



# Workplace Discrimination in Nigeria: Legal Framework and Challenges in Enforcement

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## Abstract

## Original Research Articles

Workplace discrimination continues to be an issue in Nigeria owing to inadequate and inconsistent legal and institutional frameworks to protect against discrimination based on gender, ethnicity, religion, disability or age. The 1999 Constitution and Labour Act, 2004 provide a basis for workplace equality; however, relevant legislation is obsolete and difficult to enforce and the governing bodies responsible for adjudicating employers' actions are fragile. Also, the socio-cultural environment of Nigeria is filled with discrimination and inequality, and workers remain mostly unaware or unwilling to use available mechanisms to file complaints. This article reviews the complex nature of workplace discrimination, distinguishing between direct discrimination, indirect discrimination, harassment, and victimization in the context of workplaces in Nigerian labour law. Additionally, this article utilizes human rights theories to frame the trajectory of workplace discrimination, demonstrating why it persists today. By examining relevant jurisdictions like South Africa and the United Kingdom, it is clear that Nigeria's legal and institutional approach lacks a comprehensive framework to adequately enforce labour laws and human rights theory. This paper examines South Africa's Employment Equity Act and the UK Equality Act to see how specialized tribunals, legislatively defined purposeful definitions, and significant controls can act as deterrence towards workplace discrimination versus the National Policy on Labour and the Discrimination Against Persons with Disabilities (Prohibition) Act in Nigeria. Firstly, enforcement in Nigeria is languishing because of low productivity with the judiciary, as well as weak royal patronage on account of persistent patriarchal and ethnic biases, and a general lack of a preferred anti-discrimination law. To fill these gaps, it advocates for legislative reform by establishing a standalone Anti-Discrimination Act, strengthening the institution of the National Industrial Court, establishing a dedicated Workplace Discrimination Tribunal, establishing voluntary diversity policies in organizations, taking action to strengthen whistleblower protections, and launching public education programs. Nigeria can create inclusive, rights-based workplaces and promote transformative national development based on equity and labour justice as it learns from international best practice.

**Keywords:** Workplace Discrimination, Legal Framework, Enforcement Challenges, Nigeria, Employment Equity, Anti-Discrimination Laws.

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## 1. INTRODUCTION

In Nigeria, workplace discrimination includes the unfair treatment of employees because of their gender, age, disability, religion, or ethnicity. While the law exists to ensure fairness, many Nigerians still experience discrimination in different aspects of their employment including hiring,

promotions, pay inequity, as well as general workplace conditions. For instance, women suffer the most in relation to inequalities in the workplace because the socially constructed perception of gender issues and biases is persistent in their professional careers, making it considerably difficult for them to maintain capabilities for career success.<sup>1</sup>

<sup>1</sup> Fakiya Precious Funmilayo, Eguonor J. O; *Workplace Discrimination and the Career Advancement of Female*

*Employees in Smile Communications Nigeria Limited"; International Journal of Research and Innovation in Social*



The legal landscape in Nigeria contains a number of provisions aimed at combating discrimination in the workplace. When it comes to workplace discrimination, the Nigerian legal landscape provides a few provisions that can combat it. The 1999 Constitution of the Federal Republic of Nigeria, specifically *Section 42*, prohibits discrimination based on sex, religion, and, ethnicity. The Labour Act aims to protect the rights of workers and ensure fair treatment of workers. However, these laws have been pilloried for their lack of comprehensiveness and efficacy to address the multi-faceted issues associated with workplace discrimination. For example, the Labour Act makes no mention to some types of discrimination, thus not providing protection for some types of folks.<sup>2</sup> The enforcement of anti-discrimination legislation in Nigeria is hindered by a number of factors. Weak institutional frameworks and inadequate provisions in the law have contributed to the persistence of discriminatory practices. Socio-cultural factors, such as strong patriarchal norms and ethnic discriminations, also make it difficult to enact these laws. Employees are often not aware of their rights or fear retaliation and thus do not report on discrimination. The absence of effective reporting and redress frameworks further exacerbates these issues, allowing for discriminatory practices.<sup>3</sup>

To effectively tackle workplace discrimination in Nigeria, it is critical to improve the legal framework and enforcement mechanisms. Specifically, this means enacting comprehensive anti-discrimination legislation that addresses all forms of workplace discrimination and creating dedicated agencies that monitor compliance and accept complaints. Moreover, public awareness campaigns must be developed to help employees recognize their rights and where they can seek remedy. Employers must also be persuaded to enact equitable policies and practices and support diversity in the workplace.<sup>4</sup>

## 2. CONCEPTUAL FRAMEWORK OF WORKPLACE DISCRIMINATION

Workplace discrimination includes many forms of unfair treatment of employees based on characteristics they cannot change, such as gender, age, disability, religion or ethnicity. Discrimination shows in many ways in the work environment and to individual employee's well-being.<sup>5</sup> Direct Discrimination occurs when an employee is treated worse because of specific attribute. If, for example, an employer decides not to hire women into management positions simply

because they are women that is direct discrimination! This type of discriminatory treatment is overt and deliberate, and results in immediate disadvantage to the employee. "According to the Oxford Research Encyclopedia of Business and Management, discrimination represents, at least in some cases, acting in ways which differ towards people from diverse social identity groups (like race, ethnicity, or gender) in ways that are unrelated to the peoples competencies or ability to perform the task."<sup>6</sup>

Indirect Discrimination occurs when neutral policies or procedures have a greater negative impact on some groups. An example could be a physical ability test to qualify for a job. The job may not require any specific physical ability, but it could be that people with disabilities are being disproportionately impacted because the physical context was not even a minor consideration for job performance. This form of discrimination is a silent killer and occurs often without an individual's ostensible intention of the discrimination, but the harm to oppressed groups is significant.<sup>7</sup> The Oxford Research Encyclopedia points out that discrimination can occur through actions that disadvantage one or more social identity groups, even if they seem neutral. Harassment pertains to "unwelcomed conduct that creates a hostile work environment" like sexual harassment, bullying, or derogatory remarks about someone because of their categorical protected attributes. That type of conduct can be detrimental to the targeted employee's mental state, and the overall morale of the workplace. There are many forms of discrimination. Some burden a more significant challenge than others, but they all lessen the employee's experience to varying extents.<sup>8</sup>

Victimization means taking adverse action against employees as a result of their reporting of discriminatory actions or their pursuit of an active remedy for discrimination. For example, an employee filing a complaint about discriminatory practices then suffers a wrongful dismissal or other adverse action, is experiencing victimization. Victimization serves to prevent people from reporting legitimate grievances as well as reinforce an organizational culture of silence and complicity. The Oxford Research Encyclopedia highlights that discrimination involves actions that disadvantage individuals unfairly, and can include retaliatory actions against people who are exercising their rights.<sup>9</sup>

Theoretical perspectives are ways to explain the bigger picture causes and mechanisms regarding workplace discrimination.

*Science*, 6(6), 2022, pp. 158–164.

<sup>2</sup> *Section 42 of the Constitution of the Federal Republic of Nigeria, 1999.*

<sup>3</sup> Arowolo, Grace Ayodele; "Protecting Women from Violence through Legislation in Nigeria: Need to Enforce Anti-Discrimination Laws"; *International Journal of Discrimination and the Law*, Vol. 20, No. 4

<sup>4</sup> *Ibid.*

<sup>5</sup> Babawarun, Tolulope Omosalewa; "Norms, Patriarchal Structures Make It Difficult to Enforce Laws That Protect Women"; *Tribune Online*, May 13, 2025. See also; *Understanding Workplace Discrimination and Legal Recourse in Nigeria*"; *AppyLaw*, November 15, 2024.

<sup>6</sup> Thornthwaite, Louise; "Indirect Discrimination," in *Encyclopedia of Equality, Equity, Diversity and Inclusion*, Edward Elgar Publishing (2024), Chap. 40, pp. 192–196.

<sup>7</sup> Thornthwaite, Louise; "Indirect Discrimination," in *Encyclopedia of Equality, Equity, Diversity and Inclusion*, Edward Elgar Publishing (2024), Chap. 40, pp. 192–196.

<sup>8</sup> Thornthwaite, Louise; "Indirect Discrimination," in *Encyclopedia of Equality, Equity, Diversity and Inclusion*, Edward Elgar Publishing (2024), Chap. 40, pp. 192–196.

<sup>9</sup> DiTomaso, Nancy; "Discrimination in Work and Organizations"; *Oxford Research Encyclopedia of Business and Management*, Published online 27 August 2020

For example, the Marxist Theory posits that discrimination is a mechanism that holds in place the existing social relations to perpetuate economic and social differences. By keeping others behind or restricting whole groups of people, it allows the dominant class to maintain their economic lifestyle and social standing. In this sense discrimination is a mechanism embedded in the capitalist mode of production to actively divide the oppressed working class so they cannot unite without the threat of exploitation. In one chapter of *Theories of Discrimination*, examples of various frameworks created to explain discrimination are discussed, capturing the historical and theoretical backdrop of struggles with workplace discrimination.<sup>10</sup> The Feminist Theory emphasizes the discrimination against women based on gender and exposes the structural inequalities that disadvantage women in the workplace. It explores patriarchal systems that create gender roles and biases, resulting in inequalities in hiring practices, wages, and promotional opportunities. Feminists argue that workplace structures and cultures also perpetuate systemic inequalities and devalue women's work while also limiting career pathways for women. According to the Oxford Research Encyclopedia, discrimination is "differential treatment" based on social identity groups, including gender, and is often based on systemic inequalities.<sup>11</sup>

The Human Rights Approach focuses on the need for legal protections, for all workers, to be treated fairly, without reference to the characteristics with which they were born. This approach calls for broad anti-discrimination laws and policies to protect the rights of application and enjoyment of equality and dignity at work. The Human Rights approach also draws attention to an ethical and legal responsibility not to discriminate and to compensate those who have.<sup>12</sup> In a spotlight on discrimination as unfair, but often illegal, the Oxford Research Encyclopedia emphasizes an interventionist framework of law. But, to build an understanding of the various forms and theoretical views on workplace discrimination, to create strategic actions to reduce inequity or support the benefits of diversity, organizations and policy-makers need to acknowledge the various manifestations most distinctively, and to an extent as systemic issues by casting both positive, proactive attention and negative, defensive attention on both types of discrimination.<sup>13</sup>

### 3. LEGAL FRAMEWORK ADDRESSING WORKPLACE DISCRIMINATION IN NIGERIA

Nigeria's system of law that addresses workplace

discrimination consists of the Constitution, labor laws, anti-discrimination laws, and international treaties. Nevertheless, there are still hot spots of inaction and laxity of enforcement that undermine the strength of protections against discrimination.

#### a. Constitutional Provisions

Nigeria's legal framework for workplace discrimination is based on a mix of domestic constitutional provisions, labour laws, anti-discrimination laws, and international obligations. The 1999 Constitution of the Federal Republic of Nigeria, in particular, formally prohibits discriminatory acts. *Section 42(1)* provides that: "No Nigerian citizen shall be discriminated against on the grounds of his/her ethnic group, place of origin, sex, religion, or political opinion".<sup>14</sup> This is equality before the law. Similarly, *Section 17(3)(e)* enjoins the Constitution on the state to eliminate disparities in salaries for "equal work without discrimination on account of sex or any other ground whatsoever".<sup>15</sup> The constitutional guarantees constitute an important avenue of legal remedy for workplace discrimination and provide a yardstick against which legislative or employer actions can be assessed.

Although these provisions are strong in their own right, enforcement is a significant obstacle facing the country. Although the law that governs labor in Nigeria, especially the Labour Act, regulates areas of discrimination in the workplace, the provisions are limited and outdated—it does not fully capture the contemporary nuances of workplace discrimination and does not even include an explicit prohibition of discriminatory practices in a modern sense. While there are additional protections, through legislation such as the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 and various gender-specific laws, they are generally weak with respect to implementation mechanisms or are unknown to the public.<sup>16</sup> Furthermore, Nigeria has ratified various international conventions, including the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) obligating, in theory, the country to eliminate workplace discrimination. Nevertheless, being a signatory to such conventions does not guarantee enforcement domestically. Therefore, while all the pieces are there to eliminate workplace discrimination it is unlikely to protect disenfranchised individuals due to a lack of institutional capacity, the impact of socio-cultural norms, and a lack of access to justice.<sup>17</sup>

<sup>10</sup> Grewal, Inderpal; "Theories of Discrimination: Transnational Feminism," in *Handbook on Economics of Discrimination and Affirmative Action*, edited by Ashwini Deshpande; Springer, Singapore (published online 24 January 2023), pp. —. DOI 10.1007/978-981-33-4016-9\_5-1

<sup>11</sup> Ibid.

<sup>12</sup> *Discrimination in Work and Organizations*, Oxford Research Encyclopedia of Business and Management. (oxfordre.com)

<sup>13</sup> Ibid.

<sup>14</sup> *Section 42(1) of Constitution of the Federal Republic of Nigeria, 1999.*

<sup>15</sup> *Section 17(3)(e), Ibid.*

<sup>16</sup> Oyewo, Dayo; "Group decries lack of awareness, enforcement of Disability Act"; *Punch Nigeria*, June 20, 2024.

<sup>17</sup> *International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111). See also; Nigeria's labour act insufficient for modern*



## b. Labor Laws and Regulations

Complexities arise in navigating established rules for work relationships across a host of statutory and common law provisions in Nigeria's labour law framework through the Labour Act (Cap L1, LFN 2004). The Labour Act represents the primary legal foundation for governing employment relationships and establishes baseline rights and obligations of employers and employees with respect to topics like employment contracts, wages, and dismissals. However, the Labour Act is not a well-integrated, comprehensive piece of legislation that specifically and directly deals with the issue of discrimination in the workplace. In fact, none of the provisions uniquely define, prohibit, or sanction discriminatory treatment based on characteristics—like gender, disability, religion, or age. Discrimination can take many forms and the gap in legislation leaves ambiguity around how discrimination claims could be recognized and understood and weakens legal protections for vulnerable groups in employment. Therefore, employees that have experienced something like discrimination in the workplace do not seem to have clear statutory options to find relief or for holding employers accountable to take steps to stop or change their conduct under the Labour Act.<sup>18</sup>

In the same way, the *Employee Compensation Act of 2010*, which is executed by the Nigeria Social Insurance Trust Fund (NSITF), only deals with the compensation of workers who are injured, become ill, or die as the result of an accident occurring in the course of employment. The aim of this Act is to provide significant protections for workers from the physical and economic consequences of workplace accidents; however, it is excludes protections for emotional, psychological, or professional harm as the result of discrimination or harassment.<sup>19</sup> The limited focus of both the Labour Act, 2004 and the Employee Compensation Act, 2010 illustrate a larger systemic problem with Nigeria's labor statutes, overall absence of comprehensive anti-discrimination legislation in labour legislation, the effect being anti-discrimination protections are often tepidly enforceable through constitutional provisions or relied upon international treaties that are binding but do not contain prescribed enforcement or apply in a way that facilitate a direct remedy for employees who were discriminated against.<sup>20</sup>

## c. Anti-Discrimination Legislation

Nigeria has made some legislative efforts to address specific forms of discrimination through targeted laws and

policies. The *Discrimination against Persons with Disabilities (Prohibition) Act* of 2018 represents a landmark move toward promoting inclusivity by prohibiting discrimination against individuals with disabilities in employment, education, healthcare, and public spaces. The Act mandates employers to provide reasonable accommodations and prohibits the denial of employment opportunities solely on the basis of disability.<sup>21</sup> However, despite its progressive provisions, implementation remains weak due to limited institutional capacity, lack of awareness, and inadequate monitoring mechanisms. Many workplaces in Nigeria continue to be physically and structurally inaccessible, and compliance with the law is rarely enforced, leaving persons with disabilities vulnerable to exclusion and marginalization in the labor market.<sup>22</sup>

Additionally, the *National Policy on Labour* (2013) was developed to promote fair labor practices, including equal employment opportunities for all Nigerians irrespective of gender, ethnicity, or disability. While the policy articulates important principles of equity and non-discrimination, it suffers from a lack of legal force and enforceability, as it remains a policy framework without binding legislative authority. Efforts to pass more comprehensive legislation, such as the *Gender and Equal Opportunities Bill*, have been met with persistent political and cultural resistance.<sup>23</sup> The bill seeks to enshrine gender equality in employment, education, and political participation, but opponents often cite conflicts with religious and traditional norms. As a result, the absence of an overarching anti-discrimination law that consolidates and enforces equal rights across various identity markers continues to undermine efforts to establish truly inclusive workplaces in Nigeria.<sup>24</sup>

## d. International Treaties and Conventions

Nigeria's commitment to combatting discrimination at the workplace level is also shown in the ratification of several significant international treaties and conventions. Of particular note is Nigeria's status as a party to Conventions of the International Labour Organization (ILO), specifically Convention No. 111 on Discrimination (Employment and Occupation). The ILO defines discrimination as any distinction, exclusion, or preference based on race, color, sex, religion, political opinion, national extraction, or social origin which nullifies or impairs equality of opportunity or treatment in employment or occupation.<sup>25</sup> Convention No. 111 calls upon member states to develop national policies to eliminate discrimination from, and promote equality in, employment and occupation. While Nigeria ratified this Convention, the

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workforce protection – ILO; Nairametrics, November 13, 2024.

<sup>18</sup> Ibid.

<sup>19</sup> Obi-Ochiabutor, Clara C., *Chukwunweike A O., Chioma O N. and Uchechukwu N.*; "Interpretation of the Mental Stress Taxonomy under Nigeria's Employees' Compensation Act 2010"; *Journal of African Law*, published 16 September 2022.

<sup>20</sup> Ibid.

<sup>21</sup> Omoro, J.O. and Okaka, E.O; "Evaluation of the implementation of ECA Amendment Act 2011 of Nigeria"

(2016) 11 *International Journal of Development and Management Review* 187 at 189

<sup>22</sup> Ibid.

<sup>23</sup> Obiora, C. A., & Onwuyi, U. M. (2018). *Contending and Conceptual Issues in Politics of Gender in Contemporary Gender Issues*. Emeka Obi et al (eds), Onitsha: Abbot Com Ltd.

<sup>24</sup> Ibid.

<sup>25</sup> International Labour Organization (ILO) Convention No. 111 on Discrimination (Employment and Occupation)



provisions of the Convention have not been fully transposed into national law, and enforcement at the workplace level is negligible; this disconnect between Nigeria's international obligations and what happens at the national level serves to limit the treaties' practical effect on the lived experiences of Nigerian workers.<sup>26</sup>

In the same way, Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As a result, states parties have to introduce measures to eliminate discrimination against women in every field of human activity, including employment. CEDAW highlights the importance of gender equality in the recruitment, promotion, and conditions of employment and good pay. However, even though Nigeria ratified this convention, it has yet to fully domesticate CEDAW provisions into binding national legislations, and its mechanisms for enforcement are weak. Nigeria also has a strong cultural and belief-based resistance to women entering the workforce as grown up individuals in their societies, the political will to make such changes is relatively weak, and the institutional structures are often insufficient to support them.<sup>27</sup> Therefore, although both the domestic and international legal frameworks provide a theoretical basis to challenge workplace discrimination, the absence of a comprehensive implementation, monitoring, and enforcement mechanisms continues to hinder the establishment of equitable and inclusive workplaces. Plugging the legislative gaps, ensuring domestication of any international instruments, and creating workable enforcement mechanisms are necessary to close these gaps and uphold workers' rights and entitlements in all sectors of Nigeria's economy.<sup>28</sup>

#### 4. CHALLENGES IN ENFORCING ANTI-DISCRIMINATION LAWS IN NIGERIA

Enforcing anti-discrimination laws in Nigeria presents multifaceted challenges that hinder the realization of equitable workplace practices. These challenges encompass weak legal and institutional frameworks, entrenched socio-cultural norms, lack of awareness and reporting mechanisms, and judicial inefficiencies.<sup>29</sup>

##### a. Weak Legal and Institutional Frameworks

Nigeria's legal landscape lacks a comprehensive anti-discrimination law that addresses all forms of workplace

discrimination. While certain statutes, such as the Discrimination against Persons with Disabilities (Prohibition) Act of 2018,<sup>30</sup> target specific discriminatory practices, there remains an absence of overarching legislation encompassing various discrimination facets, including gender, ethnicity, and religion. This legislative gap leaves many discriminatory acts unaddressed, perpetuating workplace inequalities. Moreover, regulatory bodies like the National Industrial Court of Nigeria (NICN) face limitations in enforcing anti-discrimination measures. The NICN's jurisdiction is often constrained, and its capacity to implement decisions effectively is hampered by insufficient resources and political interference, undermining its role in safeguarding workers' rights.<sup>31</sup>

Nigeria's legal systems fail to provide a single comprehensive anti-discrimination law which captures workplace discrimination in all of its forms. Although there may exist laws which target discriminatory practices (for example, the Discrimination against Persons with Disabilities (Prohibition) Act, 2018)<sup>32</sup> there are no laws which take into account all of the different facets of discrimination in the workplace (e.g., gender, ethnic group, and religion). Therefore many forms of discriminatory acts remain unregulated and perpetuated by experiences of inequality in the workplace. In addition to the legislative limitations on discrimination, the National Industrial Court of Nigeria (NICN) and other regulatory bodies do not have the adequate authority to impose strong anti-discrimination laws when they are in place. The constraints in the operations of the NICN may limit jurisdiction often, and it does not effectively implement decisions because it lacks the resources and is influenced politically to protect the workers.<sup>33</sup>

##### b. Socio-Cultural and Gender Norms

Deep-rooted socio-cultural norms significantly impede the enforcement of anti-discrimination laws. Patriarchal structures and gender biases are pervasive, leading to systemic barriers for women in career advancement and workplace participation.<sup>34</sup> Traditional beliefs often relegate women to subordinate roles, limiting their opportunities and reinforcing discriminatory practices. Additionally, employment decisions are frequently influenced by ethnic and religious affiliations rather than merit, resulting in favoritism and exclusion of qualified individuals from different backgrounds. These socio-cultural dynamics perpetuate discrimination and pose substantial obstacles to the effective enforcement of anti-

<sup>26</sup> *Ibid.*

<sup>27</sup> Khuzwayo, Z.; *Separate space: An approach to addressing gender inequality in the workplace. Journal of International Women's Studies*, 17(4), 91-101

<sup>28</sup> *Ibid.*

<sup>29</sup> Ihechu, I.P, Afulike D.C, Ndukwe U.E; *Cultural Practices against Women In Nigeria: The Media Frame and the Challenges. International Journal of Current Sciences Research and Review*. 6(4), (2023). 2335-2346.

<sup>30</sup> *Ibid.*

<sup>31</sup> Gberevbie, D. E., (2014). *An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State*,

*Nigeria*. 8(1). 101-108.

<sup>32</sup> Ihechu, I.P, Afulike D.C, Ndukwe U.E; *Cultural Practices against Women In Nigeria: The Media Frame and the Challenges. International Journal of Current Sciences Research and Review*. 6(4), (2023). 2335-2346.

<sup>33</sup> Gberevbie, D. E.; *An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria*. 8(1). (2014), 101-108.

<sup>34</sup> Adebisi, M. A. *Socio-Cultural Variables as Indices of Discriminatory Practices in the Workplace: A Sociological Analysis of Employment Relations in Nigeria. Academic Journal of Interdisciplinary Studies*, 2(3), (2013), 477

discrimination laws.<sup>35</sup>

### c. Lack of Awareness and Reporting Mechanisms

Many Nigerian employees are reportedly unaware of their legal employment rights concerning workplace discrimination, as well as the legal recourse available to them. This situation exists because information did not flow effectively and there have been few educational outreach efforts relating to labour rights.<sup>36</sup> As a result, many employees choose to undergo discriminatory treatment without pursuing justice. Additionally, victims are often dissuaded from pursuing or reporting discrimination by the fear of victimization, such as being unlawfully fired, or harassed during and after the reporting process. Because there are no meaningful whistleblower protections, many discriminatory actions go unchecked.<sup>37</sup>

### d. Judicial and Administrative Bottlenecks

The Nigerian judicial system is characterized by many inefficiencies that impede accessing justice for victims of discrimination. The long court processes, largely caused by the cumbersome procedural demands and backlogs of cases, generally discourage victims from pursuing justice. Additionally, the lack of anti-discrimination specialized courts results in inadequate adjudication and judges who may not possess the skills necessary to adequately handle complex discrimination cases.<sup>38</sup> These judicial bottlenecks serve to stifle the enforcement of anti-discrimination laws and fail to provide timely relief to aggrieved employees.<sup>39</sup>

Addressing these challenges requires comprehensive legal reforms to establish inclusive anti-discrimination legislation, strengthening of institutional capacities for enforcement, public education campaigns to raise awareness of workers' rights, and judicial reforms to expedite the resolution of discrimination cases.<sup>40</sup> Such measures are essential to foster a more equitable and inclusive workplace environment in Nigeria.

## 5. COMPARATIVE ANALYSIS ON WORKPLACE DISCRIMINATION BETWEEN NIGERIA, SOUTH AFRICA AND UNITED KINGDOM

A comparative analysis of Nigeria's approach to

workplace discrimination reveals significant differences when contrasted with other jurisdictions, notably South Africa and the United Kingdom. Examining these countries' legal frameworks and enforcement mechanisms provides valuable insights for Nigeria's potential reforms.

### a. South Africa

South Africa's Employment Equity Act of 1998 (EEA) provides a comprehensive legal framework for equal opportunity and fairness in the workplace by prohibiting unfair discrimination. The EEA requires affirmative action measures to remedy historical disadvantages faced by designated groups (e.g., Black persons, women, persons with disabilities). Employers are required to develop equity plans and set targets to achieve a representative workforce. The Commission for Employment Equity (CEE), created in terms of *Section 28* of the EEA, is responsible for monitoring compliance, providing policy advice to the Minister of Labour, and imposing fines on non-compliant employers. This framework represents a proactive approach to addressing workplace inequality in South Africa.<sup>41</sup>

### b. United Kingdom

The Equality Act 2010 in the United Kingdom takes earlier anti-discrimination legislation and merges them into one. The Act covers a number of protected characteristics, including age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation. It prohibits both direct discrimination and indirect discrimination, as well as harassment and victimization. The Employment Tribunal allows individuals to resolve their discrimination cases in an accessible environment, receiving timely and cost-effective adjudication. Employment Tribunals can make orders for remedies in cases of discrimination, including compensation and reinstatement, as well as enforcement orders.<sup>42</sup>

## 6. LESSONS FOR NIGERIA

Nigeria can quickly improve the chances of fostering an inclusive workforce through pe shaping some key practices from countries like the United Kingdom, and South Africa that have well-rounded systems in place to tackle discrimination at work. One of the critical things this country must do is to establish an Anti-Discrimination Act that deals with discrimination holistically or in its entirety; clearly specifying

<sup>35</sup> Alele-Williams, G.; *Education of Women for National Development. University of Benin Inaugural Lecture Series* 32.

<sup>36</sup> Alele-Williams, G.; *Education of Women for National Development. University of Benin Inaugural Lecture Series* 32.

<sup>37</sup> Okome, M. O.; *Women, the State, and the Travails of Decentralizing the Nigerian Federation. West Africa Review*, 7(1), (2005).

<sup>38</sup> National Human Rights Commission of Nigeria. (2021). *Submission to the United Nations on Racial Discrimination*.

<sup>39</sup> Balabantaray, S. R; *Breaking the glass ceiling: Analyzing*

*gender stereotypes and bias in contemporary work environments. International Journal of Multidisciplinary Comprehensive Research*, 2(5), (2023), 1-9.

<sup>40</sup> U.S. Department of State. (2023). *2023 Country Reports on Human Rights Practices: Nigeria*.

<sup>41</sup> *Section 28 of the Commission for Employment Equity Act. 2024.. Department of Employment and Labour, Republic of South Africa. Retrieved from (gov.za)*

<sup>42</sup> *Discrimination and the Equality Act 2010. (2023). Advisory, Conciliation and Arbitration Service (Acas). Retrieved from (acas.org.uk)*

requirements for employers, the kinds of actions that are discriminatory and the recourse options available to employees for all types of discrimination whether it is based on sex, ethnicity, disability, age, or religion. It is also important, especially in the context of Nigeria, to also include provisions for the affirmative actions to promote diversity and inclusion such as targeting disadvantaged groups, and groups that have the potential to face discrimination or disadvantage in their professional practice. Nigeria must also enhance the role of [enforcement agencies], following the example of South Africa's Commission for Employment Equity (CEE), that supervises compliance and provides guidance to employers on the Act. Institutionalizing these agencies and also giving them full powers to investigate and sanction, necessary financial resources and independence will improve enforcement and accountability generally across sectors.

Furthermore, Nigeria could improve access to justice for victims of workplace discrimination by institutionalizing alternative dispute resolution (ADR) mechanisms tailored to employment issues. The UK's model of Employment Tribunals, which offer a specialized and less formal forum for resolving labor disputes, provides a useful template. These tribunals have proven effective in delivering timely and impartial judgments while minimizing the procedural complexities associated with regular court processes. Implementing similar mechanisms in Nigeria would reduce the burden on overextended courts like the National Industrial Court and encourage more victims to pursue justice without fear of drawn-out litigation or retaliation. By adopting these legal and institutional reforms, Nigeria would not only align its practices with international labor standards but also reinforce its commitment to protecting human dignity and promoting equality in the workplace.

## 7. CONCLUSION

Despite Nigeria's existing legal framework aimed at addressing workplace discrimination, enforcement remains a major challenge due to weak institutional mechanisms, deep-rooted socio-cultural biases, and limited public awareness. The Labour Act, which dates back to the 1970s, remains the primary legislation governing employment, despite its outdated provisions that fail to reflect contemporary realities. Consequently, the National Industrial Court of Nigeria (NICN) often resorts to applying International Labour Organization (ILO) Conventions to bridge legislative gaps. Socio-cultural norms, particularly patriarchal attitudes and ethnic prejudices,

further entrench discriminatory practices in hiring, promotions, and workplace culture, undermining equality and meritocracy. These issues are compounded by a widespread lack of awareness among workers regarding their rights and the legal remedies available to them. Many employees remain unaware of protective provisions, and even when discrimination is recognized, inadequate reporting and enforcement mechanisms discourage redress. For example, although anti-union discrimination is prohibited, enforcement to protect freedom of association remains weak. Learning from best practices in other jurisdictions, such as the United Kingdom's Equality Act 2010—which clearly defines and prohibits direct and indirect discrimination, harassment, and victimization—Nigeria can develop a more robust legal regime. To achieve inclusive and equitable workplaces, the country must prioritize comprehensive legal reforms, strengthen institutional capacity, and promote sustained public sensitization. These efforts would not only align Nigeria with international labor standards but also enhance social justice, workplace harmony, and national development.

## 8. RECOMMENDATIONS

Strengthening anti-discrimination enforcement in Nigeria requires a comprehensive, multi-level approach involving legal, institutional, and societal reforms. Key among the recommendations is the enactment of a unified Anti-Discrimination Act that consolidates protections across various identity markers—such as gender, disability, age, and religion—while enhancing the powers and capacity of the National Industrial Court of Nigeria (NICN) to effectively adjudicate such cases. Institutional reforms should include the creation of a specialized Workplace Discrimination Tribunal and the implementation of mandatory workplace diversity and inclusion policies. Public awareness campaigns led by government and civil society, along with strong whistleblower protections, are essential to empower individuals to report violations without fear of retaliation. Equally important is the promotion of corporate responsibility, where employers are encouraged to adopt anti-discrimination policies, conduct diversity training, and submit to regular compliance audits. Introducing a system of penalties for non-compliance and incentives for best practices would ensure greater adherence to anti-discrimination standards. Together, these strategies aim to build a more equitable, inclusive, and just workplace environment across Nigeria.