

## **Workplace Discrimination and Labour Rights: Examining the Effectiveness of Anti-Discriminatory Laws in Protecting Vulnerable Workers in Nigeria**

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### **Abstract**

Workplace discrimination remains a significant challenge in Nigeria, and it affects vulnerable workers, despite the existence of legal frameworks aimed at promoting equality. This study critically examines the effectiveness of anti-discriminatory labour laws in protecting marginalised employees with a focus on gender bias, ethnic exclusion, and the treatment of people with disabilities. Grounded in social justice and intersectionality theories, the research takes a qualitative approach by analysing secondary data from legal documents, policy reports, and court cases. The results show that weak enforcement mechanisms, long court processes, employer resistance, and sociocultural biases make it harder for anti-discrimination policies to be put into place in the workplace. Case studies of labour disputes underscore persistent injustice, whereas unions and advocacy groups play a vital role in addressing workplace discrimination through collective bargaining and litigation. Despite these efforts, structural challenges continue to undermine workers' rights. The study recommends strengthening regulatory agencies, amending outdated labour laws, promoting corporate social responsibility, and raising public awareness to ensure workplace inclusivity. Coordinated action among government institutions, labour unions, employers, and civil society organisations is required to address these gaps and foster a fair and equitable labour market in Nigeria.

**Keywords:** Workplace discrimination, Labour rights, Anti-discriminatory laws, Labour unions, social justice, Regulatory enforcement.

### **Introduction**

Workplace discrimination is a global issue that continues to undermine equality and fairness in labour markets across different regions and industries. According to Leanne et al. (2023), despite international labour standards set by the

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International Labour Organisation (ILO) and various human rights frameworks, many employees still experience biases based on factors such as gender, ethnicity, disability, age, and other socioeconomic factors. Discriminatory practices manifest in different forms, including wage disparities, limited career progression, workplace harassment, and unjust termination (ILO, 2021; Fekedulegn et al., 2019). The prevalence of workplace discrimination shows the persistent structural inequalities that continue to disadvantage marginalized groups worldwide. While international labour organisations and human rights advocates have made significant strides in addressing these issues, the reality remains that millions of workers, particularly in developing countries, face systemic exclusion and bias every day (Mahoney & Mahoney, 2023).

In Africa, especially in Sub-Saharan Africa, discrimination in the workplace is a long-standing issue largely stemming from historical injustices, cultural prejudices, and inadequate labour protection systems (2022). Ndevu et al. (2024) noted that numerous African countries have established labour regulations aimed at fostering workplace inclusivity and preventing discrimination; however, institutional deficiencies and the prevalence of informal labour markets obstruct the implementation of these laws. Discrimination based on gender continues to be a major issue, as women frequently receive lower pay than men for identical roles. Research indicates that women encounter obstacles in attaining leadership roles and endure significant levels of workplace harassment (Ramos et al., 2022). Likewise, Matimbwa and Kamala (2024) contend that ethnic exclusion is a common problem since job opportunities in both public and private sectors tend to be affected by tribal or regional ties instead of merit. Moreover, Finstad et al. (2022) report that individuals with disabilities encounter substantial challenges in obtaining jobs because of insufficient workplace adjustments and ongoing social stigma. These difficulties are compounded by economic instability and elevated unemployment rates, making it hard for employees to confront discriminatory behaviours due to fear of retaliation or losing their jobs.

As Africa's most populous nation and largest economy, Nigeria encounters similar, if not more severe, issues of workplace discrimination. As stated by Ogunsakin (2021), even with legal frameworks like the Nigerian Labour Act, the Discrimination Against Persons with Disabilities (Prohibition) Act, and other workplace regulations in place, numerous workers still experience unfair treatment. Similarly, in Nigeria, women continue to be under-represented in leadership roles and frequently encounter sexual harassment at work. Moreover, individuals with disabilities encounter workplace exclusion because employers are often hesitant to offer reasonable accommodations, while casual workers endure exploitative conditions with minimal legal safeguards (Teborg et al., 2024). Nigeria, a nation with various ethnic and religious communities, experiences discrimination based on these factors, which significantly impacts employment inequalities, especially in the public sector, where favouritism and nepotism frequently influence hiring and promotion choices (Imoni, 2018).

Despite Nigeria's ratification of multiple international labour conventions and the creation of national antidiscrimination laws, Eruteya (2024) pointed out that enforcement remains a significant challenge. As stated by Magakwe (2024), corruption, insufficient awareness, poor monitoring systems, and restricted access to legal options prevent numerous vulnerable workers from pursuing justice. At the same time, labour unions and advocacy organisations have been vital to advocating for tighter policies and legal safeguards (Amnesty International, 2024), but there are still substantial gaps in achieving workplace fairness. The ongoing existence of workplace discrimination highlights concerns regarding the efficacy of current labour laws and demands improved enforcement strategies alongside more inclusive labour policies. This article critically examines the effectiveness of Nigeria's anti-discriminatory labour laws in protecting vulnerable workers. The study also provides recommendations for strengthening labour protections and ensuring a more inclusive, non-discriminatory work environment in Nigeria.

### **Theoretical framework**

This research is grounded in two main theoretical frameworks: social justice theory and intersectionality theory. These theories offer crucial perspectives on comprehending workplace discrimination and the efficacy of labour protections in Nigeria. The theory of social justice was proposed by John Rawls (1971). The theory highlights the importance of fairness, equity, and equal chances in work environments. This theory posits that every person, no matter their background, ought to have equal access to opportunities and resources within society. According to Smith and Sinkford (2022), unfair workplace practices like wage disparity, bias in hiring, and exclusion from leadership positions breach essential human rights and obstruct economic and social advancement. The theory highlights the moral responsibility of governments, institutions, and organisations to guarantee equal treatment and safeguard all employees. In Nigeria, where workers' protections are still limited, this framework emphasises the need to enhance legal systems and guarantee regulatory adherence to promote an inclusive workplace culture.

On the other hand, intersectionality theory, developed by Kimberlé Crenshaw (1989), provides a subtle perspective on workplace discrimination by examining how multiple forms of discrimination, such as gender, ethnicity, and disability, intersect to create unique disadvantages for certain individuals. According to Collins et al. (2021), the theory challenges the one-dimensional approach to discrimination by illustrating how overlapping social identities compound workplace exclusion. In Nigeria, women from marginalized ethnic groups, persons with disabilities, and low-income workers often face compounded disadvantages that are not usually addressed by singular anti-discrimination policies (Bekker et al., 2018). Intersectionality theory helps us to understand the multiple layers of exclusion that vulnerable workers experience and calls attention to the need for targeted interventions that address specific forms of workplace bias.

Together, these theories provide a strong foundation for studying workplace discrimination in Nigeria. It highlights both systemic injustices and the multidimensional nature of labour rights violations. Therefore, through the

application of these perspectives, this study aims to critically evaluate the gaps in Nigeria's antidiscrimination labour laws and propose actionable recommendations for ensuring workplace fairness and inclusivity.

### **Methodology**

This study employs a qualitative research approach. It relied on secondary data sources to analyse workplace discrimination and the effectiveness of Nigeria's labour laws. We collected the data by comprehensively reviewing legal documents, policy papers, government reports, labour union publications, and scholarly articles. We used content analysis to examine trends in labour law enforcement, documented cases of discrimination, and policies' effectiveness. The study will look at these sources in a planned way to find gaps in the current legal frameworks, problems with enforcement, and the bigger social and economic effects of discrimination at work in Nigeria.

Additionally, the researchers used the thematic analysis method to classify and analyse the results. This facilitated a systematic understanding of frequent patterns and essential concerns in labour rights safeguarding. We examined judicial rulings from Nigerian courts, particularly those about labour disputes and discrimination cases, to assess the judiciary's role in interpreting and upholding labour protections. Furthermore, we will conduct case studies, which involve analysing significant labour disputes and their results to assess the responsiveness of the Nigerian legal system. This methodological strategy enables a comprehensive assessment of current labour protections and their effects on at-risk workers in Nigeria, offering a strong basis for exploring potential reforms and policy suggestions.

### **Historical context of labour laws in Nigeria**

Colonial and post-independence events have influenced the development of labour laws in Nigeria. During the colonial period, British economic goals primarily drove the creation of labour regulations, often disregarding workers' rights. As stated by Adewara (2021), forced labour was widespread under the 1912 Native Labour Ordinance, which enabled the exploitation of local workers in rail construction, farming, and mining activities. The enactment of the Trade Union Ordinance in 1938 represented an important change (Van der Velden, 2021), providing official acknowledgment to trade unions but continuing to limit their operations.

After Nigeria gained independence in 1960, labour law reforms aimed to enhance workers' rights and employment conditions. The Labour Act of 1971 emerged as the key law regulating employment relationships. It set up basic employment standards, rules for contracts, and methods for resolving disputes (Ogbu, 2024). Nonetheless, critics contend that the Act is still antiquated and has sufficiently tackled modern challenges like workplace discrimination, equal pay,

and safeguards for informal sector employees (Michael, 2024; Modibo, 2024). Ajayi (2023) observed that in the past few decades, Nigeria has enhanced its labour legislation by adopting significant conventions from the International Labour Organisation (ILO), such as those concerning equal pay, occupational safety, and the rights of individuals with disabilities. Moreover, constitutional rules and particular legislation, like the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018, aim to improve worker protections. However, employers' opposition, socio-cultural prejudices, and insufficient enforcement systems weaken these legal safety protections.

### **Legal Framework for Workplace Anti-Discrimination in Nigeria**

As mentioned previously, Nigeria has ratified several international conventions, such as the International Labour Organization's (ILO) conventions on equal treatment and nondiscrimination. These conventions emphasize workers' rights to fair treatment and protection from workplace bias. However, the practical implementation of these international agreements within the Nigerian labour system remains inconsistent (Babarinde, 2022). At the national level, various legal frameworks seek to address workplace discrimination, including:

*The Nigerian Constitution (1999, as amended)*: Section 42 of the Constitution guarantees the right to freedom from discrimination based on ethnicity, gender, religion, or political affiliation. However, enforcement mechanisms remain weak, and many cases of discrimination go unreported or unresolved due to systemic barriers in the judicial process (Babarinde, 2022).

*The Labour Act (2004)*: While this act regulates employment practices, it lacks explicit provisions addressing workplace discrimination. It primarily focuses on employment contracts, wages, and working conditions, leaving gaps in addressing systemic bias and workplace exclusion.

*The National Industrial Court Act (2006)*: This act grants jurisdiction to the National Industrial Court to handle labour disputes, including cases of workplace discrimination. However, Ogbu (2024) opined that access to legal recourse is often limited due to lengthy litigation processes, financial constraints, and a lack of awareness among workers regarding their rights.

*The Discrimination Against Persons with Disabilities (Prohibition) Act (2018)*: This legislation aims to protect persons with disabilities from workplace discrimination and mandates employers to provide reasonable accommodations. Despite its enactment, many organizations fail to comply due to poor regulatory oversight (United Nations (2018), lack of enforcement mechanisms, and societal stigma against persons with disabilities.

*The Gender and Equal Opportunities Bill (Proposed)*: This bill seeks to bridge gender disparities in employment, wages, and leadership positions. However, it has faced significant opposition from religious and cultural groups, leading to delays in its passage (Iroanusi, 2021). The resistance highlights the deep-rooted socio-cultural biases that continue to hinder gender equality in Nigeria's labour market.

While these legal frameworks exist, their implementation and enforcement remain major challenges. Factors such as corruption, bureaucratic inefficiencies,

and inadequate funding for regulatory agencies limit the effectiveness of labour protections. Equally, many workers, especially those in the informal sector lack awareness of their rights and are unable to seek legal redress due to fear of retaliation from employers (Kumarage, 2024). To address these challenges a multi-pronged approach is needed which includes stronger enforcement mechanisms, increased public awareness campaigns, and institutional reforms to ensure compliance with existing labour laws.

### **Forms of workplace discrimination in Nigeria**

Workplace discrimination in Nigeria manifests in various ways and affect different groups of workers across various industries. Some of the most prevalent forms include:

*Gender discrimination:* Women face significant barriers to career advancement, wage disparities, and workplace harassment. Many employers prioritize hiring men for leadership roles, while women often experience job insecurity, particularly during pregnancy and maternity leave.

*Ethnic and religious bias:* Employment opportunities are frequently influenced by ethnic and religious affiliations rather than merit. Minority groups often face exclusion from hiring processes, promotion opportunities, and decision-making roles.

*Discrimination against persons with disabilities:* Many workplaces fail to provide reasonable accommodations, such as accessible office spaces or assistive technologies, thereby limiting employment opportunities for persons with disabilities.

*Casualization and exploitation of low-income workers:* Casual labourers and contract workers are often denied job benefits, subjected to unfair wages, and dismissed without adequate compensation or legal protections.

*Age discrimination:* Older workers frequently face forced retirement, while younger professionals struggle with job entry barriers due to employers' preference for more experienced candidates.

### **Case studies of labour rights disputes in Nigeria**

Several labour disputes in Nigeria highlight ongoing challenges in workplace rights and anti-discrimination efforts. Some notable cases include:

*Basil Offoh v. Institute of Management and Technology Enugu & 2 Others* (National Industrial Court, NICN, 2024): In this case, the National Industrial Court ruled on issues related to employment termination and the rights of academic staff. The case underscored the need for stronger protections against unfair dismissal and highlighted the challenges employees face in seeking legal redress.

*Lovell Osahon Ehigie v. First Bank of Nigeria (2021):* This was a landmark case where the court awarded ₦20 million in general damages for wrongful dismissal and unfair labour practices against an employee (Onyekwere, 2022). This case set a significant precedent for employee rights and emphasizes the legal consequences of unfair labour practices in corporate organizations.

*2024 Nigerian General Strike:* The Nigeria Labour Congress (NLC) and Trade Union Congress (TUC) initiated an indefinite general strike demanding an increase in the minimum wage from ₦30,000 to ₦494,000. The strike led to widespread shutdowns, including the national power grid and airports. This strike underlined the tensions between labour unions and the government over wage disputes. This event illustrated the systemic challenges in achieving fair labour compensation in Nigeria.

*PENGASSAN v. Mobil Producing Nigeria Unlimited (2022):* The Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) engaged in a legal battle against Mobil over the wrongful termination of workers (NICN, 2022). The case highlighted the vulnerability of oil and gas workers to contract terminations and the complexities of labour relations in multinational corporations operating in Nigeria.

*Protests Against Casualization in Banking Sector (2023):* Nigerian banking industry employees staged protests over the continued casualization of workers and the denial of benefits and job security to contract staff. The protests led to heightened scrutiny of labour policies within financial institutions and calls for stronger enforcement of labour rights.

These cases highlighted above underscore ongoing challenges in Nigeria's labour relations which include issues of wrongful termination, wage disputes, contract employment abuses, and the enforcement of labour rights. They also demonstrate the need for improved legal frameworks and stronger institutional mechanisms to protect workers from exploitation and discrimination.

### **Challenges in implementing anti-discriminatory laws**

Despite the existence of legal frameworks designed to protect workers from discrimination, several challenges hinder the effective implementation of anti-discriminatory laws in Nigeria. These challenges include:

a. *Weak enforcement mechanisms:* Regulatory bodies such as the Ministry of Labour and Employment and the National Industrial Court are often perceived as lacking the financial and human resources to monitor and enforce compliance effectively (Michael, 2024). Insufficient oversight leads to widespread non-compliance by employers who exploit loopholes in the system.

b. *Judicial delays and high litigation costs:* The slow pace of the judicial system discourages workers from seeking legal redress. According to Anwar and Graham (2021), cases of workplace discrimination can take years to resolve and the associated costs of litigation often make it financially unfeasible for workers, particularly those in lower-income brackets to pursue justice.

c. *Lack of awareness among workers:* Many employees are unaware of their legal rights under Nigeria's labour laws. Limited access to legal resources and fear of retaliation prevent workers from reporting discrimination which allows discriminatory practices to persist unchecked (Ogundipe, 2024).

d. *Cultural and societal norms:* Deep-rooted biases related to gender, ethnicity, and disability has continued to shape workplace dynamics in Nigeria. Traditional gender roles, ethnic favoritism, and stigmatization of persons with

disabilities create systemic barriers to enforcing inclusive workplace policies (Ogundipe, 2023).

e. *Resistance from employers*: Many companies in Nigeria prioritize profit over equity and actively evade compliance with labour laws. The absence of strict penalties for violations allows employers to ignore anti-discriminatory regulations without significant consequences. Some businesses also implement discriminatory hiring and promotion practices under the guise of "business efficiency" or "cultural fit" (Mutegi, 2021).

As seen above, these challenges call attention to the need for stronger enforcement mechanisms, increased worker awareness campaigns, judicial reforms, and employer accountability measures to ensure that Nigeria's anti-discriminatory laws effectively protect vulnerable workers.

### **Role of Labour Unions and Advocacy Groups**

Labour advocacy groups play a vital role in addressing workplace discrimination and advocating for labour rights in Nigeria. Historically, labour unions have been at the forefront of demanding better working conditions, fair wages, job security, and protection against unfair treatment (Kode, 2021). The Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) have been instrumental in pushing for labour law reforms, engaging in negotiations with the government and employers, and organising strikes to demand workers' rights.

Beyond negotiating better employment terms, unions have also taken legal action against discriminatory practices. High-profile cases championed by labour unions have helped establish legal precedents that reinforce workers' rights and challenge unlawful employment practices. Notable examples include IndustriALL Global Union's investigation into Shell's operations (IndustriALL, 2018). In 2018, IndustriALL carried out a fact-finding mission that uncovered exploitation of contract workers at Shell's oil and gas operations in Nigeria. Similarly, *Nigerian Union of Pensioners vs. The Honourable Minister, Federal Capital Territory & Anor* (National Industrial Court of Nigeria, 2019). The Nigerian Union of Pensioners filed a case challenging policies affecting pensioners' rights. The role of labour unions in policy advocacy, collective bargaining, and industrial action remains critical for ensuring a more equitable labour market.

Additionally, advocacy entities like civil society organisations (CSOs), non-governmental organisations (NGOs), and human rights organisations have also played a role by enhancing public awareness, offering legal support to impacted workers, and urging the government to provide more robust labour protections. Groups like the Human Rights Law Service (HURILAWS) and the Centre for Social Justice (CSJ) aim to reveal injustices at work, advocate for legal changes, and assist victims of discrimination via legal action and guidance.

Nonetheless, both labour and advocacy organisations encounter considerable obstacles. Resistance from the government, opposition from employers, insufficient funding, and internal conflicts frequently serve as barriers to their efficient functioning. In certain instances, union leaders encounter intimidation or oppression



from authorities while promoting worker rights (Levin, 2022). Enhancing these organisations is crucial because it involves improving coordination, boosting financial resources, and providing legal support to strengthen their ability to address workplace discrimination and advocate for equitable labour practices more effectively.

### **Recommendations for strengthening workplace anti-discrimination laws**

To address the persistent challenges associated with workplace discrimination in Nigeria, the following recommendations are proposed:

a. *Strengthening enforcement agencies*: The capacity of labour regulatory bodies such as the Ministry of Labour and Employment and the National Industrial Court should be enhanced through better funding, increased staffing, and advanced monitoring systems. These agencies should conduct regular workplace inspections and impose stricter penalties on non-compliant employers.

b. *Public awareness campaigns*: Educating workers about their legal rights is crucial in combating workplace discrimination. The government, labour unions, and civil society organizations should collaborate to launch public awareness campaigns, workshops, and training sessions that empower workers to recognize and report discriminatory practices without fear of retaliation.

c. *Legal reforms*: The Labour Act should be amended to include explicit provisions against workplace discrimination, specifying clear legal consequences for violations. Additionally, the passage of the Gender and Equal Opportunities Bill should be prioritized to ensure stronger protections for marginalized groups.

d. *Promotion of corporate social responsibility (CSR)*. Companies should be encouraged to adopt and implement inclusive employment policies as part of their corporate social responsibility initiatives. Incentives such as tax breaks or public recognition can be introduced for businesses that actively promote workplace diversity and equal opportunity practices.

e. *Quicker legal redress mechanisms*. Establishing fast-track courts or specialized tribunals for labour disputes can help expedite the resolution of workplace discrimination cases. This would reduce the burden on employees seeking justice and ensure that cases are resolved efficiently, while at the same time preventing prolonged legal battles that deter workers from pursuing legal action.

If these recommendations are implemented, Nigeria can create a more inclusive and equitable work environment that ensures that all employees are protected from discrimination and treated with fairness and dignity.

### **Conclusion**

Despite Nigeria's legal provisions against workplace discrimination, significant gaps in enforcement remain. Sociocultural biases and weak regulatory mechanisms continue to undermine workers' rights. While the existing legal frameworks provide a foundation for workplace protections, their effectiveness is often compromised by inadequate monitoring, lengthy judicial processes, and employer resistance. To ensure a fair and equitable workplace, there is a pressing need to strengthen labour laws and enhance the enforcement capabilities of regulatory agencies. We should also implement robust public awareness initiatives

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that empower workers to understand and defend their rights. Also, we need to create an inclusive workplace culture through corporate social responsibility and changes to the law. This will help a lot with fixing systemic discrimination.

Achieving meaningful progress in workplace antidiscrimination efforts requires a collaborative approach that involves government, labour unions, employers, and civil society organisations. Through comprehensive legal reforms, stronger enforcement mechanisms, and proactive advocacy, Nigeria can move towards a more just and inclusive labour market where all workers are treated with dignity and fairness.

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