

Dr. Oladapo Olanipkun, SAN, who filed an *Amicus Curiae* Brief on 20th November, 2025, expressed a view that diverges from those of the preceding three *amici*.

On the first issue, learned amicus submitted that where there is a jurisdictional overlap between two courts, one having jurisdiction over the entirety of a claim and the other having jurisdiction over only an aspect thereof, the proper forum is the court vested with jurisdiction over the whole claim. **Relying on *FBN Plc v. Ben Sugba Tech. Serv. Ltd* (2024) 16 NWLR (Pt. 1963) 1 at 28–29 (SC) and *Dagazau v. Bakir Int’l Co. Ltd* (2011) 14 NWLR (Pt. 1267) 261 at 318–321 (CA)**, he submitted that the National Industrial Court ought to be regarded as the court with exclusive jurisdiction over defamation claims that are connected with, incidental to, or arise from labour, employment, or workplace relations.

The crux of the issues submitted for determination turns on the proper interpretation of Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and whether claims founded on defamation, though arising in an employment setting, fall within the exclusive jurisdiction of the National Industrial Court of Nigeria.

Section 254C of the 1999 Constitution (as amended) deals with the jurisdiction of the National Industrial Court. It is trite law and indeed, a cardinal principle of constitutional interpretation that we must adopt a liberal approach to the interpretation of the Constitution so as to ensure that where words used in the Constitution are clear and unambiguous, they must be given their natural and ordinary meaning, unless to do so would lead to absurdity. The interpretation would be such as would serve the interest of the Constitution and amplify its objective, purpose and side with the true intention of the makers of the constitution.

The provision of Section 254C of the Constitution is laid out in parts as follows:

254C. Jurisdiction

(1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters -

(a) relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from workplace. the conditions of service, including health, safety, welfare of labour,

employee, worker and matters incidental thereto or connected therewith;

(b) relating to, connected with or arising from Factories Act, Trade Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or any other Act or Law relating to labour, employment, industrial relations, workplace or any other enactment replacing the Acts or Laws;

.....
(f) relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;

.....
(g) relating to or connected with any dispute arising from discrimination or sexual harassment at workplace;

(h) relating to, connected with or pertaining to the application or interpretation of international labour standards.

On a firm and purposive consideration of the constitutional provision, it is evident that the jurisdiction conferred on the National Industrial Court is circumscribed to causes and matters arising from, connected with, or incidental to labour, employment, trade unions, industrial relations, workplace conditions, and the welfare of employees and employers. The provision must be construed literally but organically, bearing in mind the constitutional intent behind the establishment of a specialized labour court.

Defamation, it should be noted remains a distinct tortious cause of action, historically and jurisprudentially rooted in the general law of tort. The mere fact that an allegedly defamatory statement is made in the context of employment ordinarily, does not without more transmute such a claim into a labour or employment dispute within the contemplation of Section 254C of the Constitution. The only bent is if defamation comes as an ancillary claim to labour or employment matters and the court from the facts assesses it to be inextricably tied or bound up with the main claims before the court, the court can accommodate it under Section 254C1(a) as a cause or claim connected with labour matters.

I am guided on this issue by the decision of this Court in **Egbuonu v. Bornu Radio Television Corporation (1997) LPELR – 1040 (SC)**, where Iguh, JSC, held thus:

“The law is now settled that where ancillary or incidental claim or claims are so inextricably tied to or bound up with the main claims before the court in a suit, a court of law cannot adjudicate over them where it has no jurisdiction to entertain the main claims if such incidental or ancillary claims cannot be determined without a determination at the same time of the main claims or where the determination of such incidental or ancillary claims must necessarily involve a consideration or determination of the main claims. See Alhaji Umaru Abba Tukur v.

Government of Gongola State (1989) 4 NWLR (Pt. 117) 517 at 548; Alhaji Umaru Tukur v. The Government of Taraba State and Others (1997) 6 NWLR (Pt. 510) at 549”.

A further guide can be scooped from this court’s decision in **Adenuga & Ors. v. Odumeru & Ors. (2001) 2 NWLR (Pt. 696) 184**, where Karibi-Whyte, JSC, held thus:

“Hence in an ancillary relief which the application subject-matter of this preliminary objection, is, the relief must fall within the purview of the claim. This is because the remedy is for the protection of the claim, that is an injury which may be occasioned by the violation of applicant’s right in respect of which he will not be adequately compensated in damages. See **Daniel Ogbonna & Ors. v. Adapalm Nigeria Ltd. (1993) 5 NWLR (Pt. 292) 147**. The remedy is certain not available to parties in respect of issues not raised in the action or matters not directly related to the issues raised. See **Akibu & Ors. v. Munirat Oduntan (1991) 2 NWLR (Pt. 171) at 10**. The application by the plaintiffs/appellants seeking for injunctive orders is clearly not within the claim and not directly related to the claim. The application therefore cannot be for the protection of a right before the court, which may be violated, unless the application was granted. Furthermore, since the reliefs sought are not in respect of or directly related to a claim before the court, the court is without competence and jurisdiction to hear it, since is not in respect of a claim before it. See **Madukolu & Ors. v. Nkemdilim & Ors. (1962) 2 SCNLR, 341 (1962) 1 All NLR 587**. It is

therefore, in such a circumstance unnecessary to inquire into the existence of a legal right enabling the grant of the relief”.

It is therefore, understandably certain that it is within our adjudicatory norm and procedural culture to entertain only ancillary claims that are inextricably connected to the main claim.

The combined effect of Section 254C(1) is that once a dispute is labour-centred or employment-related in substance, jurisdiction is exclusively reserved for the National Industrial Court, irrespective of how the claim is framed. No other court may validly assume jurisdiction over such matters, and any proceedings commenced elsewhere are constitutionally incompetent.

The jurisdiction conferred is both substantive and expansive, covering not only disputes strictly arising from labour or employment, but also all matters relating to, connected with, incidental to, or arising from employment relationship and workplace. The law does not allow any interpretation that would introduce ambiguity and distort the careful constitutional allocation of judicial powers, with the attendant risk of undermining the clearly demarcated jurisdictions of the superior courts of record. Such an approach would also engender doctrinal uncertainty, as litigants may deliberately

camouflage ordinary civil claims with the veneer of employment relations in order to improperly invoke the jurisdiction of the National Industrial Court.

We are therefore, persuaded that, to subsume general tortious claims, particularly defamation, under the exclusive jurisdiction of the National Industrial Court would occasion an unwarranted influx of civil causes into a specialized labour forum, thereby, diluting its character and converting it into a court of general civil jurisdiction, contrary to the constitutional design.

Accordingly, it is resolved that tortious claims, including defamation, do not fall within the scope of labour and employment matters contemplated by Section 254C of the Constitution and are properly justiciable before the regular courts, upon a substantive examination of the alleged defamatory publications. The matters intended by the legislature to be vested exclusively in the National Industrial Court are labour and employment disputes strictly so called, and not tortious causes of action merely arising in an employment setting.

It is settled law that jurisdiction is determined solely by the claimant's claim as disclosed on the Writ of Summons and

the Statement of Claim, and not by the defence. In the instant case, a careful examination of the originating processes reveals that the respondent's cause of action is founded squarely on defamation, a tort injurious to reputation. The claim is neither predicated on any contract of employment nor on the enforcement of any condition of service.

The mere fact that the alleged defamatory publication made reference to the respondent's resignation from employment does not, without more, transmute the claim into a labour or employment dispute. 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 with employment-related considerations.

The defamation complained of arose after the cessation of the employer–employee relationship, and there is no evidence of any subsisting employment relationship between the parties at the material time. The appellants consequently failed to establish any credible basis for invoking the jurisdiction of the National Industrial Court in respect of a claim wholly unconnected with labour or employment relations.

Accordingly, the respondent's cause of action, being one in defamation, falls squarely within the jurisdiction of the State High Court and not that of the National Industrial Court.

It should be noted further that even where a court is vested with subject-matter jurisdiction by the Constitution or statute, such jurisdiction cannot be validly activated unless the action is initiated by due process and all conditions precedent are fulfilled.

This question one is therefore, answered in the negative.

Question Two:

On the second question, learned counsel for the appellants adopted his earlier submissions on the first issue and argued that the National Industrial Court possesses jurisdiction even where the employment relationship is no longer subsisting. He contended that the decisive requirement for the activation of the Court's jurisdiction is that the cause or matter must be connected with employment. According to counsel, whether the employment relationship is extant or has been terminated is immaterial to the determination of jurisdiction.

He submitted that the Constitution makes no provision tying jurisdiction to the pendency of an employment relationship, and that disputes relating to matters listed under Section

254C of the Constitution are not confined to situations where the employment relationship remains in force. He therefore urged the Court to resolve the second issue in the negative.

Counsel further argued that the mere termination of a work relationship does not, of itself, deprive the National Industrial Court of jurisdiction. He referred the Court to the respondents' Statement of Claim, submitting that in virtually every paragraph the respondents placed the 1st appellant's employment contract in issue. He maintained that the allegations made by the respondents are rooted in, and arise directly from, the 1st appellant's contract of employment.

Learned counsel submitted that for the respondents' case to be properly examined and determined, the respondents must establish the element of falsity, which is a fundamental ingredient of defamation. He relied on **Abalaka v. Akinsete (2023) 13 NWLR (Pt. 1901) 343 at 368** in support of this proposition.

He further contended that the State High Court lacks jurisdiction to examine or interrogate the 1st appellant's letter of employment for the purpose of comparing its terms with the alleged defamatory publications in order to ascertain their truth or falsity. Counsel emphasized that the respondents'

claim before the lower court is one of defamation arising from employment, and that before any determination can be made on the veracity of the alleged defamatory statements, the requirement that such statements must be false must be satisfied within the context of the employment relationship in which they were made.

Counsel argued that a court vested with jurisdiction over a matter is competent to entertain all aspects incidental to that claim. In that regard, he relied on **Emejuru v. Abraham (2019) 4 NWLR (Pt. 1663) 541 at 560**. He concluded by maintaining that the State High Court cannot delve into employment-related matters in order to determine issues of veracity or otherwise, and urged the Court to answer the second issue in the negative.

In response to this question, learned counsel for the 1st to 3rd respondents submitted that the existence or termination of an employment relationship is not determinative of the High Court's jurisdiction to entertain a claim in defamation connected with employment. Counsel argued that defamation does not fall within the exclusive jurisdiction of the National Industrial Court and that the jurisdiction of the State High Court over defamation remains unaffected, regardless

of whether the alleged defamatory act bears any link to employment.

He further contended that the High Court is not required to await the termination of an employment relationship before assuming jurisdiction over a tortious claim arising from employment. According to counsel, the alleged defamatory publication in the present case was made after the termination of employment and bore no nexus to the 1st appellant's conditions of service, but was motivated purely by malice with the intention of disparaging the respondents in their trade. He therefore posited that the National Industrial Court lacks jurisdiction over a defamation claim where the cause of action arises after the cessation of employment.

On his part, learned counsel for the 4th respondent, in addressing the second question, submitted that neither the subsistence nor the termination of an employment relationship determines jurisdiction over a defamation claim. He argued that a defamatory publication does not automatically fall within the jurisdiction of the National Industrial Court merely because it references a person's former employment, unless the publication arose directly from an employment dispute.

Relying on the case of **Akpan v. UNICAL (2016) LPELR-41242**, counsel maintained that the High Court was seised with jurisdiction from the outset and urged the Court to so hold.

On the second question, learned amicus, Prof. Emmanuel Ayangurum Kenen, submitted that if a matter is within the jurisdiction of the NIC as provided for under Section 2545C of the Constitution of the FRN 1999 (as amended), the NIC will exercise jurisdiction over same notwithstanding that the employment relationship is terminated. He adopted his arguments on the first issue and maintained the position that the subject matter in the instant case is defamation. That whether there is a subsisting employment or there is termination of employment relationship, it is the High Court that has jurisdiction with respect to defamation. That having regard to Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), whether there is a subsisting employment or termination of employment relationship, the High Court of Lagos State has jurisdiction to entertain a claim in defamation in circumstances related or connected with labour and employment.

On the second question, learned amicus, Wilson, SAN, adopted his arguments on issues one and submitted that

whether there has been termination of employment relationship or not, what confers jurisdiction on the High Court or the NIC, is the characterization and the nature of claim.

The amicus curiae submitted that, the mere termination of an employment relationship, simpliciter, will not vest the High Court of Lagos State with the jurisdiction to entertain a claim in defamation in circumstances related or connected with labour employment, where the facts arise in the context of employment. That the fact of termination or the absence thereof, should not be the decisive criterion in determining whether the State High Court is competent to hear such a claim. Rather, that the proper and controlling inquiry is whether the cause of action itself arises directly from the exercise of rights and obligations under the contract of employment or whether it pertains to the protection of labour interests and working conditions. That only where the claim does not fall within that narrow and constitutionally defined scope in Section 254C of the Constitution, would the jurisdiction be vested in the State High Court.

On the second question, learned amicus, Akeredolu, SAN, submitted that the termination of employment relationship is immaterial to the jurisdiction of the High Court of Lagos State over defamatory claims. That in the absence of any

employment issue, such as the interpretation of any employment contract, the enforcement of any employment rights or conditions of service, the High Court of Lagos State is properly seised of jurisdiction over such defamatory claims.

On question 2, learned amicus, Oladapo Olanipekun, submitted that the termination of an employment simpliciter, would not vest the High Court of Lagos State with jurisdiction to entertain a claim in defamation in circumstances related and connected with labour and employment. He contended that the jurisdiction of the court cannot be invoked except there is a justiciable dispute between parties. He cited **Badejo v. Federal Ministry of Education (1996) 8 NWLR (Pt. 464) 15, 41, (SC); Attorney General of Kano State v. Attorney General of the Federation (2007) 3 SC, 59, 80.** He added that it is always the termination of an employment relationship that triggers a dispute which parties present to the NICN for determination. He relied on the case of **Shell Pet. Dev. Co. v. Lawson-Jack (1998) 4 NWLR (Pt. 545) 249, 274 (CA).**

Considering the fact that this question and the third question are closely inter-related, I will answer them together. Let me first look into the submissions and arguments on question three.

Question Three:

On question three, learned counsel for the appellants submitted that jurisdiction under Section 254C of the Constitution is a matter of subject-matter competence. He argued that it is the nature of the dispute that confers jurisdiction on a court, and that no court is competent to entertain a matter over which it lacks subject-matter jurisdiction. Counsel contended that the plaintiff's claim is the sole determinant of jurisdiction, and where the subject matter falls outside the court's competence, there is nothing to adjudicate upon and any decision so reached is a nullity.

He further submitted that, having regard to the items enumerated in Section 254C of the Constitution, the class of claims contemplated therein includes defamation arising from employment, and that no "indeterminate class" exists in that regard. According to counsel, such claims remain within the exclusive jurisdiction of the National Industrial Court, even where they involve persons without a direct employment relationship, including the 2nd appellant.

In conclusion, learned counsel maintained that the subject matter of the dispute, being inextricably linked to the 1st appellant's employment, falls squarely within the exclusive

purview of the National Industrial Court. He argued that statements attributed to the 2nd appellant, though made in the context of communications with the 1st respondent's clients, do not alter the jurisdictional position, since jurisdiction is determined by the subject matter and not by the status of the speaker. He accordingly urged the Court to affirm the exclusive jurisdiction of the National Industrial Court over the respondents' claim.

In response, learned counsel for the 1st to 3rd respondents submitted that a claim founded on an alleged defamatory publication made by a third party who is not, and has never been, in an employment relationship with the appellant cannot properly be characterized as a labour or employment matter capable of invoking the jurisdiction of the National Industrial Court. He argued that such a claim falls outside the remit of the specialized labour court, as there is no nexus between the third party and the respondents capable of triggering the National Industrial Court's competence.

Counsel further contended that to suggest that the National Industrial Court could assume jurisdiction over a defamation claim against a third party who has never stood in an employment relationship with the claimant is both doctrinally unsound and constitutionally untenable.

In the final analysis, counsel submitted that it was never the intention of the framers of the Constitution to vest exclusive jurisdiction in the National Industrial Court over disputes involving parties who do not share an employer, employee relationship, particularly where the subject matter is defamation. He urged the Court to hold that, in the absence of any master–servant nexus, whether past or present, disputes between parties, even if tangentially related to employment, remain within the exclusive jurisdiction of the High Court.

Learned counsel for the 4th respondent submitted that, even if the appellants' construction of Section 254C of the Constitution were accepted, the National Industrial Court would nonetheless lack jurisdiction over the 2nd appellant, who was never in an employment relationship with the respondents. Counsel argued that the jurisdiction of the National Industrial Court is activated only where there exists an employment nexus between the disputing parties.

In support of this contention, counsel relied on **NUEE v. BPE (2010) 7 NWLR (Pt. 1194) 534 at 565 (paras E–G)**, submitting that any contrary position would permit claimants to haul before the National Industrial Court third parties who have no employment connection whatsoever, thereby

impermissibly expanding the court's jurisdiction beyond its constitutional limits.

Counsel further maintained that it was never the intention of the framers of the Constitution to vest exclusive jurisdiction in the National Industrial Court over defamation or other tortious claims, particularly where the parties do not share an employer–employee relationship. He argued that, in the absence of an employment or contractual nexus, jurisdiction properly resides in the High Court of Lagos State. Counsel accordingly urged the Court to so hold.

On this question, learned amicus, Prof. Kenen, adopted his submissions on issues one and two and submitted that a purportedly defamatory material arising from an employee's work relationship but made by a non-employee can be countenanced by the High Court of Lagos State having regard to Section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). He stated that it was not the intention of the drafters of the Section 254C of the Constitution of the FRN 1999 (as amended) that a third party should activate the jurisdiction of the National Industrial Court.

On his own part, on question three, learned amicus, Wilson, SAN, also, adopted his earlier submissions on issue one and two and submitted that it is the reliefs sought that would determine which court has jurisdiction to countenance the purportedly defamatory material arising from an employee's work relationship and the preferred court that can entertain all aspects of the claim concerned. As per where the purportedly defamatory material was made by a non-employee, learned Amicus referred this court to the case of **Rebold Industries Ltd v. Magreola (2015) 8 NWLR (Pt. 1460) 210 (SC) Pp. 227 Paras A – G**, for proper guidance.

He submitted that the where the purportedly defamatory material was made by a non-employee, the cause of action cannot be said to have arisen from the exercise of rights and obligations under the contract of employment or related to the protection of labour interest and working conditions. That in the absence of any contract of employment, there is no privity of employment contract with the non-employee. That such a purportedly defamatory material arising from an employee work relationship but made by a non-employee can and ought to be countenanced by the High Court of Lagos State having regard to Section 254C of the Constitution.

Learned *amicus*, Akeredolu, SAN, on this question, submitted that in the event that questions one and two are resolved in the negative, that question three becomes moot. He argued that a claim founded on a defamatory publication outside of the ramification of labour relations (i.e employer-employee relations, or employee-employee relations), cannot be properly characterized as a labour or employment matter as to invoke the jurisdiction of the NICN.

Reacting to this question, learned *amicus*, Olanipekun, SAN, argued that same involves an entirely fact-dependent question. He contended that a purportedly defamatory material arising from a work relationship but made by a non-employee, may be countenanced by the State High Court, if, in the peculiar factual circumstances, the cause of action is not related to, connected with, incidental to, or arising from labour, employment, the workplace etc. He is of the view that the claimants' statement of claim is critical to determining this question of fact. He referred the court to cases of **Skypower Exp. Airways Ltd. v. UBA Plc (2022) 6 NWLR (Pt. 1826) 203, 242 (SC); Radiographers Reg. Board, Nig. v. M.&H.W.U.N. (2021) 8 NWLR (Pt. 1777) 149, 203 (SC).**

He urged the court to resolve all the questions as deemed appropriate.

Resolution of Questions Two and Three:

In addressing questions two and three together, learned counsel on both sides, as well as the learned *amici curiae*, made extensive submissions on the proper court vested with jurisdiction to entertain a claim in defamation arising in circumstances connected with employment, particularly where the employment relationship has been terminated or where the alleged defamatory publication is attributed to a third party.

On the one hand, learned counsel for the appellants contended that jurisdiction under section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), is determined by the nature of the dispute and not by the subsistence or otherwise of the employment relationship, nor by the status of the parties involved. Counsel argued that once the cause of action is rooted in, connected with, or arises from an employment relationship, the exclusive jurisdiction of the National Industrial Court is properly invoked, notwithstanding the termination of employment. He further submitted that defamation arising from employment is one of the classes of claims contemplated under section 254C and that there is no constitutionally recognised intermediate category of

defamation claims excluded from the competence of the National Industrial Court. According to counsel, the fact that an alleged defamatory statement is attributed to a person who is not in a direct employment relationship with the claimant does not alter the jurisdictional position, since jurisdiction is determined by the subject matter of the dispute and not by the identity or status of the speaker.

Conversely, learned counsel for the respondents submitted that defamation, being a tort, does not fall within the exclusive jurisdiction of the National Industrial Court merely because it bears some factual connection to employment. Counsel argued that neither the subsistence nor the termination of an employment relationship is determinative of jurisdiction and that where a defamation claim does not require the interpretation, enforcement, or adjudication of rights and obligations under a contract of employment, jurisdiction properly vests in the State High Court. It was further contended that a claim founded on an alleged defamatory publication made by a third party who is not, and has never been, in an employment relationship with the claimant cannot properly be characterized as a labour or employment dispute capable of invoking the jurisdiction of the National Industrial Court. According to counsel, to hold otherwise would amount

to extending the jurisdiction of the specialized labour court beyond its constitutional remit and would be both doctrinally unsound and constitutionally untenable.

The learned *amici curiae*, while approaching the issue from slightly differing perspectives, were largely *ad idem* that the decisive consideration in determining jurisdiction is the proper characterization of the cause of action. They submitted that the mere fact of termination of employment, or the absence thereof, is not conclusive. Rather, the controlling inquiry is whether the claim arises directly from the exercise of rights and obligations under a contract of employment or pertains to matters within the narrowly defined scope of labour relations, employment rights, and working conditions as envisaged under section 254C of the Constitution. Where a claim in defamation is merely incidental to, or arises squarely from, an employment dispute, jurisdiction would vest in the National Industrial Court. However, where the claim stands independently as a tortious cause of action, does not implicate employment rights or obligations, or is directed against a third party with no employer–employee nexus, jurisdiction would properly lie with the State High Court.

In essence, the competing submissions converge on the principle that jurisdiction in cases of defamation alleged to

arise in an employment setting does not turn solely on the existence or termination of an employment relationship, nor on the identity of the alleged tortfeasor, but on a careful and principled examination of the substance of the claim. The determinative question is whether, having regard to the pleadings, the cause of action is fundamentally anchored in employment rights and obligations within the contemplation of section 254C of the Constitution, or whether it constitutes an independent tort of defamation falling outside the exclusive jurisdiction of the National Industrial Court.

Having carefully considered the rival submissions of learned counsel on both sides, together with the illuminating interventions of the learned *amici curiae*, the jurisdictional controversy distils into a narrow and determinative inquiry: whether the respondents' claim, as disclosed by the originating processes, is fundamentally grounded in employment and labour relations within the contemplation of section 254C of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), or whether it constitutes an independent claim in defamation falling outside the exclusive jurisdiction of the National Industrial Court.

It is settled law that jurisdiction is determined by the plaintiff's claim as revealed on the face of the pleadings, and not by the

status of the parties or the ultimate success or failure of the claim. What is tangentially paramount is the substance and true character of the cause of action.

It follows therefore, 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 obligations arising from a contract of employment, or relates to matters of labour relations, employment rights, or working conditions as constitutionally circumscribed under section 254C. 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 National Industrial Court.

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 National