

AN ANATOMY OF THE RIGHT TO EMPLOYMENT IN NIGERIA AND SELECTED JURISDICTIONS

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Abstract

The right to employment is a socio-economic right recognized in international human rights law and reflected in Nigeria's constitutional and statutory provisions. However, its enforceability is constrained by the non-justiciable nature of socio-economic rights under Chapter II of the 1999 Constitution. This paper examines the legal and institutional frameworks governing the right to employment in Nigeria, analyses the judicial attitude towards the right, and compares Nigeria's position with that of selected jurisdictions, including the United Kingdom, Canada, and South Africa. It concludes with recommendations for strengthening the enforceability of employment rights in Nigeria taking cue from other jurisdictions.

Keywords: Right to Employment; Labour Law; Socio-Economic Rights; Nigeria; Comparative Law; Judicial Attitude; Remedies.

1.0 INTRODUCTION

Employment contracts are meant to provide stability and predictability in any industrial relationship. Beyond contracts and termination, the welfare

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of both parties is perhaps the most neglected dimension of employment rights in Nigeria.¹ The right to employment is not only a cornerstone of economic justice but also a critical driver for social inclusion and sustainable development. In Nigeria, this right is supported by a complex web of constitutional mandates, statutory provisions, international commitments, institutional frameworks, and targeted policy interventions. With persistent unemployment, underemployment, and an evolving labour market, understanding these frameworks is essential to appreciate how Nigeria confronts the challenges of decent work and economic opportunities for its vast population.

This paper explores, in exhaustive detail, the institutions, legal instruments, policy frameworks, government initiatives, and enforcement mechanisms designed to protect and promote the right to employment in Nigeria. Analytical attention is given to the functioning and efficacy of these arrangements, recent legal and policy reforms, and the interplay with international standards. The synthesis also includes a detailed literature review, highlighting academic and policy perspectives, debates, and research gaps in the field of employment rights in Nigeria.

2.0 CONCEPTUAL CLARIFICATION

- i. Employment is simply productive engagement to render service or produce goods by the employee for the employer. Employment is a relationship between two parties regulating the provision of paid labor services, where one party- the employer, which might be an individual, a corporation, a nonprofit organization, a co-operative, or any other entity,

¹ Amadi, “Post-Career Challenges,” 34

pays the other, the employee, in return for carrying out assigned work.² Employment encompasses all trade, occupation, activity, or work performed in exchange for wages that produces an economic benefit.

- ii. Right to Employment: The entitlement of individuals to access gainful work without discrimination, under fair and just conditions.³
- iii. Legal Framework: The body of constitutional provisions, statutes, regulations, and case law governing employment rights.
- iv. Institutional Framework: The governmental and quasi-governmental bodies responsible for implementing employment policies and enforcing labour standards.
- v. Justiciability: The capacity of the right to be enforced in a court of law.⁴

3.0 THEORETICAL FRAMEWORK

- a) Natural Rights Theory: This theory positions employment as an inherent human right linked to dignity and self-fulfillment.⁵ The traditional view of natural law is that it is a body of immutable rules superior to positive law. It is ideal law since it consists of the highest principles of morality towards which humanity is striving. It is also absolute law since it is not the result of any convention, but is

1. ² Dakin, Stephen; Armstrong, J. Scott (1989). "Predicting job performance: A comparison of expert opinion and research findings" (PDF), *International Journal of Forecasting*. See https://www.researchgate.net/publication/222302873_Predicting_Job_Performance_A_Comparison_of_Expert_Opinion_and_Research_Findings accessed on 26th November 2025.

³ Section 17(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴ Labour Act, Cap L1, Laws of the Federation of Nigeria (LFN) 2004.

⁵ Trade Unions Act, Cap T14, LFN 2004.

discoverable by the exercise of reason. The dignity of the human person is a natural right. As a result, it is degrading for a man not to have employment while he fulfils his obligations to the state. The state, in the social contract context ought to provide or in the alternative create an enabling environment for the citizen and residents to enjoy the dignity of his human person. In essence, Natural law is the set of truths about morality and justice; they are rules that we must follow in order to lead a good or flourishing life. We can know what these principles are by means of unaided human reason.

- b) Social Contract Theory: This theory emphasises the state's obligation to provide conditions for citizens' welfare, including employment opportunities.⁶ This theory inversely and by implication places a duty on the state to reciprocate the sovereignty donated to it voluntarily by the people. Social contract theory says that people live together in society in accordance with an agreement that establishes moral and political rules of behavior.⁷ Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it.⁸
- c) Capability Approach Theory. Amartya Sen views employment as a means to expand individuals' capabilities and freedoms.⁹ Amartya Sen further postulates that capabilities are the *real freedoms* that

⁶ Employees' Compensation Act 2010.

⁷ Ethics Unwrapped: Social Contract Theory. McCombs School of Business. <https://ethicsunwrapped.utexas.edu/glossary/social-contract-theory#> accessed 7 November 2025

⁸ Ibid.

⁹ National Minimum Wage (Amendment) Act 2024.

people have to achieve their potential doings and beings. Real freedom in this sense means that one has all the required means necessary to achieve that doing or being if one wishes to. That is, it is not merely the formal right or freedom to do or be something, but the substantial opportunity to achieve it. The capability approach is a theoretical framework that entails two normative claims: first, the claim that the freedom to achieve well-being is of primary moral importance and, second, that well-being should be understood in terms of people's capabilities and functions.¹⁰

- d) Legal Positivism: This theory recognises rights only to the extent they are codified and enforceable under the law.¹¹ Positive laws are commanded by “political superiors.” Austin calls these superiors the “sovereign,” and he defines “sovereign” as the person or persons who are not in the habit of obeying anyone else, and whom everyone else is in the habit of obeying.¹² Positive laws are general commands by people who themselves are not bound by them, and who can enforce obedience from everyone else. This idea is most clearly expressed in the words of Jeremy Waldron, who finds that on a positivist approach, “law can be understood in terms of rules and standards whose authority derives from their provenance in some human source, sociologically defined, and which can be identified as law in terms of that provenance. Thus statements about what the law is whether in describing a legal system, offering legal advice, or disposing of particular cases can be made without exercising moral or other evaluative judgement”.¹³

¹⁰ The Capability Approach, Stanford Encyclopedia of Philosophy. *First published Thu Apr 14, 2011; substantive revision Thu Apr 17, 2025*

¹¹ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004.

¹² Ibid.

¹³ (J. Waldron, “The Irrelevance of Moral Objectivity,” in *Natural Law Theory*, ed. by R. P. George [Oxford: Clarendon, 1992], 160 (pp. 158–187)

4.0 LITERATURE REVIEW

A substantial body of academic and policy literature has addressed both normative and practical aspects of employment rights protection in Nigeria. Numerous studies emphasize that while Nigeria's legal frameworks are ambitious and reflect international standards, enforcement deficits are widespread. The literature can be thematically organized as follows:

Scholars such as Ajibo¹⁴ Ajibo contends that in the Nigerian workforce, professional merit is frequently sacrificed for gender bias. He notes that the reproductive roles of women are often unfairly used as an "albatross" against their professional advancement.¹⁵

In the same vein, Nwoku¹⁶ argue that institutions like the NICN have enhanced access to justice for aggrieved employees, but systemic challenges, including delay, legal costs, and rural-parity barriers, persist.

4.1 Informality and Coverage Gaps

The prevalence of informal sector employment, which accounts for over 85% of labour in Nigeria, is cited as a formidable impediment to universal employment rights. Research points to exclusions of informal, domestic, and gig workers from the Labour Act's core protections leaving them vulnerable to exploitation, wage theft, and arbitrary dismissal.

¹⁴ Henry Ajibo, *The Right to Work as a Social Right of Women in Nigeria*. *The Gravitas Review of Business and Property Law*, Vol 9, No. 4

¹⁵ *Ibid.*

¹⁶ Mathew Chinweoru Nwoku, *Democratic Governance Youth and Unemployment in Nigeria*. *Criminology and Crime Prevention in Governance Perspective*, p 4

4.2 Gender, Youth, and Vulnerable Groups

Gendered analyses highlight persistent disparities faced by women in recruitment, workplace harassment, pay equity, and advancement. Several studies illuminate the intersectional barriers affecting women, youth, and PWDs, urging targeted reforms and policy innovation. The notion that certain gender cannot and would not be able to do certain form of jobs inhibits their right to employment.

4.3 Effectiveness of Job Creation Programs

Empirical assessments of flagships like the National Directorate of Employment (NDE) reveal that, while skills and micro-enterprise trainings show localized improvements in employability, broader impact is constrained by underfunding, limited scalability, corruption concerns, and weak post-program support structures. A 2023 study by Okoye, *et al* posits that only a fraction of National Directorate of Employment (NDE) participants successfully transitioned to sustainable self-employment post-training.

4.4 Legislative Adequacy and Reform Needs

There is significant scholarly debate on the adequacy of the Labour Act and ancillary statutes, with consensus that core provisions are outdated and fail to account for non-traditional employment, technological change, and informal sector realities. Authors such as Abiodun and Oyewumi advocate for comprehensive legislative reform, harmonization with international law, and extension of statutory rights to new work forms.¹⁷

¹⁷ Ibid.

4.5 Discrimination and Equity

Issues of discrimination based on gender, ethnicity, disability, and age permeate both academic and policy analyses. Recent research critically evaluates the impact of statutory anti-discrimination clauses in practice, highlighting considerable gaps in implementation and judicial redress, especially outside urban centres.

4.6 Impact of International Labour Standards

Comparative analyses confirm progress in integrating ILO conventions into domestic law but also point to inconsistent implementation and a need for stronger institutional capacity to regularly monitor, report, and remedy violations of global labour standards.

5.0 KEY THEMES, DEBATES, AND GAPS IN EMPLOYMENT RIGHTS LITERATURE

- a) **Normative versus Practical Protection:** There is a clear divide between robust legal frameworks and underwhelming enforcement. Much literature calls for systemic strengthening of inspectorates, credible dispute resolution, and expanded legal literacy among workers.
- b) **Emergence of Non-traditional Work:** The rise of gig/platform work and non-standard forms of employment outpace legal adaptation posing new risks and demanding fresh regulatory responses.
- c) **Labour Market Data and Policy Coherence:** Gaps in labour market intelligence, fragmented coordination between federal and state agencies, and inadequate monitoring impede evidence-based interventions.

- d) **Vulnerable Group Protections:** Persistent inequities for youth, women, and PWDs, including limited access to targeted programs, signal systemic bias and design flaws in interventions.
- e) **Informal Sector Dilemma:** The continued marginalization of informal workers, who comprise the majority of Nigeria's workforce, remains the most cited gap in both statutory coverage and institutional attention.
- f) **Sustainability and Scale:** Many job creation programs have been critiqued for their pilot or tokenistic reach. Scholars argue for integration with industrial policy, macroeconomic planning, and sustainability strategies for real, nationwide impact.
- g) **Legislative Modernization:** Momentum exists within the academic community and civil society for urgent review of the Labour Act, enhanced anti-discrimination laws, and better alignment with digital-era work realities.

5.1 GAPS AND FUTURE DIRECTIONS IN EMPLOYMENT RIGHTS RESEARCH

Despite extensive scholarships, key gaps remain:

- a) **Empirical analysis of recent institutional reforms:** There is limited peer-reviewed research on the impact of the revised NEP 2025 and digital LMIS platforms on job quality and inclusivity.
- b) **Sectoral nuances:** Most research generalizes across sectors; future work could disaggregate by industry, region, and demographic segments, revealing specific barriers and opportunities.
- c) **Impact evaluation:** Rigorous, longitudinal impact assessments of major government interventions (NDE, N-Power, SPW) are rare.

Evidence-based recommendations depend on robust tracking and independent evaluation.

- d) **Informal sector reform implementation:** With recent legislative moves to regulate informal employment, early research on implementation outcomes and worker experiences will be critical.
- e) **Intersectionality:** Few studies consider how intersecting identities (e.g., being a woman with a disability, or a rural youth) impact access to rights and remedies.
- f) **Comparative perspectives:** More comparative analysis with other African and Global South economies could yield policy insights relevant to Nigeria's context.

The continued evolution of Nigeria's employment rights frameworks, informed by rigorous academic and policy research, remains imperative for realizing decent work as a lived reality for all Nigerians.

6.0 LEGAL FRAMEWORKS FOR RIGHT TO EMPLOYMENT IN NIGERIA

6.1 The 1999 Constitution of the Federal Republic of Nigeria

The Nigerian Constitution provides the foundational basis for employment rights, although, notably, the right to employment is framed within the broader context of economic and social rights rather than as an explicit, judicially enforceable entitlement. The 1999 Constitution of the Federal Republic of Nigeria outlines employment-related provisions primarily within its Fundamental Objectives and Directive Principles of State Policy (Chapter II). Specifically:

- a) Section 17(3) of the constitution provides for commits the state to ensure adequate opportunity to secure suitable employment without discrimination, *supra*.
- b) Section 6(6)(c) of the constitution provides for renders Chapter II provisions non-justiciable.¹⁸
- c) Section 14(2)(b) of the constitution provides for underscores that the security and welfare of the people is the primary purpose of government, which by extension includes employment.
- d) Section 15(2) of the constitution provides for prohibits discrimination on the grounds of origin, sex, religion, status, ethnic or linguistic association or ties in relation to employment.
- e) Section 40 of the constitution provides for freedom of association, including trade unions.

However, the unique challenge with interpreting these sections is that Chapter II of the Constitution (Directive Principles) is non-justiciable: individuals cannot directly enforce these principles in court. Nevertheless, they offer guiding obligations that inform government policies, legislative reforms, and judicial interpretation.

In contrast, the Constitution's Chapter IV enshrines fundamental rights, notably the right to freedom from discrimination under section 42 and freedom of association by virtue of section 40, which are directly enforceable. Section 42 of the constitution guarantee against discrimination has profound implications for employment practices, particularly in matters of recruitment, workplace equality, and disciplinary action.

¹⁸ s 6(6)(c) of the Constitution of the Federal Republic of Nigeria, 1999. *Okogie v Attorney-General of Lagos State* (1981) 2 NCLR 337.

Although, the constitutional framework stops short of making the right to employment directly enforceable, its recognition of non-discrimination in employment and protection of workers' rights to organize and associate forms an essential basis for secondary legislation and policy interventions.

6.2 OTHER EMPLOYMENT LAWS AND LEGAL INSTRUMENTS

Nigeria's labour and employment landscape is governed by a matrix of laws, regulations, and executive orders that define minimum standards, regulate workplace relations, and protect employee rights.

6.2.1 Labour Act¹⁹

The Labour Act is the primary statute governing employment relationships, particularly for manual and clerical work. Its key provisions include:

- a) **Regulation of contracts of employment:** Mandates written contracts for engagements lasting longer than three months.
- b) **Conditions of employment:** Prescribes minimum standards for wages, work hours, rest periods, and overtime.
- c) **Rights of workers:** Includes the right to safe working conditions, fair treatment, and protection from unlawful dismissal.
- d) **Prohibition of forced labour:** Affirms international norms against exploitative labour.

While the Act is mainly applicable to blue-collar workers, it has been widely interpreted and supplemented by judicial decisions, administrative pronouncements, and sector-specific regulations. The limited coverage of

¹⁹ Cap L1, LFN 2004

professional and managerial staff by the Labour Act has fueled calls for legislative overhaul to reflect present realities of employment dynamics.

6.2.2 Trade Unions Act²⁰

The Trade Unions Act governs union formation, registration, and activities. Workers have the express right to associate, join unions, and, by extension, engage in collective bargaining. This Act is critical in ensuring freedom of association as protected under the Constitution and international conventions.

6.2.3 Employees' Compensation Act 2010

This Act provides a framework for compensation to employees who suffer occupational diseases or injuries arising out of or in the course of employment. It marks a key advance in occupational health, safety, and social protection for Nigerian workers.

6.2.4 Factories Act²¹

The Factories Act sets minimum standards for workplace safety, hygiene, and welfare, reinforcing protections against unsafe employment conditions.

6.2.5 National Industrial Court Act 2006

The Act establishes the **National Industrial Court of Nigeria (NICN)** as the exclusive specialist court for all employment and labor-related disputes, with expanded jurisdictional scope to interpret and enforce labor laws, international conventions (where ratified), and make consequential orders for redress.

²⁰ CAP T14, LFN 2004

²¹ CAP F1, LFN 2004

6.2.6 Other Relevant Statutes

- a) **Pension Reform Act (2014):** This Act ensures contributory pension schemes for employees in the formal sector.
- b) **National Minimum Wage Act:** This enactment establishes a legally binding minimum wage for all classes of workers.
- c) **National Health Insurance Authority Act (2022):** The NHIAA guarantees access to health insurance and social welfare for employees across formal and informal sectors.

The cumulative effect of these legal instruments is to cover various aspects of the employment relationship, although omissions and fragmentation persist, especially concerning informal sector workers and emerging forms of work (e.g., gig economy).

6.3 NATIONAL EMPLOYMENT POLICY AND FRAMEWORKS

6.3.1 Revised National Employment Policy (NEP) 2025

Nigeria's employment policy architecture is underpinned by the **National Employment Policy (NEP)**, first developed in 2002 and comprehensively revised, most recently launched in 2025. The new policy reflects a broad, multi-sectoral vision for creating sustainable, inclusive, and decent employment opportunities for all Nigerians, with explicit attention to youth, women, persons with disabilities (PWDs), and the informal sector.

- a) **Key priorities in the NEP 2025 include:**
 - i. **Innovative job creation:** Focusing on digital economy, green jobs, agriculture, and creativity sectors.

- ii. **Labour market information systems:** Enhancing data collection and analysis for evidence-based policymaking.
- iii. **Skills development:** Expanding Technical and Vocational Education and Training (TVET) to match labor market needs.
- iv. **Strengthening enabling environment:** Reducing barriers to entrepreneurship, regulating informal sector jobs, and improving access to finance.
- v. **Targeted support for vulnerable groups:** Promoting gender equity, disability inclusion, and geographic balance in employment opportunities.

The NEP is designed to work in tandem with national plans such as Nigeria's National Development Plan 2021–2025, Nigeria Agenda 2050, and the poverty reduction strategy, reflecting shared goals of job-rich growth, social inclusion, and attaining the Sustainable Development Goals (SDGs).

The NEP's operationalization is coordinated through inter-ministerial, inter-agency mechanisms, with oversight from the *National Employment Council* and a lead role attributed to the Federal Ministry of Labour and Employment.

6.3.2 Labour Market Information System (LMIS)

A further anchor of Nigeria's employment policy framework is the Labour Market Information System (LMIS), which provides labor market intelligence to guide government interventions and private sector investment. The LMIS supports skills forecasting, tracks demographic trends, and monitors job matching and placement services nationally.

6.4 OTHER NATIONAL POLICIES WITHIN EMPLOYMENT LAW PARLANCE

Other cross-cutting policies include:

- i. Nigeria Social Protection Policy
- ii. National Policy on Occupational Safety and Health
- iii. National Gender Policy

These integrate labor market inclusivity and employment-focused social protection in broader development planning.

6.4.1 Key Government Agencies Involved in Employment Promotion

The following table summarizes the core Nigerian institutions charged with promoting, regulating, and enforcing employment rights:

Institution	Role in Employment Rights and Promotion
Federal Ministry of Labour and Employment (FML&E)	Policy formulation, regulation of labor standards, dispute mediation, labor inspectorate
National Directorate of Employment (NDE)	Job creation programs, employability enhancement, skills acquisition, targeting youth, women
National Industrial Court of Nigeria (NICN)	Adjudication and enforcement of labor and employment disputes
Nigeria Social Insurance Trust Fund (NSITF)	Management of employees' compensation, workplace injury insurance, social security services
Industrial Training Fund (ITF)	Skills training, capacity building, partnership with industry for employability

National Pension Commission (PenCom)	Oversight of pension contributions, protection of social security rights
National Youth Service Corps (NYSC)	Graduate youth deployment for national service, workplace experience, labor mobility
National Population Commission (NPC)	Labour market data, employment statistics, demographic research

While these are the principal Legal institutions, numerous other specialized agencies across federal, state, and local levels such as State Ministries of Labour, Small and Medium Enterprises Development Agencies, and public works programs also play significant roles in the broader employment landscape.

6.5 INSTITUTIONAL FRAMEWORKS FOR PROVISION OF EMPLOYMENT IN NIGERIA

- i. Federal Ministry of Labour and Employment: Policy formulation, labour inspections, dispute resolution.
- ii. National Directorate of Employment (NDE): Skills acquisition, entrepreneurship development, job placement.²²
- iii. Industrial Training Fund (ITF): Workforce training and capacity building.
- iv. National Industrial Court of Nigeria (NICN): Exclusive jurisdiction over labour and employment disputes.²³
- v. National Social Investment Programmes (NSIP): Includes N-Power and other employment-related initiatives.

²² National Directorate of Employment Act (NDEA), 1989.

²³ National Industrial Court of Nigeria (NICN) (CIVIL PROCEDURE) Rules 2017.

The Federal Ministry of Labour and Employment (FML&E) is the policy and regulatory apex, responsible for creating employment-enabling conditions, enforcing labor laws, and safeguarding industrial harmony through conciliation and labor inspections. It is supported by key parastatals such as the NDE, ITF, and NSITF.

The NDE has a pronounced mandate to design, implement, and monitor job creation schemes targeting the unemployed, especially in skills acquisition, entrepreneurship, and vocational training. The NDE collaborates with state governments, non-governmental organizations (NGOs), industries, and donor agencies to tailor interventions to local realities.

The National Industrial Court of Nigeria (NICN) functions as the judicial guardian of employment rights, ensuring speedy dispensation of labor disputes, interpreting statutory and international labor provisions, and giving binding orders, often extending to compensation, reinstatement, and collective bargaining rights.

PenCom's role ensures that pension contributions and retirement benefits are secured, safeguarding the long-term welfare of employees, while the NSITF is vital in operationalizing social insurance and workplace safety nets. The National Youth Service Corp (NYSC) scheme represents a distinctive Nigerian innovation targeting youth employability, national unity, and workplace experience. By deploying recent graduates for compulsory one-year national service, the NYSC provides work exposure and bridges the transition between education and the labor market.

6.6 GOVERNMENT PROGRAMS AND INITIATIVES FOR JOB CREATION

Recent years have seen a diversity of targeted programs aimed at creating sustainable jobs, reducing youth unemployment, and expanding labor market inclusivity. These initiatives include both flagship federal interventions and partnership-based programs involving state governments, the private sector, and development partners. Key highlights include:

6.6.1 National Directorate of Employment (NDE) Initiatives

The NDE's core programs revolve around four pillars:

- i. **Vocational Skills Development (VSD):** Training in trades such as ICT, fashion, carpentry, mechanics, and agriculture.
- ii. **Small Scale Enterprises (SSE):** Business training, financial literacy, access to microcredit, market linkages.
- iii. **Special Public Works (SPW):** Short-term community-based employment such as public works, infrastructure, and environmental projects.
- iv. **Rural Employment Promotion (REP):** Empowerment of rural populations in agro-based employment, off-farm enterprises, and value addition.

Academic and government evaluations identify the NDE as the most established government vehicle for active labor market interventions, though constraints of funding, policy continuity, and administrative efficiency have been documented.

6.6.2 Youth-Focused Programs

- a) **N-Power (National Social Investment Programme):** Provides work experience, stipends, and skills for young Nigerians in education, health, agriculture, and technology sectors.

- b) **NYSC Graduate Employment Schemes:** Includes entrepreneurship training, grants, and placement incentives for employing organizations.
- c) **YouWin! Program:** Federal competitive grants and mentorship for young entrepreneurs.

6.6.3 Micro, Small and Medium Enterprises (MSME) Support Initiatives

- a) **Small and Medium Enterprises Development Agency of Nigeria (SMEDAN):** Facilitates access to finance, training, business registration, and market access for MSMEs.
- b) **Bank of Industry interventions:** Soft loans for youth, women, and start-ups across key sectors.

6.6.4 Emerging Inclusive Employment Schemes

Recent government efforts have focused on regulatory reforms and new programs:

- a) **Special Public Works (SPW) 774,000 Jobs Scheme:** Launched in response to COVID-19, aims to deliver short-term employment for vulnerable groups in all local governments.
- b) **ITF/NECA Technical Skills Development Project:** Industry-led training to bridge skills gaps in the formal sector.
- c) **Green and Digital Job Creation:** New initiatives under NEP 2025 target sustainable and technology-oriented employment.

Despite the proliferation of programs, challenges remain in coordination, monitoring, coverage, and impact on systemic unemployment trends. However, evidence suggests that integrated interventions (combining skills, finance, and market access) yield better outcomes for employment creation.

6.6.5 Recent Reforms and Developments in Employment Legislation

Nigerian employment legislation has undergone renewed reform in the last five years, with policy and legislative attention directed to:

- a) **Review of the Labour Act:** Acknowledged by policymakers and civil society as outdated, there are ongoing legislative efforts to amend the Act to reflect modern perspectives on employment contracts, worker protections, and coverage of non-standard work.
- b) **Regulating Informal Sector Employment:** In response to widespread labor abuses and informality, new bills have been introduced in the National Assembly to regulate the recruitment, rights, and social security needs of informal, domestic, and gig workers.
- c) **Minimum Wage Increases:** Recent negotiations have led to revisions in the national minimum wage, with advocacy for periodic reviews tied to inflation and cost of living.

6.6.6 Institutional Roles and Interactions

- a) Federal Ministry of Labour and Employment: Policy formulation, labour inspections, dispute resolution.
- b) National Directorate of Employment (NDE): Skills acquisition, entrepreneurship development, job placement.²⁴
- c) Industrial Training Fund (ITF): Workforce training and capacity building.
- d) National Industrial Court of Nigeria (NICN): Exclusive jurisdiction over labour and employment disputes.²⁵

²⁴ National Directorate of Employment Act (NDEA), 1989.

²⁵ National Industrial Court of Nigeria (NICN) (Civil Procedure) Rules 2017.

- e) National Social Investment Programmes (NSIP): Includes N-Power and other employment-related initiatives.

6.6.7 Compilation of Key Institutions and their Roles

The following table provides a concise summary of Nigeria’s most significant institutions in employment rights and their primary functions:

INSTITUTION	ROLE AND MANDATE
Federal Ministry of Labour and Employment	Regulation of labor, labor inspectorate, dispute mediation, policy leadership
National Industrial Court of Nigeria (NICN)	Judicial adjudication of all labor/employment disputes, enforcement of employment rights
National Directorate of Employment (NDE)	Job creation, skills training, entrepreneurship promotion
Nigeria Social Insurance Trust Fund (NSITF)	Social security, employees’ compensation, occupational safety
Industrial Training Fund (ITF)	Workforce skills, TVET provision, industry partnerships
PenCom	Pension regulation, retirement benefits administration
NYSC	Youth deployment, national service, workplace transition
SMEDAN	MSME support: finance, training, market access
Ministry of Youth and Sports Development	Youth entrepreneurship, sports-driven job creation

State Ministries of Labour & Productivity	State-level employment coordination, local job interventions
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This institutional map underlines the ecosystem approach adopted by Nigeria in addressing employment from legal protection, skills development, job matching, social security, and dispute resolution perspectives.

6.6.8 Institutional Innovations

- a) **Revised National Employment Policy 2025:** Emphasizes inclusive job creation, gender equality, digital economy participation, and green jobs as response to changing growth patterns and labor market realities.
- b) **Labour Market Information Systems:** The launch of digital labor data platforms by the Ministry of Labour and Employment to provide real-time job market data and skills forecasting.

7.0 JUDICIAL ATTITUDE TOWARDS RIGHT TO EMPLOYMENT IN NIGERIA

The courts have consistently held that the right to employment under section 17 is non-justiciable. In *Attorney-General of Ondo State v Attorney-General of the Federation*,²⁶ the Supreme Court reaffirmed that Chapter II provisions cannot be enforced unless legislated upon. However, where statutory provisions exist (e.g., Labour Act), courts have enforced specific employment rights, as applied in *Olaniyan v University of Lagos*.²⁷

²⁶ *Attorney-General of Ondo State v Attorney-General of the Federation* (2002) 9 NWLR (Pt 772) 222 (SC).

²⁷ *Olaniyan v University of Lagos* (1985) 2 NWLR (Pt 9) 599 (SC).

7.1 Judicial Developments

Key decisions of the **National Industrial Court** continue to shape Nigerian employment law, with active enforcement of non-discrimination, protection against unfair labor practices, and upholding of employment contract sanctity.

7.2 Is Employment a Right Enforceable in Nigeria?

While employment is recognised as a socio-economic right, it is not directly enforceable under the Constitution. Enforceability arises only where legislation creates specific obligations, such as anti-discrimination provisions or minimum wage laws.

7.3 Institutional Mechanisms for Enforcement of Employment Rights

7.3.1 Inspection and Oversight

The Federal Ministry of Labour and Employment operates a labor inspectorate charged with monitoring compliance with labor laws covering wage standards, workplace safety, working conditions, and dispute mediation. Inspectors have mandate to enter workplaces, examine documentation, and order remedial action.

7.3.2 Dispute Resolution

The multi-tiered dispute resolution system includes:

- a) **Mediation and Conciliation:** Initial recourse through ministry-mediated resolution, including collective bargaining and grievance handling.

- b) **Adjudication at NICN:** Specialized employment court with exclusive jurisdiction to hear and determine all employment and labor disputes, enforce labor rights, interpret employment statutes, and issue enforceable orders.

NICN's intervention has significantly reduced delays and ensured more technical and rights-based interpretation of labor disputes.

7.3.3 Social Security and Workers' Protection

Agencies such as the **NSITF** and **PenCom** enforce compliance in social insurance (including compensation for workplace injuries) and pension contributions. Compliance is incentivized through regulatory audits, penalties, and public disclosure.

7.4 Challenges in Enforcement

Despite robust legal frameworks, enforcement in practice is challenged by institutional underfunding, corruption, lack of awareness, weak judicial capacity (particularly at state levels), and informal sector elusiveness. Efforts are underway to strengthen institutional capacity through digitalization, public education, and decentralization of key services.

7.4.1 Practical Implementation and Effectiveness Of Employment Frameworks

a) Successes

Implementation of employment frameworks has yielded notable progress in:

- i. **Expanding job creation opportunities:** Programs such as N-Power and NDE have delivered direct and indirect employment.

- ii. **Enhancing workplace protections:** NICN rulings and labor inspectorate interventions have set new standards on workers' rights, wrongful terminations, and anti-discrimination.
- iii. **Improved female participation and youth engagement:** Targeted policies and incentives have bridged access gaps for vulnerable groups.

b) Persistent Challenges

However, significant obstacles persist in the practical realization of the right to employment:

- i. **High Unemployment and Underemployment:** Youth unemployment remains acutely high, and informal labour dominates, reducing the reach of statutory protection.
- ii. **Coverage Gaps:** Many professionals, contract/freelance workers, and informal sector employees lack adequate legal and institutional coverage.
- iii. **Enforcement Weaknesses:** Institutional inefficiency, resource constraints, and limited coverage of the inspectorate undermine policy effectiveness.
- iv. **Skills Mismatch:** A large and growing disconnect exists between the education/training system and labour market needs, contributing to graduate unemployment and underemployment.
- v. **Inequality:** Gender, disability, and regional disparities continue to affect access to decent jobs.

Academic evaluations of programs like NDE offer mixed results, citing short-term success in skills acquisition and microbusiness creation but limited impact on broad unemployment rates over time, largely due to scale limitations, inadequate funding, and fragmented implementation strategies.

c) Innovations and Best Practices

Newer digitalized initiatives (e.g., LMIS), public-private partnerships, and increased focus on green/digital jobs under the NEP 2025 are emerging as promising responses to systemic labor market challenges. These are supported by continuous reforms and incremental improvements in legal frameworks and enforcement mechanisms.

8.0 RIGHT TO EMPLOYMENT IN SELECTED JURISDICTIONS

8.1 United Kingdom

- i. No constitutional right to employment, but robust statutory protections under the Employment Rights Act 1996. The ERA 1996 covers areas such as unfair dismissal, redundancy payments, protection of wages, zero-hour contracts, Sunday working, suspension from work, flexible working and termination of employment.
- ii. Anti-discrimination laws under the Equality Act 2010. The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides Britain with a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

It was held in the famous case of *William Hill Organization Ltd V Toker*²⁸ by the Court of Appeal that the employer had responsibility to offer work at the time of work was vacant or available.

²⁸ (1998) IRLR 313, CA; (1999) 1CR 291

8.2 Canada

- i. No explicit constitutional right to employment, but strong protections under the Canadian Human Rights Act and Employment Equity Act. The Employment Equity Act is a federal law that requires federally regulated organizations and businesses to provide equal employment opportunities in the four aboriginal groups. The CHRA prohibits discrimination on the basis of race, age, sex and a variety of other categories.

8.3 South Africa

- i. Section 22 of the South African Constitution guarantees the right to choose a trade, occupation, or profession freely. By way of elucidation, Section 22 of the South African Constitution guarantees every citizen the right to choose their trade, occupation, or profession freely, while also allowing for the regulation of such practices by law, ensuring economic freedom but balanced with public interest and standards, a principle important for both individuals and economic activity.
- ii. Labour Relations Act and Basic Conditions of Employment Act provide enforceable rights. The main items of employment legislation in South Africa are the Basic Conditions of Employment Act (BCEA) and Labour Relations Act (LRA). The BCEA deals with matters including written particulars of employment, payment of wages, working time, rest breaks/periods, annual leave, sick leave, maternity leave, other parenthood-related leave, family responsibility leave and notice periods. The LRA regulates issues such as unfair dismissal, unfair labour practices, trade unions, collective bargaining,

strikes, workplace representation, fixed-term contracts and part-time work.

8.4 International Commitments and Conventions on Employment Rights

As a member of the International Labour Organization (ILO) since 1960, Nigeria has ratified numerous conventions stipulating minimum labor standards. These international commitments exert normative pressure and serve as benchmarks for local laws and practices.

8.5 Major ILO Conventions ratified by Nigeria

- a) ILO Convention No. 87: Freedom of Association and Protection of the Right to Organize
- b) ILO Convention No. 98: Right to Organize and Collective Bargaining
- c) ILO Convention No. 29 and No. 105: Forced Labor
- d) ILO Convention No. 100: Equal Remuneration
- e) ILO Convention No. 111: Discrimination (Employment and Occupation)
- f) ILO Convention No. 138: Minimum Age
- g) ILO Convention No. 182: Worst Forms of Child Labour

Nigeria is also signatory to the African Charter on Human and Peoples' Rights, which protects the right to work under dignified conditions, and the Universal Declaration of Human Rights (UDHR), reinforcing global standards.

8.6 Application of International Labour Standards

The National Industrial Court and Nigerian courts can apply these international standards, especially where Nigeria has ratified relevant instruments and where local law aligns or is silent. Cases such as **Afolabi v. Governor of Oyo State** highlight the judiciary's willingness to interpret Nigerian laws in light of international labor standards, although unratified conventions may still influence judicial trends and policy dialogue.

9.0 SUMMARY OF FINDINGS

Comparative experiences show that the employment rights can be enforced. In South Africa, collective bargaining between employer and employees has created standard contracts that provide minimum rights to both parties. In the United Kingdom, the Government and employers ensures pensions, legal advice, and welfare support. Available legal and institutional frameworks further strengthen these protections internationally by upholding employment rights against employers that act unfairly.²⁹

- i. Nigeria's constitutional provisions on employment are aspirational and non-justiciable.
- ii. Statutory frameworks provide enforceable rights but are limited in scope.
- iii. Institutional mechanisms exist but face challenges of funding, capacity, and political will.
- iv. Comparative jurisdictions demonstrate that enforceable employment rights can coexist with economic flexibility.

²⁹ Court of Arbitration for Sport, *CAS 2019/A/5901, Player Y v. Club Z*, (2019), para. 50.

10. CONCLUSION AND RECOMMENDATIONS

Nigeria's frameworks for supporting the right to employment are broad-ranging and, in many respects, ambitious, mirroring constitutional directives, detailed statutory regimes, international labour standards, and a multi-institutional policy architecture. The operational reality, however, reveals persistent gaps between legal norms and enforcement, especially in contexts characterized by high informality, unemployment, and evolving patterns of work.

Recent reforms, such as the revised National Employment Policy 2025 and new legislative attention to informal sector workers, mark concerted efforts to modernize and align the employment rights ecosystem to 21st-century realities. Nevertheless, challenges of practical enforcement, inclusivity, and sustainability persist, requiring persistent institutional strengthening, data-driven policy, better coordination, and greater stakeholder engagement. Academic scholarship and policy analysis underscore progress made and illuminate remaining barriers. The next phase in the evolution of Nigeria's employment rights framework will need to focus on legislative modernization, deeper social inclusion, robust implementation capacity, and empirically driven program design to secure the right to employment as a reality for Nigeria's dynamic populace.

10.1 RECOMMENDATIONS

- i. Constitutional Reform: Amend section 6(6)(c) to make socio-economic rights, including employment, justiciable.
- ii. Legislative Expansion: Enact comprehensive Employment Rights legislation covering all categories of workers.
- iii. Institutional Strengthening: Enhance capacity and funding for the NDE, ITF, and labour inspectorates.

- iv. Judicial Activism: Encourage purposive interpretation of existing rights to indirectly enforce employment guarantees.
- v. Comparative Learning: Adapt best practices from South Africa's constitutional model and Canada's equity frameworks.