

L.N. 39 of 1967

LABOUR CODE ACT (CHAPTER 91)

**Dock Labour (Registration and Control of Employment)
Rules 1967***Commencement : 8th March 1967*

In exercise of the powers conferred by sections 202 and 210 of the Labour Code Act, as modified by the Constitution (Suspension and Modification) Decrees (Nos. 1 to 10), and of all other powers enabling it in that behalf, the Federal Executive Council hereby makes the following rules :—

1.—(1) These rules may be cited as the Dock Labour (Registration and Control of Employment) Rules 1967, and shall apply throughout Nigeria.

Citation and extent.

(2) These rules shall apply to employers, and to industrial workers employed as dock workers, in the ports in Nigeria to which these rules apply or are applied.

(3) The Council shall declare from time to time the ports to which these rules shall apply.

2. In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say :—

Interpretation.

“cargo” means manifested cargo and includes passenger’s baggage ;

“the Council” means the Federal Executive Council ;

“dock employer” means a person by whom a dock worker is employed or to be employed and includes a stevedore labour contractor ;

“dock work” means operations, at places or premises to which these rules apply, ordinarily performed by dock workers ;

“dock worker” means a person employed or to be employed in, or in the vicinity of a port on work connected with the loading, unloading, movement or storage of cargoes, or work connected with the preparation of ships or other vessels for the receipt or discharge of cargoes and includes persons engaged in itinerant dockwork on coastal voyages, a tally clerk casually employed, and a supervisor, headman or person for the time being in charge of a gang of dock workers ;

“Permanent Secretary” means the Permanent Secretary, Federal Ministry of Labour and includes any other officer of that Ministry for the time being designated by him for the purposes of these rules ;

“non-preference worker” means a dock worker whose name is for the time being entered on the non-preference list in the register ;

“pool” means a central reserve of such number or class or description of registered dock workers as the Permanent Secretary may from time to time determine ;

“Port Labour Officer” means a Labour Officer, Labour Inspector, Assistant Labour Inspector or any other officer for the time being assigned by the Permanent Secretary to take charge of duties connected with dock work ;

“preference worker” means a dock worker whose name is for the time being entered on the preference list in the register ;

“principal” means a shipping company, or shipping agency, or the Nigerian Ports Authority ;

"register" means the register of dock workers or of dock employers maintained by the Port Labour Officer in accordance with these rules ;

"registered dock worker" means a dock worker whose name is for the time being entered in the register whether in the preference list or in the non-preference list ;

"registered employer" means a dock employer whose name is for the time being entered in the register of employers ;

Registration
of dock
workers and
employers.

3.—(1) The Port Labour Officer shall register such number of dock workers employed or to be employed in the port or ports under his charge as may from time to time be determined by the Council which may lay down conditions for such registration.

(2) For the purpose of such registration a dock employer shall, when requested by the Permanent Secretary to do so, forward to the Port Labour Officer a list of dock workers employed by him showing, separately, the names of the workers who are to be placed on the preference list and of those to be placed on the non-preference list.

(3) The number of such registered dock workers, two-thirds of which shall be on the preference list and one-third on the non-preference list, shall be determined by the Permanent Secretary.

(4) Nothing in paragraphs (2) and (3) of this rule shall prevent a dock employer from transferring at any time any of his registered non-preference workers to the preference list and the Port Labour Officer may admit any such worker to that list on the employer's request :

Provided that the total number of registered dock workers allocated to the employer by the Permanent Secretary shall not be exceeded.

(5) Registration of a dock worker shall include the preparation of a registration document for the worker, which document shall contain a photograph of the registered dock worker and an identity card approved by the Permanent Secretary ; and on completion of the registration, the Port Labour Officer shall issue the registration document to the registered dock worker.

(6) The Port Labour Officer shall register such number of dock employers engaged or to be engaged in dock work in the port or ports under his charge as may from time to time be determined by the Council who may lay down conditions for such registration.

(7) No dock employer who has not been registered in accordance with these rules shall carry out contracts involving the use of dock workers.

Obligations
of registered
dock
workers.

4.—(1) Every registered dock worker shall be deemed to have accepted the provisions of these rules.

(2) A registered dock worker shall carry his identity card at all times whilst at work and shall produce it for the inspection of the Port Labour Officer, Police Officer or Nigerian Ports Authority Dock Superintendent whenever reasonably demanded.

(3) A preference worker who is informed by his employer that he will not be required for work on his next normal shift shall report to the Port Labour Officer at the time he would normally be required to report for work and the worker may then be offered temporary work for that shift with another registered employer.

(4) A preference worker who is sent for work to a registered employer other than the registered employer with whom he is registered shall carry out his duties in accordance with the rules of his temporary employer.

(5) A dock worker registered on the non-preference list may report to the Port Labour Officer on any day on which the worker is not offered work by the employer with whom he is registered but such worker shall not be offered work until all preference workers have been placed in employment for that day.

(6) Identity cards issued as a result of the implementation of these rules shall remain the property of the Federal Ministry of Labour and persons to whom the cards are issued may be required to surrender them on reasonable demand or at the discretion of the Permanent Secretary.

(7) Every registered dock worker while in employment shall carry out his duties in accordance with the instructions of his employer for the time being and in compliance with the provisions of these rules.

5.—(1) Every registered employer shall be deemed to have accepted the provisions of these rules.

Obligations
of registered
employers.

(2) A registered employer—

(a) shall keep such records as may be required by the Port Labour Officer ;

(b) shall furnish, on such forms as the Port Labour Officer may specify, true and accurate information relating to—

(i) the number of registered dock workers employed by him ;

(ii) the hours and overtime worked by his dock workers ;

(iii) the basic and overtime wage rates paid to his dock workers ;

(iv) the reasons for any absence from work of a dock worker ;

(v) the names of his dock workers who are engaged temporarily by any other registered employer ; and

(vi) any other matters as may be specified by the Port Labour Officer.

(3) A registered employer shall not on any day employ any dock worker on his non-preference list until he has provided employment for all the dock workers in his preference list, and he shall accept for temporary employment any preference workers submitted for work by the Port Labour Officer before offering work to a worker on his non-preference list.

(4) A registered employer shall report in writing to the Port Labour Officer for final decision any disciplinary action involving the dismissal or suspension of a dock worker registered with the employer and the report shall include the reasons for the dismissal or suspension.

(5) The Port Labour Officer's decision on such report shall include a ruling on whether or not the name of a dismissed dock worker shall be removed from the register.

6.—(1) No person other than a registered employer shall be engaged in dock work or employ any worker on dock work and, save as hereinafter provided, a registered employer shall not engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

Registration
of employ-
ment.

(2) Notwithstanding the foregoing paragraph of this rule, where the Port Labour Officer is satisfied that dock work is urgently required to be done and it is not reasonably practicable to obtain a registered dock worker for that work, he may in respect of that work either allocate to a registered employer a person who is not a registered dock worker or permit a registered employer himself to engage such a person and a dock worker employed under this paragraph shall be employed on daily basis.

(3) Notwithstanding any other provision contained in these rules a supervisor, headman or person for the time being in charge of a gang of dock workers shall be held liable for any contravention of these rules where the

employer satisfactorily shows that the said contravention came about by the disregard of the employer's instruction and that the employer had done all within his power to prevent such contravention.

(4) The Port Labour Officer shall have the power to remove from any place or places to which these rules apply an unregistered dock worker employed without his previous permission in accordance with the provisions of these rules.

Cap. 91.

(5) Any person who obstructs the Port Labour Officer in the discharge of his function under paragraph (4) of this rule shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

Removal
from
register.

7.—(1) These rules shall cease to apply to a registered dock worker when his name has been removed from the register of dock workers in accordance with the provisions of these rules.

(2) These rules shall cease to apply to a registered employer when his name has been removed from the register of employers in accordance with the provisions of these rules.

(3) Nothing in this rule shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

(4) The Council may, for the purpose of securing greater regularity of employment of dock workers, cancel the registration of such number of dock workers as it may from time to time determine.

Wages and
conditions
of Employ-
ment.

8.—(1) It shall be an implied condition of the contract between a dock worker available for work and a registered employer that the rate of remuneration and conditions of service shall be in accordance with the law and in accordance with any local or national collective agreements for the time being in force.

(2) A registered employer shall pay wages or other remuneration for the services of a dock worker direct to the dock worker and no such wages or remuneration shall be paid through a supervisor, headman or any person in charge of a gang of dock workers.

Guarantee
in respect of
preference
workers.

9.—(1) A preference worker who reports for duty on each day of the month at the place and time designated by the registered employer or who reports to the Port Labour Officer after being informed that work will not be available for the next normal shift shall be guaranteed, by the employer, employment for fifteen days in each calendar month or a sum of money which, when calculated on piece-work or time-work and overtime or bonus, is not less than fifteen days' pay at the current daily rates for dock worker.

(2) The guarantee referred to in the preceding paragraph shall apply in respect of preference workers only and shall not apply to dock workers on the non-preference list.

(3) The guarantee referred to in paragraph (1) above shall not apply—

(a) during any month or comparable pay period in which preference workers voluntarily withdraw their services whether in pursuance of a trade dispute or otherwise; or

(b) where a preference worker absents himself without the approval of his employer or refuses to accept work offered him by his registered employer, or, on having been allocated to a temporary employer by the Port Labour Officer he refuses such temporary employment.

(4) When a preference worker or a non-preference worker has been allocated by the Port Labour Officer for temporary employment with a registered employer other than the employer with whom he is registered the remuneration due to the dock worker for this temporary work shall be paid to him by the employer temporarily using his services.

(5) The regular employer shall be informed by the Port Labour Officer whenever a preference worker is placed with another registered employer for temporary work and the regular employer shall credit the dock worker with each such day's work and shall have the right to deduct such days of temporary employment from the number of days worked or remuneration guaranteed by the employer under these rules.

(6) A registered employer shall not, without the approval of the Permanent Secretary, refuse to offer work to a dock worker allocated to him by the Port Labour Officer.

(7) Notwithstanding anything contained in these rules, a dock worker shall be entitled to be paid for each day he is employed during any calendar month or any comparable period.

10.—(1) Where in accordance with rule 4 (3) above a preference worker, who is informed by his employer that he will not be required for work on his next normal shift, reports to the Port Labour Officer, that officer shall enter the name and the registration number of the preference worker in a daily register and the employer under whom the worker is registered shall be informed as to whether or not the worker has been allocated temporary work.

Unemployed
registered
dock
workers.

(2) If a preference worker so reporting is not allocated temporary work he shall remain at the Port Labour Office until dismissed by the Port Labour Officer.

11. Subject to the provisions of these rules, the Port Labour Officer shall perform such duties as may, in furtherance of the objects of these rules, be assigned to him from time to time by the Permanent Secretary.

Duties of
Port Labour
Officer.

12. Nothing in these rules shall prevent the master and the crew of any vessel in any port in Nigeria from undertaking work in connection with the preparation of their vessel for the receipt or discharge of cargo, ship stores or ballast by hoisting the vessel's derricks and rigging them for discharging or loading; uncovering the vessel's holds; having dunnage or otherwise preparing the vessel to receive or to discharge cargo.

Right of
master and
crew.

13.—(1) Notwithstanding the provisions of rules 1 to 12 above the Council may, as and when it considers it necessary, set up a pool in any place.

Establish-
ment of
pool.

(2) If, as respects any place where a pool has been set up, any of the provisions of rules 3 to 12 of these rules is inconsistent with any of the provisions of rules 13 to 16 thereof, the provisions of rules 13 to 16 shall prevail and the provisions of rule 3 to 12 shall, to the extent of such inconsistency, be inapplicable to that place.

14. The pool shall apply to such number or class or description of registered dock workers as may from time to time be determined by the Council and to registered employers and principals engaged on dock work in any ports in Nigeria.

Application
of the pool.

Organisation
of the pool.

15.—(1) Every registered employer shall notify the Port Labour Officer, on prescribed form, of the number of dock workers he requires for work and such notification shall be sent to reach the Port Labour Officer not less than twenty-four hours before the time the employer requires the workers to commence work.

(2) All unemployed registered dock workers shall report daily at such places and at such time as may be determined by the Port Labour Officer.

(3) No registered employer shall employ a dock worker other than a dock worker allocated to him by the Port Labour Officer and no registered dock worker shall work for a registered employer without being allocated by the Port Labour Officer to the employer.

(4) For the purpose of the pool, a registered employer to whom a dock worker has been allocated by the Port Labour Officer for work shall be deemed for the time being to be the employer of such dock worker, and the registered employer shall be responsible for the wages, overtime pay and other legal obligations arising from the contract of service.

(5) Registered dock workers in the pool shall have no claim to payment of guaranteed wages.

(6) Notwithstanding the provision of rule 8 (2), the Council may prescribe the manner in which wages or other remuneration shall be paid to a dock worker.

(7) This rule shall apply where a pool has been set up.

Disciplinary
action for
breach.

16.—(1) A registered dock worker in a pool who fails to carry out his duties in accordance with these rules or fails to comply with any lawful orders given to him by his employer or by the Port Labour Officer or is inefficient or negligent in the discharge of his duties or absents himself from duty without permission or acceptable reason, or misconducts himself in the Port Labour Office or Port Labour Call Office may be suspended from duty for a period not exceeding fourteen days for each fault, or may have his registration cancelled, by the Permanent Secretary.

Cap. 91.

(2) Any dock employer who fails to carry out any of the provisions of these rules shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

(3) Any headman or person in charge of a gang of dock workers who fails to carry out his duties in accordance with these rules may be suspended from duty for a period not exceeding fourteen days in respect of each day for which the contravention is committed, or may have his registration cancelled, by the Permanent Secretary.

(4) A registered dock worker who contravenes the provisions of the rules for which no special penalty has been provided may be suspended from duty for a period not exceeding fourteen days in respect of each contravention, or may have his registration cancelled, by the Permanent Secretary.

(5) Any principal who fails to carry out any of the provisions of these rules shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

(6) Notwithstanding the provisions of paragraph (2) of this rule, where a registered employer fails to carry out any of the provisions of these rules his name may be removed from the register of employers after seven days notice in writing served on him by the Permanent Secretary and where the name is so removed it shall not be re-instated in the register of employers within twelve months of such removal or such lesser period as the Permanent Secretary may determine.

17. The Council may appoint a board, committee or other consultative body for the purpose of providing such information or advice generally as may be necessary for carrying out the objects of these rules.

Board and
Committee.

18. The Council may prescribe the manner in which any expenses incurred or to be incurred in the application of these rules shall be defrayed.

Expenses.

19.—(1) Notwithstanding the provisions of these rules, a registered employer or principal may employ dock workers on permanent establishment.

Dock
workers on
permanent
establish-
ment.

(2) Immediately after the application of these rules in any port, a registered employer or principal in that port shall forward to the Port Labour Officer for registration a list of the dock workers employed on his permanent establishment and shall notify the Port Labour Officer of any changes in the list as they occur.

(3) A registered employer or principal shall forward to the Port Labour Officer, as and when required, information relating to wages, salaries, overtime, holiday, sickness and other matters regarding the dock workers on his permanent establishment.

(4) The provisions of rule 4 (2) of these rules shall apply to dock workers on permanent establishment.

(5) Before removing a dock worker who is on permanent establishment his registered employer or principal shall withdraw the registration document of the dock worker and forward it to the Port Labour Officer.

(6) A dock worker on permanent establishment shall forthwith after leaving his registered employer or principal return his registration document to the Port Labour Officer.

(7) Any dock worker on permanent establishment who fails to carry out the provisions of this rule shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Acting Secretary to the
Federal Military Government*

EXPLANATORY NOTE

(This note does not form part of the above rules, but it is intended to explain their purposes).

The main objects of these rules are to secure greater regularity of employment of dock workers and to ensure that an adequate number of workers will be available for the efficient performance of dock work.

15.—(1) Every registered employer shall notify the Port Labour Officer, on prescribed form, of the number of dock workers he requires for work and such notification shall be sent to reach the Port Labour Officer not less than twenty-four hours before the time the employer requires the workers to commence work.

(2) All unemployed registered dock workers shall report daily at such places and at such time as may be determined by the Port Labour Officer.

(3) No registered employer shall employ a dock worker other than a dock worker allocated to him by the Port Labour Officer and no registered dock worker shall work for a registered employer without being allocated by the Port Labour Officer to the employer.

(4) For the purpose of the pool, a registered employer to whom a dock worker has been allocated by the Port Labour Officer for work shall be deemed for the time being to be the employer of such dock worker, and the registered employer shall be responsible for the wages, overtime pay and other legal obligations arising from the contract of service.

(5) Registered dock workers in the pool shall have no claim to payment of guaranteed wages.

(6) Notwithstanding the provision of rule 8 (2), the Council may prescribe the manner in which wages or other remuneration shall be paid to a dock worker.

(7) This rule shall apply where a pool has been set up.

Disciplinary
action for
breach.

16.—(1) A registered dock worker in a pool who fails to carry out his duties in accordance with these rules or fails to comply with any lawful orders given to him by his employer or by the Port Labour Officer or is inefficient or negligent in the discharge of his duties or absents himself from duty without permission or acceptable reason, or misconducts himself in the Port Labour Office or Port Labour Call Office may be suspended from duty for a period not exceeding fourteen days for each fault, or may have his registration cancelled, by the Permanent Secretary.

Cap. 91.

(2) Any dock employer who fails to carry out any of the provisions of these rules shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

(3) Any headman or person in charge of a gang of dock workers who fails to carry out his duties in accordance with these rules may be suspended from duty for a period not exceeding fourteen days in respect of each day for which the contravention is committed, or may have his registration cancelled, by the Permanent Secretary.

(4) A registered dock worker who contravenes the provisions of the rules for which no special penalty has been provided may be suspended from duty for a period not exceeding fourteen days in respect of each contravention, or may have his registration cancelled, by the Permanent Secretary.

(5) Any principal who fails to carry out any of the provisions of these rules shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

(6) Notwithstanding the provisions of paragraph (2) of this rule, where a registered employer fails to carry out any of the provisions of these rules his name may be removed from the register of employers after seven days notice in writing served on him by the Permanent Secretary and where the name is so removed it shall not be re-instated in the register of employers within twelve months of such removal or such lesser period as the Permanent Secretary may determine.

17. The Council may appoint a board, committee or other consultative body for the purpose of providing such information or advice generally as may be necessary for carrying out the objects of these rules.

Board and
Committee.

18. The Council may prescribe the manner in which any expenses incurred or to be incurred in the application of these rules shall be defrayed.

Expenses.

19.—(1) Notwithstanding the provisions of these rules, a registered employer or principal may employ dock workers on permanent establishment.

Dock
workers on
permanent
establish-
ment.

(2) Immediately after the application of these rules in any port, a registered employer or principal in that port shall forward to the Port Labour Officer for registration a list of the dock workers employed on his permanent establishment and shall notify the Port Labour Officer of any changes in the list as they occur.

(3) A registered employer or principal shall forward to the Port Labour Officer, as and when required, information relating to wages, salaries, overtime, holiday, sickness and other matters regarding the dock workers on his permanent establishment.

(4) The provisions of rule 4 (2) of these rules shall apply to dock workers on permanent establishment.

(5) Before removing a dock worker who is on permanent establishment his registered employer or principal shall withdraw the registration document of the dock worker and forward it to the Port Labour Officer.

(6) A dock worker on permanent establishment shall forthwith after leaving his registered employer or principal return his registration document to the Port Labour Officer.

(7) Any dock worker on permanent establishment who fails to carry out the provisions of this rule shall be deemed to have committed an offence against the Labour Code Act and the provisions of section 227 of that Act shall apply to any such offence.

MADE at Lagos this 8th day of March 1967.

H. A. EJUEYITCHIE,
*Acting Secretary to the
Federal Military Government*

EXPLANATORY NOTE

(This note does not form part of the above rules, but it is intended to explain their purposes).

The main objects of these rules are to secure greater regularity of employment of dock workers and to ensure that an adequate number of workers will be available for the efficient performance of dock work.