Unless satisfactory evidence of an employer's actual payroll for any period is provided to the Agency, the payroll estimated by the Agency under this section or under section 57(1) shall be deemed to be the actual payroll of the employer. (6) Where any person is deemed under this Bill to be an employee, the Agency may deem an amount to be the earnings for that employee. (7) Where the activity or business of the employer is carried on in more than one industry, the Agency may require separate statements for each industry.	**RETAINED**
Employer's experience accounts **57.** (1) The Agency shall maintain experience accounts for each employer, indicating the assessments levied and the cost of all claims chargeable in respect of the employer. (2) Where, in the opinion of the Agency, an employee's disability results, in whole or in part, from the negligence of an employer who is not the employer of the disabled employee, or an employee of that employer—	**RETAINED**

(a) the cost of any claim, as determined by the Agency, may be charged to the experience account of that employer; and *(b)* where the employer is in a separate class or sub-class from the disabled employee's employer, the Agency may charge the cost of the claim, as determined by the Agency, to the class or sub-class in which that employer is included in proportion to the degree of negligence attributed to that employer or that employer's employee. (3) Where an employee suffers a work-related disability, the disabled employee's employer may, within 24 months of the disability arising, request that sub-section (2) of this section be applied by the Agency.	
Super assessment **58.** (1) If, in any year or other period determined by the Agency, the claims cost charged to the experience account of an employer are in excess of 105 per cent of the ordinary assessment of that employer for the same year, the Agency may, within 4 years, assess and levy the employer in that year a super-assessment of an amount directed by the Agency, but not exceeding 133 per cent of the employer's ordinary assessment for the year, having regard to the amount of the excess and the extent of the amounts previously charged against that employer's experience account. (2) Where the Agency has levied an assessment under sub-section (1) of this section, the employer shall continue to be liable for the ordinary assessment for the year.	**RETAINED**
Merit rating **59.** The Agency may by a decision adopt a system of merit rating for employers.	**RETAINED**
Liability for assessment of Independent Contractors and Subcontractors **60.** (1) Where any person or organization employs an independent contractor to perform any work in a workplace, both the person or organization and the independent contractor shall be liable— *(a)* jointly for any assessment under this Bill relating to that work; and *(b)* for that amount which may, at the discretion of the Agency, be collected from either of them, or partly from one and partly from the other. (2) Where any work is performed under a sub-contract, the principal, the contractor and the sub-contractor shall be liable— *(a)* jointly for any assessment relating to that work; and *(b)* for that amount which may be collected from either of them, or partly from one and partly from the other. (3) Any person or organization referred to in sub-section (1) of this section may withhold from the money payable to that contractor, any amount for which the principal is liable under this section and pay such amount to the Fund and between the principal, contractor and sub-contractor, the payment shall be deemed to be a payment on the contract or sub-contract or both. (4) Any contractor may withhold from any money payable to a subcontractor the amount that the contractor is liable to pay under this section to the sub-contractor and pay that amount to the Fund, and between the contractor and the sub-contractor, the payment shall be deemed to be a payment on the sub-contract.	**RETAINED**

(5) In the absence of any term in the contract to the contrary, where— *(a)* a principal does not withhold any money payable to a contractor under sub-section (3) of this section and pays its liability under sub-section (1) of this section to the Fund, the contractor shall be indebted to the principal for that amount, and the principal shall have a cause of action against the contractor in respect of that debt; or *(b)* the contractor does not withhold any money under sub-section (4) of this section and pays its liability under sub-section (2) of this section, the subcontractor shall become indebted to the contractor for that amount, and the contractor shall have a cause of action against the sub-contractor in respect of that debt.	
Security for payment of assessment **61.** (1) The Agency may serve notice on an employer requiring the employer to provide security, in an amount and form deemed appropriate by the Agency, for the payment of assessments that are or might be levied against an employer. (2) If at any time the Agency considers that the security provided is no longer sufficient, the Agency may require such further security as it deems appropriate. (3) The employer shall, within 30 days after being served with a notice to do so, provide the security required by the Agency.	**RETAINED**
Penalty for nonpayment of assessment or Provision of Security **62.** If an assessment is not paid when required by the Agency, or security is not provided when required, the Agency may assess a penalty in an amount equal to 10 per cent of the unpaid assessment or the value of the security required, the payment of which may be enforced in the same manner as the payment of an assessment.	**RETAINED**
Decisions of the Agency **63.** If an employer— *(a)* defaults in providing the security required by the Agency; *(b)* defaults in the payment of any amount due to the Agency; or *(c)* contravenes any decisions of the Board, the employer commits an offence under this Bill.	**RETAINED**
Provisional assessment **64.** (1) Where— *(a)* an employer fails to comply with section 56 of this Bill within the time required under this Bill; or *(b)* the information provided under section 56 of this Bill does not, in the opinion of the Agency, reflect the probable amount of the payroll of the employer or correctly describe the nature of the work carried on, the Agency may assess such sum as it is in its opinion, the probable payroll of the employer or the nature of the employer's industry. (2) If it is later determined that the assessment under sub-section (1) of this section is different from the required assessment, the employer or the Agency shall be liable to pay to the other the difference.	**RETAINED**

Temporary industry **65.** (1) Where an employer engages in any industry within the scope of this Bill and has not been assessed in respect of it, the Agency, if it considers that the industry is to carry on business temporarily, may require the employer to pay or to give security for the payment to the Fund of a sum sufficient to pay the assessment for which the employer may be liable if the industry had been in existence when the last preceding assessment was made. (2) Every employer who defaults in complying with the requirement under sub-section (1) of this section commits an offence under this Bill.	**RETAINED**
Employer commencing or recommencing a business **66.** When an employer commences or recommences a business, the employer shall provide, within 30 days of commencement or recommencement, to the Agency the statements required under section 68 of this Bill.	**RETAINED**
Employer ceasing to be an employer **67.** A person who ceases to be an employer shall notify the Agency within 30 days of cessation and shall provide a statement of the total payroll for the year.	**RETAINED**
Records of remuneration and operations **68.** Every employer shall keep an accurate account of all remuneration paid to its employees, including the executive management, and expatriates and of any other particulars of its operations as may be required by the Agency.	**RETAINED**
Examination **69.** (1) Any person authorized by the Agency may examine the books and accounts of any employer as the Agency deems necessary for administering this Bill. (2) For the purposes related to the administration of this Bill, any person authorized by the Agency may, at all reasonable hours, in line with the occupational hours of the industry category, enter any part of the establishment of any employer or person who may be an employer. (3) An employer shall produce, within 30 days of receiving notice from the Agency and in the manner set out in the notice, all documents, deeds, papers and computer records which are in the possession, custody or power of the employer that relate to the subject matter of an examination under this section. (4) For the purposes of an examination or inquiry under this section, the Agency or any person authorized by it, shall have all the power of a Board of Inquiry appointed under this Bill. (5) Every person authorized by the Agency to make an examination under this section may require and take a statement respecting the subject matter of an examination under this section. (6) An employer or other person who obstructs or hinders the making of an examination under this section or who refuses to permit it to be made or who neglects or refuses to produce such documents, writings, books, deeds and papers or make a statement required in the notice under this section, commits an offence. (7) In this section, an employer includes a person whom the Agency considers to be an employer or a principal.	**RETAINED**

Enforcement Powers **70.** (1) An officer of the Board may, for the purposes of carrying out his or her duties under this Bill and any regulation or Order made thereunder or pursuant to any enactment or law— *(a)* enter in any workplace at any time with or without warrant or notice; *(b)* require the production of any licence, document, record or report, inspect, and examine a copy of the same; *(c)* remove any licence, document, record or report inspected or examined for the purpose of making copies or extracts and upon making such copies or extracts, shall promptly return the same to the person who produced or furnished them; *(d)* in any inspection, examination or inquiry, may be accompanied and assisted by a police officer or any other law enforcement agents and any other person or persons having special, expert or professional knowledge of any matter in respect of which inspection is being carried out; *(e)* make inquiries of any person who is or was in a workplace, either separate or in the presence of any other person who may be relevant to an inspection, examination or enquiry; *(f)* require that records or documents in a workplace or part thereof may not be disturbed for a reasonable period of time for the purpose of carrying out an examination, investigation or enquiry; and *(g)* the report arising out of any enquiry, inspection or examination shall be the property of the Agency and shall be held in confidence. (2) Where an employer fails or neglects to comply with any obligation under this Bill, the Agency may apply ex parte to a court of competent jurisdiction for an interim order authorizing it to seal the whole or any part of the employer's business premises, including any plant, machinery or equipment used in connection with the business, and any premises or equipment so sealed shall remain sealed and shall not be unsealed except by an order of court, without prejudice to the continued liability of the employer for any outstanding contributions or penalties under this Bill.	**RETAINED**
Right of appeal **71.** (1) A person aggrieved by any decision of the Agency may appeal to the Board for a review of such decision. (2) An appeal under sub-section (1) of this section shall be made in writing to the Board within 180 days of the date of the decision; otherwise the person shall lose his or her right to appeal the decision. (3) The appeal shall be disposed of in the manner determined by the Board within a period of 180 days. (4) An appeal shall lie from any decision of the Board under sub-section (1) of this section to the National Industrial Court.	**RETAINED**
PART X - MISCELLANEOUS PROVISIONS **Power to make regulations** **72.** The Minister may, on the recommendation of the Board, make Regulations generally for giving full effect to the provisions of this Bill.	**RETAINED**

Exemption from Trustee Investment Act **73.** The provisions of the Trustee Investment Act shall not apply to the investment of money by the Agency.	**RETAINED**
Providing false information **74.** (1) A person required under the Bill to provide information to the Agency who knowingly provides the Agency with any false or misleading information is guilty of an offence and is liable on— *(a)* first conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding ₦500,000 or to both; or *(b)* each subsequent conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦1,000,000 or both. (2) The institution of proceedings or imposition of a penalty under this section shall not relieve any employer from liability to pay to the Agency the amount due.	**RETAINED**
Confidentiality **75.** (1) No member, employee, agent of the Agency or person authorized to make an examination or inquiry under this Bill shall disclose or allow to be disclosed, except in the performance of their duties or under authority of the Agency, any information obtained in the administration of this Bill. (2) Whenever information in respect of a specific claim, other than information that is statistical in nature, is provided to another institution to which the Agency may have a working agreement, the Agency shall notify the employee or the employer of the information that has been provided. (3) Any person who violates the provisions of this section commits an offence under this Bill.	**RETAINED**
Non-compellability **76.** No member, employee or agent of the Agency shall be required to testify in a civil suit to which the Agency is not a party with regard to information obtained in the discharge of a duty or obligation under this Bill except when required to do so by the court or in such other circumstances as may be prescribed by the Agency from time to time.	**RETAINED**
Records and notices **77.** (1) Where the Agency sends a notice to an employer that requires it to be posted in the employer's workplace, the employer shall post such notices in a prominent location in the workplace readily accessible to the employees. (2) An order, notice or other documents may be served by email or by registered mail to the last known address of the employer or employee or the person it is addressed to and when served by registered mail if the post office receipt is received by the Agency, or by pasting it on the employers premises, such service shall be deemed to be good and sufficient service. (3) Any order, notice or other document served under sub-section (2) shall be deemed to be served on the date the email was sent successfully and in the case of registered post, that the post office receipt was signed by the employer or employee or the person it is addressed to.	**RETAINED**

Illiteracy **78.** The Agency may waive any requirement under this Bill for an illiterate person to provide written notice and may accept instead notice in any form the Agency deems appropriate.	**RETAINED**
Priority as to amounts due to the Fund in the case of the employer's insolvency **79.** (1) Notwithstanding anything contained in this Bill, where an employer becomes insolvent, any amount due or required by an employer to be paid to the Fund on an assessment made under this Bill or on a judgement for it, shall constitute a lien in favour of the Fund payable in priority over all liens, charges or mortgages of every person, wherever created or to be created, with respect to the property or proceeds of property, real, personal or mixed, used in or in connection with or produced in or by the industry with respect to which the employer was assessed or the amount became payable, excepting liens for wages due to employees by their employers. (2) The lien created in favour of the Fund in subsection (1) of this section shall remain valid and in force with respect to each assessment until the expiration of 5 years from the end of the calendar year for which the assessment was levied. (3) Where the employer is a body corporate, the word "property" in sub-section (1) of this section shall include the property of any director, manager, secretary or other officers of the body corporate where the property is used in, or in connection with the industry in respect of which the employer was assessed or the amount became payable, or was so used within the period in respect of which assessment are unpaid.	**RETAINED**
Exemption from Stamp Duty, etc. **80.** Notwithstanding the provisions of any law, no deductions can be made on the Fund established under section 15 of this Bill, and no stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by or on behalf of the Agency.	**RETAINED**
Exemption from Tax **81.** The Agency shall not be liable to pay income tax, and no tax by whatever name called shall be payable in respect of any property vested in the Agency.	**RETAINED**
Exemption of Benefits from Tax **82.** Benefits payable under this Bill shall be exempted from taxation; and shall not be liable to attachment for debt under any process of law.	**RETAINED**
Indemnity from Personal Liability **83.** No member, officer, servant or agent of the Agency shall incur personal liability for any act done in good faith while engaged in the business of the Agency.	**RETAINED**
General Penalty **84.** (1) Any person who contravenes any provision of this Bill for which no specific penalty is provided, commits an offence and shall be liable on conviction to a fine of N200, 000 for the first case of non-compliance or imprisonment for a term not exceeding 1 year or N1,000, 000 for every subsequent case of non-compliance or to both such imprisonment and fine. (2) Where an offence under this Bill is committed by a body corporate, every— *(a)* director, manager, secretary or other officers of the body corporate; *(b)* partner or officer of the firm; or *(c)* person who was purporting to act in such capacity mentioned in paragraphs (a) and (b) of this sub-section,	**RETAINED**

shall be deemed to have committed the offence unless he proves that the act or omission constituting the offence took place without his knowledge, consent, connivance or neglect or he took reasonable steps to prevent the commission of the offence. (3) The National Industrial Court of Nigeria shall have jurisdiction to try all offences under this Bill.	
Repeal of Cap. N88, LFN and Cap. E17A **85.** The Nigeria Social Insurance Trust Fund Act, Cap. N88, LFN, 2004 and the Employees' Compensation Act, 2010, Cap. E17A, LFN, 2004, are repealed.	**RETAINED**
Savings and transfer of liabilities, staff, etc. **86.** (1) Without prejudice to section 6 of the Interpretation Act, the repeal of the enactment specified in subsection (1) of this section shall not affect anything done under or pursuant to the enactment. (2) Every order, requirement, certificate, notice, direction, decision, authorization, consent, application, request or thing made, issued, given or done under any enactment repealed by this Bill shall, if in force at the commencement of this Bill, continue to be in force and have effect as if made, issued, given or done under the corresponding provision of this Bill. (3) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Agency or the Board, existing before the commencement of this Bill under any contract or instrument, or in law or in equity apart from any contract or instrument shall, by virtue of this Bill, be deemed to have been assigned to and vested in the Agency established by this Bill. (4) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Agency established by this Bill and shall be enforceable as fully and effectively as if instead of the Board existing before the commencement of this Bill, the Agency established by this Bill has been named therein or had been a party thereto. (5) The Agency established by this Bill shall be subject to all the obligations and liabilities to which the Board existing before the commencement of this Bill was subject immediately before the commencement of this Bill and all other persons shall have the same rights, powers and remedies against the Agency established by this Bill as they had against the Board existing before the commencement of this Bill. (6) Any proceedings or cause of action pending or existing immediately before the commencement of this Bill, by or against the Board existing before the commencement of this Bill in respect of any right, interest, obligation or liability of the Board existing before the commencement of this Bill may be continued or as the case may be commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Agency established by this Bill to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Board existing before the commencement of this Bill. (7) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill, were vested in the Board	**RETAINED**

existing before the commencement of this Bill, shall by virtue of this Bill and without further assurance be vested in the Agency established by this Bill. (8) Any person who immediately before the coming into force of this Bill is the holder of any office in the Board existing before the commencement of this Bill shall, on the commencement of this Bill, continue in office and be deemed to have been appointed to his office by the Agency established by this Bill unless the authority by which the person was appointed terminates the appointment.	
Interpretation **87.** In this Bill— "accident" means an occurrence arising out of or in the course of work which results in fatal or non-fatal occupational injury that may lead to compensation under this Bill; "accredited medical or trado-medical practitioner" means a registered medical or trado-medical practitioner or a specialist accredited by the Agency for the purposes of this Bill; "agency" means the body corporate established under this Bill; "benefit" means benefits payable under this Bill; "Board" means the Nigeria Employees' Compensation Trust Fund Board; "chairman" means chairman of the Board; "child" means any person not more than 21 years old and who is receiving full-time education or any training and is not paid wages; and includes any step-child and child adopted in a manner recognized as lawful in Nigeria; "compensation" means any amount payable or service provided under this Bill in respect of a disabled employee and includes rehabilitation; "contribution" means contribution payable under this Bill; "dependant" includes those members of the family, including adoptive and foster family, of the deceased or disabled employee who were wholly dependent upon his earnings at the time of his death, or would, but for the disability due to the occupational accident or diseases, have been so dependent; "disabled spouse" means a spouse temporarily incapable of earning income in any occupation by reason of some specific disease or bodily or mental disablement; "employee" means a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State and Local Governments, those on compulsory national service including industrial training attachment and national youth service scheme and those employed by any of the government agencies, and those employed in the formal or informal sectors of the economy including chief executives and expatriate workers and self - employed;	**RETAINED**

"employer" includes any individual, self-employed, informal sector, body corporate, Federal, State or Local Government or any of the government agencies that has entered into a contract of employment to employ any other person as an employee or apprentice; "enemy war-like action" includes civil insurrection, riots, commotion, conflicts, terrorist act, hostilities; "Fund" means the Nigeria Employees' Compensation Trust Fund established under section 15 of this Bill; "gross total monthly payroll" means the complete and accurate schedule of all employees and monies or compensation fixed by mutual agreement, or by law which are payable monthly by an employer to an employee, for work done, or to be done or services rendered, or to be rendered and allowances which include rental, transport, meals and utility, bonuses, overtime allowance or earnings (whatever name called), and other allowances as may be determined by the Board from time to time; "industry" includes establishment, undertaking, work, trade, business and any other workplace; "injury" includes bodily injury or disease resulting from an accident or exposure to critical agents and conditions in a workplace; "interest" means monetary interest calculated at a rate and in a manner set by the Board for the purposes of this Bill; "invalid" means incapable of earning income in any occupation by reasons of some specific disease or bodily or mental disablement; "invalid spouse" means a spouse incapable of earning income in any occupation by reason of some specific disease or bodily or mental disablement; "managing director" means the person appointed as Managing Director and Chief Executive under section 8 of this Bill; "member" means a member of the Board and includes the Chairman; "minor injuries" are injuries as categorized by the Board from time to time; "minister" means the Minister charged with responsibilities for matters relating to labour and employment; "monthly payments" means monthly payments under this Bill to a widow, widower, former common law wife or former common law husband of a deceased worker or to other eligible persons under this Bill; "not wholly dependent" as used under this Bill shall include anyone whose lifestyle is above average and above the monthly minimum wage under the National Minimum Wage Act;	

"occupational disease" means a disease contracted, arising out of or in the course of exposure to risk factors at work; "permanent total disability" means the medically certified physical functions or conditions, mental capacity or physiological health arising from and in the course of work that cause a deviation typical of the respective age which restricts participation in the life of society and includes disfigurement; "permanent partial disability" means the medically certified physical functions or conditions, mental capacity or physiological health arising from and in the course of work that cause a deviation for an employee who is still able to work but not with the skill and efficiency demonstrated prior to the work place incident; "serious and permanent disfigurement" means medically certified loss of important bodily functions or tissues, debilitating internal disorder and includes any defect of appearance related to a physical injury, or any disease process that modifies the physical integrity and/or functioning of the individual; "reasonable hour" means from 6am-6pm; "remuneration" means basic wages, salaries or earnings designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by law which are payable by an employer to an employee for work done or to be done or services rendered or to be rendered; and allowances which include rental, transport, meals and utility, bonuses, overtime allowance or earnings (whatever name called), and other allowances as may be determined by the Board, from time to time; "spouse" means a person or persons, who at the date of the employee's death was legally married to the employee; "wages" means remuneration in money paid to an employee under contract of service or apprenticeship as the case may be and whether agreed to be paid at fixed or determined intervals of time. "wholly dependent" as used under this Bill shall include anyone whose lifestyle is below the average or below the monthly minimum wage under the National Minimum Wage Act; "workplace" includes any premises or place where a person performs work or needs to be or is required to be in the course of work; "work-related" in reference to a disability of an employee means a disability arising out of and in the course of work of an employee.	
88. This Bill may be cited as the Nigeria Employees' Compensation Trust Fund (Establishment) Bill 2026.	**RETAINED**
SCHEDULE [Section 7 (3)] **Supplementary provisions relating to the Board** **Proceedings**	**RETAINED**

1. Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

2. The Board shall meet at least four times in a year and at such other times as the chairman may, from time to time, determine and in any case, shall not meet more than six times in a year.

3. Every meeting of the Board, physical or virtual, shall be presided over by the chairman of the Board and if the Chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as chairman for that particular meeting.

4. The quorum at any meeting of the Board shall be five members.

5. Where standing orders made under paragraph I of this Schedule provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board or count towards a quorum.

Committees

6. Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.

7. Every committee appointed under paragraph 6 of this Schedule shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

8. The quorum of any committee set up by the Board shall be as may be determined by the Board.

9. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of or to co-opt persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.

10. A decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

11. The fixing of the seal of the Fund shall be authenticated by the signature of the Managing Director and of any other person authorised in that behalf by the Board.

12. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Fund by any person generally or specially authorised to act for that purpose by the Board.

13. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of Board shall be received in evidence and shall, unless the contrary is proved, be presumed to have been so signed and sealed.

14. The validity of any proceedings of the Board shall not be adversely affected by –

(a) any vacancy in the membership of the Board; or

(b) any defect in the appointment of a member of the Board; or (c) reason that a person not entitled to do so took part in the proceedings of the Board.	
EXPLANATORY MEMORANDUM This Bill seeks to repeal the Nigeria Social Insurance Trust Fund Act, Cap. N88, Laws of the Federation of Nigeria, 2004 and the Employees' Compensation Act, Cap. E17A, Laws of the Federation of Nigeria, 2004, and enact the Nigeria Employees' Compensation Trust Fund Agency Act. The Bill establishes a modern legal and institutional framework for the administration of the Employees' Compensation Scheme by creating the Nigeria Employees' Compensation Trust Fund Agency, provides for compensation in respect of death, injury, disease or disability arising out of or in the course of employment, and makes comprehensive provisions for the management of the compensation fund, the rights and obligations of employers and employees, enforcement, administration and related matters.	**RETAINED**