

Appraisal of Institutional Framework on Women Workers' Rights in Nigerian Labour Law

Sikiru Akinpelu Adewale¹, Ipoola Aderemi Binuyo²

^{1,2}Department of Public Law Faculty of Law Adeleke University Ede Osun State Nigeria

ABSTRACT	ARTICLE DETAILS
Laws put in place some institutions to execute and enforce rights of women workers in Nigeria. The institutions are empowered to fight against discrimination against women in labour matters. The primary sources of information for this study are statutes such as the Constitution of the Federal Republic of Nigeria 1999 (As Amended), Trade Disputes Act 1976, Labour Act 2004, the United Nations Agreements, National Action Plan on Women Peace and Security, National Human Rights Commission (Amendment) Act 2010 and judicial authorities. These are supported by secondary sources of law such as textbooks, journals, magazines, newspapers and websites. It is the finding of this study that the institutions appear not to be proactive in the fight against discrimination against women workers; and that the institutional responses on the fight against discrimination against women in labour matters have been under-utilized.	Published On: 10 September 2026
KEYWORDS: Discrimination, Institution, Labour, Right, Woman, Worker	Available on: https://ijiissh.com/

1.0 INTRODUCTION

Despite the fact that there are institutions established in Nigeria to deal with discrimination against women workers in labour matters, the discrimination persists and there is scarcity of law report of such cases. This study is poised to address examine the institutions with a view to identify their establishment, powers, roles, achievement and challenges facing them and to recommend reforms in the laws and institutions to make them more effective as stipulated in international best practices.

2.0 INSTITUTIONAL FRAMEWORKS

2.1 National Industrial Court of Nigeria

The National Industrial Court of Nigeria (NICN) is a specialized superior court empowered to adjudicate labour, employment, and workplace disputes across the country. Its core mandate directly impacts women by providing a legal avenue to combat workplace discrimination, sexual harassment, and unfair labour practices against women.¹ Initially, the NICN was established by the Trade Disputes Decree of 1976, the court's status and authority were significantly strengthened by the 1999 Constitution (Third Alteration) Act of 2010. This constitutional amendment elevated the NICN to a Superior Court of Record, granting it exclusive jurisdiction over all employment and labour-related matters.²

In addition, by virtue of the Nigerian Constitution 1999 (as amended)³ and the National Industrial Court Act, the NICN has the power to⁴ apply and enforce ratified international treaties, conventions, and protocols relating to labour, maternal protection, and workplace equality; and issue remedies, injunctions, declaratory orders, and award damages.⁵ Thus, the Court is to promote international best practices and ensure local employment terms align with global labour standards on gender equality and workers'

¹ CQ Umeobika and IC Anyim, 'The Role of the National Industrial Court on Industrial Conflicts in Nigeria' *UNIZIK Law Journal* (2023) 19(3) 172-176.

² Nicnadr, 'About Us: The Court with Exclusive Jurisdiction

<<https://www.google.com/url?sa=i&source=web&rct=j&url=https://nicnadr.gov.ng/&opi=89978449&psig=AOvVaw0akekxuQCczR3XWe6hTUeu&ust=1779999163135000>> 25 May 2026.

³ CFRN 1999 As Amended s254C.

⁴ Nicnadr (n2).

⁵ CFRN 1999 As Amended s254c.

welfare; and offer Alternative Dispute Resolution (ADR), eg mediation and conciliation services to resolve disputes amicably through the National Industrial Court of Nigeria ADR Centre.

The NICN Rules provide that where a Claimant alleges workplace discrimination, such Claimant shall state the grounds of the alleged workplace discrimination, including grounds of ancestry, religion, gender, marital status, family situation, etc. Where a claim of discrimination is successfully proven, the remedy available to employees in most cases is compensation for wrongful or unfair termination. The court may also award damages to the employee. Employers can settle claims at any time before or after they are initiated until the final judgment of the court is delivered.

Achievements of the Court regarding women workers' rights include sanctioning unfair practices against women workers in Nigerian labour affairs. The court has taken a firm stance against gender-based discrimination, victimization, and unfair termination, frequently awarding damages to female employees whose rights have been egregiously violated.⁶ Courts are vanguards for the safeguard of rights and liberties, they exist as an institutionalized medium for the settlement of disputes and prevention of potentially calamitous situation of resort to self-help. Over the years, the issues of female employees' rights abuses have been adjudicated upon by the National Industrial Court of Nigeria.

In *Mrs Folarin Oreka Maiya v The Incorporated Trustees of Clinton Health Access Initiative, Nigeria & 2 Ors*,⁷ the NICN awarded the Claimant compensation to the tune of her one-year gross pay which is the sum of N 5, 576, 670 (Five Million, Five Hundred and Seventy-Six Thousand, Six Hundred and Seventy Naira) only. The law suit was initiated by the Claimant for wrongful termination of her employment on account of being pregnant. The NICN found that the action of the Respondent amounts to inhuman, malicious, oppressive and degrading treatment.

An instance of the court's safeguarding of a victim's rights against sex discrimination was in *Ejike Maduka v Microsoft Nigeria Ltd. & 3 Ors*.⁸ In that case, the court found that during the employment of the Claimant with the 1st Defendant, the 3rd Defendant who was a co-employee with the Claimant, was consistent harassing the Claimant sexually as well as other female employees of the 1st Defendant, by tickling them on their waist and making other sexual gestures.

The NICN, based on the evidence adduced by the parties, found that the Claimant was sexually harassed, intimidated and her employment maliciously terminated and awarded damages to the Claimant in sum of N 13, 225, 000, 000 (Thirteen Million, Two Hundred and Twenty-Five Thousand Naira) against the defendants.

Furthermore, in *Pastor (Mrs) Abimbola Patricia Yakubu v Financial Reporting Council of Nigeria & Anor*,⁹ The claimant was an employee of the Defendant and a co-worker with the 2nd Defendant who had been making sexual overture towards her unceasingly. All appeals and warnings to him to cease and desist were not heeded even though, the 2nd defendant was aware that the claimant was married and pregnant. The claimant suffered psychological and emotional disturbance from this incessant and unsolicited immoral overture and annoyances from her colleague and filed a suit against the parties. The NICN awarded damages of the sum of N 5, 000, 000 (five Million Naira) only for sexual harassment against the Defendant.

The NICN has demonstrated a willingness to rely on international best practices—such as International Labour Organization (ILO) conventions — to uphold women's rights even where local domestic legislation may be deemed obsolete or inadequate. The court enforces an employer's duty to provide a safe and regulated work environment, which is vital for the protection of pregnant women and nursing mothers.¹⁰

Challenges facing the court regarding women's rights are that the court's decisions are limited by some inherently obsolete domestic laws (e.g., the Labour Act 2004), which only provide for a 12-week maternity leave and limited protections against modern workplace harassment: these actions fall short of global best practices. The damages often awarded by the court have been criticized for lacking sufficient deterrence to prevent repeat offenses by exploitative private sector employers.¹¹

There are socio-cultural barriers, deep-seated societal norms, widespread lack of legal awareness among female workers, and fears of stigmatization which discourage women from formally reporting violations, thus preventing cases from ever reaching the NICN. There are general systemic constraints such as broad jurisdiction over numerous ancillary matters outside of typical trade disputes: These lead to a heavy backlog of cases, which slows down the quick dispensation of justice expected in a specialized court. The court is typically used by highly- paid workers in the formal sector and very rarely by lower-paid workers who work in the informal sector or are casually employed.

⁶ Folabi Kuti, 'Review of Some Significant Decisions on Labour & Employment 2021' (10th January 2022) <<https://www.google.com/url?sa=i&source=web&rct=j&url=https://nicnadr.gov.ng/news/1292/review-of-some-significant-decisions-on-labour-employment-2021-by-folabi-kuti&opi=89978449&psig=AOvVaw0akekxuQCczR3XWe6hTUeu&ust=1779999163135000>> 25 May 2026.

⁷ (2012) 27 NWLR (Pt 76) 110.

⁸ (2014) 41 NLLR (Pt 125) 67.

⁹ (2016) JELR 112979.

¹⁰ Folabi Kuti (n6).

¹¹ Nicnadr (n2).

2.2 Court of Appeal of Nigeria

The Court of Appeal of Nigeria is the penultimate appellate court, established in 1976 under the Court of Appeal Act and now entrenched in the 1999 Constitution,¹² to hear appeals from lower courts and tribunals. The Court wields both appellate and original jurisdictions. It is empowered to re-hear cases, reverse lower court judgments, issue interim orders, and declare laws or regulations unconstitutional if they violate fundamental human rights.¹³ It primarily hears and determines civil and criminal appeals from the Federal High Court, State High Courts, National Industrial Court (NICN), Customary Courts, and Election Petition Tribunals.

The Court has played a critical role in advancing women workers' rights by striking down discriminatory employment regulations, though it faces structural, socioeconomic, and enforcement challenges.¹⁴ One of achievements of the Court as regards women workers' rights is that it overturned discriminatory policies. The Court sternly frowns at violation of female employees' employment rights.

The Court delivered a landmark judgment invalidating Section 127 of the Police Act,¹⁵ which had been used to sack unmarried pregnant female police officers. The court ruled the regulation illegal and a violation of the constitutional right to freedom from discrimination.¹⁶

In *Standard Chartered Bank Nig Ltd v Ndidi Adegbite*,¹⁷ the Court of Appeal had the opportunity to adjudicate over a matter dealing with alleged violation of the rights of the Respondent who was a female worker in the bank. The Appellant employed the Respondent as an Account Relationship Officer.

While working, she applied for maternity leave which she was granted for the period of 7th February to 6th May 2005. Upon the expiration of the leave, she applied for an extension as the health of her baby required it and she was granted. On the 3rd day of February 2006, she had some meetings with her supervisors and one of the Appellant's Executive Directors where she was informed that her performance appraisal was appalling.

As a result of these meetings and the appraisal reports, on the 8th day of February 2006, the Respondent resigned from the Appellant's employment and filed a suit against the Appellant arguing that she was constrained to resign her appointment on the ground that the information received from the Appellant that appraisal of the Respondent was poor and therefore unfavourable to her continuous employment with the Appellant. The Respondent further argued that the resignation was involuntary and constituting a constructive dismissal of the Respondent from employment by the Appellant.¹⁸

She further contended that in appraisal exercise, the Appellant discriminated against her on the basis of her sex and the fact that she was a nursing mother and the Appellant wrongfully debited her account with the sum of N 1, 628, 209. 64. She therefore sought for several reliefs including a declaration that her dismissal from the Appellant's employment was both discriminatory and unconstitutional and that the sacking was done in bad faith on the basis of her sex and status as a nursing mother and therefore asked the court to direct the Appellant to pay monetary compensations to the Respondent in the sum of fifty million naira (N 50,000,000), and a further refund of the money wrongfully deducted by the Appellant from the account of the Respondent etc.¹⁹

In its judgment, the trial court granted her some relief awarding her the sum N 5, 000, 000, 00 as damages for wrongful termination. The Appellant appealed to the Court of Appeal while the Respondent cross appealed contending that the damages awarded by the trial court did not take into consideration the depravity and ill treatment suffered by the Cross-Appellant.

The Court of Appeal in its judgment, dismissed the appeal and affirmed the decision of the trial court. This decision shows that the Court of Appeal will readily confirm the award of damages awarded against an employer who violates the employment right of a female employee.²⁰

The Court also enforces constitutional equality. By invoking Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) (CFRN) (which prohibits sex-based discrimination), the Court has continually reaffirmed that women are entitled to equal protection in paid employment and are not to be subjected to degrading treatment in the workplace.²¹

¹² CFRN 1999 As Amended s237.

¹³Nicnadr (n2).

¹⁴ Akabogulaw.com, 'Court of Appeal Act'

<<https://www.google.com/url?sa=i&source=web&rct=j&url=https://akabogulaw.com/court-of-appeal-act/&opi=89978449&psig=AOvVaw0hDrveP0gZtAhe6tiXo0Ld&ust=1780165691506000>> 25 May 2026.

¹⁵ See *Nigerian Bar Association (NBA) v Attorney-General of the Federation and ors* (2024) LPELR-62208 (CA).

¹⁶ OA Leigh, 'Integrating Judicial Protection for Enhanced Female Workers' Fundamental Rights in the Nigerian Workplace Environment' *AGORA International Journal of Juridical Sciences* (2024) 18(2) 100-108.

¹⁷ (2019) 1 NWLR (Pt 1653) 348.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ (2019) 1 NWLR (Pt 1653) 348.

Relying on precedent-setting cases such as the Supreme Court of Nigeria's *Ukeje v Ukeje*²² and the Court of Appeal of Nigeria's *Mojekwu v Mojekwu*²³, the Court has consistently struck down oppressive customary laws. This evolving legal environment has emboldened female workers to legally challenge patriarchal workplace barriers.²⁴

One of challenges facing the Court of Appeal is that Section 17(3) of the CFRN 1999 (As Amended), which advocates for just and humane conditions of work, falls under the non-justiciable Directive Principles of State Policy. This makes it difficult for the court to enforce socioeconomic rights on behalf of women directly.²⁵ Outdated local labour statutes,²⁶ which historically restrict women's night work and underground mining) conflict with modern non-discrimination rights, requiring legislative overhauls the court cannot execute on its own.²⁷

There are socio-cultural and economic barriers. Deeply entrenched patriarchal attitudes, widespread illiteracy, poverty, and financial costs deter vulnerable women workers from seeking justice in the appellate courts, leaving many workplace abuses unreported.²⁸

There are systemic judicial delays. Institutional bottlenecks, overburdened dockets, and slow judicial processes can cause delays, often discouraging women from pursuing prolonged labor-related litigation.²⁹

Damages awarded by the Court are not punitive enough. Despite this laudable stance of the court, it is easy to notice that the quantum of damages awarded in the cases above, is usually inadequate and oftentimes incapable of instilling deterrence in the culprits as well as potential offenders.

In some of the cases, the claimants claim for monetary damages will be in the range of about N 30, 000, 000, 00 (Thirty million naira) and more, but what usually result, is that the courts will – in virtually all the cases appraised, except perhaps with the exception of one – award a paltry sum of monetary compensation in the range of N 5, 000, 000. It is suggested that, considering the pervasive nature of sexual harassment and its attendant negative effect on the physical and mental health of the victim, where the same is proven, punitive damages should be awarded.

2.3 Ministry of Women Affairs and Social Development

The Federal Ministry of Women Affairs and Social Development (FMWASD) is the primary agency responsible for safeguarding women's rights in Nigeria. It operates from the Federal Secretariat in Abuja. FMWASD was created as a response to the United Nations Agreement to establish institutional mechanisms for the advancement of women and associated matters.³⁰ The ministry started out as a National Women Commission in 1989, which was an initiative of the wife of the then Head of State, Mrs. Maryam Babangida.³¹ Originally, the organization was headed by the First Lady at the time. The then First Lady, Maryam Babangida, was unable to get to the root of long-standing, systemic gender inequality issues with her implemented programmes, instead she focused on immediate relief.³² Babangida stated that she was not for feminism or women's liberation, but rather for promotion of motherhood and wifhood ideals.³³

However, in 1995, the National Women Commission was upgraded to a full-fledged Ministry of Women Affairs and Social Development, which meant that the country had achieved one of the critical areas of concern of the Beijing Platform for Action. The Ministry is headed by a Minister appointed by the President, assisted by a Permanent Secretary, who is a career civil servant³⁴ Within the Ministry are also three main units: the Federal Audit Unit, the Anti-Corruption Unit (ACTU) and the Servicom Unit. The Ministry as a whole works within another agency, the National Centre for Women Development.³⁵

²² (2014) 11 NWLR (Pt. 1418) 384.

²³ [1997] 7 NWLR 283.

²⁴ Nigerian Constitution, 'Chapter 7 Part 1 Section 235 Establishment of Court of Appeal'

<https://www.google.com/url?sa=i&source=web&rct=j&url=https://nigerian-constitution.com/chapter-7-part-1-section-237-establishment-of-court-of-appeal/&ved=2ahUKEwj_u96OkN-UAXUydUEAHXJIFY8Q1fkOegoIAggACAEIQhA3&opi=89978449&cd&psig=AOvVaw0hDrveP0gZtAhe6tiXo0Ld&ust=1780165691506000> 25 May 2026.

²⁵ Eghosa Ekhatior 'Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects' in Michael Addaney (ed) *Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Development* (Eleven International Publishing, Netherlands 2019).

²⁶ Such as Labour Act 2004 ss55 & 56.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ G Ntiwunka, 'Gender and National Development: The Role of Ogun State Ministry of Women Affairs and Social Development' *Journal of Research and Development* (2013) 1(6) 1–10.

³¹ Ibid.

³² 'WHO WE ARE' " <womenaffairs.gov.ng> 25 May 2026.

³³ Jibrin Ibrahim, (2004). 'The First Lady Syndrome and the Marginalisation of Women from Power: Opportunities or Compromises for Gender Equality?' *Feminist Africa* (2004) 1(3) 1–11.

³⁴ 'WHO WE ARE' " <womenaffairs.gov.ng> 25 May 2026.

³⁵ Ibid.

In 2006, a national gender policy was made to replace the national policy on women, and, to implement these agreements and policies, the Federal Ministry of Women Affairs and Social Development (FMWASD) has been charged with the overall responsibility for this goal.

The Federal Ministry strengthened engagement with state governments and has held multiple sessions with Commissioners for Women Affairs across all 36 states. This has led to improved synergy, knowledge exchange, and policy alignment, ensuring that the ministry's national programs are effectively implemented at the state level.³⁶ In Ekiti State, for example, the Ministry took off in 1996 October as Women Commission and became a full-fledged Ministry in 1997.³⁷

The ministry articulates and drives gender frameworks, such as the Women's Economic Empowerment (WEE) Policy. The Ministry's objectives includes promoting programs and policies for women, such as aiming to fight sexual violence with the support of UNICEF³⁸ One of the policies that the Ministry has overseen was the National Gender Policy 2021, a policy which the UNDP described as helping to include men and boys in the work regarding gender-based violence and HIV/AIDS.³⁹

The ministry lobbies for the enforcement of non-discriminatory workplace policies and the protection of vulnerable groups, including women living with HIV/AIDS. The ministry manages social welfare programs, including rehabilitation services, crisis counseling, and shelter operations for abused women and girls. The Ministry is essentially social service oriented, with functions and responsibilities of policy formulation, articulation and implementation of programmes and activities geared towards the promotion of the interests and welfare of women, children, elderly, people with disabilities and vulnerable generally.⁴⁰

One of achievements of the Ministry is that it mainstreams gender initiatives at national and state levels, driving efforts aligned with the National Gender Policy to reduce workplace discrimination and sexual harassment. The FMWA seeks the creation of a Gender Cadre in the system to facilitate professionalization and institutionalization of gender equality, women empowerment; and gender mainstreaming as an administrative/development tool.⁴¹

For effective implementation of this policy, the National Action Plan on Women, Peace and Security was developed. The Action Plan outlines explicit implementation, monitoring, and evaluation guidelines for achieving measurable targets and enhancing accountability for gender equality, women's economic empowerment, and social inclusion mandates.⁴² A capable, responsive, and accountable state and a vigilant civil society are at the heart of its implementation.⁴³ Through this policy, the ministry aims to empower women to participate fully in the economy as entrepreneurs, employees, or consumers.

The Ministry has focused on discrimination against those with HIV/AIDS in the workplace, working with the support of the UN to push for and implement non-discriminatory policy and to ensure proper care and protection of these individuals.⁴⁴ While HIV rates have decreased in Nigeria, a report by the UNDP in 2024 provides evidence for a link between gender-based violence and HIV.⁴⁵ In the report, the UNDP notes how the Federal Ministry of Women Affairs and Social Development was the operator of the single shelter for HIV-positive women in Nigeria.⁴⁶

³⁶ Ibid.

³⁷ Government of Ekiti State, Nigeria, 'Ministry of Women Affairs and Social Development' <https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.ekitistate.gov.ng/executive-council/mdas/ministry-of-women-affairs-and-social-development&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 23 May 2026.

³⁸ 'UNICEF Re-Affirms Support for Fight Against Sexual and Gender-Based Violence' <[womenaffairs.gov.ng](https://www.womenaffairs.gov.ng)> accessed 23 May 2026.

³⁹ UNDP, 'Mapping of Laws, Policies and Services on Gender Based Violence and Its Intersections with HIV in Nigeria' (PDF) *UNDP: 1, 9, 29*

⁴⁰ Nasarawa State of Nigeria, 'Ministry of Women Affairs and Social Development' <https://www.google.com/url?sa=i&source=web&rct=j&url=https://nasarawastate.gov.ng/women-affairs-and-social-development/&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 23 May 2026.

⁴¹ Federal Ministry of Women Affairs, 'National Women's Economic Empowerment (WEE) Policy and Action Plan' <https://www.google.com/url?sa=i&source=web&rct=j&url=https://nigeria.ion.int/sites/g/files/tmzbd1856/files/documents/2024-02/nigeria-national-wee-policy-and-action-plan-may-230519_133503.pdf&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 23 May 2026.

⁴² News, 'What I have Achieved in 100 Days, by Minister of Women Affairs' (Vanguard News 8 February 2025) <https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.vanguardngr.com/2025/02/what-i-have-achieved-in-100-days-by-minister-of-women-affairs/&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 23 May 2026

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ UNDP, 'Mapping of Laws, Policies and Services on Gender Based Violence and Its Intersections with HIV in Nigeria' (PDF).

⁴⁶ EN Nwagbara and SO Ering, 'A Sociological Analysis of Political Gender-Balancing in Nigeria' *Journal of Research in National Development* (2007) 5 51–62.

At the international level, the ministry aligns with the United Nations Sustainable Development Goals (SDGs), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on the Rights and Welfare of the Child, the Beijing Declaration and Platform for Action, the United Nations Security Council Resolution 1325 on Women, Peace, and Security, and the AU Maputo Protocol, among others.⁴⁷

One of the challenges facing the Ministry is that the deep-seated patriarchal norms and harmful traditional practices continue to marginalize women in the formal and informal workforce. In addition, implementation of protective labor laws is inconsistent, and systemic gender discrimination remains a hurdle for women seeking leadership or equal pay.

The Ministry faces internal systemic challenges, including limited access to basic working resources and occasional friction over internal staff welfare and administrative funding. Furthermore, the Ministry has been starved of basic work tools, including stationery, while the Minister reportedly maintains over 25 Special Assistants.⁴⁸

The ministry is criticized for poor communication and exclusion of professionals from program planning.⁴⁹ There is the absence of staff quarters despite the ministry's decades-long existence. The widows in the ministry do not benefit from the things the Ministry does for widows outside. There is exclusion of persons with disabilities.

Women empowerment requires adequate funding, yet the FMWASD lacks sufficient resources to lead this effort within the government. The ministry is one of the least-funded ministries in the federation, partly because it is not considered on par with other departments such as the ministry of defence, ministry of police affairs, ministry of interior, ministry of health, and ministry of education, among others. The priority sectors in the national budget over the years have been defence and security, education, health, infrastructure, and social investment. While these areas are important, women are unlikely to benefit maximally from these sectors because these sectors are not subject to a gender-based analysis.

2.4 National Human Rights Commission (NHRC)

The Nigerian National Human Rights Commission (NHRC), established by the NHRC Act of 1995, is an independent quasi-extra-judicial institution.⁵⁰ The Commission has the power to summon individuals, compel the production of evidence, and award compensation to victims. Its mandate is to promote, protect, and enforce human rights—including women's rights to equal wages, dignity, and a workplace free from discrimination and violence. It was subsequently strengthened by the NHRC (Amendment) Act of 2010 to align with the Paris Principles for National Human Rights Institutions.⁵¹

The NHRC (Amendment) Act, 2010 has conferred on the Commission additional independence and strengthened the Commission's power with respect to promotion and protection of human rights, investigation of alleged violation of human rights and enforcement of decisions. The Amendment Act has also widened the scope of the Commission's Mandate to include vetting of legislations at all levels to ensure their compliance with human rights norms.⁵² Its establishment is also aimed at creating an enabling environment for the Treaty obligations.⁵³ Decisions made by the NHRC's Governing Council are registrable and enforceable as decisions of the High Court. The Commission has the power to independently investigate, visit places of detention, and institute civil actions in matters relating to human rights.

The Commission provides a forum for public enlightenment and dialogue on human rights issues including advancing gender equality and women's empowerment.⁵⁴ The Commission has ear-marked the rights of women and gender related matters as one of its thematic areas of focus. The women's rights include the right to live free from violence, slavery, discrimination, to be educated, to own property, to political participation, health, dignity and to earn fair and equal wage.

⁴⁷ Ibid.

⁴⁸ Ene Oshaba, 'Women Affairs Minister Alleges Plot against Ministry, Female Leaders' (*The Guardian Newspaper* 12 September 2025) <https://www.google.com/url?sa=i&source=web&rct=j&url=https://guardian.ng/news/nigeria/national/women-affairs-minister-alleges-plot-against-ministry-female-leaders/&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 29 May 2026.

⁴⁹ Ibid.

⁵⁰ Nigeriarights.gov.ng, 'Focus Areas on Women and Gender Matters'

<https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.nigeriarights.gov.ng/focus-areas/women-and-gender-matters.html&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 29 May 2026.

⁵¹ National Human Rights Commission, 'NHRC Mandate'

<<https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.nigeriarights.gov.ng/about/nhrc-mandate.html&opi=89978449&psig=AOvVaw1teJl5najdUgo06fZpx5Ra&ust=1779483362324000>> accessed 29 May 2026.

⁵² Ibid.

⁵³ Nigeriarights.gov.ng

<https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.nigeriarights.gov.ng/focus-areas/women-and-gender-matters.html&opi=89978449&psig=AOvVaw3BZMB_mOORpPmbI9CPnQiz&ust=1779480277241000> accessed 29 May 2026.

⁵⁴ Ibid.

Regarding women workers' rights specifically, the Commission's functions include⁵⁵ investigating allegations of gender-based discrimination, unequal pay, and sexual harassment in the workplace; aiding victims of human rights violations in seeking redress and legal remedies; formulating policy recommendations to the Nigerian government that advance gender equality and women's economic empowerment; and conducting nationwide public enlightenment campaigns, town hall meetings, and workplace sensitization programmes.

The NHRC Gender Thematic Team is the Commission's focal point that deals with all the matters that concerns the rights of women in labour and other gender related issues. The team represent the Commission at all programmes, meetings, seminars, conferences and reports back to the Executive Secretary. It also makes recommendations and proffers suggestions and advice where necessary. The thematic team is headed by an Assistant Director, who is vast in development and programming in that area and well experienced on gender issues.

The Commission's duty as women human rights defenders is not only to educate the general public on the rights of women but to also expose and denounce as human rights violations those practices and policies that silence and subordinate women. It rejects specific legal, cultural or religious practices by which women are systematically discriminated against, sexually harassed in work places etc.⁵⁶ The Commission has actively championed zero-tolerance policies for sexual harassment in the workplace, advancing guidelines that protect women from abuse in the informal and formal labor sectors.

The Commission practices internal gender equity, advancing female leadership with women occupying key executive and director roles. The Commission routinely resolves labour disputes through mediation and investigates cases of discrimination, restoring human dignity and economic rights to victimized women. The Commission works closely with Civil Society Organizations (CSOs) to reach vulnerable women in rural areas, providing access to essential remedies and empowerment initiatives.

Despite the achievements of the Commission, women do not enjoy equality with men in the society. There are unequal access of women and girls to education; harmful traditional practices; women's inadequate access to economic resources; unequal access to political participation;⁵⁷ deep-rooted patriarchal, cultural, and religious norms continue to marginalize women in the workforce, leading to persistent unequal treatment and unpaid labour.

The Commission frequently faces inadequate funding and staffing, limiting its reach and capacity to address human rights violations in the remote or rural corners of Nigeria. Many female workers fail to report sexual harassment and exploitation due to fear of stigmatization, job loss, or lack of swift legal consequences. Despite its quasi-judicial powers, the Commission occasionally struggles with poor inter-agency cooperation and non-compliance with its orders by certain institutions.

2.5 Nigeria Labour Congress (NLC)

The Nigeria Labour Congress (NLC) is the umbrella organization for trade unions in Nigeria, established by Decree No. 22 in 1978, with the 42 industrial unions affiliated.⁵⁸ It was to be the only legal trade union federation.⁵⁹ Its leadership included many of the leading figures from its four predecessors, with Wahab Goodluck becoming its founding president.⁶⁰

Its core mandate is to protect workers' rights, promote socioeconomic justice, and achieve gender fairness. The NLC shapes labor policies, represents workers in collective bargaining, and advocates for decent work environments across all sectors. The National Women Commission is the national women's wing of NLC. It was created in 2003 to increase the participation of women in the affairs of the union.⁶¹ Its demand for more recognition of working women led to the establishment of women's wing in state capitals.⁶²

Currently state branches of NLC have a women's committee and the chairperson of the committee is an automatic member of the administrative council of the state's NLC. On the national level, the head of the National Women Commission is automatically a vice-president of NLC.⁶³ The women's wing also engages in massive rallies and protest in support for women's rights and against gender based violence against women.⁶⁴

The NLC advocates for the strict implementation of gender-sensitive regulations, mandating that women hold automatic vice-chairperson and leadership positions across all state councils. It functions to sanction employers who discriminate based on gender

⁵⁵ National Human Rights Commission, 'NHRC Mandate'

<<https://www.google.com/url?sa=i&source=web&rct=j&url=https://www.nigeriarights.gov.ng/about/nhrc-mandate.html&opi=89978449&psig=AOvVaw1teJl5najdUgo06fZpx5Ra&ust=1779483362324000>> accessed 29 May 2026.

⁵⁶ [Nigeriarights.gov.ng](https://www.nigeriarights.gov.ng) (n50).

⁵⁷ Ibid.

⁵⁸ 'Nigeria Labour Congress elects new leadership' <www.tuc.org.uk> accessed 29 May 2026.

⁵⁹ Gogo Otuturu, 'A Survey of Central Labour Organizations in Nigeria' *Labour Law Review* (2013) 7(2).

⁶⁰ Ibid.

⁶¹ 'NLC Calls for End to Violence against Women' (*Premium Times Abuja* 8 March 2013).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ NLC Holds Rally to Stop Gender Based Violence" *TVC News* 3 March 2019.

and fights for comprehensive healthcare coverage, crèches, and breastfeeding breaks. It pushes for the domestication of international labour standards and proper implementation of domestic laws like the Violence Against Persons (Prohibition) Act 2015.

The NLC has successfully lobbied for extended maternity leave in various jurisdictions, shifting the standard from the baseline 12 weeks to progressive policies like the 16-week fully paid leave for federal civil servants, and six-month policies in states like Kwara and Cross River. The NLC has been at the forefront of pushing Nigeria toward the ratification and local domestication of ILO Convention 190, which focuses on eliminating gender-based violence and harassment (GBV&H) in the world of work.⁶⁵

The NLC National Gender Policy ensures women's issues are mainstreamed into collective bargaining and decision-making bodies within the union. The NLC Women and Youth Department carries out activities on and for women and youth as stipulated in the Gender and Youth Policies of Congress.⁶⁶ In addition, it has responded to current or emerging issues on gender and young workers as approved by Congress.

Despite the achievements, the Congress faces some challenges. Cultural norms and patriarchal structures frequently limit women's active participation and leadership within the union, particularly in northern regions. A massive portion of working women operate in the informal economy, making it difficult to unionize them, enforce minimum wage standards, and protect them from exploitation. Despite constitutional mandates for female inclusion, some NLC State Councils fail to enforce constitutional provisions that guarantee leadership roles for women on their State Executive Councils.

3.0 RECOMMENDATIONS AND CONCLUSION

This study found that the institutions, particularly the National Industrial Court of Nigeria and the Court of Appeal have frowned at discrimination against women workers in Nigeria and have awarded damages in such instances. However, the courts should grant exemplary damages instead of the usual nominal damages in order to serve as deterrence. It is also the finding of this study that the frameworks are either inadequate or poorly implemented consequent upon, which government could not deal decisively with discrimination against women workers in every part of the country.

In order therefore to achieve the taming of the challenges which are growing in geometric progression and making the many workplaces unsafe and insecure for female employees from continuing to thrive, the courts should award punitive or exemplary damages. Those female victims but who may not have the wherewithal to litigate should also be granted access to *pro bono* legal services and professional counselling.⁶⁷ The budget for the Ministry of Women Affairs should be prioritized if the government is really serious about empowering women and attaining gender equality.

All the applicable institutions for women's rights in Nigerian labour law, which are inconsistent with compliance with women's rights, should be reviewed, amended or repealed with a view to bringing an end to discrimination against women's workers in Nigerian labour law. The institutions should put more efforts to sensitize female employees of their rights, provide enabling environment for complaints and also offer *pro bono* legal services to victims who might not have the means to institute and sustain court actions against potential offenders.

The National Orientation Agency (NOA) should collaborate with Nigeria Bar Association (NBA), Non-Governmental Organizations and other stakeholders to create awareness through educational programmes on gender discrimination in labour practices in Nigeria and the remedies available in law. Reported cases of gender discrimination should be given priority in the courts and prosecuted to a logical conclusion and appropriate sanctions should be given to defaulters. The Federal Ministry of Labour and Productivity should consider proposing to the National Assembly through an Establishment Bill, the creation of a National Gender Discrimination Commission to specifically handle all gender discrimination related cases, and an Equal Employment Opportunity Commission to enforce laws that prohibit workplace discrimination against women employees and job applicants. The commissions should be established at the state level too to enforce the state laws and all complaints pertaining to workplace discrimination against employees and job applicants should be handled by the commission.

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