

NATIONAL SALARIES, INCOMES AND WAGES COMMISSION
FREEDOM OF INFORMATION (FOI) 2021 STATUS REPORT,
FROM THE PERIOD JANUARY TO SEPTEMBER, 2021

Details:

1. REQUEST FROM PUBLIC AND PRIVATE DEVELOPMENT CENTRE

The above organisation specifically requested for the underlisted information pursuant to the provisions of the FOIA, 2011:

- a) Records of payment for Capital Projects released to or accrued by the Commission in the year 2020.
- b) List of Contracts awarded by the Commission in the year 2020.
- c) The Procurement Plan within the Commission's approval Threshold for the year 2021.
- d) 2020 Annual Report
- e) The number of Freedom of Information (FOI) Trainings the Commission had in the year 2020.
- f) The name and contact of the Commission's FOI Desk Officer(s).
- g) A copy of the Commission's latest FOI Annual Report.
- h) If the Commission has heard of NOCOPO, does it provide procurement Data on the platform and when last was it uploaded and if no, what are the challenges it is facing.

RESPONSE:

The Commission responded positively to the request.

2. REQUEST FROM BASIC RIGHTS WATCH

The above organisation specifically requested for the underlisted information pursuant to the provisions of the FOIA, 2011:

- a) Records of payment for capital projects released to or accrued by the Commission in the year 2019.
- b) List of contracts awarded by the Commission in the year 2019.

- c) The procurement plan within the Commission's approval threshold for the year 2020.
- d) The number of FOI training in the year 2019.
- e) The names and contacts of the FOI desk officer(s).

RESPONSE:

The Commission responded positively to the request.

3. REQUEST FROM BUDGIT ON 2020 PUBLIC FINANCE EXPENDITURE RECORDS.

The above organisation specifically requested for the underlisted information pursuant to the provisions of the FOIA, 2011.

- a) Materials containing information relating to any grant or contract made by or between the institution and another public institution or private organisation.
- b) List of Public-Private Partnership projects entered into by the Commission if any. The information shall include contractor's details, contract amount, project duration and type of project.
- c) List of contracts terminated by the commission in the year 2019 and 2020. This information shall include a letter of termination stating clearly the reason for such termination.
- d) Number of constituency projects implemented with 2015-2020 and their implementation status.

RESPONSE:

The Commission responded to the request.

4. REQUEST FROM INTERNATIONAL CENTRE FOR INVESTIGATIVE REPORTING (ICIR) FOR LIST OF PROJECTS SPONSORED BY FEDERAL LAWMAKERS (SENATORS AND HOUSE REPRESENTATIVES MEMBERS)

The above organisation requested for the list of projects sponsored by federal lawmakers (Senators and House Representatives members) in the Commission within 2015 and 2020, pursuant to the provisions of the FOIA, 2011.

The list included the following:

- a) Contract Description
- b) Advert Date and Media
- c) Approved Threshold
- d) Procurement Method
- e) Bid Opening Date
- f) Contractor
- g) Date of Contract Award
- e) Contract Period
- i) Contract Value
- j) Budgetary provision
- k) Amount paid
- l) Level of completion
- m) Remark

RESPONSE:

The Commission responded to the request.

5. **REQUEST FROM INTEGRITY ADVOCACY FOR DEVELOPMENT INITIATIVE (IADI) ON NINE FUNDAMENTAL QUESTIONS ON SALARIES AND WAGES IN NIGERIA**

The above organisation requested for the underlisted information pursuant to the provisions of the FOIA, 2011:

- a) What is the meaning of the term salary upfront?
- b) Is there a provision of the law under the Salary and Wages Act or the Public Service rules that permit public institutions to pay salaries or wages upfront to their staff?
- c) Does the Commission have the power to regulate the salaries and Wages of MDAs?
- d) Are MDAs empowered to raise or fix their salaries?
- e) Are there any department or units within the MDAs saddled with the responsibility of fixing the salaries of its staff?
- f) Can a Director-General/CEO of an agency fix or raise Salaries and Wages of its staff?
- g) Is there a minimum wage benchmark allowed for casual workers in an agency?
- h) Does the Commission have the power to sanction agencies violating the Salary and Wages Act?
- i) How is promotion arrears been determined in MDAs?

RESPONSE:

The Commission's response is shown below:

- (i) **What is the meaning of the term salary upfront?** – “Salary upfront” could be as a result of payment of a salary advance in line with Rule 1406 of the Financial Regulation (2009) Federal Republic of Nigeria to enable an employee meet certain needs. Housing allowances could

also be paid upfront in advance to enable the employees have bulk money for the payment of annual house rent. All these upfront payments are usually based on agreements between employers and employees. There are, or should be processes for recovering such advance payments within specified periods.

- (ii) **Is there a provision of law under the Salary and Wages Act or the Public Services Rules that permit public institutions to pay salaries or wages upfront to their staff?** - There is no such express or specific provision in the Commission's Act, Financial Regulation or the Public Service Rules for agencies to pay salaries and allowances or any part thereof, upfront. However, outside of the Financial Rule **No.1406** stated above, Agencies can incorporate similar regulations in their Conditions of Service after approval by the Office of the Head of the Civil Service of the Federation (OHCSF) and the National Salaries, Incomes and Wages Commission under specified terms and conditions; or in collective Bargaining Agreements as approved by the government.
- (iii) **Does the Commission have the power to regulate the salaries and wages of MDAs?** – The Commission's enabling law among other things empowers it to:
 - (a) Inform the Federal government of current and incipient trends in wages and propose guidelines within which increase in wages should be confined;
 - (b) Examine, streamline and recommend salary scales applicable to each post in the public service; and
 - (c) Examine the salary structures in the Public and Private Sectors and recommend a general wages framework with reasonable features of relativity and maximum levels which are in consonance with national economy.
- (iv) **Are MDAs empowered to raise or fix their salaries?** – MDAs may propose salaries and allowances or the adjustment for staff subject to the approval of Government through the National Salaries, Incomes and Wages Commission.

- (v) **Are there any departments or units within the MDAs saddled with the responsibility of fixing the salaries of its staff?** – The National Salaries, Incomes and Wages Commission is the sole agency saddled with the responsibility to determine and approve the salary scales applicable to each post in the public service other than those listed in Section 84(4) of the 1999 Constitution as amended. No Department or Unit within an MDA is saddled with such responsibility of fixing salaries of staff.
- (vi) **Can a Director-General/CEO of an agency fix or raise salaries and wages of its staff?** – No Director-General/CEO of an agency in the Federal Public Service is empowered to approve or adjust the salaries and wages of the staff. This has been reiterated by relevant circulars issued by the Secretary to the Government of the Federation.
- (vii) **Is there a minimum wage benchmark allowed for casual workers in an agency?** – The National Minimum Wage of N30,000.00 approved with effect from 19th April 2019 applies to establishments which employ 25 persons and above except as exempted by the Act. However, agencies are encouraged to pay fair and equitable wage to all workers, including casual workers.
- (viii) **Does your Commission have the power to sanction agencies violating the Salary and Wages Act?** – The Commission’s Act provides sanctions for persons/agencies who contravene the guidelines issued under the provisions of the Act.
- (ix) **How is the promotion arrears being determined in MDAs?**– Promotion arrears are determined in MDAs from the actual effective date of such promotions and are regulated in line with guidelines issued by the Office of the Accountant-General of the Federation.