

NUPENG'S PURPORTED STRIKE AND ITS SUBSEQUENT SUSPENSION:

A Commentary on Labour
Rights, Collective Action and
Legal Issues Arising from
The Dangote-NUPENG Dispute

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INTRODUCTION

The Nigeria Union of Petroleum and Natural Gas Workers (NUPENG) through a statement signed by its national president, Prince Williams Akporeha, and General Secretary, Afolabi Olawale announced that its members would begin a nationwide strike from Monday, September 8, 2025 in protest of what they referred to as “anti-union” labour practices by the Dangote Refinery.

This purported strike from this powerful union of petroleum workers has since sparked a deluge of discourse on how to reconcile constitutionally protected labour rights with private business interests and even public interest in uninterrupted fuel supply.

This paper shall treat the Dangote-NUPENG dispute as illustrative rather than determinative to exemplify legal tensions that arise when labour disputes interact with vertically integrated critical infrastructure in an environment of concentrated market power and heavy public reliance on continuous energy supply.

BACKGROUND AND FACTUAL OVERVIEW OF THE DANGOTE-NUPENG EPISODE

The crisis reportedly began in August 2025 when the Dangote Group announced plans to import over 4,000 Compressed Natural Gas (CNG) powered trucks for direct fuel distribution to retailers. According to Dangote, the strategic programme was designed to “eliminate logistics costs, enhance energy efficiency, promote sustainability and support Nigeria's economic development.”

However, NUPENG raised alarm that the recruitment of new drivers for the trucks was being structured to exclude them from joining existing labour unions, particularly the Petroleum Tanker Drivers arm of NUPENG. Instead, drivers were compelled to join the Direct Trucking Company Drivers

Association (DTCDA), which NUPENG dismissed as a “management-inspired group created to weaken the ranks of petroleum tanker drivers.”

In a strongly worded statement, the union accused Dangote of attempting to impose modern-day bondage, stating:

“Slavery ended centuries ago, but some unscrupulous capitalists are making efforts to bring it back. Any worker who cannot exercise the right of association is no better than a slave.”

Escalation and Wider Labour Support

The standoff quickly gained the attention of other labour and transport associations. For example, the Nigerian Association of Road Transport Owners (NARTO), representing over 30,000 truck operators nationwide, rejected Dangote's distribution plan, warning that it would “eliminate independent transporters” and destabilise the sector.

Similarly, the Nigeria Labour Congress (NLC) joined the discourse through its President, Mr. Joe Ajaero, who accused the Dangote Group of “exploiting Nigerian workers while disregarding their constitutional rights.”

Thus, what began as an isolated dispute between an oil refinery and a trade union evolved into a national labour movement, highlighting the vulnerability of Nigeria's petroleum logistics system to industrial actions.

Government Intervention and Resolution

The Federal Ministry of Labour and Employment perhaps after seeing the seriousness of recent events and fearing a nationwide strike, convened a meeting between the Ministry, the management of Dangote group, the leadership of NUPENG and other labour unions such as Nigeria Labour Congress (NLC) and Trade Union Congress (TUC) on Monday, September 9th, 2025.

While it is reported that initial talks ended in deadlock, further negotiations produced a Memorandum of Understanding (MoU) that brought the crisis to a temporary resolution.

According to that MOU signed parties have agreed that unionisation is a right under extant labour laws, and employees of Dangote Refinery and Petrochemicals who wish to unionise would be allowed to so do. The process of unionization is said to commence immediately and will be completed within two weeks.

Consequently, and following the successful outcome of the discussions, NUPENG announced the immediate suspension of the strike and directed all its members nationwide to return to work without delay. The union expressed hope that the agreement would signal the beginning of a new era of mutual respect between labour and management within the Dangote Group and the oil and gas sector as a whole.

Current State of Things

It is reported that the resolution between Dangote Group and NUPENG nearly came to a deadlock following an alleged removal of NUPENG stickers placed on the trucks of the Dangote Refinery. NUPENG, through its leadership claimed that Dangote Group was being “economical with the truth” and were actually against the unionisation of their workers; not just Oil Workers.

However, on the 13th day of September 2025, the Department of State Services convened another reconciliatory meeting. There, the resolution of the 9th day of September 25 was upheld and parties agreed to maintain the status quo as had been resolved.

This sequence of events underscores the fragility of the truce and raises legitimate questions about whether a genuine resolution for unionisation has been achieved, or whether further disputes in this regard are inevitable.

AN OVERVIEW OF CONSTITUTIONAL PROTECTION AND STATUTORY LABOUR LAW FOUNDATIONS GOVERNING LABOUR RIGHTS IN NIGERIA

A predictable outcome of this matter is the resulting legal discourse (of which this paper belongs) on the topic. Here, we shall examine the constitutional and statutory labour framework surrounding this matter.

Labour rights in Nigeria, particularly union rights, rests on the constitutionally guaranteed right to peaceful assembly and association. **Section 40 of the 1999 Constitution of the Federal Republic of Nigeria** states thus:

Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests.

Collective action by trade unions have also been giving statutory backing. The **Trade Disputes Act, LFN 2004** is the primary legislation governing industrial actions in Nigeria. While the Act does not expressly guarantee a right to strike, it recognizes it and certainly does not prohibit it. It instead imposes strict procedural requirements for strike.

Section 48 of the TDA defines strike as:

the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workers in compelling their employer or any persons or body of persons employed, to accept or not to accept terms of employment and physical conditions of work

Section 4 and 6 highlights the procedural requirements as being that the union and the other party must try amicable settlement spearheaded by a neutral mediator mutually agreed upon. And where such settlement fails, they must report to the Minister of Labour and Employment within 3 days of the end of 7 days within which the mediator was appointed.

The aforementioned constitutional and statutory provision underscores the autonomy of workers to form and join trade unions as well as the legitimacy of collective action as a tool for negotiating terms of employment and representation. Employers that adopt logistical or contractual responses may then be argued to interfere with freedom of association.

THE BALANCE: RECOMMENDATIONS ON THE WAY FORWARD

Legal analysis must distinguish legitimate operational decisions from coercive anti-union practices.

A workable way forward depends on a clear line between lawful, bona fide business decisions and conduct designed to frustrate or punish union participation and activity. Legal analysis and practical policy should therefore assess motive, means and effect: was the action taken for a documented operational necessity or did it have the object or foreseeable effect of weakening collective organisation?

In short, striking the balance requires employers following transparent, evidence-based operational practices and unions retaining lawful avenues for redress. In so doing, the legal system can more readily distinguish valid business choices from unlawful anti-union conduct.

CONCLUSION

The MOU signifies a valiant effort in recognising the legitimacy of NUPENG and affirming workers' rights to unionise. It also reaffirms that industrial action in vital sectors will always force trade-offs. The best outcomes are those that quickly restore service while preserving legitimate worker rights and clarifying legal and commercial expectations going forward. The most constructive legacy of this episode would be a set of predictable, enforceable processes for union recognition and contingency planning that reduce the need for future, economy-wide brinkmanship.