

**Abstract**

*A Bill on the rights of domestic workers, premised on the International Labour Organisation's Convention No. 189, was recently proposed by Nigeria's National Assembly. It was welcomed by the executive arm of government as aligned with its law reforms agenda for Nigeria's Labour Act of 2004. In Nigeria, 'Domestic work' is 'invisible' and unregulated. Besides that, the rights of workers, both in private and public sectors are often abused, or not being fully implemented, despite some proactive pronouncements of the country's Industrial Court, which has constitutional authority to determine labour-related disputes based on international best practices. This paper, through doctrinal research into the background of the C189, assessed the successes and failures of other signatories of the convention to juxtapose the findings with Nigeria's socio-cultural realities. Based on human rights theory, it x-rayed the hurdles that will likely arise in the implementation of the proposed law. These included socio-cultural attitudes towards human rights of the down-trodden members of the society, often seen as mere charity cases. Others were attitudes of the various stakeholders towards a formalised regime for domestic workers. The paper recommended mass education and reorientation on the right to decent work as a human right. It also highlighted the need for meticulous and accountable regulation of the private recruitment agencies prescribed by the Bill, to ensure the training and retraining of domestic workers to better entitle them to minimum wage and other rights of workers.*

**Keywords:** Domestic Work(ers), Rights of Workers, ILO Convention No. 189 (C189), Decent Work

**1. Introduction**

Since its creation in 1919, the ILO has consistently worked to improve the plight of workers in all their ramifications. At its 100<sup>th</sup> Session on 16 June 2011,<sup>1</sup> it envisioned the C189 as a document that would set out international best practices to 'promote decent work<sup>2</sup> for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization'.<sup>3</sup> ILO recognized 'the significant contribution of domestic workers to the global economy'<sup>4</sup> in the convention which would result in increase in 'paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries.' It noted that:<sup>5</sup>

domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights ... (in) developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized.

Acknowledging that its conventions and recommendations apply to all workers, including domestic workers, the document reiterated its past efforts at setting general standards, now supplemented with standards specific to domestic workers. C189 defines 'Domestic Work'<sup>6</sup> as 'work performed in or for a household or households' and 'Domestic Worker'<sup>7</sup> as 'any person engaged in domestic work within an employment relationship. Article 1(c), however excludes 'a person who performs domestic work only occasionally or sporadically and not on an occupational basis.' Ratification obligates States, under art. 3(2), to respect, promote and realize 'the fundamental principles and rights at work'. Such rights are:

- a. Freedom of association and the effective recognition of the right to collective bargaining
- b. The elimination of all forms of forced or compulsory labour
- c. The effective abolition of child labour, and
- d. The elimination of discrimination in respect of employment and occupation

Article 3(3) further provides that 'domestic workers and employers of domestic workers' should 'establish and, subject to the rules of the organization concerned, ... join organizations, federations and confederations of their own choosing.' Under art. 4(1) a 'minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally'. By art. 4(2), States are to 'take measures to ensure that work performed by domestic workers

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<sup>1</sup>ILO, 'C189 - Domestic Workers Convention, 2011 (No. 189)' <[https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:12100:0::NO:p12100\\_ILO\\_CODE:C189](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:p12100_ILO_CODE:C189)> Accessed 27 September 2025

<sup>2</sup> ILO, 'Convention concerning decent work for domestic workers' (Entry into force: 05 Sep 2013), Ibid.

<sup>3</sup> See Preamble to C189

<sup>4</sup> Ibid

<sup>5</sup> Ibid.

<sup>6</sup> Article 1(a).

<sup>7</sup> Article 1(b).

who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education or interfere with opportunities to participate in further education or vocational training.' Taking a leap of faith, Nigeria has set in motion, the steps to embrace the tenets of the C189.<sup>8</sup> The purpose of its proposed law are to:<sup>9</sup>

- i. Establish a formal legal framework for the regulation of domestic work
- ii. Advance national labour reforms and
- iii. Align Nigeria's labour standards with international human rights obligations
- iv. Extend essential labour protection to domestic workers
- v. Set clear standards for employment: mandatory formal contracts, and integration of domestic workers into national systems for social security and legal protection

Key provisions of the Bill cover similar protections covered by the C189. The move has many implications for stakeholders, from the government, a major employer, to private sector employers and individuals, and to domestic workers themselves. In addition to social protections, the law provides for the regulation of private recruitment agencies by the Nigerian Directorate of Employment (NDE). With a central database of domestic workers to be set up, Nigeria hopes to ensure transparent regulatory framework that will prioritise the welfare of domestic workers.

## **2. Socio-cultural and Legal Contexts of Domestic Work in Nigeria**

The Bill has been applauded by the executive arm of government, who have professed support for aligning with international best practice,<sup>10</sup> with the Minister of Labour and Employment lamenting that for long 'domestic workers played a crucial role in Nigerian households and society but were subjected to precarious working conditions... and remained among the most vulnerable groups in the labour market.'<sup>11</sup> With the Bill having scaled the second reading at both the Senate<sup>12</sup> and the House of Representatives, there is no doubt that the climate is ripe for such a law at the level of government.

### **Socio-Cultural Context**

While the above scenario may appear desirable, Nigeria's socio-cultural reality, in which domestic workers are seen as beneficiaries of the largesse of their employers, rather than as 'workers' is a cause for concern. Even though Nigeria is a multi-ethnic and multi-cultural nation, there exists a common perception of domestic workers as mere servants. This is notorious of most cultures in the world. Traditional practices have since merged with the colonialist system which encouraged slavery, to set the standards for the treatment of domestic workers in Nigeria. Routinely, boys and girls are procured from amongst family members and from 'agents' who sometimes also traffic them to serve as housemaids in far-flung places. Many times, none of their family members have any clue as to who they end up with. Often, only the domestic workers have any inkling as to how they are treated within these households they end up with. The indignities suffered by 'houseboys' and 'housegirls' include sexual crimes. Often, these young ones have borne the brunt of their masters/ madams' anger, including being inflicted with grievous bodily harms as punishments. The social media has been helpful by publicising these incidents.

Some victims have been lucky to have their circumstances brought to the attention of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the agency with responsibility to implement<sup>13</sup> the Violence Against Persons Prohibition (VAPP) Act/ Laws of states in Nigeria. Unfortunately, instances abound where law enforcement fail to address domestic violence when reported. Some domestic workers, however, have been lucky to find themselves in families that have genuinely cared for them, and even extended assistance to their families. Some have formed lifelong ties with their former masters' / madams' families.

Due to the unregulated nature of domestic work, these workers have no understanding of contractual obligations. Many times, they abandon their work without notice, leaving families high and dry. Some criminal elements amongst them have brought untold hardships to even those who have treated them well. A lot of these happenstances result from poor educational backgrounds of the domestic staff, for whom going to live in strange households, sometimes from very young age, was necessitated by poverty. For the recipient homes, taking in domestic staff is a matter of necessity. Some who let their children go out to serve as domestic staff are motivated by greed. Sometimes, the young ones suffer double jeopardy, as the little they make without bargaining, ends up being confiscated. Such workers end up more as mere slaves. Similar abuse is also inflicted on much older domestic staff: confiscation of wages by their spouses, sponsors or others with control over them, as well as sexual slavery.

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<sup>8</sup> 'A Bill for an Act to Regulate and Formalize the Employment of Domestic Workers, Apprenticeships, Interns and Other Informal Sector Employees and to Empower the National Directorate of Employment to Issue Licenses and Monitor Privately Owned Employment Agencies in Nigeria, and for Other Related Matters, 2025', in Henry Umoru, 'Bill to regulate domestic workers, apprenticeships, informal sector employment scales second reading', *Vanguard Report*, 14 April 2025, Accessed 17 November, 2025.

<sup>9</sup> Simmons and Cooper Partners, 'The Domestic Workers Bill: A Policy Shift for Domestic Workers in Nigeria,' April Newsletter, 2025. < [www.scp-law.com](http://www.scp-law.com) > accessed 17 November 2025.

<sup>10</sup> Onyebuchi Ezigbo, 'FG Backs Bill to Protect Rights of Domestic Workers', ThisDay News, < <https://www.thisdaylive.com/2025/02/16/fg-backs-bill-to-protect-rights-of-domestic-workers/> > Accessed 27 September 2025

<sup>11</sup> Ibid.

<sup>12</sup> It has in fact been passed in the Senate and awaiting harmonization with the House of Representatives to become law.

<sup>13</sup> VAPP Act, LFN, 2015. Section 44.

There are some positive cultural practices that aim to maintain communitarian living and social cohesion. The Afrocentric sensibilities of being one's brother's keeper, has resulted in positive outcomes where people have taken in less disadvantaged relations and brought them up as family. There is, for instance, the now world-acclaimed Igbo apprenticeship system, a traditional training institution that has produced successive generations of eminent businessmen in Nigeria. Other cultures have their equivalents too. Indeed, many thought leaders<sup>14</sup> in Igboland are currently studying how best to ensure the sustainability of the Igbo apprenticeship system. Traders' associations in various cosmopolitan areas have developed effective dispute resolution mechanisms on master-servant disputes in apprenticeships. There does not appear to be equivalent apprenticeship schemes for the girl-child.

### **Legal Context: Rights of Workers in Nigeria**

The Labour Act defines a 'worker'<sup>15</sup> as 'any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour.' The rights of Nigerian worker are generally constitutionally protected.<sup>16</sup> and in several other laws. The paper focuses on some of the rights that will become available to domestic workers once the law is enacted. It relies on a recently published summation of the legal environment of employment and labour in Nigeria.<sup>17</sup>

**Minimum Wage:** Nigeria signed the National Minimum Wage Act<sup>18</sup> into law on 29 July 2024, raising the monthly amount payable to workers by 133% from thirty thousand Naira to seventy thousand. The legislation, however, excludes employers with less than 25 employees, and employees who work part time or seasonal agricultural workers. It is obvious that for the new law to be implemented, the 2024 law also needs to be amended. Note also, that to date, it is not clear how many of the 36 states in Nigeria are able to pay the minimum wage.

**Maternity/Paternity Leave:** The Labour Act provides that female employees are entitled to a minimum of 12 weeks' maternity leave, with at least six weeks to be taken after childbirth and a minimum of 50% wage payment, provided they have worked for at least six months.<sup>19</sup> The Federal Civil Service Regulations improved on this to grant 16 weeks of fully paid maternity leave to federal employees to support maternal health and exclusive breastfeeding.<sup>20</sup> The practice varies from state to state. According to Onnoghen, paternity leave is beginning to feature in workers' rights, even though not provided by the Labour Act. Federal civil servants are now entitled to 14 days paternity leave. Some private entities, the author reports, have also implemented these rights, even though they are not normally bound by public sector standards, as they see these as a means of retaining talents within their organisations. Besides, the innovation caters to gender-equity within these organizations. In *Mrs. Ekwelem Chinenye v Acron Medical Consultant Limited*<sup>21</sup> the NICN has held that the provisions of the Labour Act on maternity leave apply to all categories of employees in Nigeria – and are not limited to employees defined as a "worker" under the Labour Act.

**Termination during Probation:** The National Industrial Court (NICN) has made a significant judicial innovation in Nigeria's labour jurisprudence with respect to termination during the probation period by holding that 'where an employee is still on probation, an employer must offer plausible justification for the termination – especially where the termination is disputed.'<sup>22</sup> Traditionally, neither the employer nor the employee owed much obligation to the other if termination occurred during the probation period.

**Unionization and the Process for Electing Employee Representatives:** The Trade Union Act, 1973 governs and regulates trade union activities in Nigeria. While membership of trade unions is not compulsory, junior employees are treated as automatic members of relevant unions unless they expressly opt out. Once employees join any union, their memberships of the union is sufficient authority for the union to represent them in collective bargaining with their employers with a view to regulating the terms and conditions of their employment. Senior staff are presumed not to be members of any trade union, unless they take steps to join one individually, and in writing.<sup>23</sup>

**Consultation/Communications with Employees on Redundancies/Reductions:** While s. 20 of the Labour Act merely requires a notification from an employer to employees, the trade union or workers' representative, of the reasons for, and the extent of the redundancy before terminating the employment of staff, art.13 of the ILO Termination of Employment Convention 1982

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<sup>14</sup>C. L. Chinwe, S.O.S. Anyanwu and A. A. Akwara, 'Igbo Apprenticeship System and Sustainability of South East Nigeria', *International Journal of Multidisciplinary Research and Growth Evaluation*, 4 (5), Pp. 1. 13.

<sup>15</sup> Labour Act, 2004, LFN, Section 9(1).

<sup>16</sup> The Constitution of the Federal Republic of Nigeria, 1999 (CFRN).

<sup>17</sup>Josephine Tite-Onnoghen, 'General Employment and Labour Market and Litigation Trends Social/Legislative/Economic Developments that have impacted the Employment and Labour Market and New Legislation', *GLI – Employment & Labour Law, 2025*, 13th Edition, 146 <[www.globallegalinsights.com](http://www.globallegalinsights.com) > Ikeyi Shittu & Co Gift Ejimofor Jelilat Mustapha

<sup>18</sup> Ibid.

<sup>19</sup> See Section 54 of the Labour Act.

<sup>20</sup> Onnoghen, n.14 above, P. 146.

<sup>21</sup> Unreported decision of the NICN in Suit No.: NICN/YEN/25/2017 delivered on 3 May 2019).

<sup>22</sup> See *Adefisoye Stephen Abiodun v Safari Support West Limited* (unreported decision of the NICN in Suit No.: NICN/LA/347/2023 delivered on 17 September 2024), in Onnoghen, n.14 above, P.147.

<sup>23</sup> See *Otumba Gabriel Oladipo Abijio v Promasidor (Nig.) Ltd*, Suit No. NICN/LA/602/2014; *Udoh v OHMB* (1990) 4 NWLR (Pt. 142) 52, Onnoghen, Ibid.

(ILO C158),<sup>24</sup> requires an employer to give that notice in addition to consulting such employees on measures ‘to be taken to avert or minimise ... the adverse effect of the eventual terminations on the affected workers.’ That Nigeria is yet to domesticate ILO C158 is cured by the fact that s.254C(2) of the Constitution, vests jurisdiction on the NICN to: ‘deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol that Nigeria has ratified relating to labour, employment, workplace, industrial relations, or matters connected therewith.’

The position of the Court of Appeal had been that failure to give notice of redundancy did not avail trade unions any right of action.<sup>25</sup> However, a worker does not have the right not to be declared redundant.<sup>26</sup>

***Employer Alteration of the Terms and Conditions of Employment:*** Section 7(2) of the Labour Act provides for the possibility of effecting a change in the terms and conditions of employment during the subsistence of the contract of employment, provided that the employer gives reasonable notice of the change to the affected employee. The employee may accept such changes expressly or by conduct,<sup>27</sup> or reject the change by terminating the employment relationship under the relevant provisions of the contract of employment.’ The NICN has recently held that the employer’s power to alter terms of agreement ‘is only permissible to the extent that it is permitted by law... (and) only if the affected employee agreed to it. Thus, NICN has held:<sup>28</sup> that a new company policy introduced after an employee had given notice of retirement, and was waiting out the notice period, did not apply to such employee. This has nothing to do with where parties failed to agree to the terms of the contract, which would automatically terminate the contract of employment.

***Protection from Discrimination and Retaliation:*** Nigerians are protected against unfair dismissal under any guise. The Constitution protects Nigerians against discrimination on the basis of ‘particular community, ethnic group, place of origin, sex, religion or political opinion.’<sup>29</sup> It also assures citizens of the right to equal opportunities for securing adequate means of livelihood and suitable employment.<sup>30</sup> Another important anti-discrimination provision is under s.17(3)(f) where citizens are assured of equal pay for equal work. The NICN has upheld the principle of equal pay for equal work the case of *Uzo Ejekwumadu v Blue Arrow TSW Limited*<sup>31</sup> where it held that ‘wage and benefit disparity between local employees and foreign staff is discriminatory and an unfair labour practice. HIV and Aids (Anti-Discrimination) Act 2014 prohibits discrimination against employees by employers ‘based on real or perceived HIV status or HIV-related illness.’ The Discrimination Against Persons with Disability (Prohibition) Act 2018 prohibits discrimination against persons with disabilities.<sup>32</sup> There are other states laws that provide for anti-discrimination in the workplace. Order 14, rule 1 of the NICN Rules describes acts that constitute sexual harassment, to include:

- (a) physical conduct of a sexual nature,
- (b) verbal form of sexual harassment,
- (c) non-verbal form of sexual harassment, and
- (d) quid pro quo harassment.

The Criminal Code and the VAPP Act / Laws of various states, and the Child’s Rights Act/ Laws of states, also criminalise sexual harassment and exploitation. Nigeria has also ratified the Violence and Harassment Convention, 2019 (ILO C190), which recognises the right of every person to a world of work free from violence and harassment, including gender-based violence and harassment. NICN has held that an employer who is aware of workplace sexual harassment and takes no administrative action to address it is liable for breach of its duty of care owed to the employee and may be liable in damages.<sup>33</sup>

***Restrictions on Working Time and the Right to Annual Leave:*** There are no statutory provisions for flexible hours, so this must be based on agreed terms of employment and discretion of the employer. The Labour Act prescribes the minimum terms and conditions of employment that employers must comply with in relation to hours of work, holiday and holiday pay, and sick leave requirements. S.13(1) of the Labour Act provides that normal hours of work are determined by: mutual agreement, collective bargaining within the organisation or industry concerned, or by an industrial wages board, where there is no machinery for collective bargaining. Where a worker is at work for six hours or more a day, the Act provides that the work shall be interrupted by allowing one or more suitably spaced rest-intervals of not less than one hour on the aggregate.<sup>34</sup> A worker is entitled to annual leave<sup>35</sup> of at least six working days with full salary; increased to at least 12 working days for young workers (under the age of 16 years) and apprentices. A worker must have worked for at least 12 months to qualify for annual leave. If an employee is dismissed after less than 12 months of continuous employment, they must be paid a *pro rata* amount of holiday

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<sup>24</sup> Ibid, P. 148.

<sup>25</sup> See *National Union of Hotels and Personal Services Workers v Imo Concorde Hotels Ltd.* (1994) 1 NWLR (Pt. 320) 306, Ibid.

<sup>26</sup> See *SPDCN v Nwawka* (2003) 6 NWLR (Pt.815) 184, Ibid.

<sup>27</sup> *Ajayi v Texaco Nig. Ltd* (1987) 9–11 SC, Ibid.

<sup>28</sup> *Ekeoma Ajah v Fidelity Bank Plc* (unreported decision of the NICN in Suit No. NICN/LA/588/2017 decided on 14 May 2019), Onnoghen n.2 above, P.151.

<sup>29</sup> S.42 (1) Constitution of the Federal Republic of Nigeria, 1999; See also Order 14 (2) of the National Industrial Court of Nigeria (Civil Procedure) Rules 2017 (NICN Rules) Ibid.

<sup>30</sup> Ibid, s.17(3)(a), Ibid.

<sup>31</sup> Unreported Suit No. NICN/LA/242/2016, judgment delivered on 18 March 2021, Ibid.

<sup>32</sup> Ibid, P. 153.

<sup>33</sup> In *Ejike Maduka v Microsoft & Ors* (2014) 41 NLLR (Pt 125) 67. See also *Dorothy Adaeze Awogu v TFG Real Estate Limited* (unreported decision of NICN in Suit No NICN/LA/262/2013 decided on 4 June 2018, where NICN awarded ₦2.5 million damages against an employer for physical harassment and discrimination of the employee at work. Onnoghen, p. 153.

<sup>34</sup> Section 13(3) of the Labour Act.

<sup>35</sup> Subject to the provision of S. 18 of the Labour Act

pay for their accrued annual leave. There is no statutory provision for overtime pay, bonus and commission. Such compensations are dependent entirely on mutual agreement or collective bargaining agreements. By s.16 of the Labour Act, an employee is entitled to paid sick leave of up to 12 working days in any calendar year. Leave for employees whose employment is not governed by the Labour Act is governed by contract or by collective bargaining.

**Worker Consultation on Use of Private Information:** Nigeria has no statutory requirement for employers to consult their employees before making business decisions except where specifically provided by an employment contract, or the employer intends to use the personal data of the employee otherwise than as agreed in the contract of employment. The Nigeria Data Protection Act (NDPA)<sup>36</sup> and the Nigeria Data Protection Act General Application and Implementation Directive<sup>37</sup> require that an employer that intends to share personal data of employees with a third party for any reason, must consult such employees and obtain their consent to do so. Employee data privacy protection rights and the obligations for employers are supported by s.37 of the Constitution which provides for the protection of the right of a citizen to privacy, of his home, correspondence, telephone conversations and telegraphic communication.

**Trade Union and Industrial Action:** Freedom to assemble and to associate with others, form or belong to any trade union or any association is assured to Nigerians under s. 40 of the Constitution. However, trade unions must be registered.<sup>38</sup> In spite of the many controversies that have made their way to the courts on workers' rights in Nigeria, their right to industrial action is assured. There are measures for workers to explore alternative dispute resolution mechanisms before embarking on strikes etc. S. 43(1)(a) of the Trade Dispute Act provides that a worker who takes part in a strike will not be entitled to remuneration for the period of the strike. The President of Nigeria is empowered by the Trade Disputes (Essential Services) Act, to proscribe any trade union or association that embarks on any industrial action that disrupts the economy or disrupts the smooth running of an essential service. However, in *Federal Government of Nigeria & Anor v Nigeria Labour Congress (NLC) & Anor*,<sup>39</sup> NICN held that strikes, lock-out or any industrial action as provided in section 7(1)(b) of the NICN Act, are not caught by the provision of section 7(3) of the NICN Act, which requires a party to go through the process of conciliation or arbitration before it can be heard by the court. The NICN also upheld in that case, the right of workers to embark on a strike in opposition to a government policy.

**Monitoring / Surveillance in the Workplace:** An employer may monitor the workplace and work performance by monitoring email correspondence, internet use and telephone calls, and by fixing CCTV, which are strictly official. An employer is not allowed to monitor private email correspondence, internet use and telephone calls of an employee as doing so would violate employees' privacy rights.<sup>40</sup> An employer may carry out background checks on potential employees. Such employer is put under the burden to protect the data obtained from such background checks and to use them in line with the NDPA. The vetting and checks must not also violate the person's constitutional right to privacy.

**Drug Testing and Other Forms of Testing in the Workplace:** Generally, an employer may carry out drug tests and other forms of testing in the workplace, except where specifically forbidden by law.<sup>41</sup> Under s.10 of the HIV and AIDS (Anti-Discrimination) Act 2014, HIV and AIDS testing in a workplace can only take place at the instance of an employee. An employer cannot subject an employee to a HIV and AIDS test without the employee's consent. Even with the acquiescence of the employee, such testing must comply with the National HIV Counselling Testing Guidelines.<sup>42</sup>

The above and other rights, such as the right to training and personal development of the worker will apply in full force to domestic workers as well.

### **3. Conclusion and Recommendations**

Nigeria needs to learn from the experience of other States that have implemented the C189. An ILO:

... report released on 15 June 2021<sup>43</sup> to commemorate the 10-year anniversary of C189 highlights that at least 75.6 million people across the world perform this essential work in or for private households, and a staggering eight out of every ten of these domestic workers are informally employed, lacking effective labour and social protections. ... in the context of COVID-19, job losses have been higher among domestic workers in informal employment than that observed for all domestic workers and systematically higher than for other employees

Jamaica, for instance, has been working to entrench C189 since October 2016 when she became a signatory. The situation there is that there is still marked inequalities and characterised by the absence of appropriate laws and effective enforcement where

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<sup>36</sup> 2023 LFN.

<sup>37</sup> 2025, made by the Nigeria Data Protection Commission.

<sup>38</sup> See s.2 Trade Union Act. Sections 3, 4 and 5 make provisions for the process and procedure for registration of trade unions.

<sup>39</sup> Unreported Suit No. NICN/ ABJ/179/2016, the judgment was delivered on 15 July 2016.

<sup>40</sup> Except for a fair restriction on internet use and phone calls during working hours.

<sup>41</sup> S. 8 of the Labour Act provides for a mandatory medical examination for every worker who enters into a contract at the expense of the employer, except for workers specifically exempted under section 8(2).

<sup>42</sup> See *Adewunmi Akinola v Ocean Marine Solutions Limited* (unreported judgment in Suit No. NICN/LA/410/2019, delivered on 25 October 2021).

<sup>43</sup> ILO Report, 'Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)', < <https://www.ilo.org/publications/major-publications/making-decent-work-reality-domestic-workers-progress-and-prospects-ten> > accessed 27 September, 2025.

they do exist.<sup>44</sup> The United States has also had its ride with working to improve the rights of domestic workers long before C189 came into existence. According to a report, the internal politics entrenched by years of harbouring slaves as farm hands coloured the decisions of the legislators to exclude domestic and farm workers when the matter came up for legislation.<sup>45</sup> 'During the 1930s, landmark New Deal legislation introduced basic workplace rights in the U.S., but domestic and farm workers were excluded due to a compromise with Southern legislators. The exclusion of domestic workers from workplace laws passed in subsequent years became the norm, and these racist and sexist exclusions continue to exist in local, state and federal laws in the U.S.' A 2021 survey by the National Domestic Workers Alliance of domestic workers reported:<sup>46</sup>

- Only 16% of domestic workers have a written agreement with their employer
- Over 1/3 of domestic workers do not get meal and rest breaks and of those that do, only 34% of those who get meal and rest breaks are paid for those breaks
- 81% of domestic workers receive no pay if their employer cancels on them with less than three-days' notice, and 76% receive no pay if their employer cancels on them after they show up for work
- 23% of domestic workers do not feel safe at work

The journey ahead of Nigeria is not going to be an easy one, considering the current situation of things for Nigerian workers generally. The two countries above clearly show that adopting the law is just a first step of a long journey. Institutional development, which will include the monitoring of the proposed private agencies; mass-education for domestic workers; and attitudinal change for government at both the federal and sub-national levels, are huge tasks that need to be undertaken. The fallout from the above, could be that many may opt out of engaging domestic workers, leading to loss of employment for the population that the law seeks to protect. Crime rates could go up too.

However, the Philippines<sup>47</sup> is one of the countries that has developed a workable template for regulating domestic work. Their template could be studied and adapted in Nigeria.

The rights of workers in Nigeria from the above overview, are many and inclusive. The reality, however, is that many Nigerian workers would be forgiven for not being aware of them. Some, though aware of them, are more likely to be too sceptical to pursue them in court, in view of the sluggish grind of the wheels of justice, and for fear of retaliation from the employers. Law enforcement processes are also unreliable in the country. Not even the touted ADR mechanisms of the NICN, give much comfort. The NICN has proactively clarified the many confused caselaw of the past and introduced international best practices, especially in interpreting gender-based violence and sexual harassment in the workplace. Despite these developments, many workers may still not approach the courts to vent their grievances.

One of the main challenges that will confront the law is the poor attitudinal orientation of both the potential domestic workers and their employers. They have, from time immemorial, accepted cultural practices that normalise a certain level of servitude, creating a master-servant complex. The United Nations Declarations on Human Rights already set the pace for reversing the old order and to restore human dignity by stating in art.1 that: 'all human beings are born free and equal in dignity and rights (and) endowed with reason and conscience and should act towards one another in a spirit of brotherhood'. But these innate beliefs are resistant to change. In Nigeria, primeval attitudes remain prevalent even among the educated population and are part of the reasons domestic violence is high.

The situation of those who go into domestic work is by far worse, coming as they mostly do, from backgrounds where inferiority has been normalized. A lot of mass sensitization and education will be required to educate and sensitize potential domestic workers to know their rights and obligations in formalized work relationships. There will be resistance to formalizing domestic work by employers who would prefer to maintain the old ways where domestic workers have no rights or voice. Government needs to monitor implementation very closely. There should be an enforcement unit set up by government to insist on standard-setting. Households will need to register the domestic workers already in their employment and draw up contracts for them. There should be an amendment of the tax laws to provide rebate for employers for salaries paid to their domestic workers. Consequential amendments will be necessary for other laws too that did not contemplate domestic workers. Unfortunately, more people may resort to not employing domestic workers at all, if they perceive that doing so would increase their living expenses. This will invariably increase the rate of unemployment. Casualization among this population who daily throng into urban areas would also rise. It could potentially increase the crime rate in urban areas.

Apathy to enforcing rights through the courts is bound to be higher among domestic workers. Also, many of these workers having moved from rural areas into urban areas and are mostly homeless and desperate to make what little they can to take care of their families. They are vulnerable to all sorts of exploitation by their hirers in a society that has historically normalised slave-master relationships. Despite the many reforms on sexual and gender-based violence, these occurrences remain under-reported and buried under heavy silence and shame, even among professionals in the formal sectors of the economy. There needs to be targeted programmes for reversing negative attitudes and instilling rights-based conduct among both employers and employees.

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<sup>44</sup> ILO Report, 'ILO Convention for protecting domestic workers' rights turns 10 yet inequalities persist.' < <https://www.ilo.org/resource/news/ilo-convention-protecting-domestic-workers-rights-turns-10-yet-inequalities> > Accessed 27 September 2025.

<sup>45</sup> United States of America, <<https://www.domesticworkers.org/programs-and-campaigns/developing-policy-solutions/domestic-workers-bill-of-rights/>> Accessed 27 September 2025

<sup>46</sup> Ibid.

<sup>47</sup> ILO, 'Philippines Enact New Law Protecting Domestic Workers', *Developments in Law and Practice*, 2013, < <https://www.ilo.org> > See also Domestic Workers Act, Republic Act No. 10361 (Philippines).

The Bill proposes unionization and the regulation of private agencies as panaceas for securing the rights of domestic workers. If handled properly, this should produce positive results. However, knowing how far-removed making laws could be from implementation in Nigeria, the plight of domestic workers may not be much different ten years post the legislation, just like in Jamaica, a country with similar under-development indices as Nigeria. Even the United States, with its strong institutions still struggles with getting results. Nigeria should, however, make this law a reality, in the belief that it is better to have enabling laws than not. Stakeholders, including NGOs and development partners should continue pushing for improvements in the enforcement of workers' rights, including those of domestic workers. Many states are currently either unable or unwilling to implement the increased minimum wage. If government at various levels have not been able to implement minimum wages, it will be difficult to see how they can realistically expect the poorly remunerated workers to pay their domestic workers. The advocacy to get sub-national entities to implement the minimum wage should be expanded to include the implementation of the rights of domestic workers as well.

Government needs to be reoriented to realise that the ILO conventions are binding on signatories. They are not mere suggestions. It is in the interest of the country to abide by her obligations as these are the markers of development. Nigeria should put in place a multi-sectoral collaboration that will bring all stakeholders to the table to make for more intentional implementation of the law. The domestic workers Bill will therefore, usher domestic workers into an environment that has a viable foundation. There must be carefully structured regulations for the operation of private agencies that will include strong sanctions for failure to abide by these regulations. There should be mandatory training and certification for domestic workers upon recruitment, so employers know what they are getting. This should make it easier to fix promotions and other remunerations. Domestic workers need to be tutored on how to enter into binding contracts, with the understanding that they are as bound by such agreements as are their employers.

Small claims tribunals should be set up in multi-door courts of the FCT and states, to quickly resolve simple disputes between domestic workers and their employers at very little costs to either party. These tribunals should operate on a walk-in basis. This move should be supported by mass education on radio and television through the National Orientation Agency and NGOs. Grassroots and faith-based organizations should be encouraged to go into rural areas, marketplaces and churches / mosques to disseminate information about the formalisation of domestic work. The activities of unregistered agents who recruit domestic staff for urban dwellers should be criminalized, making exceptions for people who take in family members, provided, that in doing so, they abide by the human rights provisions of the Constitution, Child Rights Act / Laws and others.