



**REPORT OF ONE DAY LAWYERS BRAINSTORMING
MEETING ON LITIGATING RIGHTS OF DOMESTIC
AND INFORMAL WORKERS IN NIGERIA**

APRIL -20, 2023

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LAWYERS BRAINSTORMING MEETING ON LITIGATING RIGHTS OF DOMESTIC AND INFORMAL WORKERS IN NIGERIA.

Date: 20th April 2023

Venue: Lawyers Alert, Abuja, Nigeria.

Time: 10:00 am

INTRODUCTION

A one-day brainstorming meeting was organized by Lawyers Alert to discuss the legal rights of informal and domestic workers in Nigeria. During the session, participants deliberated on a range of topics including the current legal framework governing informal and domestic work, potential challenges faced by these workers, gaps in existing legislation, and possible solutions to address these issues.

The meeting also explored ways in which Nigeria's laws could safeguard the rights of informal and domestic workers at a national level as well as within specific jurisdictions. Additionally, next steps were provided to advance the cause of informal and domestic workers in Nigeria through policy reforms or other initiatives.

The meeting took place at Lawyers Alert's field office in Abuja.

MEETING OBJECTIVES

The aim of the meeting was twofold.

Firstly, to facilitate a collective brainstorming session among lawyers for the purpose of streamlining matters to be litigated on in relation to the rights of domestic and informal workers in Nigeria.

Secondly, to identify optimal litigation strategies based on the issues highlighted.

PARTICIPANTS

Participants included seasoned Private Practicing Lawyers and Lawyers Alert's in-house lawyers. Number of persons in attendance was 7 persons (males: 4, females: 3)

WELCOME ADDRESS

The President of Lawyers Alert, Rommy Mom, welcomed participants to the meeting. He stated the objectives of the meeting and emphasized the importance of safeguarding the rights of informal and domestic workers in Nigeria. He stressed the need to protect them from all forms of exploitation and stated that informal and domestic workers in Nigeria deserve to have their voices heard.



Pix 1: Rommy Mom, President of Lawyers Alert giving the opening remark (from the left Peace and Rommy).

PRESENTATION ON LAWYERS ALERT'S ANALYSIS OF LABOUR AND CONSTITUTIONAL LAWS THAT RELATE TO INFORMAL AND DOMESTIC WORKERS IN NIGERIA

During the event, a detailed examination of Nigerian labour and constitutional laws relating to informal and domestic workers was presented to attendees. The presentation provided an overview of legal instruments designed to ensure the protection of workers' rights in Nigeria. In addition, the analysis explored gaps in existing laws and potential remedies that could be implemented to address the situation faced by Nigerian domestic workers.

The analysis included a review of key rights outlined under Chapter 4 of the Constitution, including the right to human dignity, peaceful assembly and association, freedom from discrimination, and certain social rights.

Furthermore, international frameworks aimed at safeguarding workers' rights were discussed, including the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of Discrimination Against Women (CEDAW), as well as several crucial conventions established by the International Labour Organization (ILO).

Regional instruments such as African Charter on Human and People's Rights (ACHPR) were also examined with preference given to provisions regarding women's rights.



Pix 2: Rommy Mom elaborating on the challenges faced by informal and domestic workers (from the left: Peace, Rommy and Philp).

Participants observed that while the Nigerian Labour Act (LA) is the country's most comprehensive legislation regulating employment, a particular category of workers has been technically left out of its regulation. Mention was made of Section 10 of the Child Rights Act, 2003 (CRA), which provides for the right to freedom from non-discrimination consistent with S. 42 of the 1999 Constitution. Section 28 prohibits any exploitative labour on the part of the child.

In line with the analysis conducted and the observation of participants, discrimination against domestic workers was said to include issues of exclusions, issues covered definitional inconsistencies written contracts, working hours, maternity protection, labour inspection, national minimum wage, social protection and employees' compensation.



Pix 3: Participants brainstorming on issues raised in the analysis conducted by Lawyers Alert (from the left: Isese, Yemi, Oyin and Mojisola)

Overall, the analysis underscores the necessity of enhanced safeguards for informal and domestic employees in Nigeria. Through the backing of the government and advocacy groups such as lawyers who pursue these rights and promote awareness, there is hope for a more promising future for these susceptible workers.

PRESENTATION ON THE MAPPING OF DOMESTIC WORK AND DISCRIMINATION IN AFRICA: CASE STUDY OF NIGERIA

This session dwelled on the “Mapping Domestic Work and Discrimination in Africa: A Study of Global and African Regional Norms, with case studies on Ethiopia, Kenya, Nigeria, Malawi, Ghana, South Africa, Uganda, Mauritius and Lesotho”, conducted by Zions and other researchers.

The presentation provided an overview of the mapping undertaken in Nigeria and highlighted various issues. It was observed that the formal inclusion but substantive exclusion of informal and domestic workers under Nigerian law was discriminatory, as evidenced by the mapping. Participants, however, noted that regulations at the international, regional and national level cover issues related to domestic and informal workers.

An analysis of the findings from the mapping document was carried out by participants, who concluded that domestic workers - primarily women - face unique challenges. Many such workers may encounter abuse or harassment from employers with limited recourse for legal action. Additionally, they are required to offer their services without adequate job descriptions or written contracts and receive wages below minimum levels.

Participants noted that despite these difficulties, informal and domestic employees in Nigeria are afforded certain safeguards. Specifically, the 1999 Constitution ensures that fair labour procedures are upheld, whereas the Labour Act of 2004 establishes fundamental benchmarks for job-related circumstances such as working hours and remunerated time off.

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Pix 4: Participants (from the left: Yemi, Oyi and Mojisola)

Participants observed however, that despite the existing laws, implementation is inadequate and there is a need to educate workers about their rights. In addition, informal and domestic laborers often do not belong to any union and face obstacles in obtaining legal aid or representation.

IDENTIFICATION OF RIGHTS ISSUES AFFECTING INFORMAL AND DOMESTIC WORKERS IN NIGERIA

In this session, participants were individually assigned and tasked to brainstorm and discuss the following issues:

Questions for determination

1. Who is a domestic worker in the Nigeria Context?
2. What are the social rights of workers in Nigeria?
3. Determine whether these rights are accessible to all workers, including domestic workers.
4. Can we go to court? If yes, Identify possible parties
5. What is the most suitable mode of Commencement of the action?

Definition of a worker

In addressing the first question, Mr Olaniyan Yemi, one of the participants, observed that section 91 of the Labour Act defined who a worker is, which excludes domestic workers, public officers, consultants and skilled workers. He also observed that the law, in a way, provides for domestic workers/ servants but restricted their coverage under the law. Some participants believed that domestic workers are categorized under skilled professionals and consultants. All participants agreed that the exclusion of domestic and informal workers from the provisions of beneficial laws is discriminatory and can be addressed by the court.

Social Rights of Workers in Nigeria

During the discussion, the group addressed the social and economic entitlements of employees such as paid leave which encompasses annual, sick and maternity leaves; formal employment agreements; health and social insurance; minimum wage; freedom from all forms of prejudice; and regulated working hours.

Additionally, participants highlighted the absence of a standardized process to determine a minimum wage for casual laborers. They also acknowledged that most remuneration is solely at the discretion of employers.

The attendees agreed that informal workers in Nigeria experience unfair treatment that amounts to bias, which needs to be resolved. They further noted that despite employees seeking legal intervention to address issues, administrative complexities make it a daunting task in the judicial system.

Parties and Mode of Commencement

A critical issue that was deliberated on was possible parties to the suit and the appropriate means of commencement and agreed that the Federation of Informal Workers' Organization of Nigeria (FIWON) and the National Union of Hotels and Personal Service workers could individually or jointly be plaintiffs in the action.

Identified as possible defendants, are the Minister of Labour, The Attorney General of the Federation and the Federal Government of Nigeria.

It was agreed that the best mode of Commencement would be via an originating summons brought before the National Industrial Court.

NEXT STEPS

Participants indicated interest in instituting strategic litigation to contest the rights of informal and domestic workers and were of the view that the next steps should include the following:

- To invite the Union for a meeting on a given date tentatively for 5th May 2023 to finalize on the issues that will be litigated upon.
- Development of an advocacy strategy for the unions

CLOSING

The President of Lawyers Alert, Rommy Mom, expressed gratitude to all the attendees for their enthusiastic participation and valuable suggestions during the brainstorming session. He informed them that the date of the meeting with the Unions would be communicated to them, and urged them to initiate research on the subject matter.

APPENDIX

MEETING AGENDA

OBJECTIVE:

- For Lawyers to collectively brainstorm and streamline the issues to be litigated regarding the rights of informal and domestic workers in Nigeria and how best to litigate the cases.

20th April 2023

**VENUE: Okonjo Iweala Meeting Room,
Lawyers Alert, 21B, Democracy
Crescent, Gaduwa Estate, Gudu District,
Abuja, FCT.**

| S/NO | ACTIVITY | DURATION | FACILITATOR |
|-------------|--|---------------------|-------------------------|
| 1. | Arrival and Registration of Participants | 10:30a.m – 11:00a.m | All |
| 2. | Introduction & Expectations | 11:00a.m – 11:10a.m | All |
| 3. | Welcome Address & Setting the Agenda | 11:10a.m -11:15 am | Rommy |
| 4 | Presentation on Lawyers Alert analysis of Labour and Constitutional Laws that relate to Informal and Domestic Workers in Nigeria | 11:25 am – 11:55 am | Bamidele |
| 5. | Presentation on the Mapping of Domestic Work and Discrimination in Africa: Case Study of Nigeria. | 11:55 am - 12:20p.m | Peace |
| 6. | Identification of right issues affecting informal and domestic workers in Nigeria | 12:20p.m – 12:40p.m | All |
| 7 | Deliberations on issues identified, mode of Commencement, Parties, Jurisdiction of court etc. | 12:40 pm -1:20 pm | All |
| 8 | Assignment of task and next steps | 1:20 pm -1:30 pm | Rommy |
| 9 | Closing | 1:30p.m till close | All Participants |