

Address at the Special Court Sitting to Mark the 2026/2027 Legal Year

By

Hon. Justice Benedict Bakwaph Kanyip, PhD, FNIALS, FCTI, FC Arb, bpa
President, National Industrial Court of Nigeria
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1. Courtesies

2. Coming from the commissioning of our Headquarters by His Lordship Hon. Justice Kudirat Motonmori Olatokunbo Kekere-Ekun, GCON, The Honourable, The Chief Justice of Nigeria (CJN), I welcome you all to this special court sitting to mark the 2026/20257 Legal Year celebration. I must thank God Almighty for making us witness the new legal year. And so on behalf of all the Judges, Management and staff of the Court, kindly accept our gratitude for honouring our invitation.

3. Today's ceremony marks the formal commencement of the 2026/2027 Legal Year. This annual ceremony is not merely a ritual of robes and procession, it is a solemn moment of accountability, reflection, and rededication to our core mandate, the sacred duty of dispensing labour justice without fear or favour, affection or ill will. We return from the annual vacation refreshed and resolved to confront the challenges facing the administration of labour justice.

4. The National Industrial Court of Nigeria (NICN), as the bastion of labour justice, occupies a sacred position in the Nigerian Judiciary (and indeed our democracy). It is a key institution to which all turn when workplace rights and obligations are threatened. It is a key institution entrusted with the responsibility of meting out labour justice according to the law. As an institution for labour justice, we are expected to remain impartial in all circumstances. For this reason, judicial independence, which applies to all courts, remains fundamental to the effective dispensation of labour justice. We recognise, however, that it is as sacred as it is, judicial independence comes with enormous responsibility.

5. And so as we keep to our mandate, we are mindful that this must be within the confines of fidelity to the Constitution, the law and the highest ethical standards expected of us all when adjudicating.

6. Today, the world of work is constantly changing, and with it the expectations of stakeholders. As between employers and employees, their respective interests constantly conflict — while employers desire greater flexibility in the labour marketplace, employees yearn for greater security. As these desires are bound to conflict, our role is to be impartial dispute resolvers. Conscious of this responsibility, we remain committed to strengthening our capacity to discharge it.

7. Recognising the core values of labour justice delivery, we are committed to ensuring that the Court remains accessible to all persons who seek justice, promote professionalism in the discharge of our mandate, continue to embrace innovation and technology where necessary, and ensure that the confidence reposed in us by those who use our services is justified through our conduct, our decisions and our commitment to the rule of law.

8. In the outgone legal year, our Court was inundated with quite a number of cases. Despite the pressure occasioned by this, my colleagues, in their characteristic manner, demonstrated unwavering commitment to duty and concluded significant numbers of these cases. I am pleased to report that through the dedication of our judges, we achieved a significant increase in case disposal rates compared to previous years. Over the past twelve months, a total of 2,236 cases were disposed of across our Judicial Divisions, significantly cutting down our historic backlog.

9. As a recognition and reward for hard work, vide two letters of 19 August 2026, the Court received two commendations from the Performance Evaluation of Judicial Officers Committee of the National Judicial Council (NJC) in respect of the First and Second Quarters of 2025. In the words of the Committee:

2. The Committee noted with admiration the excellent overall performance of the Judges of the National Industrial Court of Nigeria, all of whom met and/or surpassed the Committee's minimum performance benchmark of delivering six (6) contested judgments...

3. In recognition of this outstanding achievement, the Committee... [conveys] its appreciation to...for...the commendable performance of the Judges of the Court...

10. The Committee concluded by encouraging the Court “to sustain the high standard of judicial performance”. This we are committed to doing.

11. The common refrain, “justice delayed is justice denied” must be met with its contrast, “justice rushed is justice crushed”. In recognising the truism of these two refrains, congestion in our dockets remains a critical concern — one that requires bold operational shifts rather than incremental modifications. Here, we note with concern that those who use our services are not helping. Two critical provisions exist in the National Industrial Court of Nigeria (Civil Procedure) Rules 2017 (NICN Rules 2017), which provisions if appropriately used have the force to aid the quick dispensation of labour justice given that the majority of the cases that come before the Court are hinged primarily on documentary evidence. And as we should all be aware of, the interpretation of documents is the function of the Court, not witnesses (*Olapade Samuel Olatunwo Oyebola & ors v. FAAN* unreported Suit No. NICN/LA/259/2013, the judgment of which was delivered on 20 May 2019).

12. The first provision in our Rules relates to the trial on record procedure. Order 38 Rule 33(1) and (2) of the NICN Rules 2017 provides thus:

(1) In any proceeding before the Court, parties may by consent at the close of pleadings agree to a trial on records where they rely only on the documents and exhibits frontloaded and thereby dispense with the need for oral testimony and/or cross-examination.

(2) Where parties agree to a trial on records, Written Addresses shall be filed starting with the Claimant on the basis of the [documents] on record.

13. The second relates to trials where the judge hearing a matter is transferred and leaves behind part-heard matters. At paragraph 11 of my “Address at the Special Court Sitting to Mark the 2024/2025 Legal Year”, I expressed concern about being “inundated with applications by counsel to allow transferred judges to continue to hear part-heard matters”. Despite my concern, I still receive several applications from counsel praying that

transferred judges be allowed to continue to hear part-heard matters either at their new or old Divisions.

14. Except for Abuja, Lagos, Port Harcourt and Ibadan Divisions, all other Divisions of the Court have only one judge sitting. And aside from security concerns where travels are involved, it is not just advisable that the judge should be asked to go back to his old Division to conclude a part-heard matter. And where he is asked to conclude the matter in his new Division, experience has shown that it is not only costly for litigants to shuttle to the new Division for hearing of the matter, but virtual hearing, which should be a viable alternative, is not particularly favoured. Accordingly, I entreat especially counsel to utilise Order 62 Rule 10(5) of the NICN Rules 2017, which provides that where a judge is transferred and he leaves behind part-heard matters:

The parties in agreement may apply to the Judge taking over the matter for adoption of the proceedings and continue with the matter where the transferred Judge stopped.

14. What all this translates to, therefore, is that, except absolutely necessary, applications for transfer of cases from one judge to another will not be favourably treated. I pray that counsel will heed this.

15. Justice, informality, flexibility and speed remain guiding principles in this Court as enjoined by section 12 of the NIC Act 2006 and Order 1 Rules 4, 5 and 9 of the NICN Rules 2017. Given that time is of the essence in labour disputes resolution, we established, pursuant to section 254C(3) of the 1999 Constitution, the Alternative Dispute Resolution (ADR) Centre, the mandate of which is restricted to only mediation of especially individual employment/labour disputes. Like I reiterated in my 2024/2025 Legal Year Address, “The major problem we are facing here is the poor utilisation of the ADR Centre by especially litigants and their counsel”.

16. We must note that ADR is a valid and special component of especially labour justice delivery. Judicial efficiency cannot rely on litigation alone. Despite our efforts to promote ADR in the Court, we have not received and reciprocity in that regard from litigants and their counsel. And so in the last year, only thirty-one (31) cases were referred to the ADR Centre across the various Judicial Divisions of the Court. Eleven (11) of these cases were

resolved while the another seven (7) are at advance stages of settlement. Thirteen (13) of these matters are unsettled and have been returned to the referring Judges for litigation. It is worthy of mention that the matters resolved were so done within 21 working days. We must note that in referring employment/labour disputes to our ADR centre, we principally aim at significantly unburdening our trial dockets.

17. As a Court, we are committed to discharging our judicial mandate and ensuring that cases are disposed off quickly and efficiently without compromising fairness and justice that each case may deserve.

18. I must bring up this other area of concern, which is the complaint by counsel regarding matters that are ripe for adoption of written addresses but not being given dates for the adoption. Discussions with my colleagues show that they do not want to bite more than they can chew. Section 294 of the 1999 Constitution obliges that written court decisions must be delivered “not later than ninety days after the conclusion of evidence and final addresses”. Breach of section 294 of the 1999 Constitution is a misconduct. Accordingly, in order not to incur the wrath of the NJC, Judges are mindful not to allow too many adoptions if they cannot keep to the constitutional 90-day dictate for delivering judgments. I urge for understanding here.

19. In the coming year, our primary focus will be the expansion of our digital judicial infrastructure along the lines enjoined by His Lordship Hon. Justice Kudirat Motonmori Olatokunbo Kekere-Ekun, GCON, The Honourable, The CJN. Our goal is full digitalisation of our court processes. Already, rulings and judgments of the Court are readily available on our website, <https://www.nicnadr.gov.ng/judgement/>, and we are in advanced talks with Lawpavillion to have them appropriately reported on their law reporting platform.

20. We will continually pay attention to the state of infrastructure in the Court. The commissioning of the Headquarters of the Court today is a testament of our commitment to the infrastructural development of the Court. The Headquarters, into which all the judges who hitherto sat at Area 11 Garki, Abuja have moved, will ease the present shortfall with respect to courtrooms for Judges and offices for the staff of the Court.

21. Now that the Headquarters have been commissioned, and all Abuja judges are under one roof, we intend to shift our attention to especially the welfare of the judges and staff of the Court. Of course, here, we pray for improved budgetary allocations to enable us accomplish this.

22. To the members of the Bar, you are ministers in the temple of justice. Accordingly, we urge you to cooperate with us in the task of labour justice delivery. Tomorrow, we host the Bar-Bench Forum where we will talk to ourselves very frankly on matters of labour justice delivery that are mutually beneficial to us all. We are mindful that the authority of the judiciary rests entirely on public confidence. The Bar-Bench Forum is one way of gauging this public confidence.

23. To my brother judges, the management and staff of the Court, I extend my heartfelt gratitude for your support and cooperation you have all extended to me, and which have not waned throughout the years.

24. Once again, I happily announce that one of us has been found worthy and meritorious enough to be recommended by the NJC for elevation to the Court of Appeal. He is Hon. Justice Sanusi Kado, and is hopefully for the last time sitting with us as a judge of this Court. Your Lordship, we congratulate you and wish you a very successful tenure as a Justice of the Court of Appeal. We entreat that you be a good ambassador of the Court as your forerunners from this Court have been.

25. Hon. Justice Kado would hopefully bring to four the number of NICN judges that have been elevated to the Court of Appeal. And all this has been within the tenure of His Lordship, Hon. Justice Monica Bolna'an Dongban-Mensem, CFR, JP+, The Honourable, The President of the Court of Appeal. Your Lordship, kindly accept our gratitude. And it is our sincere hope that these former NICN judges would be very good ambassadors, and creditably acquit themselves and justify their elevation to the Court of Appeal.

26. In concluding this address, I renew the call for all hands to be on deck in order to move this Court forward. We cannot afford to lose sight of our mandate, which remains quick and efficient delivery of labour justice according to law. I pray for Almighty God's continued guidance in the

coming year and beyond while we continue to dispense justice to all manner of persons without fear or favour, affection or ill-will.

27. As I draw the curtains, I thank you for gracing this occasion; and I invite you all to be our guests at tomorrow's Bar-Bench Forum.

28. I thank you all for your attention.