

# The Supreme Court Clarifies the Jurisdictional Boundary Between Employment Disputes and Defamation Claims:

**SECTION 254C OF THE CONSTITUTION DOES NOT VEST THE NATIONAL INDUSTRIAL COURT WITH JURISDICTION OVER DEFAMATION CLAIMS EXISTING INDEPENDENTLY OF, AND NOT ARISING FROM, A CONTRACT OR CONDITIONS OF EMPLOYMENT**

**OALP** Dispute Resolution Practice Case Alert

## INTRODUCTION

On 20 February 2026, the Supreme Court of Nigeria *coram* Justice Kekere-Ekun (CJN), Justice Iyang Okoro, Justice Helen Ogunwumiju, Justice Adamu Jauro, Justice Jummai Shankey, Justice Obande Ogbuinya and Justice Stephen Adah, unanimously delivered a landmark decision in a Constitutional Case Reference, clarifying the jurisdictional boundaries between the National Industrial Court of Nigeria (“NICN”) and State High Courts in defamation related matters.

## BACKGROUND

The dispute arose from the termination of the 1st Appellant’s employment as Head of School by the 1<sup>st</sup> Respondent, an educational institution operating in Lagos State. Following the termination, the 1<sup>st</sup> Appellant circulated an email to parents of pupils explaining the circumstances surrounding her exit. Separately, the 2<sup>nd</sup> Appellant—her spouse, who was never an employee of the school—engaged in WhatsApp communications with some parents in response to enquiries generated by the school’s prior communication.

Aggrieved by these publications, the Respondents commenced an action at the High Court of Lagos State claiming that the email and WhatsApp messages were defamatory. The Appellants challenged the jurisdiction of the High Court, contending that the suit fell within the exclusive jurisdiction of the NICN pursuant to Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), on the ground that the publications were connected with labour and employment.

The High Court dismissed the jurisdictional objection. On appeal, the Court of Appeal, faced with conflicting authorities on whether defamation claims linked to employment fall within the NICN’s jurisdiction, referred three Constitutional

questions to the Supreme Court for authoritative determination.

## ISSUES FOR DETERMINATION

The Constitutional Reference required the apex Court to resolve the following questions:

1. Whether Section 254C of the Constitution excludes or affects the jurisdiction of the High Court of Lagos State over a claim in defamation arising from, relating to, or connected with labour and employment;
2. Whether the mere termination of an employment relationship is sufficient to vest the High Court of Lagos State with jurisdiction to entertain a claim in defamation arising from or connected with labour and employment; and
3. Whether an alleged defamatory publication emanating from an employee’s work relationship, but made by a person who is not an employee, can properly be entertained by the High Court of Lagos State having regard to Section 254C of the Constitution.

## LEAD JUDGMENT

On the first issue, the Court held that defamation is a distinct cause of action. The mere fact that a defamatory statement was made in the course of employment does not, without more, bring the claim within the ambit of Section 254C of the Constitution. The only exception is where the defamation claim is ancillary to a substantive employment or labour dispute and the Court, from the facts, determines that it is inextricably tied to or bound up with the main claims before it. In such circumstances, the Court may entertain the claim under Section 254C(1)(a) as a cause or matter connected with labour issues.



The Court further held that tortious claims, including defamation, do not fall within the exclusive jurisdiction of the National Industrial Court of Nigeria (NICN), as extending its jurisdiction to such matters would improperly transform it into a court of general civil jurisdiction, contrary to constitutional intent.

The Court reiterated that jurisdiction is determined by the reliefs endorsed on the originating process. Upon examining the processes, the Court found that the Respondents' action was founded solely on the tort of defamation and did not relate to any contract of employment or conditions of service. The mere reference in the alleged defamatory publication to the 1st Appellant's resignation did not convert the claim into a labour-related matter. Accordingly, the Court held that the Appellant failed to establish any basis for invoking the jurisdiction of the NICN. The claim properly lay before the High Court, not the NICN, and the first issue was resolved in the negative.

The Court considered Issues Two and Three together. It held that where defamation is alleged in an employment context, the determinative question is whether resolution of the claim requires the interpretation of rights and obligations under a contract of employment or relates to labour relations or working conditions within the scope of Section 254C of the Constitution. The Court further held that where the truth or falsity of the alleged defamatory statement cannot be determined without recourse to the contract of employment or the conditions of service, jurisdiction properly lies with the NICN.

Conversely, where a defamation claim is independent of any contract of employment or conditions of service, or is directed against a party outside an employer–employee relationship, jurisdiction lies with the State High Court, not the

NICN. Upon examining the pleadings, the Court held that the NICN lacked the vires to entertain the Respondents' claim in defamation. Accordingly, Issue Two was resolved in the negative and Issue Three in the affirmative.

### CONCURRING JUDGMENTS

The concurring Justices unanimously adopted the conclusions reached in the lead judgment and agreed that jurisdiction must be determined primarily by the nature of the principal claim disclosed in the originating processes. Each concurring opinion reinforces the central position of the lead judgment that the mere factual connection of a dispute to an employment relationship does not, without more, bring the matter within the exclusive jurisdiction of the National Industrial Court where the core complaint is founded in tort, particularly defamation.

Notwithstanding the unanimity of the decision, subtle differences appear in the reasoning of the concurring Justices. **Ogunwumiju, J.S.C.** placed greater emphasis on safeguarding the constitutional primacy and residual jurisdiction of State High Courts outside expressly specialized subject areas. Her Lordship underscored that post-employment defamatory acts, lacking a direct nexus to conditions of service, fall outside the ambit of labour jurisdiction. In doing so, he elaborated on the limits of Section 254C of the Constitution and considered one of the referred questions largely academic once the core jurisdictional issue had been settled.

Similarly, **Sankey, J.S.C.** emphasised the nature of the reliefs claimed, noting that none sought reinstatement, challenged termination, or invoked conditions of service or employment rights. The reliefs were confined to alleged defamatory publications and the consequential remedies of retraction, injunction, and damages. On that basis, her Lordship agreed that jurisdiction is determined by the claim as framed, not by the mere historical existence of an employment relationship.

The concurrence of **Kekere-Ekun, C.J.N.**, most closely mirrored the lead judgment. Her Lordship expressly adopted both its reasoning and conclusions, while adding the important clarification that the National Industrial Court, as a specialised court, must not be transformed into a court of general civil jurisdiction merely because a dispute is remotely traceable to the workplace.

**Ogbuinya, J.S.C.**, while concurring with the lead judgment, underscored that Section 254C of the Constitution must be interpreted purposively, so as to confine the jurisdiction of the National Industrial Court to matters truly within its specialised constitutional mandate.

**Okoro, J.S.C.** similarly noted that nowhere does Section 254C of the Constitution vest the National Industrial Court with jurisdiction over defamation. However, he agreed that where an alleged defamatory act is so inextricably linked to an employment dispute that it cannot be severed from it, the National Industrial Court may properly assume jurisdiction.

Finally, **Jauro, J.S.C.** adopted the reasoning and findings of the lead judgment, adding only that where the principal claim in a suit falls within the purview of Section 254C(1) of the Constitution, jurisdiction lies with the National Industrial Court. He concluded that, since the main claim in the instant suit was one of defamation, it properly fell outside the jurisdiction of that Court.

**COMMENT**

This decision provides much-needed clarity on the scope of Section 254C of the Constitution and resolves the uncertainty created by conflicting Court of Appeal authorities. The Supreme Court reaffirmed that the NICN is a specialised court of limited and defined jurisdiction, not a general forum for disputes merely because they bear a peripheral connection to employment.

By holding that defamation claims are not ipso facto subsumed within labour and employment matters, the Court preserved the traditional jurisdiction of State High Courts over tortious claims. At the same time, it recognised that the NICN may only entertain defamation where it arises as an ancillary claim inextricably linked to a substantive employment dispute properly before it.

The judgment reinforces the settled principle that jurisdiction cannot be conferred or ousted by mere characterisation of facts. The decisive factors remain the substance of the claim and the reliefs sought. The decision thus provides important guidance to litigants, counsel, and courts in identifying the proper forum for defamation and other tort claims arising within an employment context.

FOR MORE INFORMATION, PLEASE CONTACT :



**Bisi Makanjuola**  
Partner  
[bmakanjuola@olaniwunajayi.net](mailto:bmakanjuola@olaniwunajayi.net)



**Babatunde Ige**  
Managing Counsel  
[bige@olaniwunajayi.net](mailto:bige@olaniwunajayi.net)