



Supreme Court resolves jurisdictional conflicts over employment-related torts:

Emma Elegbe & Anor v. HP International Schools Limited & 3 Ors

March 24, 2026

Introduction

On February 20, 2026, the Supreme Court of Nigeria (the “Supreme Court”) delivered a landmark decision in the case of **Emma Elegbe & Anor v. HP International Schools Limited & 3 Ors**,¹ resolving the long-standing jurisdictional conflict between the High Court of a State and the National Industrial Court of Nigeria (the “NICN”) over tort claims arising in an employment context. The conflict stemmed from the interpretation of Section 254C of the Constitution (Third Alteration) Act, 2010 (the “Constitution”), which confers expansive jurisdiction on the NICN over civil causes and matters “**arising from**”, “**relating to**”, “**connected with**” or “**incidental to**” labour and employment matters, *vis-à-vis* Section 272 of the Constitution, which confers unlimited jurisdiction on the High Court of a State over civil proceedings involving the determination of the existence or scope of any legal right, duty, liability, or claim, subject to Section 251² and other provisions of the Constitution.

There are at least thirteen (13) decisions of the Court of Appeal that have addressed the issue of the scope of Section 254C of the Constitution³. Of these thirteen (13) decisions, seven (7) decisions adopted a restrictive approach, holding that the expression “*relating to or connected with any labour...and matters incidental thereto*” must be construed as confining the jurisdiction of the NICN strictly to employment or labour matters under Section 254C(1) of the Constitution. On the other side of the interpretative spectrum in the other six (6) decisions, the Court of Appeal adopted a literal interpretation of Section 254C of the



Constitution, thereby seeming to expand the jurisdiction of the NICN.⁴

Against this backdrop of divergent decisions of the appellate court, and given the substantial constitutional question raised as to the proper interpretation of Section 254C, the matter was referred by the Court of Appeal to the Supreme Court pursuant to Section 295(3) of the Constitution for determination. In view of the significance of the constitutional reference, the Supreme Court constituted a full panel of seven (7) Justices⁵ and invited four (4) distinguished legal practitioners – **Mrs. Abimbola Akeredolu, SAN, of Banwo & Ighodalo; Dr. Oladapo Olanipekun, SAN, Mr. Inam Wilson, SAN and Prof. Emmanuel Ayangarumum Kenen**, to submit briefs as *amici curiae* to assist the Court in interpreting Section 254C (1) of the Constitution.

¹Appeal No: SC/CI/899/2025

²Section 251 of the Constitution sets out the subject matter jurisdiction of the Federal High Court in civil causes and matters.

³*Olushola & Anor v. Yakubu* (2021) LPELR – 56015 (CA); *Olushola & Anor v. Andrew* (2021) LPELR – 56017; *Olushola & Anor v. Saliu* (2021) LPELR – 56027 (CA); *Ecobank (Nig.) Ltd & Ors v. Idris* (2021) LPELR – 52806; *UBA & Ors v. Oladejo* (2021) LPELR 55320 (CA); *and Akpan v. UNICAL* (2016) LPELR – 41242.

⁴*Coca-cola (Nig.) Ltd v. Akinsanya* (2013) 18 NWLR (Pt. 1386) 255; *MHWUN v. Ehigiegba* (2018) LPELR – 44972 (CA); *Nwagbo & Ors v. National Intelligence Agency* (2018) LPELR – 46201(CA); *Nwagbi & Ors. v. National Intelligence Agency* (2018) LPELR – 46201(CA); *Nasarawa State Specialist Hospital Management Board v. Mohammed* (2018) LPELR – 4620(CA); *Omang v. Nsa* (2021) 10 NWLR (Pt. 1783) 55; *and Okoro v. Ecobank* (Unreported, CA/C/07/2016, Judgment delivered on July 16, 2021).

⁵The panel consisted of Justice Kudirat Kekere-Ekun (CJN), Justice Iyang Okoro, Justice Helen Ogunwumiju, Justice Adamu Jauro, Justice Jummai Sankey, Justice Obande Ogbuinya and Justice Stephen Adah.

Background of the Case

The dispute arose from alleged defamatory statements made by the 1st and 2nd Appellants, following the termination of the 1st Appellant's employment as Head of School of the 1st Respondent. Upon her termination, the 1st Appellant circulated an email to parents explaining the circumstances surrounding her exit and criticising the conduct of the 2nd to 4th Respondents, who are members of the Board of Directors of the 1st Respondent, in the management of the school. The 2nd Appellant, spouse of the 1st Appellant, made similar remarks by WhatsApp in response to enquiries from some parents on the same subject.

Consequent upon these events, the Respondents commenced an action at the High Court of Lagos State (the “**High Court**”) seeking *inter alia*: (i) a declaration that the email and WhatsApp messages published by the Defendants (now Appellants) were defamatory; (ii) an order directing the Defendants to retract the said publications and to publish the retraction in any newspaper with nationwide circulation; **and** (iii) an order of perpetual injunction restraining the Defendants, their agents or privies from further publishing or causing to be published any defamatory material against the Claimants (now Respondents).

Upon being served with the originating processes, the Appellants filed a Notice of Preliminary Objection challenging 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, on the ground that the claims arose from and were connected to the 1st Appellant's employment with the 1st Respondent. In a considered ruling, the High Court dismissed the Appellant's objection and assumed jurisdiction to hear the matter pursuant to Section 272 of the Constitution. Dissatisfied with the ruling, the Appellants appealed to the Court of Appeal.

Given the state of flux in our jurisprudence on the subject matter, the Court of Appeal, on the application of the Appellants, referred the following questions of law to the Supreme Court for its determination, to wit:

- I. Whether the jurisdiction of the High Court of Lagos State is impacted and excluded by Section 254C of the Constitution in respect of a claim in defamation in circumstances related to or connected with labour and employment?
- II. Having regard to Section 254C of the Constitution, whether the termination of an employment relationship, *simpliciter*, will vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related



to or connected with labour and employment?

- III. Whether a purportedly defamatory material arising from an employee's work relationship but made by a non-employee can be discountenanced by the High Court of Lagos State having regard to Section 254C of the Constitution? (collectively, the “**Referenced Questions**”).

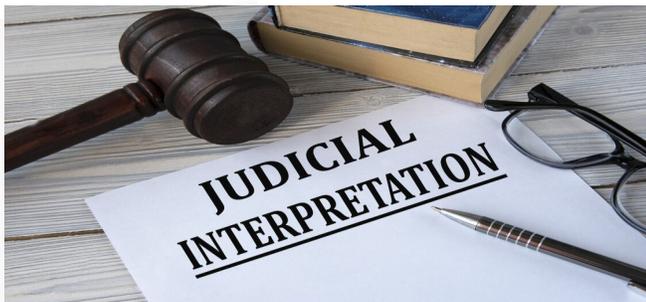
The Decision of the Supreme Court

In its judgment⁶, the Supreme Court unanimously held that the provisions of Section 254C must be construed literally but organically, bearing in mind the constitutional intent behind the establishment of the NICN as a specialised labour court. The Court held that the mere fact that an allegedly defamatory statement is made in the context of employment, does not without more, transmute such a claim into a labour or employment dispute within the contemplation of Section 254C of the Constitution. What is decisive in the determination of jurisdiction is the substance of the claim and the nature of the reliefs sought, and not any attempt by a party to colour a purely tortious claim within employment-rated considerations.

The Supreme Court clarified that defamation may fall within the jurisdiction of the NICN where it arises as an ancillary claim to a substantive labour or employment dispute and is so inextricably linked to the main claim that it may properly be regarded as a matter connected with labour or employment under Section 254C 1(a) of the Constitution. Accordingly, the Court held that to subsume general tortious claims, particularly defamation, under the exclusive jurisdiction of the NICN would occasion “**an unwarranted influx of civil causes into a specialised labour forum, thereby diluting its character and converting it into a court of general civil jurisdiction contrary to the constitutional design.**”

The Supreme Court further articulated a principled test, holding that where a claim for defamation is alleged to have arisen in circumstances connected with employment, the court must inquire whether the determination of the claim necessarily involves the construction, enforcement, or adjudication of rights and obli-

⁶The lead judgment was delivered by Stephen Adah, JSC.



gations arising from a contract of employment, or otherwise relates to matters of labour relations, employment rights or working conditions as constitutionally circumscribed under Section 254C of the Constitution. In elucidation of this principle, the Court observed as follows:

- i) Where the alleged defamatory statements are so inextricably intertwined with the employment relationship that their truth or falsity cannot be determined without recourse to the terms of employment or the duties and obligations flowing therefrom, jurisdiction properly vests in the NICN.
- ii) Conversely, where a claim in defamation exists independently as a tortious cause of action, does not require the interpretation or enforcement of an employment contract, and is directed against a party who does not stand in any employer-employee relationship with the claimant, such a claim falls outside the exclusive jurisdiction of the NICN.

In the circumstances, the Supreme Court, in resolving the Referenced Questions, answered Questions 1 and 2 in the negative and Question 3 in the affirmative, holding that the Respondent's cause of action, being one founded on defamation falls squarely within the jurisdiction of the High Court and not that of the NICN.

Instructively, in arriving at its decision, the Supreme Court agreed with the submissions of the Respondents as well as the *amici curiae* – Mrs. Abimbola Akeredolu, SAN, Mr. Inam Wilson, SAN, and Prof. Emmanuel Anyangarum Kenen, Esq.

Mrs. Abimbola Akeredolu, SAN, in her *Amicus* Brief, submitted that although the jurisdiction of the NICN under Section 254C of the Constitution is exclusive, it is not a “catch-all net” capable of encompassing every claim merely because it arises from or is connected with labour and employment matters. She contended that section 254C of the Constitution should be construed purposively, such that constitutional provisions are interpreted in light of their object and underlying spirit. Accordingly, she maintained that it was neither the intendment nor within the contemplation of the drafters of the Constitution that the elevation of the NICN to a superior court of record would expand its

jurisdiction as to oust the jurisdiction of the High Court of a State over tortious claims. Rather, the constitutional intendment was to avoid the “bifurcation” or “severance of claims” arising from labour and employment matters, such that where the main claim falls squarely within the subject-matter jurisdiction of the NICN under Section 254C(1), the NICN may validly assume jurisdiction over ancillary claims to the extent that they arise from, relate to, or are connected with the principal claim in a manner that renders them inextricably linked. Conversely, where the main claim does not fall within the subject matter jurisdiction of the NICN, the mere fact that it arises from or is connected with a workplace or labour matrix is insufficient to confer jurisdiction on the NICN.

Mr. Inam Wilson, SAN, in his *Amicus* Brief, submitted that the general expressions such as “relating to”, “connected with”, “pertaining to”, “matters arising from workplace”, and “matters incidental thereto or connected therewith” under Section 254C (1) of the Constitution, ought to be construed *ejusdem generis*, so as to confine their scope to core labour and employment matters which cannot be resolved without reference to labour-related rights, duties, or principles. He accordingly submitted that the jurisdiction of the High Court of a State is neither ousted nor excluded by Section 254C in respect of claims for defamation, even where such claims arise from circumstances connected with labour or employment.

Prof. Emmanuel Anyangarum Kenen, Esq., in his *Amicus* Brief made substantially similar submissions, aligning with the views expressed by Mr. Inam Wilson, SAN.

Conclusion

The decision of the Supreme Court in ***Emma Elegbe & Anor v. HP International Schools Limited & 3 Ors*** provides much-needed clarity on the scope of Section 254C of the Constitution in relation to employment-related torts. While the NICN retains exclusive jurisdiction over core labour and employment matters, including ancillary claims inextricably linked thereto – tortious claims such as defamation, when they constitute the principal claims, do not fall within the jurisdiction of the NICN merely because they arise within an employment context. In doing so, the Court reaffirmed the established principle in ***Tukur v. Government of Gongola State*** that a court properly seised of a principal claim may also entertain ancillary or incidental claims to avoid multiplicity of suits.

Banwo & Ighodalo is honoured to have contributed to the resolution of this long-standing controversy and to the continued development of Nigerian jurisprudence in employment and labour law.

⁷Article 22(3) of the GAID⁸Section 142 of the NTAA
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