EMMA ELEGBE & ANOR v HP INTERNATIONAL SCHOOLS LIMITED & ORS – APPEAL NO.: SC/CV/899/2025

1. Introduction

The Supreme Court of Nigeria has recently delivered a significant judgment clarifying the scope of the jurisdiction of the National Industrial Court (NIC) in respect of tortious claims arising within an employment context. The decision arose from a constitutional reference in *Emma Elegbe & Anor v. HP International Schools Ltd & Ors*, wherein the Supreme Court was called upon to interpret section 254C(1)(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (the Constitution).

Prior to the Third Alteration Act, 2010, the legal position was relatively settled: claims in tort, including defamation, fell squarely within the jurisdiction of the State High Courts (SHC), while the NIC functioned as a specialised court for labour and employment disputes. However, the introduction of section 254C(1)(a), with its expansive language covering matters relating to or connected with employment, generated considerable interpretative uncertainty. Courts oscillated between an expansive construction that subsumed tort claims within the NIC's jurisdiction and a narrower interpretation that preserved the traditional jurisdiction of the SHC. The present decision represents a recalibration of that jurisdictional balance.

2. Background

The dispute arose from allegedly defamatory statements made following the resignation of the 1st appellant from her position as Head of School of the 1st respondent. The 2nd appellant, spouse of the 1st appellant, was also implicated in the publication of the alleged defamatory statements. The respondents instituted an action for defamation before the High Court of Lagos State. Notwithstanding this, the pleadings disclosed an underlying (albeit terminated) employment relationship between the 1st appellant and the 1st respondent.

The appellants challenged the jurisdiction of the trial court, contending that the claim was connected with the employment relationship and therefore fell within the exclusive jurisdiction of the NIC pursuant to section 254C of the Constitution. The trial court rejected this contention and held that defamation, as a tort,

remained within the jurisdiction of the SHC. Dissatisfied, the appellants appealed to the Court of Appeal.

In light of the conflicting authorities emanating from the Court of Appeal on the proper interpretation of section 254C(1) of the Constitution, the constitutional questions were referred to the Supreme Court pursuant to section 295(3) of the Constitution. The Supreme Court constituted a full panel and invited several amici curiae, including Abimbola Akeredolu SAN, Dr. Oladapo Olanipekun SAN, Inam Wilson SAN, and Prof. Emmanuel Ayangarumum Kenen, to assist the Court.

3. Arguments of the Amici

The amici curiae were broadly divided along two interpretative lines.

On one hand, Abimbola Akeredolu SAN, Inam Wilson SAN, and Prof. Emmanuel Ayangarumum Kenen advocated a purposive and contextual interpretation of section 254C of the Constitution. They argued that a strictly literal construction of phrases such as relating to and connected with would produce absurd consequences by extending the jurisdiction of the NIC to virtually all tortious claims arising within a workplace setting. In their view, the constitutional objective was to confer jurisdiction on the NIC over labour and employment disputes strictly so called, rather than independent tortious causes of action. They emphasised that defamation is conceptually distinct from employment and ordinarily does not require the interpretation of an employment contract. Accordingly, jurisdiction should remain with the SHC except where the tort claim is ancillary to a substantive employment dispute.

In contrast, Dr. Oladapo Olanipekun SAN advanced a notably expansive and textually grounded construction of section 254C of the Constitution. The Learned Silk's approach is distinguished by a firm insistence on the clarity and breadth of the constitutional language. He rejected the use of purposive interpretation as a tool for restricting unambiguous provisions, arguing instead that the purposive approach complements, rather than constrains, the literal meaning.

A central plank of the Learned Silk's argument was the constitutional significance of the word notwithstanding, which he interpreted as subordinating all competing jurisdictional provisions to section 254C of the Constitution. He

further emphasised the cumulative effect of the phrases "relating to," "connected with," and "incidental to," contending that these expressions evince a deliberate intention to confer an all-embracing jurisdiction on the NIC.

The Learned Silk also advanced an all-or-nothing theory of jurisdiction, positing that once a cause of action bears a substantial connection to employment, the NIC ought to assume jurisdiction over the entire dispute, irrespective of whether the claim is framed in tort or contract. This was reinforced by his reliance on the Proximate Jurisdictional Rule, which favours the court competent to determine the entirety of the dispute. The Learned Silk further underscored the principle of separation of powers, cautioning that the judiciary must interpret the Constitution as enacted rather than reshape it to align with perceived policy preferences.

A particularly novel and compelling dimension of his argument was his comparative analysis of how section 254C has already disrupted previously entrenched jurisdictional domains, especially those of the Federal High Court. He drew attention to section 251(1)(g) of the Constitution, which vests exclusive jurisdiction over admiralty matters in the Federal High Court, an area historically regarded as sacrosanct and highly specialised. Notwithstanding this, he noted that the Court of Appeal in has shifted the narrative in the decided case of The Vessel MT Sam Purpose (Ex MT Tapti) v Bains & Ors where the Court of Appeal held that claims for crew wages, though constituting maritime liens, now fall within the jurisdiction of the NIC by virtue of their employment character. Similarly, the Learned Silk referenced company law disputes under the Companies and Allied Matters Act (CAMA), traditionally within the exclusive jurisdiction of the Federal High Court. Relying on FBN v Longe and its modern implications as seen in Unity Bank Plc v Alonge, the Learned Silk argued that where such disputes are fundamentally rooted in employment relationships, jurisdiction has effectively shifted to the NIC.

On the strength of these examples, the Learned Silk contended that section 254C of the Constitution already presents a significant reconfiguration of Nigeria's jurisdictional architecture. In his view, defamation claims should not be treated

as exceptional or insulated from this constitutional shift. If admiralty and CAMA-related matters which were once firmly within the Federal High Court's domain can be subsumed under the NIC due to their employment nexus, then there is no principled basis for excluding defamation.

Finally, the Learned Silk argued that defamation can, and often does, arise from employment processes such as disciplinary proceedings or termination. He also drew attention to global trends favouring specialised labour courts with broad jurisdiction over employment-related disputes, including tortious claims. While acknowledging that section 254C may have a disruptive effect on the existing jurisdictional order, he maintained that such disruption is both intended and desirable, particularly in light of the need to decongest generalist courts and promote specialised adjudication.

4. Decision of the Court

The Supreme Court ultimately adopted the more restrained, purposive approach advanced by Abimbola Akeredolu SAN, Inam Wilson SAN, and Prof. Emmanuel Ayangarumum Kenen. The court held that a purely literal interpretation of section 254C(1)(a) would lead to absurdity by bringing within the NIC's jurisdiction all tort claims with even a remote connection to employment. The court affirmed defamation as a distinct tort and held that the mere fact that an allegedly defamatory statement arose in an employment context does not, without more, transform the claim into a labour or employment dispute.

However, the court recognised an important qualification; where a defamation claim is inextricably linked to the employment relationship such that its determination necessarily involves the construction or enforcement of the contract of employment, jurisdiction would vest in the NIC. Similarly, where defamation arises as an ancillary claim to a substantive employment dispute, the NIC would have jurisdiction.

The court emphasised that jurisdictional questions must be resolved by a careful examination of the pleadings to ascertain the true nature of the claim. Applying this principle, it held that the respondents' claim was fundamentally one of defamation and did not require the interpretation of any employment contract.

The mere reference to the appellant's resignation did not convert the claim into an employment dispute, and there was no subsisting employment relationship at the material time.

5. Comments/Conclusion

While the decision provides much-needed clarification, it arguably reflects a degree of conceptual tension. On one hand, the court firmly states that tortious claims such as defamation do not fall within the scope of labour and employment matters contemplated by section 254C of the Constitution. On the other hand, it concedes that where such claims are sufficiently intertwined with employment, jurisdiction may vest in the NIC.

This duality suggests that the court has not drawn a rigid boundary but has instead adopted a fact-sensitive approach. The distinction between claims that are merely connected to employment and those that are inextricably linked to it may prove difficult to apply in practice, potentially leaving room for further jurisdictional disputes. Nonetheless, while this restores a measure of certainty, the nuanced and fact-dependent framework established by the Court suggests that jurisdictional questions in employment-related torts will continue to evolve