

AN EXAMINATION OF THE ROLE OF DRAFTING TECHNIQUES IN ENHANCING
LAWS: A CASE STUDY OF THE EMPLOYEES COMPENSATION ACT 2010.

BY

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A DISSERTATION SUBMITTED TO THE FACULTY OF LAW UNIVERSITY OF
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DECLARATION

I, CAROLINE OLAWUMI ABAH of Matriculation number PG/NLS2215168 declare that this dissertation is a product of my research efforts, undertaken under the supervision of Dr Bethel Ihugba. It is an original work and no part of it has ever been presented for the award of any degree in this institution or any other higher institution of learning for any kind of programme. I declare further that all sources of data, analysis and all information used have been duly acknowledged through references.

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My research work consist of 44,420 words excluding appendix and the preliminary pages.

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APPROVAL PAGE

This Dissertation Titled An Examination of the Role of Drafting Techniques in Enhancing Laws: A Case Study of the Employee Compensation Act 2010 by Caroline Olawumi Abah has been read and approved as having met the requirements for the award of the degree of masters of laws in legislative drafting (LLM) of the National Institute of Legislative and Democratic Studies University of Benin, Edo State.

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DEDICATION

This research work is dedicated firstly to God Almighty and to my loving husband for all effort he made to ensure that I undertake this programme and to my beloved children for encouraging me.

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The International Labour Organization (ILO), founded in 1919.

The Workmen's Compensation Act, CAP W6, Laws of the Federation of Nigeria 2004

The Labour Act Cap L1, Laws of the Federation of Nigeria 2004.

LIST OF ABBREVIATIONS

ECA : Employees' Compensation Act

ILO : International Labour Organization

NALT : National Association of Legal Technicians

NBS : National Bureau of Statistics

NSITF: Nigeria Social Insurance Trust Fund

UDHR: Universal Declaration of Human Rights

NLC: Nigeria Labour Congress

TUC: Trade Union Congress

AMPs : Accredited Medical Practitioners and Specialists

UNCC: United Nations Compensation Commission

NSITFMB: Nigeria Social Insurance Trust Fund Management Board

ABSTRACT

This research was motivated by the need to appraise the necessity of the Seven C's of legislative drafting and other drafting techniques in the legal framework for employees' compensation under Nigerian law. The Employees' Compensation Act (ECA) 2010 governs compensation for job-related risks in Nigeria; however, inconsistencies in its drafting raise concerns about its clarity, certainty, and effectiveness. The study (1) examined the meanings and roles of the Seven C's and other drafting techniques of legislative drafting, (2) assessed the extent to which the Seven C's are applied in the ECA 2010, (3) identify challenges, lacunae, or inadequacies in the application of the Seven C's and other drafting techniques in the Act, and (4) explore solutions to these challenges. The effectiveness of any legal framework depends significantly on the clarity, precision, and coherence of its legislative drafting. Poorly drafted laws often lead to ambiguities, inconsistencies, and loopholes that undermine their implementation, interpretation, and enforcement. Therefore, there is a pressing need to critically assess how legislative drafting techniques contribute to the overall success and functionality of legal instruments.

The research adopts a doctrinal methodology, utilizing primary and secondary data sources, including relevant legislation, case law, textbooks, journals, and literature, to critically analyze the provisions of the ECA 2010 to justify the objective of the research.

While the Act attempts to simplify compensation claims procedures, findings revealed that certain sections fail to adhere strictly to the Seven C's of drafting and some drafting techniques. This results in unclear, uncertain, and difficult-to-interpret language, hindering effective implementation. Key findings include: (1) the Seven C's play a vital role in legislative drafting, (2) their application is inconsistent in fundamental sections of the ECA 2010, and (3) significant challenges, lacunae, and inadequacies exist, such as the exclusion of 'mental stress' from compensable conditions unless it results from a compensable injury. Additionally, the Act grants

excessive discretionary powers to the Nigeria Social Insurance Trust Fund Management Board, particularly regarding healthcare benefits, which are only mandatory for occupational diseases.

The study recommends continuous training for legislative drafters on the effective application of the Seven C's and other drafting techniques to eliminate ambiguities and inadequacies in legal drafting. It also advocates for the inclusion of 'mental stress' as a compensable condition, irrespective of its connection to a compensable injury, and the establishment of healthcare and disability support payments as rights in all proven cases. The study concludes that effective drafting techniques and the application of the Seven C's are essential in enhance laws generally and ensuring effective implementation and enforcement of any legislation.

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