

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL DIRECTORATE FOR EMPLOYMENT ACT CAP N28 LAWS OF THE FEDERATION OF NIGERIA 2004 AND TO ESTABLISH THE NATIONAL AGENCY FOR JOB CREATION AND HUMAN CAPITAL DEVELOPMENT TO BE RESPONSIBLE FOR STIMULATING JOB CREATION, FOSTERING BUSINESS GROWTH, AND CONNECTING EMPLOYERS WITH SKILLED WORKERS; PROMOTING HUMAN CAPITAL DEVELOPMENT TO ENSURE A STRONG, QUALIFIED WORKFORCE THAT FUELS A VIBRANT AND PROSPEROUS NATIONAL ECONOMY; AND FOR RELATED MATTERS

Sponsored by Hon. Bamidele Salem

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

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| 1 | 1. The objectives of this Bill are to- | Objectives of the Bill |
| 2 | (a) establish the National Agency For Job Creation and Human | |
| 3 | Capital Development to be responsible for the designing and implementing | |
| 4 | programmes to combat unemployment; and | |
| 5 | (b) provide an Agency to combat mass unemployment in Nigeria. | |
| 6 | 2. There is established an agency to be known as the National | Establishment of the National Agency for Job Creation and Human Capital Development |
| 7 | Agency For Job Creation and Human Capital Development (in this Bill | |
| 8 | referred to as "the Agency"), which shall be a body corporate with perpetual | |
| 9 | succession and a common seal and may sue and be sued in its corporate | |
| 10 | name. | |
| 11 | 3. The objectives of the Agency shall be to- | Objectives of the Agency |
| 12 | (a) design and implement policies and programmes to create job in | |
| 13 | the formal and informal sectors of the economy with consideration for | |
| 14 | federal character policy of the Federation; | |
| 15 | (b) advise government on policies programmes and incentives to | |

- 1 create jobs in the private and public sector;
- 2 (c) obtain, process and utilize data from National and international
- 3 organization for purpose of job creation and human capital development;
- 4 (d) collaborate with public and private organization, tertiary
- 5 institutions including state governments and local governments to design and
- 6 implement training, capacity building and skills acquisition programmes for
- 7 youths;
- 8 (e) obtain and maintain a data bank on employment and vacancies in
- 9 the country with a view to acting as a clearing house to link job seekers with
- 10 vacancies in collaboration with other government agencies;
- 11 (f) prepare and present quarterly reports to the president on
- 12 employments and job creation; and
- 13 (g) implement any other policy as may be laid down, from time to
- 14 time, by the Board established under clause 3 of this Bill.

Establishment,
membership and
functions of the
Board

15 **4.-(1)** There shall be constituted for the Agency, a management board
16 (in this Bill referred to as "the Board"), which shall give guidelines for the
17 management of the affairs of the Agency.

18 (2) The management of the agency shall consist of the following who
19 shall be appointed by the President-

20 (a) a chairman who shall be an entrepreneur of note and with a
21 remarkable record in the area of job creation and human capital development;

22 (b) a representative of the-

23 (i) Federal Ministry responsible for Agriculture,

24 (ii) Federal Ministry responsible for Industries,

25 (iii) Federal Ministry responsible for Trade and Investment,

26 (iv) Federal Ministry responsible for Youth,

27 (v) Centre Bank of Nigeria,

28 (vi) Bank of Industry,

29 (vii) National Bureau of Statistics,

30 (viii) Nigerian Universities Commission,

- 1 (ix) National Board for Technical Education,
2 (x) Nigerian Employers Consultative Association,
3 (xi) Nigeria Labour Congress,
4 (xii) Trade Union Congress,
5 (xiii) Small and Medium Enterprises Development Agency, and
6 Chamber of Commerce and Industry,
7 (xiv) Manufacturers' Association of Nigeria,
8 (xv) the National Association of Small-Scale Industries (NASSI);
9 and
10 (c) three other persons to be nominated by the president to
11 represent the interest not otherwise represented;
12 (d) two representatives of the Nigeria Governors' Forum; and
13 (e) the Director-General of the Agency.
14 (3) A person appointed as a member of the Board (not being an ex-
15 officio member), shall hold office for a period of four years in the first
16 instance and shall be eligible for reappointment for a further period of four
17 years and no more.
18 (4) Notwithstanding the provisions of this Bill, a member of the
19 Board shall vacate office if-
20 (a) removed by the President, if he is satisfied that it is not in the
21 interest of the Agency that such person should continue in office; and
22 (b) resignation in a letter to the president,
23 provided the President shall also have powers to suspend any member.
24 (5) The Board shall be responsible for the formulation of policy
25 guidelines for the Agency, including the financial and operational
26 programmes thereof and shall ensure the effective implementation of such
27 policies and programmes.
28 (6) The Board shall have power to make, amend or revoke any
29 regulation, for the furtherance of its objectives and in particular to provide-
30 (a) for matters relating to the appointment, removal and resignation of the

1 employees of the Agency; and

2 (b) in consultation with the relevant agency of the Federal
3 Government, the procedure for and terms and tenure of appointment,
4 emoluments, allowances, discipline and the conditions of service of the
5 employees of the Agency.

6 (7) The supplementary provisions contained in the Schedule to this
7 Bill, shall have effect with respect to the proceedings of the Board and the other
8 matters mentioned therein.

Establishment
of National
Advisory Council
for the Agency

9 **5.-(1)** There is established for the Agency, a Council to be known as
10 the National Advisory Council for the Agency (in this Bill referred to as "the
11 Council").

12 (2) The Council shall consist of a chairman, and the following other
13 members to be appointed by the Minister-

14 (a) a representative each of the following Ministries and bodies, that
15 is-

16 (i) Employment, Labour and Productivity,

17 (ii) Industry,

18 (iii) Agriculture and Rural Development;

19 (iv) Water Resources,

20 (v) Education,

21 (vi) Works,

22 (vii) Women Affairs,

23 (viii) Youth Development,

24 (ix) the National Youth Service Corps;

25 (b) one person nominated by the Governor of each State of the
26 Federation;

27 (c) one person nominated by the Nigerian Employers Consultative
28 Association to represent employers;

29 (d) one person nominated by the Nigeria Labour Congress, to
30 represent workers;

1 (e) three persons appointed by the Minister, to represent the
2 business community;

3 (f) three person appointed by the Minister, to represent academic
4 interests, research institutions and consultancy services; and

5 (g) three other persons appointed by the Minister, being persons
6 who, by reason of any requisite ability, experience and special knowledge,
7 have skills that would be useful to the Agency and would enable them to
8 make effective contribution to the work of the Agency.

9 (3) The Council shall advise the Minister on national employment
10 generation and the co-ordination of Federal and State Government
11 programmes, for employment promotion, funding and mobilisation of
12 assistance for such programmes.

13 (4) The Council shall, from time to time, assess the programmes
14 implemented by the Agency, with a view to ascertaining their suitability and
15 to offering such advice as may improve the success of such programmes.

16 (5) The Council shall be constituted into various committees
17 relevant to each programme of the Agency.

18 (6) The Council may, subject to such conditions as it may impose,
19 delegate any of the functions conferred on it by this Bill to any of its
20 committees; but nothing in this section shall prevent the Council from
21 exercising any of the powers so delegated.

22 (7) The supplementary provisions contained in the Schedule to this Schedule
23 Bill shall have effect with respect to the proceedings of the Council and the
24 other matters mentioned therein.

25 **6.-(1)** There shall be established to assist the Agency in each State Establishment,
26 of the Federation, a State Advisory Committee of the Agency (in this Bill membership and
27 referred to as "the State Advisory Committee"). functions of the
State Advisory
Committees

28 (2) Each State Advisory Committee shall consist of members to be
29 appointed by the Minister as follows, that is-

30 (a) three members to be nominated by the Governor of that State

1 one of whom shall be the chairman of the State Advisory Committee or act as
2 chairman in the absence of the chairman; and

3 (b) seven other members to be appointed by the Minister, one of
4 whom shall be the officer in charge of the State office of the Federal Ministry of
5 Employment, Labour and or Productivity and another who shall be the chief
6 project officer of the Agency in the State and who shall also act as the secretary
7 of the State Advisory Committee.

8 (3) The Minister shall have the power to remove any member of the
9 State Advisory Committees.

10 (4) The State Advisory Committees shall be responsible for-

11 (a) liaising between the National Advisory Council and the State
12 Governments;

13 (b) identifying problems and opportunities in employment creation;
14 and

15 (c) liaising between the Agency and State Governments for the
16 implementation of the programmes within the State.

17 (5) Any member of the State Advisory Committee not being a public
18 officer, shall be paid a sitting allowance in accordance with scales approved
19 from time to time by the Minister, in keeping with relevant Government
20 guidelines.

21 (6) Subject to the provisions of subsection (3) of this clause, members
22 of the State Advisory Committees not being public officers, shall hold office
23 for four years and shall be eligible for reappointment for a further period of four
24 years.

25 (7) The State Advisory Committees shall meet once in a quarter or as
26 considered necessary by the chairman of each State Advisory Committee.

Director-Genertal
and other staff
of the Agency

27 **7.-(1)** There shall be an officer of the Agency, to be known as the
28 Director-General, who shall be appointed by the President.

29 (2) The Director-General shall, subject to this Bill, be the chief
30 executive of the Agency and shall be responsible for the day-to-day

1 management of the affairs of the Agency.

2 (3) The Director-General shall hold office on such terms and
3 conditions as may be specified in his letter of appointment and on such other
4 terms as may be determined, from time to time, by the President.

5 **8.**-(1) Without prejudice to clause 7 of this Bill, the Board may
6 employ such other staff as may be required for the performance of the
7 functions of the Agency. Appointment of
other staff of the
Agency

8 (2) Employees of the Agency may be appointed by way of transfer
9 or secondment from any of the public services of the Federation or from the
10 private sector.

11 (3) The Board may, subject to such conditions as it may think fit,
12 delegate any of its powers relating to the appointment of or the exercise of
13 disciplinary control (including dismissal) over its employees to the
14 Director-General or any employee of the Agency.

15 **9.**-(1) The Agency shall establish and maintain its headquarters in
16 the Federal Capital Territory, Abuja, and offices in the capitals of the States. Provision of
office facilities,
etc.

17 (2) For the purposes of providing offices and premises necessary
18 for the performance of its functions under this Bill, the Agency may acquire
19 landed property and land in any manner authorised by law and build, equip
20 and maintain offices and premises on such land.

21 (3) The Agency may, with the prior approval of the Minister,
22 dispose of in any manner authorised by law, such of its land or premises as is
23 no longer required for its purposes.

24 **10.**-(1) The Agency shall establish and maintain a fund from which
25 shall be defrayed all expenditure incurred by the Agency. Financial
Provisions

26 (2) There shall be paid and credited to the fund established
27 pursuant to sub-clause (1) of this clause-

28 (a) such sums as may be provided by the Federal Government for
29 payment into the fund;

30 (b) three tenth per centum of tax payable by manufacturing firms;

1 (c) all sums accruing to the Agency by way of gifts, endowments or
2 contributions or otherwise howsoever;

3 (d) all monies raised by the Agency by way of loan or overdraft in
4 accordance with clause 11 of this Bill;

5 (e) rents, fees and other internally generated revenues from services
6 provided by the Agency; and

7 (f) all other sums accruing to the Agency, from time to time.

Power to accept
gift

8 **11.**-(1) The Agency may accept gifts of land, money or other property
9 upon such terms and conditions, if any, as may be specified by the person or
10 organisation making the gift.

11 (2) The Agency shall not accept any gift if the conditions attached by
12 the person or organisation making the gift to the acceptance thereof, are
13 inconsistent with the functions of the Agency.

Borrowing
power

14 **12.**-(1) The Agency may, with the consent of the Minister or in
15 accordance with the general authority issued in that behalf by the Minister,
16 borrow, by way of loan or over- draft from any source, any monies required by
17 the Agency for meeting its obligations and discharging its functions under this
18 Bill.

19 (2) The Agency may, with the consent of the Minister or in accordance
20 with the general authority issued in that behalf by the Minister, lend money
21 from its own fund, towards the specific and general implementation of its
22 programmes and objectives.

23 (3) The terms and conditions of lending any money under subsection
24 (2) of this clause shall be as approved by the Board, from time to time.

Power to invest
funds

25 **13.** The Agency may, with the prior approval of the Minister, invest in
26 any manner authorised by law, such of its funds as is not immediately required
27 for its use.

Annual estimates,
accounts and audit

28 **14.**-(1) The Board shall cause to be prepared and submitted to the
29 Minister not later than 30 September in each year or such other time as may be
30 directed by the Minister, an estimate of the expenditure and revenue of the

1 Agency during the next succeeding financial year.

2 (2) The Agency shall cause to be kept proper accounts and proper
3 records in relation thereto and when certified by the Board, such accounts
4 shall be audited by an auditor appointed from the list and in accordance with
5 the guidelines supplied by the Auditor-General for the Federation.

6 **15.**-(1) The Board shall, not later than 30 July in each year, submit Annual reports
7 to the Minister a report on the activities of the Agency and its administration
8 during the immediately preceding year and shall include in such report the
9 audited accounts of the Agency and the auditor's report thereon.

10 (2) The Minister shall, as soon as may be after the receipt of the
11 report, present the report to the President, together with any comments
12 thereon as may be made by him.

13 **16.** The Minister may give to the Board direction of a general Power of the
14 nature with respect to any of the functions of the Board or the Agency, and it Minister to give
15 shall be the duty of the Board to comply with such directions or cause them directives
16 to be complied with.

17 **17.**-(1) The Minister may, from time to time, constitute a Special committees
18 committee to be known as the special committee of the Agency for of the Agency
19 deliberation on special matters.

20 (2) The Board shall prescribe the allowances payable to the
21 organisations and persons elected as members of the special committee of
22 the Agency.

23 **18.** The National Directorate for Employment Act Cap N28 Laws Repeal
24 of the Federation of Nigeria 2004 is repealed.

25 **19.**-(1) All assets, rights, liabilities, interests, and obligations Savings and
26 vested in the National Directorate for Employment, before the transitional
27 commencement of this Bill, shall after commencement of this Bill be vested provisions
28 in the National Agency for Job Creation and Human Capital Development.

29 (2) All staff of the National Directorate for Employment existing
30 before the commencement of this Bill shall after commencement of this Bill

	1	continue to be staff of the National Agency for Job Creation and Human Capital
	2	Development in accordance with the terms of appointment.
Interpretation	3	20. In this Bill:
	4	"Board" means the Management Board of the Agency;
	5	"Council" means the National Advisory Council for the Agency;
	6	"Agency" means the National Agency For Job Creation and Human Capital
	7	Development, established by clause 2 of this Bill;
	8	"Director-General" means the Director-General of the Agency appointed
	9	pursuant to clause 7 (1) of this Bill;
	10	"Minister" means the Minister for the time being, charged with the
	11	responsibility for matters relating to employment and "Ministry" shall be
	12	construed accordingly;
	13	"States" means States of the Federation including the Federal Capital Territory,
	14	Abuja; and
	15	"State Advisory Committees" means the State Advisory Committees of the
	16	Agency, established in each of the States of the Federation and in the Federal
	17	Capital Territory, Abuja.
Citation	18	21. This Bill may be cited as the National Agency for Job Creation and
	19	Human Capital Development Bill, 2024.

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SCHEDULE

[Clauses 5 (7)

Proceedings of the Board

1.-(1) At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of them to preside at the meeting.

(2) Any member of the Board, other than an ex-officio member, may by letter addressed to the President resign his appointment and on acknowledgement of the receipt of the letter he shall cease to be a member of the Board from the date indicated on his letter of resignation.

(3) Any member, not being a public officer, shall be paid a sitting allowance in accordance with the scale approved from time to time, by the Board, in keeping with relevant government guidelines.

2. If it appears to the Board that a member of the Board should be removed from office on the ground of misconduct, incompetence or inability to perform the functions of his office, the Board shall make recommendations to that effect to the Minister, and if the Minister shall in writing advise the President for appropriate actions.

3.-(1) The Board shall meet not less than once in every quarter at such time, place and day as the chairman may appoint.

(2) Meetings of the Board may be convened only at the instance of the chairman.

(3) A notice for a meeting of the Board shall specify the time, place, date and agenda of the meeting and shall be served not less than seven clear days before the date of the meeting.

(4) At every meeting of the Board, eight members shall form a quorum and a quorum shall include the chairman.

4.-(1) Subject to the provisions of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or

1 casting vote), the decisions of the Board shall be taken by a majority of its
2 members and in the case of equality of votes, the person presiding shall have a
3 casting vote.

4 (2) All decisions of the Board shall be ratified by the Minister after
5 due consultation with the President.

6 *Proceedings of the Council*

7 5.-(1) The chairman of the National Advisory Council of the Agency
8 shall be appointed by the Minister.

9 (2) Where a member representing an organisation ceases to be a
10 member of the Council, the body by which he was nominated shall nominate
11 another person to represent it on the Council.

12 (3) Any member of the Council, other than an ex-officio member, may
13 by letter addressed to the Council resign his appointment and on
14 acknowledgment of the receipt of the letter by the Council, he shall cease to be
15 member of the Council from the date indicated on his letter of resignation.

16 (4) Any member of the Council, not being a public officer, shall be
17 paid a sitting allowance in accordance with scales approved, from time to time,
18 by the Minister, in keeping with relevant Government guidelines.

19 6.-(1) Any member who is absent from two consecutive ordinary
20 meetings of the Council shall explain the reason for such absence in writing to
21 the Director-General for consideration by the Council, which shall thereafter
22 either accept same or recommend to the Minister that the member be removed
23 from office, and on approval of such recommendation by the Minister, the
24 member shall stand removed.

25 (2) If it appears to the Council that a member of the Council should be
26 removed from office on the ground of misconduct or inability to perform the
27 functions of his office, the Council shall make a recommendation to that effect
28 to the Minister, and if the Minister approves the recommendation, he shall in
29 writing declare the office of that member vacant.

30 7.- (1) The Council shall meet, not less than twice in a year at such

1 time, place and day, as the chairman may appoint.

2 (2) The chairman shall convene an extraordinary meeting of the
3 Council whenever the need arises.

4 8. A notice for a meeting of the Council shall specify the time,
5 place, date and agenda of the meeting and shall be served, not less than ten
6 clear days before the date of the meeting.

7 9. At every meeting of the Council, the chairman shall preside.

8 10. At every meeting of the Council, eighteen members shall form
9 a quorum and a quorum shall include the chairman and the representative of
10 at least ten of the States comprising the Federation.

11 11. Subject to the provisions of section 27 of the Interpretation
12 Act, (which provides for decisions of a statutory body to be taken by a
13 majority of its members and for the person presiding to have a second or
14 casting vote), the decisions of the Council shall be taken by a majority of its
15 members and in the case of equality of votes, the person presiding shall have
16 a casting vote.

17 12. Where the Council desires to obtain the advice of any person
18 on any particular matter, the Council may co-opt a person who is not a
19 member of the Council for such purposes, and a person so eo-opted, shall
20 take part in the deliberations of the Council, but shall not be entitled to vote
21 nor count towards a quorum at a meeting of the Council.

22 13.-(1) The fixing of the seal of the Agency shall be authenticated
23 by the signature of the chairman of the Board or of some other members,
24 authorised generally or specially by the Board, to act for that purpose.

25 (2) Any contract or instrument which, if made or executed by a
26 person not being a body corporate, would not be required to be under seal,
27 may be made or executed on behalf of the Agency by any person generally or
28 specially authorised to act for that purpose by the Agency.

29 14. The validity of the proceedings of the Board or Council or a
30 committee thereof, shall not be affected by any vacancy in the membership

1 of the Board, Council or committee, or by any defect in the appointment of a
2 member of the Board or Council or of a person to serve on the committee or by
3 reason that a person not entitled to do so, took part in the proceedings.

4 15. Any member of the Board, Council or a committee who has a
5 personal interest in any contract or arrangement entered into or proposed to be
6 considered by the Board, Council or a committee thereof, shall forthwith
7 disclose his interest to the Board or Council, and shall not take part in the
8 proceedings relating to the contract or arrangement.

9 16. A person shall not, by reason only of his membership of the Board
10 or Council, be treated as holding an office in the public service of the
11 Federation or a State.

12 17. No member of the Board, Council or committee shall be
13 personally liable for any act or default of the Agency done or omitted to be done
14 in good faith in the course of the operations of the Board or Council or
15 committee of the Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Directorate for Employment Act Cap N28 Laws of the Federation of Nigeria 2004 and to establish the National Agency for Job Creation and Human Capital Development to be responsible for stimulating job creation, fostering business growth, and connecting employers with skilled workers; promoting human capital development to ensure a strong, qualified workforce that fuels a vibrant and prosperous national economy.