UNDERSTANDING WOMEN WORKERS' RIGHTS UNDER NIGERIAN AND ILO STANDARDS: AN INTRODUCTORY ANALYSIS[1]

By

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Introduction

Permit me to express profound gratitude to the leadership of FOBTOB for affording me an opportunity to lead a conversation with the participants at this Workshop.

In this paper, I have concentrated more on women workers' rights under international labour standards because the rights guaranteed under Nigerian statutes tend to lag behind the minimum international standards.

The challenge therefore is that the trade union movement in Nigeria should organise and conduct strong campaigns for the ratification of ILO standards. This is because, in an unmistakable language, any ratified ILO Convention is automatically and simultaneously a constitutional provision.

On the strength of the 2010 Amendments of the Constitution, international standards and practices are now enforceable by the NIC, by virtue of the following provisions of the CFRN, as follows:

- **S. 254C(1)(f), CFRN:** provides for the enforceability of **international best practices**. Pursuant to this constitutional provision, **S. 7(6) of the National Industrial Court Act (NICA)** also makes similar provision.
- **S. 254C(1)(h), CFRN:** provides for the power of the NIC to interpret, apply or enforce **international labour standards**.
- **S. 254C(2), CFRN:** vests in the NIC, the "power to deal [interpret, apply and/or enforce] with any matter **connected with or pertaining to** application of any international convention, treaty or protocol of **which Nigeria has ratified** relating to labour, employment, workplace, industrial relations or matters **connected** therewith."

In **Sahara Energy Resources Ltd v. Oyebola** (2020) LPELR- 51806 (CA), the Court of Appeal held that in the light of the Third Alteration to the 1999 Constitution, the NICN is now empowered to enforce ILO standards as follows:

[1] Being paper delivered on 16/10/26 at the Workshop organized by the Food, Beverage & Tobacco Senior Staff Association in conjunction with the Friedrich Ebert Stiftung (FES) on the theme 'Gender Equality & Women's Engagement in Trade Union Politics' held on 15th – 16th October 2026 at Conference Hotel, Ijebu-Ode, Ogun State.

"**Section 254C (1) (f) and (h) and (2) of the 1999 Constitution empowers the lower Court to apply international best practices in labour, and conventions, treaties, recommendations and protocols ratified by Nigeria."**

Within the context of S. 254C(1) & (2), CFRN, I am of the opinion that an awareness of the rights under international standards would create the motivation to fight for those rights because consciousness of rights is a precondition for fighting to protect rights. At the same time, awareness of the rights under international standards may create an awareness of the gaps between international standards and the Nigerian law, as well as collective agreements within the Food, Beverage and Tobacco subsector of the Nigerian economy.

THE RIGHTS EXAMINED

The rights examined in this paper are treated chronologically, as follows:

1. **Access to employment**
2. **Advertising for workers**
3. **Affirmative action**
4. **Biological risks**
5. **Breastfeeding workers**
6. **Care work**
7. **Commercial sexual exploitation**
8. **Computers**
9. **Conditions and benefits of employment**
10. **Decent work**
11. **Disabilities, workers with**
12. **Disciplinary action**
13. **Discrimination**
14. **Dismissal/Termination**
15. **Diversity in the workplace**
16. **Division of labour**
17. **Education**
18. **Elder care**
19. **Employee**
20. **Employer**
21. **Employment injury benefit**
22. **Equality of opportunity and treatment in employment and occupation**
23. **Equal remuneration**
24. **Export processing zones**
25. **Facilities and equipment**

26. **Family benefit**
27. **Family responsibilities, workers with**
28. **Forced labour**
29. **Freedom of association and the right to organize**
30. **Hours of work**
31. **HIV/AIDS**
32. **Maternity leave**
33. **Night work**
34. **Parental leave**
35. **Pensions**
36. **Sexual harassment**
37. **Trade unions, gender equality in**
38. **Right of Workers, including Women, to Participate in Politics**

1. Access to employment

Under international instruments, particularly Convention No. 183 (Maternity Protection), Convention No. 156 (Workers with Family Responsibility Convention) and their accompanying Recommendations, state parties are mandatorily required to ensure that employers, including public and private sector employers, employment agencies, public and private, guarantee equal opportunities for access to employment to workers, irrespective of their sex, before and during the hiring process. This requirement may be observed through the following measures, among others:

- By encouraging applications from all eligible workers, men and women;
- Informing applicants of their right to equal employment opportunities;
- Informing applicants of any policies and practices concerning work–family reconciliation measures;
- Pregnancy or motherhood should not constitute a source of discrimination in employment;
- Tests for pregnancy or certification of non-pregnancy should not be required, except where national laws or regulations restrict the employment of pregnant or nursing women on health grounds or where the working conditions are considered hazardous to the mother or the child in the womb.
- Provision of training and guidance to promote access to employment for workers with family responsibilities.

2. Advertising for workers[2]

The core principle here is that advertising for recruitment should not indicate preference for applicants of one sex, except where such preference is justified

[2] See for example C. 111 and R. 111: Discrimination (Employment and Occupation), 1958 C. 181 and R. 188: Private Employment Agencies, 1997.

by the nature of the work or health hazards for the roles and biological make up of women. Guidelines to avoid discrimination in advertising may include:

- Stating that applications from both women and men are welcomed,
- Stating that the employing entity is an equal opportunities employer.

3. Affirmative action[3]

Affirmative action refers to positive measures in favour of women to counter discrimination on the ground of gender. The concept refers to special, usually temporary, measures to eliminate existing discriminatory practices or to prevent continuation of such practices and to offset disadvantages arising from existing attitudes, behaviour and structures based on historically entrenched socio-economic inequalities and stereotypes relating to division of social roles between men and women.

Examples of affirmative measures may include agreements between employers and trade unions or unions and government to set quotas for women's participation in certain activities, sectors, or at levels from which they had previously been excluded and in which they are still under-represented such as in education, vocational training, employment in certain sectors and participation in decision-making bodies.

4. Biological risks

International instruments protect women workers from health hazards, which may affect women's reproductive roles in pregnancy and nursing babies. Such health risks may arise from exposure to toxic, infectious or allergenic biological agents and waste.

Examples of such instruments include:

- Recommendation No. 192: safety& Health in Agriculture, 2001;
- C. 155: Occupational Safety and Health, 1981;
- R. 171: Occupational Health Services, 1985;
- C. 167 and R175: Safety and Health in Construction, 1988;
- C. 176: Safety and Health in Mines, 1995;
- R. 191: Maternity Protection, 2000;
- C. 184 and R. 192: Safety and Health in Agriculture, 2001;
- R. 194: List of Occupational Diseases, 2002; and
- MLC: Maritime Labour Convention, 2006

[3] See for example, Article 5.2 of Convention No. 111, which lists legitimate grounds for special measures designed to meet particular requirements. Such measures are deemed not to be discriminatory against men. Rather they are considered to constitute affirmative action (ILO, 1996, ch. 3).

In particular, Paragraph 6 (3) (b) of Maternity Protection Recommendation, 2000 (No. 191) provides that measures should be taken to find alternative work for pregnant or nursing workers if their jobs involve exposure to biological, chemical or physical agents.

5. Breastfeeding workers

Conventions and Recommendations of the ILO protect the rights of breastfeeding workers. They include:

- C. 103: Maternity Protection (Revised) and R95: Maternity Protection, 1952
- C. 183 and R. 191: Maternity Protection, 2000;
- C. 103: Maternity Protection (Revised) and R95: Maternity Protection, 1952, and
- C. 183 and R. 191: Maternity Protection, 2000.

The rights of the breastfeeding worker include:

- the right to one or more daily breaks, or a daily reduction of working hours to breastfeed her child.
- the right to interrupt her work for the purpose of breastfeeding,
- period of work interruptions or reductions in daily working hours to be counted as working time and remunerated
- two half-hour nursing breaks (Maternity Protection Convention, 1919 (No. 3);
- one and a half hours nursing break per day (Maternity Protection Recommendation, 1952 (No. 95);
- C. 183 and R. 191: Maternity Protection, 2000: Convention leaves it to the discretion of national law[4] and practice to determine arrangements for nursing breaks or the reduction of daily working hours, adjustments to meet special needs based on presentation of medical certificates,
- where practicable, provision for establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.
- Article 3 of Convention No. 183: member States 'shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that **pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child'**

[4] The Federal Government Public Service Rules, specifically, Rule 120220, provide(s) for two hours off-duty every day, for a maximum period of 6 months from the date she resumes duty from maternity leave.

6. Care work

The ILO has now recognized 'care work' [often rendered by women in caring for infants, school-age children, sick family members, spouse, parents, grandparents, grandchildren, persons with disability, etc[5]] as work, which deserves to be remunerated.

The trade union movement is urged to develop advocacy for policy development to remunerate 'care work'. This may be by legislation and/or negotiations through collective bargaining.

In 2006, the ILO expressly recognized as work "the unpaid work in the family and community that is often ignored in current thinking about the economy and society … much of this work is done by women and is essential to the welfare not just of the young or elderly or sick but also to those in paid work. It is also often carried out alongside paid work."[6]

Within the context of international instruments, there is an increasing awareness that measures should be developed to give both men and women the opportunity to share family responsibilities such as parental leave, paternity leave, flexible working hours, greater access to part-time work, etc[7].

7. Commercial sexual exploitation

International instruments provide against commercial sexual exploitation.

This refers to 'the use of boys and girls under the age of 18 in prostitution, pornography or other forms of sexual activity in which a child might engage in order to obtain food, shelter or other basic needs'. It also includes "sexual abuse by the adult and **remuneration in cash or kind to the child or a third person or persons...."**

The trade union movement ought to pay attention to such phenomenon and deprecate it wherever and whenever it rears its head.

The instruments we may rely upon in this regard include:

- C. 29: Forced Labour, 1930;
- R. 35: Forced Labour (Indirect Compulsion) 1930;
- C. 105: Abolition of Forced Labour, 1957;
- C. 182 and R. 190: Worst Forms of Child Labour, 1999, and

[5] 2004. Leave and family responsibilities. TRAVAIL Information Sheet No. WT 6 (Geneva). Available at: http:// www.ilo.org/travail.

[6] See 2006. Report of the Director-General: Changing patterns in the world of work, Report I (C), International Labour Conference, 95th Session, Geneva, 2006 (Geneva) (p. Vi).

[7] See for example C. 98: Right to Organise and Collective Bargaining, 1949 C. 151: Labour Relations (Public Service), 1978 C. 154 and R. 163: Collective Bargaining, 1981.

- Declaration on Fundamental Principles and Rights at Work, 1998.

8. Computers

It has been noted that 'the most widely recognized effects of working on computers are direct effects on the eyes and musculo-skeletal disorders such as repetitive strain injury (RSI)'.

The trend today is to enter into collective agreements such that women workers, particularly during pregnancy are transferred away from computer work during pregnancy.

Where transfer from working on the computer has not been agreed, the following measures, among others may be adopted:

- regular breaks or changes in activity when working on-screen;
- repeated medical examinations (ophthalmic, neurological and orthopaedic) before and during the assignment;
- training for computer users to include implications of its use on health, safety and ergonomics.

Relevant instruments in this area include:

- C. 155 and R. 164: Occupational Safety and Health, 1981;
- R. 194: List of Occupational Diseases, 2002, and
- Protection of Workers' Personal Data: An ILO Code of Practice, 1998.

9. Conditions and benefits of employment

Terms and conditions of employment, including remuneration, compensation in the event of injury should be made available on equal terms (irrespective of gender.

Instruments relevant to this subhead include:

- C. 100 and R. 90: Equal Remuneration, 1951;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 102: Social Security (Minimum Standards), 1952;
- C. 128 and R. 131: Invalidity, Old-Age and Survivors' Benefits, 1967, and
- C. 175: Part-Time Work, 1994.

10. Decent work

Gender equality is central to ILO's concept of decent work. It is built on respect for fundamental principles and rights at work – including freedom from discrimination.

From the gender point of view, decent work includes policies to enhance equal employment opportunities, policies that improve women's access to education, skills training, healthcare, reduction in working time for pregnant and nursing mothers, leave policies, childcare facilities, facilities for men and women workers with family responsibilities.

11. Disabilities, workers with

Workers with disabilities are persons whose prospects of securing, retaining and advancing in their employment are undermined on account of their physical or mental incapacity.

Women with disabilities tend to suffer from a double disadvantage - they are often discriminated against on account of being women and disabled.

The protected rights of women workers with disabilities include:

- having access to suitable employment (including vocational guidance and training), and
- protection against being dismissed on ground of their disability.

Relevant instruments include:

- R. 99: Vocational Rehabilitation (Disabled), 1955;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 158: Termination of Employment, 1982, and
- C. 159 and R. 168: Vocational Rehabilitation and Employment (Disabled Persons), 1983, and
- Managing Disability in the Workplace, ILO Code of Practice, 2001.

12. Disciplinary action

Disciplinary action refers to procedures adopted and measures taken by the employer against an employee in relation to an employee's conduct or performance of his or her obligations.

The central point in the context of the theme of discussion is that disciplinary action should not be arbitrary. Notice and grounds for disciplinary action should be given and predicated upon previously agreed and predetermined objective criteria.

The policies and procedures should also be applied equally, irrespective of gender.

Relevant instruments include:

- C. 158 and R. 166: Termination of Employment, 1982
- R. 130: Examination of Grievances, 1967
- C. 151 and R. 159: Labour Relations (Public Service), 1978.

13. Discrimination

ILO Convention No. 111, in its (Art. 1 (1a) defines discrimination as:

'any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation)'

The ILO's ***ABC of women workers' rights and gender equality (2007)***, at p.50 posits, with clarity, that:

'Discrimination may be de jure, meaning that discrimination exists in law, or de facto, meaning that it exists in reality or in practice. A labour code providing that women shall receive less pay than men because of their sex would be regarded as de jure discrimination, whereas the actual practice of paying women less would be de facto discrimination.'

Thus, it is important that unions should advocate for legislation and collective agreements, which expressly :

- Prohibit *de jure* discrimination based on sex.
- Prohibit *de facto* discrimination based on sex.

Relevant instruments include:

- C. 98: Right to Organise and Collective Bargaining, 1949
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 117: Social Policy (Basic Aims and Standards), 1962;
- C. 156 and R. 165: Workers with Family Responsibilities, 1981;
- C. 169: Indigenous and Tribal Peoples, 1989;
- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998.

14. Dismissal/Termination

Dismissal or termination brings an employment relationship to an end.

However, no employment should be terminated and no worker should be dismissed or terminated on the grounds of trade union membership or for participation in trade union activities or on the basis of ethnicity or '*race, colour, sex, age (subject to national law and practice regarding retirement), marital status, family responsibilities, pregnancy, religion, political opinion, national extraction, social origin, absence from work during maternity leave, because of short-term illness or injury, ... The giving of dismissal notice to a woman when she is away from work on maternity leave or at a time which would mean that the notice would expire while she is away is not allowed ...*

Where dismissal has been based on discriminatory grounds, reinstatement should be the primary remedy if desired by the worker. Monetary compensation alone is not a sufficient remedy.' (ILO, 2007 at pp. 53-54).

Relevant instruments on the above include:

- C. 98: Right to Organise and Collective Bargaining, 1949;
- C. 110: Plantations, 1958, and Protocol, 1982;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 154 and R. 163: Collective Bargaining, 1981;
- C. 156 and R. 165: Workers with Family Responsibilities, 1981;
- C. 158 and R. 166: Termination of Employment, 1982; and
- C. 171: Night Work, 1990.

15. Diversity in the workplace

Though equality between women and men is a key component as far as diversity is concerned, diversity in the workplace goes beyond non-discrimination on the basis of sex/gender. It refers to the goal of building and maintaining a diverse workforce on the principles of equality and non-discrimination irrespective of other forms of differences.

Article 1.1 (a) of Convention No. 111 makes provisions to combat a limited range of discriminations on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

However, Article 1.1 (b) of the same Convention 111 provides a wider scope of forms of discrimination to be opposed in the future when it provides as follows:

'Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies'.

Thus, as **ABC of women workers' rights and gender equality (supra) notes, '***many new grounds have been incorporated in various national legislations since the Convention was adopted, including age, sexual orientation, place of birth, legitimacy of parentage, physical or mental health, medical history, real or perceived HIV status, family relationship with other workers in the enterprise, educational level, language, accent, physical appearance, criminal record, status with regard to public assistance, and atypical hereditary cellular or blood trait'* (p. 55).

Diversity in the workplace thus suggests that conscious efforts should be made to develop policies that reflect sensitivity to, or respect for all cultural, religious,

linguistic and other factors in order to prevent discrimination in the workplace. In this context, the following policies are emerging, that permit:

• *'observance of religious holidays and prayer or meditation times;*

• *observance of a culture-specific mourning period for a deceased relative;*

• *observance of special dietary regimes and medical practices;*

• *wearing of traditional and faith-based dress, beards and hairstyles;*

• *the provision, where appropriate, of language training, interpretation and translation facilities in all areas of personnel management and human resource development'*. (p. 56).

Relevant instruments include:

- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 143: Migrant Workers (Supplementary Provisions), 1975;
- C. 169: Indigenous and Tribal Peoples, 1989;
- R. 104: Indigenous and Tribal Populations, 1957, and
- R. 195: Human Resources Development, 2004.

16. Division of labour

The traditional division of labour on account of gender determines women, on account of social roles in the reproductive process and physical strength, assuming the bulk of family care and domestic functions while men are required to be responsible for economic and financial wellbeing of the family.

However, the reality today is a challenge to this traditional perspective and practice in division of labour. The tendency today is that more women contribute to the family's economic and financial wellbeing. Indeed, in some families, women are the breadwinners.

Thus, Paragraph 11(b) of Recommendation No. 165 enjoins national authorities to promote education to encourage more equal sharing of family responsibilities. The Preamble to Convention No. 156 calls for changing the traditional role of men as well as that of women, recalling the Preamble to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).

The concern is to raise awareness, challenge and change contemporary expectations of men and boys and promote equality in the performance of household and family responsibilities.

Relevant instruments are C. 156 and R. 165: Workers with Family Responsibilities, 1981.

17. Education

Education is a key factor that may strengthen or combat gender-based discrimination. The gender-determined roles of women such as housework, caring for family members, early marriage and child-bearing, limit opportunities for women workers and expose them to disadvantages in the labour market.

Thus, the concern here is that conscious efforts be made to develop policy measures aimed at ensuring equal access to, and equal opportunities in, the acquisition and maintenance of education and skills by both males and females.

Relevant instruments include:

- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 122: Employment Policy, 1964 R. 169: Employment Policy (Supplementary Provisions), 1984;
- C. 88: Employment Service, 1948;
- C. 142: Human Resources Development, 1975;
- R. 195: Human Resources Development, 2004.

18. Elder care

Working women tend to be more involved in the care of the elderly, disabled parents or relatives. Therefore, the concern is that policy measures should be developed, not only to assist working family members (male and female) who are caring for elderly relatives but to also ensure that where women continue to be the principal carers in practice, this should not count against them in access to employment, pay, promotion or career advancement.

Relevant instruments include: C. 156 and R. 165: Workers with Family Responsibilities, 1981.

19. Employee

Apart from the employee (male or female) being entitled to his/her employment rights as determined by contracts or law, the employee is also entitled to certain fundamental rights at work, which impinge on his/her dignity and freedom, including:

- trade union rights;
- civil and political rights;
- just and decent conditions of work;
- freedom from discrimination on grounds of sex or other personal attributes;
- respect for private life;
- consideration of the need for work–family balance.

- Protection against the employer inquiring into employees' private lives, political opinions, religion, or participation in union activities.

Relevant instruments include:

- C. 87: Freedom of Association and Protection of the Right to Organise, 1948;
- C. 98: Right to Organise and Collective Bargaining, 1949;
- C. 122 and R. 122: Employment Policy, 1964;
- C. 141 and R. 149: Rural Workers' Organisations, 1975;
- C. 151: Labour Relations (Public Service), 1978;
- C. 154: Collective Bargaining, 1981;
- R. 159: Labour Relations (Public Service), 1978, and
- R. 198: Employment Relationship, 2006.

20. Employer (employer's responsibility to combat discrimination)

Individual employers, enterprises, employers' and workers' organizations, as well as governments, have a responsibility, under international instruments, to combat discrimination in the workplace.

In particular, trade unions should actively organise and resist discrimination, including discrimination on account of gender in the workplace by:

- identifying and recognizing existing discriminatory practices not only in the capitalist employers' enterprises but also within the union.
- ensuring that neither the union, as an employer, or the capitalist employer, inquires into employees' private lives, political opinions, religion, or participation in union activities.
- ensuring that employers promote gender equality in their enterprises through:
    - observance of the principle of equal pay for work of equal value,
    - establishing an equal opportunities policy, or
    - observing the existing equal opportunities policy, if one already exists;
- advocating for legislation which provides that failure of an employer to observe an equal opportunities is a ground to disqualify the company from accessing public contracts, in the event of opportunities for public procurement.

Relevant instruments include:

- C. 87: Freedom of Association and Protection of the Right to Organise, 1948;
- C. 98: Right to Organise and Collective Bargaining, 1949;
- C. 100 and R. 90: Equal Remuneration, 1951;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;

- C. 122 and R. 122: Employment Policy, 1964;
- C. 151 and R. 159: Labour Relations (Public Service), 1978, and
- R. 198, Employment Relationship, 2006.

21. Employment injury benefit

Under international instruments, all workers, irrespective of sex, are required to be insured against work related accidents, injuries or diseases.

In particular, Art. 1 of Convention No. 121 provides that national legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives.

The insurance is required to cover the following:

- medical care to maintain, restore or improve the ability to work;
- periodical payment in the event of incapacity for work involving suspension of earnings;
- periodical payment in the event of total or permanent loss of earning capacity;
- partial loss of earning capacity;
- periodical payment in the event of loss of support suffered by dependants resulting from death.

Relevant instruments include:

- C. 102: Social Security (Minimum Standards), 1952;
- C. 121 and R. 121: Employment Injury Benefits, 1964, and
- R. 194: List of Occupational Diseases, 2002.

22. Equality of opportunity and treatment in employment and occupation

The trade unions or workers' organizations have the responsibility to ensure 'Equality of opportunity and treatment in employment and occupation'.

The **ABC of women workers' rights and gender equality (supra)** maintains that:

'Equality of opportunity and equality of treatment are two complementary aspects of equality in employment and occupation.

Equal opportunity means having an equal chance to apply for a particular job to be employed, to attend educational or training courses, to be eligible to attain certain qualifications and to be considered as a worker or for a promotion in all occupations or positions, including those dominated by one sex or the other.

Equal treatment refers to equal entitlements in pay, working conditions, security of employment, reconciliation between work and family life, and social protection ...' (p. 73).

Relevant instruments include:

- C. 100 and R. 90: Equal Remuneration, 1951;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 156 and R. 165: Workers with Family Responsibilities, 1981.

23. Equal remuneration

Art. 1 (a) of Convention No. 100 defines 'Remuneration' as:

"the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment".

The ILO treats the principle of equal pay for work of equal value as a fundamental right of women workers. The principle simply means that rates and types of remuneration should be based on an objective evaluation of the work to be performed and not on an employee's sex or other personal attributes.

Though ILO instruments maintain that the application of the principle of equal pay for work of equal value is the joint responsibility of the State and the social partners, employers and workers organizations, in my opinion, the central burden lies on the pressure, which trade unions may bring to bear on the employers and governments.

The right to equal pay for work of equal value may be established by legislation, collective agreements or machinery for wage determination.

Relevant instruments include:

- ILO's Constitution (1919): recognises the right to equal pay for work of equal value.
- C. 100 and R. 90: Equal Remuneration, 1951;
- C. 175 and R. 182: Part-Time Work, 1994;
- ILO Resolution on Gender Equality, Pay Equity and Maternity Protection, 2004, adopted by the 92nd Session of the ILC.

24. Export processing zones

Export processing zones (EPZs) are areas designated for producing, receiving, processing, assembling or storing goods without the obligation to pay duties.

They typically provide incentives to attract foreign investment while encouraging employers' resistance to trade unionism and strikes.

However, in **Dangote Refinery & Petrochemicals FZE V. PENGASSAN & 3 ORS,** (Suit No. NICN/ABJ/295/2025), Judgment of which was delivered by Hon. Justice E. D. SUBILIM on 17th June 2026, the Court, in paragraph 105 of the Judgment, nullified Section 18(5) of the Nigeria Export Processing Zones Act, which mandates a blanket ten-year ban on strikes and lock-outs on the ground of directly infringing upon the fundamental right to strike, a right now authoritatively recognized and protected by the ILO Convention No. 87, which Nigeria has ratified and which the NICN is constitutionally mandated to apply.

The trade union movement has a responsibility to enforce all the rights of women workers in the EPZs.

Relevant instruments include:

- C. 87: Freedom of Association and Protection of the Right to Organise, 1948; and
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958.

25. Facilities and equipment

International instruments provide that all welfare facilities at the workplace, such as healthcare and catering services, adequate rest-rooms, office equipment and supplies and work-related tools should be freely made available to employees, on an equal basis.

Where practicable, provision ought to be made for breastfeeding under adequate hygienic conditions at or near the workplace.

Relevant instruments include:

- R. 102: Welfare Facilities, 1956;
- C. 155: Occupational Safety and Health, 1981;
- C. 161: Occupational Health Services, 1985;
- C. 148: Working Environment (Air Pollution, Noise and Vibration), 1977;
- C. 120: Hygiene (Commerce and Offices), 1964;
- C. 103: Maternity Protection (Revised) and R. 95: Maternity Protection, 1952, and
- C. 183 and R. 191: Maternity Protection, 2000

26. Family benefit

International instruments provide for periodic payment of ‘Family benefit’, as part of a social security scheme. This is understood as a periodic allowance payable to workers, irrespective of sex, who have responsibility for the maintenance of their dependent children, including adopted children.

Relevant instruments include:

- C. 102: Social Security (Minimum Standards), 1952;

- C. 118: Equality of Treatment (Social Security), 1962, and
- R. 165: Workers with Family Responsibilities, 1981.

27. Family responsibilities, workers with

Workers with family responsibilities are defined as men and women workers with responsibilities in relation to their dependent children and other members of their immediate family who clearly need their care or support, where such responsibilities restrict the possibilities of their preparing for, entering, participating in or advancing in economic activity (Articles 1-2, Convention No. 156).

The core principle is that all workers, both men and women, are entitled to engage in employment without being discriminated against on account of perceived conflict between their employment and their family responsibilities. Such categories of workers are to be free from restrictions based on family responsibilities when preparing for, entering, participating in or advancing in economic activity.

This principle may be captured by national policies and/or by collective agreements, and facilitated through:

- progressive reduction of working hours,
- introduction of flexible working arrangements, rest periods and holidays;
- regulation of employment of part-time workers, workers on temporary contracts and homeworkers: time and permanent workers;

Relevant instruments include:

- C. 156 and R. 165: Workers with Family Responsibilities, 1981, and
- C. 158 and R. 166: Termination of Employment, 1982.

28. Forced labour

The ILO, in its 2005 Report[8], defines Forced Labour as work or service that is exacted under the menace of a penalty, including non-payment of wages, dismissal from employment, and outright violence or threats of violence. It thus involves an element of work or service undertaken involuntarily.

Forced Labour is regarded as a severe violation of human rights and human freedom to the extent that Convention No. 29 recognises it as a crime, which **shall** be punishable as a penal offence.

[8] **Report of the Director-General: A global alliance against forced labour. Global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work**, I (B), International Labour Conference, 93rd Session, Geneva, 2005 (Geneva) (p. 5).

Trade unions should resist all forms of forced labour in the industry.

Examples include:

- Bonded labour (or debt bondage) in which workers, or their entire families, are obliged to work for an employer or labour contractor in order to pay off loans, wage advances or other obligations, and as a result receive minimal or no payment and lose their freedom to move or change employer until the debt is paid.
- physical confinement in the work location;
- induced indebtedness, unpayable debts contracted with illegal recruitment or migration agents, under-payment or non-payment of wages;
- threats of violence or outright violence;
- retention of identity documents, etc.

Relevant instruments include:

- C. 29: Forced Labour, 1930 and R. 35: Forced Labour (Indirect Compulsion), 1930;
- C. 105: Abolition of Forced Labour, 1957;
- C. 169: Indigenous and Tribal Peoples, 1989;
- C. 182 and R. 190: Worst Forms of Child Labour, 1999, and
- Declaration on Fundamental Principles and Rights at Work, 1998.

29. Freedom of association and the right to organize Freedom of association and the right to organize are fundamental principles under international instruments and are, indeed, fundamental rights under the Constitution of the Federal Republic of Nigeria, CFRN, 1999, as amended.

Workers, irrespective of sex and other primordial differences, have the freedom to exercise this right.

Under this right, Workers have the right:

- To establish and join organizations of their own choosing.
- To draw up constitutions and rules;
- To elect representatives in full freedom;
- To organize and administer their organisations
- To formulate pro grammes;
- not to be dissolved or suspended by administrative authorities;
- to form and join federations and confederations.
- To employment, irrespective of whether or not they join unions and/or participate in union affairs;
- To enjoy protection against acts of interference by government or the employer;

Relevant instruments include

- C. 87: Freedom of Association and Protection of the Right to Organise, 1948;
- C. 98: Right to Organise and Collective Bargaining, 1949;
- C. 141 and R. 149: Rural Workers' Organisations, 1975;
- C. 151 and R. 159: Labour Relations (Public Service), 1978;
- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998.

30. Hours of work

Limiting working hours is a measure by which gender equity may be guaranteed so that workers may have time for domestic and care work.

The very first international labour standard adopted by the ILO is the Convention on hours of work, and specifically, it is the Hours of Work (Industry) Convention, 1919 (No. 1).

The ILO C1 sets working hours per day to 8 hours and 48 hours a week for industrial workers in the mines, quarries, manufacturing, construction, and the generation or transmission of electricity.

C1 however makes exceptions and allows longer working hours in certain conditions, including continuous processes (up to an average of 56 hours per week), emergencies, and temporary overtime compensated at a higher rate (not less than 1.25 times the regular pay).

The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) sets a 40-hour limit per week and an 8-hour working limit per day for commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments.

The ILO **Convention No. 47 - FORTY-HOUR WEEK CONVENTION, 1935 (NO. 47)** sets the working hours per week at 40 hours. It was adopted during the Great Depression with the goal of reducing widespread joblessness sharing of available jobs among more people through reduction in working hours.

Reduction of Hours of Work Recommendation, 1962 (No. 116) aims at encouraging member states to set and/or reduce normal hours of work to 40 hours without any reduction in the wages of the workers, to supplement and facilitate implementation of existing standards on working hours.

31. HIV/AIDS

HIV is the acronym for the Human Immunodeficiency Virus, so far an incurable virus that weakens the body's immune system and ultimately causes AIDS

(Acquired Immune Deficiency Syndrome), a set of medical conditions that facilitate infections and cancers.

The ILO's Code of practice (2001: pp. 1, 3)[9] which was endorsed by a UN Special Session of the General Assembly on the subject in 2001, recognises HIV/AIDS as a workplace issue, which should be treated, not only like any other serious illness or condition but also emphasizes on the need to prohibit discrimination against workers with real or perceived HIV positive status or living with AIDS. The Code recommends[10] the following measures/principles, among others:

- **Prevention of HIV spread** through education and awareness programs in the workplace.
- **Provision of care and support** for infected or affected workers and their families. Arrangements for Workers to access affordable health services and support benefits.
- Healthy Work Environment: Workplaces must stay safe and adapt to worker health needs.
- Social Dialogue: Governments, employers, and labour unions must cooperate with trust.
- No Screening: Job applicants and workers do not undergo mandatory HIV testing for employment.
- Confidentiality: Personal medical data and HIV status remain strictly private.
- Continuing Employment: Workers keep their jobs as long as they remain medically fit to work.
- Prevention: Workplaces provide education and information to support healthy choices.

In 1988 the ILO and the WHO adopted a joint Declaration on HIV/AIDS from the Consultation on AIDS and the Workplace.

Discrimination against people known or perceived to be HIV-positive takes varied forms such as pre-employment testing, breach of medical confidentiality,

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[9] ILO code of practice on HIV/AIDS in the world of work (2001: Geneva).

[10] See https://www.google.com/search?q=ILO+code+of+practice+on+HIV%2FAIDS+in+the+world+of+work&biw=1366&bih=641&sca_esv=66f7cd47f33bc4e7&sxsrf=APpeQnucSIAX5_t16bLl1LW1nqgTJeaaKQ%3A1791436131372&ei=YyXHaoOjFv-rhbIPmKee2A4&uact=5&oq=ILO+code+of+practice+on+HIV%2FAIDS+in+the+world+of+work&gs_lp=Egxnd3Mtd2l6LXNlcnAiNUlMTyBjb2RlIG9mIHByYWN0aWNlIG9uIEhJVi9BSURTIGluIHRoZSB3b3JsZCBvZiB3b3JrMgUQIRigAUjqP1CtN1itN3ABeACQAQCYAe4BoAHuAaoBAzItMbgBA8gBAPgBAvgBAZgCAqACkgLCAgcQABgeGLADwgIOEAAYgAQYigUYhgMYsAPCAggQABjvBRiwA5gDAIgGAZAGBpIHBTEuMC4xoAfaAbIHAzItMbgH_wHCBwUyLTEuMcgHEIAIAQ&sclient=gws-wiz-serp as at 8/10/26.

dismissal, forced resignation, denial of insurance benefits, demotion, pay cuts, harassment, etc.

Though there is no international labour standard that specifically addresses HIV/AIDS in the workplace, standards relating to both protection against discrimination and prevention of infection may be reasonably be applied to workplace issues related to HIV/AIDS.

The Joint ILO/WHO Declaration on HIV/AIDS in the Workplace, 1988, recommends that stigma and discrimination can be significantly reduced by a combination of complementary interventions such as:

'(a) the implementation of workplace policies which expressly prohibit discrimination in employment and in the exercise of professional responsibilities;

(b) the provision of comprehensive care, including wellness programmes and provision of a daily combination of medications used to treat HIV called Antiretroviral therapy (ART) to improve the quality of life;

(c) appropriate training of personnel at all levels of responsibility in order to increase understanding of HIV/AIDS and to help reduce negative and discriminatory attitudes towards colleagues and patients living with the disease. This training should provide health-care workers with:

(i) information on the modes of transmission of HIV/AIDS and other infectious diseases, the level of occupational risk, to address the fear of physical contact with patients and provide a platform for continuous learning;

(ii) inter-personal skills to help health-care workers understand the impact of HIV/AIDS and the burden of stigma, and provide them with the tools to communicate with patients, colleagues and others in a respectful and non-discriminatory manner;

(iii) techniques to manage stress and avoid burnout, such as through the provision of appropriate staffing levels; more opportunities for autonomous work and increased involvement in the way it is carried out; determining shift patterns; work rotation; promotion and personal development; early recognition of stress; development of communication skills for supervision; staff support groups; and time away from the workplace;

(iv) awareness of existing legislation and regulations that protect the rights of health-care workers and patients regardless of their HIV status'.

Relevant instruments include:

- C. 98: Right to Organise and Collective Bargaining, 1949'
- C. 102: Social Security (Minimum Standards), 1952;

- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 121: Occupational Injury Benefits, 1964;
- C. 97: Migration for Employment (Revised), 1949;
- C. 143: Migrant Workers (Supplementary Provisions), 1975;
- C. 149: Nursing Personnel, 1977;
- C. 154: Collective Bargaining, 1981;
- C. 155 and R. 160: Occupational Safety and Health, 1981;
- C. 158: Termination of Employment, 1982;
- C. 159: Vocational Rehabilitation and Employment (Disabled Persons), 1983;
- C. 161 and R. 171: Occupational Health Services, 1985; C. 175: Part-Time Workers, 1994;
- C. 182: Worst Forms of Child Labour, 1999;
- Declaration on Fundamental Principles and Rights at Work, 1998;
- Joint ILO/WHO Declaration on HIV/AIDS in the Workplace, 1988, and
- ILO code of practice on HIV/AIDS in the world of work (2001: Geneva).

32. Maternity leave

As we all know, **Maternity leave** refers to the period during which a woman is entitled to a break from work before and after giving birth.

Duration: Maternity Protection Convention, 2000 (No. 183) provides that all employed women shall be entitled to a period of maternity leave of **not less than 14 weeks**[11] (Art. 4.1), at least six of which must be taken after the child is born unless otherwise agreed as may be codified in the law and/or as may be agreed by collective agreements (Art. 4.4).

However, Recommendation No. 191 recommends extension of maternity leave to at least 18 weeks (Para. 1 (1)).

Protection against work that puts the health of mother or child at risk: Article 3 provides that member states should adopt measures to ensure that **pregnant or breastfeeding women** are not obliged to perform work which has been determined by the competent authority or assessed to be prejudicial to the health of the mother or the child.

OTHER PROTECTION OFFERED IN MATERNITY PROTECTION RECOMMENDATION 191

By Paragraph 6(3), Pregnant or breastfeeding workers are not to engage in the following types of work :

[11] Under Nigerian Statute and Public Service Rules, maternity duration varies from a minimum of 12 weeks, 6 weeks before and 6 weeks after delivery, with at least 50% of the employee's salary, provided the worker had worked for at least 6 months (section 54 of the Labour Act), to 24 weeks (6 months) in a State like Ekiti State. The Federal Government Public Service Rules, specifically, Rule 120217, provide(s) for 112 working days maternity leave, about 22.5 weeks, considering there are 5 working days in the week.

(a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;

(b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;

(c) work requiring special equilibrium;

(d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

No night work for a pregnant or nursing woman if a medical certificate declares such work to be incompatible with her pregnancy or nursing (Paragraph 6(4), R191).

Extension of prenatal leave: The prenatal portion of maternity leave shall be extended (and without reduction in statutory portion of postnatal leave) where the actual date of childbirth varies from the presumed date (Art. 4.5).

Effect of illness or unforeseen complications: In the case of illness or complications arising out of pregnancy or childbirth, leave shall be provided before or after the maternity leave period, provided a medical certificate is presented. The maximum duration of leave in such circumstances may be determined by statutes and/or collective agreements or practice (Art. 5).

Protection against dismissal: Convention No. 183 (Art. 8) provides that while a woman is on maternity leave, it shall be unlawful to dismiss her, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing and with the burden of proof resting on the employer.

Relevant instruments include:

- C. 102: Social Security (Minimum Standards), 1952;
- C. 103: Maternity Protection (Revised) and R. 95: Maternity Protection, 1952;
- R. 116: Reduction of Hours of Work, 1962;
- R. 114: Radiation Protection, 1960;
- C. 183 and R. 191: Maternity Protection, 2000;
- C. 110: Plantations, 1958 (and Protocol, 1982);
- C. 170 and R. 177: Chemicals, 1990;
- C. 171: Night Work, 1990 P. 89: Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948;
- C. 149 and R. 157: Nursing Personnel, 1977;
- C. 158: Termination of Employment, 1982;
- R. 165: Workers with Family Responsibilities, 1981.
- C. 110: Plantations, 1958 (and Protocol, 1982);

Global Comparison of Maternity Leave[12]

• See **Annexure I.**

33. Night work

This segment relies on **Night Work Convention, 1990 (No. 171)** and its accompanying **Recommendation No. 178, 1990.**

The "night" is understood to be, at least, seven consecutive hours which include the hours between midnight and 5 a.m.

Convention No. 171 of 1990 provides that:

- all workers, regardless of sex, working during the night, with the exemption of workers employed in the agriculture, stock-raising, fishing, maritime, transport and inland navigation sectors, should be protected by specific measures, including:
    - health protection (first-aid facilities, health checks);
    - maternity protection;
    - social services;
    - opportunities for occupational advancement;
    - additional compensation (hours of work, pay or similar benefits).

A female night worker is to be **transferred to day work before childbirth.** This may be justified by studies that have established that shift work has potential negative effects on workers' health and safety, especially where it is carried out at night. ILO studies have found that a specific health risk for women engaged in **shift work** carried out at night is an increased risk of breast cancer[13]. Alternatively, if the female night worker is not transferred to day work before childbirth, her maternity leave period may be extended before and after childbirth for a period of at least 16 weeks, of which at least eight should be before the expected date of childbirth.

During the maternity leave period, the woman should:

- not be dismissed[14] or given notice of dismissal except for justifiable reasons not connected with pregnancy or childbirth;
- be guaranteed an income sufficient for her upkeep and that of her child;

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[12] Accessed online at https://www.google.com/search?q=Maternity+leave+duration+-+international+comparison&oq=Maternity+leave+duration+-+international+comparison&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigATIHCAIQIRigAdIBCjMxMTEyajBqMTWoAgiwAgHxBWp9c-L-QPQh8QVqfXPi_kD0IQ&sourceid=chrome&source=chrome.rb&ie=UTF-8 as at 7/10/26

[13] 2004e. Shift Work, TRAVAIL Information Sheet No. WT-8 (Geneva). Available at: http://www.ilo.org/travail. and 2004g. Working time and health. TRAVAIL Information Sheet No. WT-1 (Geneva). Available at http://ilo.org/travail.

[14] Section 54(c) of the Labour Act guarantees the right not to be terminated while on maternity leave.

- not lose any benefits regarding status, seniority and access to promotion.

Relevant instruments include:

- C. 171 and R. 178: Night Work, 1990;
- P. 89: Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948;
- C. 156 and R. 165: Workers with Family Responsibilities, 1981.

34. Parental leave

Parental leave is leave of absence from work, taken by either parent, mother or father, in order to take care of a dependent child or other member of the family, who needs attention on the basis of illness or other justified circumstances. In Nigeria, The Federal Government Public Service Rules, specifically, Rule 120219, provide(s) for 14 working days, shortly before and after delivery by his spouse, and not more than once in two years for a maximum of four children.

Relevant instruments include:

- C. 156 and R. 165: Workers with Family Responsibilities, 1981;
- C. 183 and R. 191: Maternity Protection, 2000

35. Pensions

Pension is an entitlement of all workers, irrespective of sex, payable on a periodical basis, to a person who has retired after the prescribed age.

It may be financed solely by the employer, as a deferred wage or financed jointly by the contributions of the active worker and his/her employer.

- C. 102: Social Security (Minimum Standards), 1952;
- C. 128: Invalidity, Old-Age and Survivors' Benefits, 1967.
- C035 - Old-Age Insurance (Industry, etc.) Convention, 1933.

36. Sexual harassment

Article 1(a) of C190 defines violence and harassment as **"a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment."** In Maduka v. Microsoft [2014] 41 NLLR (Part 125) 67, sexual harassment is also judicially defined as a form of discrimination based on gender, which has the effect of cancelling equality of opportunity and treatment at the workplace.

The National Industrial Court of Nigeria, NICN, has judicially applied C190, as well as the remedies prescribed therein, in Mr. Omene Andy Robinson v. Mr. Nasarvali Dudekeh & Anor (Suit No. NICN/AB/03/2020}, Judgment of which was delivered on 9TH APRIL 2025 by His Lordship, Hon. Justice J. D. Peters of the Ibadan Judicial Division.

Paragraphs 14 and 15 of ILO Recommendation 206 provide for enforcement of remedies for victims of harassment and indignity in the place of work, as follows:

"14. The remedies referred to in Article 10(b) of the Convention could include:

(a) **the right to resign with compensation**;

(b) **reinstatement**;

(c) **appropriate compensation for damages**;

(d) **orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed;** and

(e) **legal fees and costs according to national law and practice**.

15. **Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work**".

In **Oluremi Toyin Ajayi v. Helmut Rumm** (Unreported Suit No. NICN/LA/ 38/2015) judgment of which was delivered on 13/4/2018, section 34(1)(a) of the Constitution (a fundamental rights provision) was judicially applied as protecting the right to personal dignity, including the right to be free of degrading treatment.

In the case of *Microsoft* (i.e. *Ejieke Maduka v. Microsoft Nigeria Limited & ors* [2014] 41 NLLR (Pt. 125) 67 NIC), the NICN held that both the direct supervisor and the employer had a duty "to provide a safe and secure work environment" that was violated by exposing workers to "undignified … treatment."

In *Microsoft (supra),* Her Ladyship, Hon. Justice O. A. Obaseki-Osaghae stressed that the "right to dignity" which is protected in the Nigerian Constitution, means that the right to a world of work free from violence and harassment has been enshrined into the Constitution, meaning that actions affecting the dignity of workers, including degrading treatment, are matters touching on constitutional rights.

Prof. Chioma Kanu Agomo[15] has also found, relying on judicial authorities, that sexual harassment at work contravenes Section 42(1) & (2), which protects the right to be free from discrimination based on sex and other identities; Articles 2 and 5 of the African Charter, which protect the right to be free from discrimination and from degrading treatment, respectively; the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) December, 1979 and Article 1(a) of ILO Convention 111 of 1958 on Discrimination in Employment and Occupation.

Relevant instruments include:

- C. 190: Convention Concerning the Elimination of Violence and Harassment in the World of Work, (June 21, 2019) (ratified by Nigeria on 8 November 2022, along with its R206).
- C. 81: Labour Inspection, 1947;
- C. 111 and R. 111: Discrimination (Employment and Occupation), 1958;
- C. 169: Indigenous and Tribal Peoples, 1989.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) New York, 18 December 1979

37. Trade unions, gender equality in

The right to form and join trade unions **without discrimination** is guaranteed by Conventions Nos. 87 and 98.

The Constitution of the Federal Republic of Nigeria, 1999, as amended, guarantees to every person, as a fundamental right, freedom of association (S. 40).

Trade unions also have a responsibility to identify and combat discriminatory practices within the unions.

Measures should be adopted to ensure equal opportunities and treatment in the administration of unions and representation/appointment/election in/into all organs of the union and collective bargaining committees.

38. Right of Workers, including Women, to Participate in Politics

Section 40 of the Constitution of the Federal Republic of Nigeria, CFRN, 1999, as amended, is the fundamental rights provision on the right of association, including right to form unions and political parties even though the latter requires registration by INEC.

In the **Independent National Electoral Commission (INEC) v. Balarabe Musa & Ors (2003) 10 WRN 1,** the Supreme Court faulted the civil service rules which restrict the participation of civil servants and other public servants

[15] In **'Addressing Gender-based Violence and harassment in the world of work: an analysis of Nigeria's legal framework for conformity with ILO Convention 190'** (Lagos: Solidarity Center Nigeria, April 2023).

in politics. In the leading judgment of the apex court, Hon. Justice Ayoola JSC held that "There is nothing reasonably justifiable in a democratic society in the interest of defense, public safety, public order, public morality or public health in prohibiting a member of the public service or civil service … from eligibility to be registered as a member of a political party. The submission that the restriction is a valid derogation from section 40 by virtue of section 45 (1)(a) of the Constitution was erroneous." In his concurring judgment, Hon. Justice Uwais, the then Chief Justice of Nigeria held that "The provisions of section 40 of the 1999 Constitution are clear. Their import is to allow 'every person,' including public office holders and civil servants, the freedom to assemble freely and associate with other persons to form or belong to any political party, or trade union or any other association for the protection of his interests. The section has made no exception and there is no proviso therein limiting its application to civil servants or public officers."

Even though the civil service rules were not set aside as its legal validity was not challenged in the case, it has been held by the Court in several cases that sections 66 (1)(f); 107 (1) (f); 137 (1) (g); 142(2); 182(g) and 187(2) of the 1999 Constitution permit civil servants and other public officers who wish to contest elections to resign their positions 30 days[16] to the date of elections for all the various positions of the President and Vice President, Governors and Deputy Governors, Federal and State Legislators as well as Chairmen and Councillors. See FAYEMI v. ONI & ORS (2019) LPELR-46623(CA); PPA v. PDP & ORS (2009) LPELR-4865;(CA); ADAMU V. TAKORI (2010) ALL FWLR (P. 540) 1387 (C.A).

Though the Constitution is silent on the right of workers in the private sector to participate in politics, there is no law hindering them from actively participating in partisan politics, in their own free time, holding positions in political parties, and contesting elective positions under the Constitution. However, private sector workers who wish to contest elections are advised, subject to agreements reached with their employers, and/or the applicable conditions of service, to apply for leave of absence.

Apart from constitutional guarantees, international instruments, which Nigeria has ratified or which are binding by virtue of Nigeria's membership of the international bodies, also guarantee the freedom to enjoy political rights, without discrimination. These instruments include the UN Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966 International Covenant on Economic, Social and Cultural Rights, 1966, and the African Charter on Human and Peoples' Rights (ACHPR) 1981, which has been domesticated as the African Charter on Human and

[16] Challenge is to campaign for constitutional amendment in support of leave of absence rather than resignation

People's Rights (Ratification and Enforcement) Act (CAP A9), Laws of the Federation of Nigeria, 2004.

CONCLUSION

We have examined 38 areas touching on women workers' rights.

Under each category, I call on you, the participants, to relate the rights discussed to your individual and collective experiences in the Food, Beverage and Tobacco Industry and in the larger Nigerian society, as the case may be.

What challenges for action do you identify, particularly within the context of ILO Conventions[17] that have not been ratified, with a view to leaving the industry and society better than you met it, in the interest of the working class in your immediate industry and the Nigerian society.

I thank you all for your attention.

Femi Aborisade, Esq.

8th October 2026.

[17] See Annexure II: Conventions ratified by Nigeria.