



Employment and Defamation: Supreme Court Clarifies the Proper Forum for Workplace-Related Claims

Introduction

On 20 February 2026, the Supreme Court of Nigeria delivered its decision in *Emma Elegbe & Anor v. HP International Schools Ltd & 3 Ors*, providing clarity on the long-debated boundary between the State High Courts and the National Industrial Court of Nigeria (NICN).

The decision settles a recurring question: when a claim—particularly defamation—arises in an employment context, which court should hear it? It also addresses a broader concern that an overly expansive interpretation of the NICN's jurisdiction could extend its reach to virtually any dispute with a workplace connection.

Background

The dispute arose following the termination of Emma Elegbe's employment as Head of School. After her disengagement, she sent an email to parents explaining her version of the events leading to her exit and criticising members of the school's Board. Her spouse also sent related WhatsApp messages in response to enquiries from parents.

The school and other affected parties commenced an action at the High Court of Lagos State, alleging that the email and WhatsApp messages were defamatory. They sought declarations, a retraction, and an order restraining further publication.



In response, the former Head of School challenged the competence of the action before the High Court, arguing that because the statements were connected to an employment relationship, the matter fell within the exclusive jurisdiction of the National Industrial Court of Nigeria (NICN). That objection ultimately brought the jurisdiction issue before the Supreme Court.

Key Takeaways from the Supreme Court Decision

- **No automatic NICN jurisdiction:** A claim does not fall within the NICN's jurisdiction simply because it arises in a workplace setting.
- **The nature of the claim is decisive:** Courts will look at the substance of the claim and the reliefs sought—not just the surrounding facts.
- **Standalone defamation claims remain with the High Court:** Where a claim can be determined without reference to the employment contract, the State High Court is the proper forum.
- **Where employment rights are central, NICN applies:** If resolving the claim requires examining rights or obligations under the employment relationship, the NICN may assume jurisdiction.

- **Related claims may follow the main claim:** Where an employment dispute is properly before the NICN, related claims (including defamation) may be heard alongside it.

What This Means in Practice

- **Choice of court is now a strategic issue:** The correct forum depends on how the claim is framed, not simply the context in which it arose.
- **Missteps can be costly:** Filing in the wrong court may lead to delays, jurisdictional objections, or the claim being struck out.
- **Claim structuring is critical:** Where disputes combine employment and reputational issues, parties must decide whether to separate claims or proceed in a single forum.
- **Early legal assessment matters:** Jurisdiction should be considered at the outset, particularly in disputes involving mixed claims.

The Road Forward

The decision reinforces a practical point: an employment relationship does not, on its own, determine where a dispute should be heard. What matters is whether the claim depends on that relationship.

For businesses and individuals, this places greater emphasis on early legal review, careful claim formulation, and deliberate forum selection. Getting this right at the outset can help avoid procedural setbacks and preserve litigation strategy.

For guidance on employment disputes, forum selection, and claim structuring, contact info@scp-law.com or visit www.scp-law.com