

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OCCUPATIONAL SAFETY AND HEALTH COMMISSION OF NIGERIA TO PROMOTE AND SECURE THE SAFETY AND HEALTH OF ALL WORKERS AND OTHER PERSONS FROM RISKS ARISING OUT OF WORK ACTIVITIES IN THE WORKPLACE AND FOR RELATED MATTERS

*Sponsored by Hon. Akarachi Etinosa Amadi*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1           1.-(1) There is hereby established a body to be known as the  
2 Occupational Safety and Health Commission of Nigeria (in this act referred  
3 to as the Commission) which shall be a body corporate with perpetual  
4 succession and a common seal and may sue and be sued in its corporate  
5 name.

Establishment  
of the Occupational  
Safety and Health  
Commission of  
Nigeria

6           (2) There is established for the Commission a governing board  
7 which shall be responsible for the running of the affairs of the Commission.

8           (3) The Commissioners head office shall at any place designated as  
9 the Federal Capital Territory and it may establish offices in all the states of  
10 the federation.

11           (4) The governing board shall consist of:

12           (a) The chairman;

13           (b) A representative each of the following ministries:

14           (i) Ministry of Labour and Productivity;

15           (ii).Ministry of industries. (iii) Ministry of Health (iv) Ministry of  
16 Transport.

17           (c) A Medical Doctor with at least 15 years' experience;

18           (d) A legal practitioner of at least 15 post call experience;

1 (e) A representative of the organized private sector;

2 (f) A representative of the Nigerian Labour Congress;

3 (g) A Director-General.

4 (5) the chairman and members of the board shall be appointed by the  
5 President, subject to the confirmation of the senate.

6 (6) the supplementary provision set out in the schedule to this act shall  
7 have effect with respect the proceedings of the board and the other matters  
8 contain therein.

Member of the  
Board

9 **2.** The Chairman and other Member of the board, other than ex-officio  
10 members:

11 (a) shall hold office for a period of four (4) years on such terms and  
12 conditions as contained in their letters of appointment; and

13 (b) may be re-appointed for one further period of four (4) years on  
14 such terms and conditions as contained in their letters of appointment; and

Removal of  
Members from  
Office

15 **3.**-(1) Notwithstanding the provisions of section 2 of this act, a  
16 member may at any time be removed from office by the president of the Federal  
17 Republic of Nigeria for inability. to discharge the functions of his office  
18 (weather arising form infirmity of mind or body or any other cause) or for  
19 misconduct.

20 (2) A member of the board may resign his appointment by a notice in  
21 writing under his hand, addressed to the president, and that member shall, on  
22 the date of the receipt by the President of the Federal Republic of Nigeria cease  
23 to be a member of the board.

Cessation of  
Office

24 **4.**-(1) Notwithstanding the provisions of section 3 of this Act, a  
25 person shall cease to hold office as a member of the board if:

26 (a) he becomes bankrupt; or

27 (b) he is convicted of a felony or any offence involving dishonesty or  
28 fraud; or

29 (c) he becomes of unsound mind, or incapable of carrying out his  
30 duties; or

1 (d) he is guilty of a serious misconduct in relation to his duties; or

2 (e) in the case of a person possessed of a professional  
3 qualifications, he is disqualified or suspended from practicing his  
4 profession in any part of the world by an order of a competent authority  
5 made in of that member; or

6 (f) he resigns his appointment by a letter addressed to the Minister.

7 (2) If a member of the Board ceases to hold office for any reason  
8 whatsoever, before the expiration of the term for which he is appointed,  
9 another person representing the same interest as that member shall be  
10 appointed to the board for that unexpired term.

11 (3) A member of the board may be removed by the Minister, on the  
12 recommendation of the board, if he is satisfied that it is not in the interest of  
13 the Board or in the interest of the public that the member continues to hold  
14 office.

15 **5.** A member of the board shall be paid such emoluments, Remuneration  
16 allowances and benefit as the Minister may with the approval of the  
17 president of the Federal Republic of Nigeria, from time to time approve.

18 **6.** The functions of the commission shall be: Functions of the  
Commission

19 (a) To promote and secure the safety and health of persons at work;

20 (b) To protect persons at work against hazards;

21 (c) To assist in securing safe and hygienic work environments;

22 (d) To reduce, eliminate and control the hazards to which persons  
23 are exposed at work;

24 (e) To foster cooperation and consultation between and to provide  
25 for the participation of employers and employees and associations  
26 representing employers and employees in the formulation and  
27 implementation of safety and health standards to current levels of technical  
28 knowledge and development;

29 (f) To provide for formulation of policies and for the coordination  
30 of the administration of laws relating to occupational safety and health;

1 (g) To promote education and community awareness on matters  
2 relating to occupational safety and health.

3 (h) To examine, review and make recommendations to the Minister in  
4 relation to existing and proposed registration or licensing schemes relating to  
5 occupational safety and health;

6 (i) To provide advice to and cooperate with Government departments,  
7 public authorities, trade unions, employer organisations and other interested  
8 persons in relation to occupational safety and health;

9 (j) To formulate or recommend standards, specifications or other  
10 forms of guidance for the purpose of assisting employers, self employed  
11 persons and employees to maintain appropriate standards of occupational  
12 safety and health;

13 (k) To promote education and training in occupational safety and  
14 health as widely as possible;

15 (l) In cooperation with educational authorities or bodies to devise and  
16 approve courses in relation to occupational safety and health;

17 (m) To recommend to the Minister the establishment of public  
18 inquiries into any matter relating to occupational safety and health;

19 (n) To collect, publish and disseminate information on occupational  
20 safety and health;

21 (o) To formulate reporting procedures and monitoring arrangements  
22 for identification of workplace hazards, and incidents in which injury or death  
23 is likely to occur in an occupational situation; and

24 (p) To commission and sponsor research into occupational safety and  
25 health.

26 (9) To do such other things as are necessary and expedient for the  
27 efficient performance of the functions of the Commission.

Powers of the  
Board

28 7. The board of the Commission shall have powers to;

29 (a) Manage and supervise the affairs of the Commission.

30 (b) Appoint Inspectors for the effective implementation of the

1 provisions of this Act;

2 (c) Enter and inspect premises, and any other place as may be  
3 necessary for the purposes of carrying out the functions of the Commission  
4 under this Act;

5 (d) Pay the staff of the Commission such remuneration and  
6 allowances as appropriate; and

7 (e) do anything legally to facilitate and carry out the provisions of  
8 this act.

9 **8.**-(1) There shall be appointed for the Commission, a Director Appointment of  
10 General who shall, subject to the general direction and supervision of the Director-General  
11 Board:

12 (a) be the chief executive and accounting officer of the  
13 Commission;

14 (b) be a degree holder of ten years cognate experience with  
15 specialization in health and safety;

16 (c) be responsible for the execution of the policies of the  
17 commission and the day-to-day administration of the affairs of the  
18 Commission; and

19 (d) perform such other duties as the Board may, from time to time  
20 direct.

21 (2). The Director General shall hold office:

22 (a) for a term of 4 years in the first instance and may be reappointed  
23 for a further term of 4 years and no more; and

24 (b) on such terms and conditions as may be specified in his letter of  
25 appointment.

26 **9.**-(1) There shall be for the Board, a Secretary who shall be Secretary to the  
27 appointed by the Minister on the recommendation of the Board. Board

28 (2) The Secretary shall:

29 (a) keep the books and records and conduct the correspondence of  
30 the Board;

1 (b) make arrangement for the meetings of the Board; and

2 (c) carry out such other duties as the Board or the Director General  
3 may, from time-to-time, direct.

4 (3) The Commission shall have the power to appoint either directly or  
5 on secondment from any Public Service of the Federation or otherwise  
6 howsoever, such number of staff and other employees as it may, from time-to-  
7 time, deem necessary to assist the Commission in the discharge of any of its  
8 functions under this Act.

9 (4) The terms and conditions of service (including remuneration,  
10 allowances, benefits and pensions) of staff and employees of the Commission  
11 shall be as determined by the Commission after consultation with the Federal  
12 Civil Service Commission.

Other employees  
of the Commission

13 **10.** The board shall appoint for the Commission, such officers and  
14 other employees as it may from time to time deem necessary for the purposes of  
15 the Commission

Pensions

16 **11.** It is hereby declared that service in the Commission shall be  
17 approve service for the purpose of the Pensions Reform Act 2004 and  
18 accordingly employees of the Commission shall be entitled to pension and  
19 other retirement benefits

Establishment  
of the Fund

20 **12.** The Commission shall establish and maintain a fund to which all  
21 monies accruing to it shall be paid into or from which shall be defrayed all  
22 expenditure incurred by the Commission.

Application of  
Fund

23 **13.**-(1) The funds of the Commission shall consist of:

24 (a) The initial take off grant of the Commission;

25 (b) All monies as may be appropriated by the Federal Government for  
26 the Commission;

27 (c) All such other monies as shall be received from states, local  
28 governments, corporate bodies and individuals;

29 (d) sums accruing to the Commission by way of donations,  
30 testamentary, gifts, grants and endowment or otherwise;

- 1 (e) loans and grants-in-aid from national, bilateral and multilateral  
2 agencies;
- 3 (f) rents, fees and internally generated revenue from services  
4 provided by the commission; and
- 5 (g) all other sum accruing the Commission from time to time,
- 6 **14.** The Commission may from time to time borrow such sums it Power to borrow  
7 may require in the execution of its functions under this act;
- 8 **15.** -(1) The Commission may accept gifts of land, money or other Power to accept  
9 property on such terms and conditions, if any, as may be prescribed by the gifts  
10 person or organization making the
- 11 (2) The Commission shall not accept any gifts if the conditions  
12 attached are inconsistent with the objectives of the Commission
- 13 **16.** The Commission may subject to the Land Use Act acquire any Land Use Act  
14 land for the purpose of discharging its functions.
- 15 **17.** The Commission shall prepare and submit to the National Accounts Estimates  
16 Assembly through the Minister not later than 30th September of each year,  
17 an estimate of its expenditure and income during the next succeeding year.
- 18 **18.** The Commission shall: Accounts records
- 19 (a) cause to be kept proper accounts and records of the transactions  
20 of the Commission;
- 21 (b) maintain effective control over its assets and liabilities incurred  
22 in the discharge of its functions.
- 23 **19.** Prepare in respect of each financial year a statement of account Annual report  
24 in such form as the auditor-general may direct.
- 25 **20.**-(1) The Commission shall cause the accounts to be audited not Accounts and  
26 later audit than six months after the end of each year by the Auditor General Audit  
27 of the Federation.
- 28 (2) The Auditor-General or any officer authorized by him is  
29 entitled at all reasonable time to full and free access to all accounts, records,  
30 documents and paper of the commission relating directly or indirectly to the

- 1 receipt or payment of money by the Commission or to the acquisition, receipt,  
2 custody or disposal of assets by the Commission.
- Financial  
Report 3           **21.** The Commission shall submit to the President through the  
4 Minister not later than 30th June of each financial year, a report of its activities  
5 during the proceedings year and it shall include in such report a copy of the  
6 audited accounts of the Commission for that year and a copy of the auditor's  
7 report on it.
- Employees  
Welfare 8           **22.** -(1) It shall be the duty of every employer to ensure, so far as is  
9 reasonably practicable, the health, safety and welfare at work of all his  
10 employees.  
11           (2) It shall be the duty of every employer to conduct his undertaking in  
12 such a way as to ensure, so far as is reasonably practicable, that persons not in  
13 his employment who may be affected thereby are not thereby exposed to risks  
14 to their health or safety.
- Health and  
Safety 15           **23.** It shall be the duty of every employee while at work to:  
16           (a) take reasonable care for the health and safety of himself and of  
17 other persons who may be affected by acts or omissions;  
18           (b) as regards any duty or requirement imposed on his employer or  
19 any other person by this Act, co-operate with such employer or person to enable  
20 that duty or requirement to be performed or complied with;  
21           (c) carry out any lawful order given to him, and obey the health and  
22 safety rules and procedures laid down by his employer or by anyone authorized  
23 thereto by his employer, in the interest of health or safety;  
24           (d) if any situation which is unsafe or unhealthy comes to his  
25 attention, as soon as practicable report such situation to a health and safety  
26 representative or to his employer.
- Offences 27           **24.**-(1) It is an offence for a person:  
28           (a) To fail to discharge a duty to which he is subject by under this Act;  
29           (b) To fail to comply with an order under this act or the regulations.  
30           (2) An employer who fails to discharge his duty under Sections 11 and

1 12 is guilty of an offence and is liable:

2 (a) In the case of an individual to a fine not exceeding Three  
3 hundred Thousand Naira (N300, 000) or to imprisonment for a term not  
4 more than one year or to both;

5 (b) In the case of a body corporate, to a fine not exceeding Seven  
6 Hundred Thousand Naira (N700,000) or to imprisonment for a term not  
7 more than one year or both.

8 (3) An employee who fails to discharge his duties under Sections  
9 13 and 14 is guilty of an offence and is liable to a fine not exceeding fifty  
10 Thousand Naira (N50, 000) or to imprisonment for a term not more than one  
11 year or to both.

12 (4) If a body corporate commits an offence against this Act, every  
13 Director and other person concerned in the management of the body  
14 corporate commits the offence unless that person proves that:

15 (a) The offence was committed without his or her consent or  
16 connivance;

17 (b) The person exercised all such diligence to prevent the  
18 commission of the offence as ought to have been exercised by that person  
19 having regard to the nature of his or her functions in that capacity and to all  
20 the circumstances.

21 *Miscellaneous Provisions*

22 25.-(1) the provisions of the public officers protection act shall  
23 apply in respect of any suit instituted against any officer or employee of the  
24 commission.

Public Officers  
Protection Act

25 (2) no suit shall be instituted against any member of the  
26 commission, the executive secretary, officer or employee of the commission  
27 before the expiration of a period of one month after written notice of  
28 intention to commence the suit shall have been served upon the commission  
29 by the intending plaintiff or his agent.

30 (3) the notice referred to in subsection (2) of this section, shall state

1 the cause of action, the particulars of claim, the name and place of abode of the  
2 intending plaintiff and the relief sought by him.

Notice 3 **26.**-(1) A notice, summons or other documents required or authorized  
4 to be served upon the Commission under the provisions of this act, or any other  
5 law enactment may be served by delivering it to the Director General at the  
6 principal office of the Commission.

7 (2) in any action or suit, no execution or attachment of process shall be  
8 issued against the Commission without the consent of the Attorney General of  
9 the Federation.

Court Jurisdiction 10 **27.** Any sum of money which may by judgment of any court be by the  
11 court where notice of appeal of the said judgment has been given, be paid from  
12 the general reserve of the Commission.

Indemnity of  
Officers 13 **28.** A member of the Commission, the Director General, any officer or  
14 employee of the Commission shall be indemnified out of the assets of the  
15 Commission against any proceeding whether civil or criminal, in which  
16 judgment is given in his favour or in which he is acquitted, if any such  
17 proceedings is brought against him in his capacity as a member of the  
18 Commission, the Director General, officer or employees of the Commission.

President may  
give the  
Commission  
directives 19 **29.** Subject to the provisions of this Act, the President may give the  
20 Commission directives of a general nature with regard to the carrying out of the  
21 functions of the Commission under this Act and it shall be the duty of the  
22 Commission to comply with such directives.

23 **30.**-(1) On the commencement of this Act, the Factories Inspectorate  
24 Department of the Federal Ministry of Labour and Productivity (in this section  
25 referred to as "the department") shall cease to exist.

26 (2) Accordingly, the Department is hereby dissolved and the assets  
27 and liabilities of the Department and the other matters connected with the  
28 Department shall vest in the Commission. The ditto anything done or purported  
29 to be done bind or pursuant to this Act.

1                   **31.**-(1) The Commission may Subject to the approval of the     Regulations  
2                   Minister make regulations generally for the purpose of giving effect to the  
3                   provisions of this Act.

4                   **32.** In this act unless the context otherwise requires;                   Interpretation  
5                   "Commission" means the Occupational Safety and Health Commission of  
6                   Nigeria established under Section 1 of this Act;  
7                   "Employer "means a person who employs one or more workers;  
8                   "Employee" means an individual who is employed for wages under a  
9                   contract of employment, and related expressions shall be construed  
10                  accordingly;  
11                  "Governing board means the board established under section 2 of the Act;  
12                  "Minister" means the "minister charged with the responsibilities for  
13                  overseeing the Ministry of Labour and Productivity;  
14                  "President" means the President of the Federal Republic of Nigeria;  
15                  "Workplace" means any place in, on or near to where a worker works and  
16                  includes any place where such a person goes while at work.

17                  **33.** This Bill may be cited as the Occupational Safety and Health     Citation  
18                  Commission of Nigeria, (Establishment, etc)Bill, 2025.

1 SCHEDULE

2 *Section 1(6)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNMENT BOARD

4 *Proceedings of the Board of the Commission*

5 1.-(1)Subject to this act and section 27 of the interpretation act, the  
6 commission may make standing orders regulating its proceeding or those of  
7 any its committees.

8 (2) The quorum of the Commission shall be five members and the  
9 quorum of any committee of the commission shall be determined by the  
10 commission.

11 2..-(1)the commission shall meet not less than four times in each year  
12 and subject thereto, the commission shall meet whenever it is summoned by the  
13 chairman; and if the chairman is required to do so by notice given to him by not  
14 less than three other members, he shall summon a meeting of the commission  
15 be held within fourteen days from the date on which the notice is given.

16 (3)where the commission desires to obtain the advice of any person  
17 on a particular matter, the commission may co-opt such a person for a such a  
18 period as it thinks fit; but a person who is attendance by virtue of this sub-  
19 paragraph shall not count towards a quorum.

20 3.-(1) the commission may appoint one or more committees to carry  
21 out, on behalf of the Commission, such of its functions as the commission may  
22 determine, and shall not hold office on the committee in accordance with the  
23 terrils of his appointment:

24 (a) a decision of a committee of the commission shall be of no effect  
25 until it is confirmed by the commission.

26 *Miscellaneous*

27 4.-(1) the fixing of the seal of the commission shall be authenticated  
28 by the signature of the chairman, the executive secretary, or of any other person  
29 authorized generally or specifically to act for that purpose by the commission.

30 (2) any contract or instruction which, if made or executed by a person

1 not being a body corporate, would not required to be under seal may be made  
2 or executed on behalf of the commission by the chairman, executive  
3 secretary, or any person generally or specially authorized to act for that  
4 purpose by the commission.

5 (3) any document purporting to be a document duly executed under  
6 the seal of the commission, shall be received in evidence and shall, unless  
7 and until the contrary is proved, be presumed to be so executed.

8 5. the validity of any proceeding of the commission or of a  
9 committee thereof shall not be adversely affected by any vacancy in the  
10 membership of the commission or committee, or by ay defect in the  
11 appointment of a member of the commission, or of a committee, or by  
12 reason that a person not entitled to do so took art in the proceedings of the  
13 commission or committee.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Occupational Safety and Health Commission of Nigeria to promote and secure the safety and health of all workers and other persons from risks arising out of work activities in the workplace.