

NATIONAL MINIMUM WAGE QUANDARY FOR NIGERIAN DOMESTIC WORKERS: UNVEILING THE MANIFOLD SOCIAL INJUSTICE AGAINST THESE VULNERABLE WORKERS

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ABSTRACT

Economic hardship and drastic decline in workers' living conditions are some of the reasons which necessitated the upward review of the minimum wage of Nigerian workers. In spite of the recent increment in wages, Nigerian domestic workers are implicitly excluded from enjoying the approved minimum wage despite the fact that they work for extremely long hours in their employers' homes. This article examines the myriad of social injustice that Nigerian domestic workers currently face due to their indirect exclusion from the national minimum wage in Nigeria. This article contends that the extant legal framework on national minimum wage in Nigeria has further accentuated social injustice against domestic workers in Nigeria. In contrast, the International Labour Organisation (ILO) have severally advocated for the inclusion of domestic workers in minimum wage protection, yet Nigeria does not include domestic workers in her minimum wage coverage. But some countries such as Namibia, South Africa, India among others have extended minimum wage protection to domestic workers in their jurisdictions. In these countries, social justice is promoted for domestic workers thereby obviating the quandary which Nigerian domestic workers experience in respect to minimum wage. The writers adopt doctrinal and comparative research methodology in interrogating the discourse. The writers found out that domestic workers are still subjected to social injustice occasioned partly by the application of the 2024 National Minimum Wage Amendment Act and the National Minimum Wage Act, 2019. The writers also discovered that the extant law on National Minimum Wage is inadequate to promote social justice for the domestic workers. This article recommends that Nigeria needs to domesticate and implement the ILO Convention No. 189 so as to promote social justice for these categories of vulnerable workers.

Keywords: Social Justice, Minimum Wage, Domestic Workers, Vulnerable Workers, Labour Rights

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1. Introduction

It is important to do a brief conceptual clarification on “Social Justice” and “Social Injustice” before delving into the introductory part of this paper. Social justice is defined as “the fair, equitable and inclusive distribution of opportunities, resources and rights, ensuring all people can pursue their material well-being and spiritual development in freedom, dignity and economic security”⁶ On the other hand, “Social Injustice” is violation of fundamental rights, economic insecurity and unequal opportunity that prevents people from pursuing their material well-being and spiritual development in freedom, dignity and security.⁷ Minimum wage refers to the lowest amount of remuneration that an employer is required to pay wage earners for work performed during a given period⁸. It is a fundamental labour standard designed to protect workers from unduly low compensation, prevent exploitation of workers and promote equitable pay across the workforce. The enactment of the National Minimum Wage Amendment Act 2024 marks a pivotal shift in Nigeria’s labour framework, reflecting the government’s commitment to improving the economic well-being of the working class and mitigating the inflation-induced hardship in the country. By increasing the national minimum wage from ₦30,000 to ₦70,000, the Amendment to the 2019 Act intends to improve the standard of living of the Nigerian workforce and cushion the effect of the rising inflation in the country. However, beneath this well-meaning and commendable reform, lies a disturbing reality which is the implicit exclusion of domestic workers from the scope of minimum wage protection.⁹ These workers are employed within the informal sector of the country and are deeply undervalued and invisible to Nigerian Labour laws. They perform the indispensable, labour intensive tasks that keep many Nigerian households running, often enduring long hours under unfavourable working conditions. Yet, despite their important role in the society, they remain indirectly excluded from such minimum wage protections leaving them vulnerable to exploitation, mistreatment and indignity.

The writers are of the opinion that it is a legislative oversight that warranted the implicit exclusion of the domestic workers from the minimum wage coverage. The writers therefore call for an immediate redress to curtail the seemingly rampant social injustice against these

⁶ILO Flagship Report, The State of Social Justice, 2025, (ILO, Geneva, 2025)

⁷ILO, Advancing Social Justice, International Labour Conference Report, 11th Session, 2023

⁸ILO, 'How to Define A Minimum Wage?' <<https://www.ilo.org/topics/wages/minimum-wages/how-define-minimum-wage#:~:text=The%20purpose%20of%20minimum%20wages,in%20need%20of%20such%20protection.>>>

accessed 24 April 2025; See also the Domestic Workers Convention, 2011 (No.189)

⁹R. Ogbechie and K. Oyetunde, ‘Beyond Legislations: Ethical Issues in Domestic Work in Nigeria’ (2019) 5(3) *International Journal of Social Sciences*, pp.100-119

vulnerable group of workers. Some vital questions need to be asked at this juncture. First of all, are domestic workers implicitly excluded by virtue of section 4(1) (b) of the National Minimum Wage Act, 2019? If the answer to the question is in the affirmative, are domestic workers currently subjected to any form of social injustice in the wages they collect? Another crucial question is whether the legal framework (Nigerian Constitution and Labour Act) are adequate to guarantee minimum wage payment to the domestic workers in Nigeria. The writers observe that domestic workers are exposed to unreasonable low wages, poor working conditions; they are outside the coverage of Labour Act, and are implicitly excluded from the National Minimum Wage Act, 2019. In a country where domestic work forms a significant part of the informal sector and contributes meaningfully to the national economy, this indirect exclusion emphasizes a deep devaluation of their labour and a denial of their right to fair compensation, decent work and human dignity.¹⁰

This article is divided into six parts. Part I is the general introduction. Part II x-rays whether domestic workers fall within the threshold of the establishment of less than twenty-five workers specified in the National Minimum Wage Act. It also explores the inadequacy of the legal framework in redressing the national minimum wage gap for domestic workers in Nigeria. Part III critically examines the socio-economic implications of this structural exclusion, by unveiling the manifold social injustices suffered by domestic workers in Nigeria. Part IV analyses how other jurisdictions such as South Africa, Namibia and Brazil have extended minimum wage protections to domestic workers. Part V proposes actionable recommendations toward building a more inclusive labour policy in Nigeria, one that affirms the rights and dignity of these vulnerable workers. Part VI is the general conclusion of the discourse.

2. Household-based Employment Relationship and Implicit Exclusion of Domestic Workers from the National Minimum Wage Coverage

It is apposite to state that section 3(1) of the National Minimum Wage (Amendment) Act, 2024 makes it mandatory for every employer to pay a national minimum wage of not less than N70,000.00 per month to every worker. But there are clear exclusions for some categories of workers. For the avoidance of doubt section 4(1) (a) of the National Minimum Wage Act, (referred to as NMWA) 2019 expressly preclude the following workers from

¹⁰J.C. Ngwama, 'Soccial Protection and Decent Work Deficits of Domestic Workers in Nigeria'(2018)2(1)*Ilorin Journal of Human Resource M Management*, pp. 277-290; See also, E.Albin and V. Mantouvalou, 'The ILO Convention on Domestic Workers: From the Shadows to the Light' (2012) 41(1) *Industrial Law Journal*, pp. 67-78

minimum wage coverage. They include workers employed on part-time basis, commission or piece-rate. In particular, section 4(1)(b) of the NMWA, 2019 also exclude workers in an ‘establishment which employ less than twenty-five persons’ from the minimum wage coverage. The writers posit that the phrase in section 4(1)(b) of the NMWA, 2019 amount to a form of structural exclusion of domestic workers in Nigeria. This indirect exclusion of these vulnerable workers has adverse economic impact on the domestic workers in Nigeria. Furthermore, the de facto exclusion of domestic workers from the national minimum wage and other social protection laws creates a regulatory gap in dealing with the safety and economic well-being of these vulnerable workers.¹¹

The writers submit that since domestic workers in a given household are most likely to be less than twenty-five (25), they are indirectly excluded from the minimum wage coverage in Nigeria. This exclusion and other social factors have made some domestic worker exposed to all manners of social injustice. The writers further submit that this exclusion is antithetical to the ILO Convention No. 189. This Convention advocates for an extension of the minimum wage coverage to domestic workers. Other workers that are apparently excluded from the minimum wage coverage are workers in seasonal employment like agriculture and any person employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.¹²

The implicit exclusion of the domestic workers from the minimum wage has further accentuated the economic plights of these vulnerable workers and thereby worsen their susceptibility to poverty. However, one may begin to wonder whether there are adequate legal framework to curtail the various forms of social injustices these categories of workers are subjected to in Nigeria. In this respect, the Nigerian constitutional tenets on equality and the dignity jurisprudence will be examined.

2.1 Exploring Constitutional Equality and the Dignity Jurisprudence to Extricate Social Injustice

Although the Constitution of the Federal Republic of Nigeria, (referred to as the CFRN, 1999) (as amended) is replete with formal equality for Nigerian citizens, there appears to be little or no substantive equality for Nigerian citizens as inequality still persists. For instance, section 17(1) of the CFRN, 1999 (as amended) is to the effect that ‘The State social order is founded

¹¹A. Osiki, ‘Facilitating Decent Work: The Case of Domestic Workers in Nigeria’ (2022) 43 (2) *Industrial Law Journal*, pp 726-750

¹²NMWA, s. 4(1)(c)(d)

on ideals of Freedom, Equality and Justice' Furthermore, section 17(2) of the CFRN, 1999 in a bid to promote formal equality, states that the social order in Nigeria guarantees 'every citizen shall have equality of rights, obligations and opportunities before the law' In addition, some of the Directive Principles and the State Policy enshrined in Section 17 (3) of the CFRN, 1999 (as amended) include "(a) ensuring that all citizens without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood....', (b) conditions of work are just and humane...." (c) ensuring equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; Despite all these cherished ideals on equality, justice and fairness, the domestic workers in Nigeria are still subjected to diverse unequal treatment. In compounding the state of affairs, Chapter II of the CFRN, 1999(as amended) is not enforceable although it can be justiciable in some exceptional circumstances. Legal equality is also guaranteed by Section 42 of the CFRN,1999 (as amended), which provides for the right to freedom from discrimination on several protected grounds. But other forms of inequality such as economic inequality and social inequality are still a challenge to the equality, freedom from discrimination enshrined in the CFRN,1999 (as amended).and other human rights instruments.¹³ Since many domestic workers still suffer from manifold economic inequity vis a vis social injustice, partly as a result of their implicit exclusion from the NMWA, 2019, Chapter II of the 1999 CFRN, 1999 (as amended) should not be completely relied on to combat social injustice against these vulnerable workers.

A veritable constitutional provision that can mitigate social injustice against domestic workers in Nigeria is section 34 of the CFRN,1999. (as amended) which recognizes the fundamental right to the dignity of the human person. The said section provides thus:

Every individual is entitled to respect for the dignity of his person, and accordingly-

- a. No person shall be subjected to torture or to inhuman or degrading treatment;
- b. No person shall be held in slavery or servitude, and
- c. No person shall be required to perform forced or compulsory labour

Therefore, it is a fundamental right infringement to subject a person or persons to any form of torture, physical, psychological, mental, inhuman or other degrading treatment¹⁴ because

¹³P.A. Akhihero, Freedom, Equality and Justice for All, Paper presented at the NBA-Benin Branch Workshop Marking the World Human Rights Day on 11th day of December, 2023

¹⁴J.I. Aremo, 'Reflecting on the Legal Recognition and Protection of the Right to Human Dignity: Nigeria in Perspective' (2023) 3 *Cavendish University Law Journal*, pp. 2-11

Nigerian citizens shall be accorded due respect for the dignity of their persons.¹⁵ In the case of *Mr. Omone Andy Robinson v. Mr, Nasarvali Dudekeh & Ors*¹⁶ the Claimant alleged slavish and inhuman treatment especially as he was slapped and beaten by his employer as a method of “managerial control” The court declared those actions unlawful, illegal and unfair labour practices. The court further held that such treatment is a violation of the employee’s rights. The case of *Mrs. Jumai Abubakar v. Metka Power West Africa*¹⁷ is equally instructive in this respect. In February, 2026, a 29 year-old Edeh Osinachi was arrested in Akwa for using a hot pressing iron to torture her 17-year old housemaid as punishment for using a phone without permission (Anambra Hot Iron Case, 2026)¹⁸,

It is submitted that domestic workers can also rely on section 34 of the CFRN,1999 (as amended) to obtain legal redress in cases of dehumanizing treatment inflicted by their employers in any household. Similarly, domestic workers can also rely on the provisions of Violence Against Persons (Prohibition) (referred to as VAPP) Act, 2015 to seek redress in court. The provisions in the VAPP Act can also protect the domestic workers from violence and abuse. But the snag is that VAPP is only applicable in Federal Capital Territory, Abuja, except for states that have domesticated the provisions as their state law. Though many states in Nigeria have domesticated it but the implementation is not so encouraging. One vital, question at this juncture is how will the domestic workers afford legal service and seek redress as they are indirectly excluded from the minimum wage regime, Although, a recourse to the Legal Aid Schemes and Non-Governmental Organisations (NGOs) could partly solve this problem but extending the minimum wage coverage to the domestic workers will assist them significantly to meet some basic necessities of life.

3 Domestic Work in the Nigerian Context and the Consequences of Tacit Exclusion of Domestic Workers from Minimum Wage Protection

Domestic workers, commonly referred to as ‘house-helps’ constitute a significant part of Nigeria’s informal labour sector. These individuals are employed in private households to perform various domestic tasks such as childcare, cooking, cleaning and other household chores in exchange for cash or non-monetary benefits. While their work is vital to the functioning of many Nigerian homes, domestic workers remain among the most undervalued and unprotected labourers in the country. According to the International Labour

¹⁵See the case of *Ezeigbo v. Asco. Inv. Ltd.* (2022) 8 NWLR (Pt. 1832) 367

¹⁶NICN/ABJ/03/2020

¹⁷ Unreported Suit No: NICN/LA/349/2018

¹⁸Anambra to Prosecute Woman Accused of Burning Maid with Hot Iron reported by Punch Newspaper, on 20TH February, 2026

Organization(ILO), Domestic Workers Convention 2011 (No.189), domestic work encompasses any form of work performed in or for a household or households and any person engaged in such an employment relationship is seen as a domestic worker¹⁹. In Nigeria, domestic work is performed mostly by women and children. Recent ILO reports show that globally 76.2% of domestic workers are women²⁰ and in Nigeria 80% of this workforce are female²¹. Women are typically hired to work as domestic cleaners, cooks and caregivers while their male counterparts tend to work as drivers, security guards and gardeners.²² Child labour is also prevalent, with children who are often trafficked working as domestic workers under harsh conditions. The ILO estimated in 2002 that 48 million children in Sub-Saharan Africa between the ages of 10 and 14 were economically active constituting 20 to 30 percent of children, which is a higher percentage than any other place in the world. This correlates with the report of the United Nations Children Economic Fund that 15 million children between the ages of 10 and 14 work in the informal sector²³. Although the Child Rights Act frowns against child labour, but child labour still persist in Nigeria. The Nigerian Labour Act²⁴ regulates employment relationship but it failed to adequately protect domestic workers because most of these workers are in the informal sector which is outside the coverage of the Labour Act.

Domestic work is typically performed in the private homes of employers. Many domestic workers are live-in employees thereby creating a highly personalised and undocumented employment relationship. The vulnerability of these workers is further aggravated by the fact that many of them come from poor backgrounds with little to no education, which further exposes them to degrading and unequal treatment.²⁵ The work they perform in these households is widely perceived as low status and not at par with formal employment, leading to strenuous working conditions that are rarely regulated.²⁶ As a result, they are usually treated more as servants than as employees, lacking the protections given to workers in the

¹⁹Domestic Workers Convention, 2011 Article 1, C189

²⁰ ILO (2023), 'The Road to Decent Work for Domestic Workers' Available at <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_protect/%40protrav/%40travail/document/s/publication/wcms_883181.pdf> accessed 24 April 2025

²¹T. Oludayo and F. Aderinto , 'Factors Underlying Sex Preference of Domestic Workers in Nigeria' *ResearchGate*<https://www.researchgate.net/publication/270798619_Factors_underlying_sex_preference_of_domestic_servants_in_Nigeria> accessed 24 April 2025

²²ILO, Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection (ILO, Geneva, 2013)

²³ T. Oludayo and Aderinto , (n.21)

²⁴Cap L1, LFN, 2004)

²⁵A.Osiki, 'Facilitating Decent Work :The Case of Domestic Workers in Nigeria' (2022) 43(2) *Industrial Law Journal*, pp. 726-750

²⁶Ibid

formal sector. Despite playing a crucial role in households across Nigeria, the work performed by domestic workers is highly undervalued and overlooked. It is often regarded as routine household domestic chores traditionally carried out by women and young children at home without any form of monetary compensation²⁷. This perception contributes to the absence of adequate legal protection for domestic workers in Nigeria.

Although, some Nigerian policies and laws, such as the Labour Act²⁸ implicitly recognizes domestic work, the Act refers to domestic workers as ‘domestic servants’ and defines them as “any house, table or garden servant employed in or in connection with the domestic services of any private dwelling house and includes a servant employed as the driver of a privately owned and used motor car”²⁹. The use of such term indicates a deeply rooted perception of servitude which influences how they are treated by their employers.³⁰ Moreover, significant gaps still persist, particularly, the tacit exclusion of domestic workers from the National Minimum Wage Framework.³¹ The 2019 National Minimum Wage Act as amended by the Federal Government in 2024 increased the minimum wage for all workers from ₦30,000 to ₦70,000. However, the legislation impliedly excludes domestic workers from its coverage. Section 4(1)(b) of the 2019 Act exempts establishments with less than 25 persons from the obligation to pay the national minimum wage, which is a category that most domestic workers fall into as it is very unlikely for a household to have up to 25 workers. While the Amendment Act, 2024 raises the minimum wage, it fails to address the implicit exclusion of domestic workers, indicating a continuing trend of neglect. This de facto exclusion from the minimum wage protection exposes these workers to widespread social injustice and degrading treatment.

According to a recent study, majority of domestic workers in Nigeria earn below the national minimum wage, typically between ₦15,000 and ₦30,000 with only 2% receiving between ₦40,000 and ₦55,000³², despite working long hours and performing physically demanding tasks. The exclusion of domestic workers from minimum wage protections leaves them

²⁷B. Anderson, ‘Just Another Job? Paying for Domestic Work’ *Gender and Development* (2001) (9) <<https://www.jstor.org/stable/4030666>> accessed 24 April 2025

²⁸ **Labour Act (Cap L1, LFN 2004)**

²⁹ Ibid, s.91

³⁰K.O. Kester and J.O. Adeyeye, ‘National Minimum Wages Trends, Issues and Perspectives in Nigeria.’ (2002) 5(1&2) *African Journal of Labour Studies*, pp. 1-8

³¹A.O. Sulaiman, ‘Minimum Wage Implementation and Management in a Post-Recession Economy: The Nigerian Experience’ (2012)8(7) *European Scientific Journal*, pp. 18-35

³²A. Osiki, ‘The Impact of Socio-legal Inequality on Women in the Nigerian Domestic Work Sector’ *Law, Democracy & Development* (2022) (26) <https://www.scielo.org/za/scielo.php?script=sci_arttext&pid=S2077-49072022000100003#:~:text=However%2C%20domestic%20workers%20face%20challenges,labour%20and%20social%20security%20regulations.> accessed 24 April 2025

highly vulnerable to exploitation by employers, who often pay them meagre wages. This vulnerability is worsened by the workers' generally low levels of education and limited employment alternatives, placing them entirely at the mercy of employers who may underpay or compensate them irregularly. Additionally, most domestic workers are employed without any formal contract or written agreement giving room for dishonest and exploitative employers to claim they have rewarded them in kind through free meals, accommodation and other non-monetary benefits. This practice contravenes Article 11 of the ILO's Domestic Workers Convention, which enjoins states to ensure that domestic workers enjoy minimum wage coverage, where such exists. Despite the Convention's recognition of the significant economic and social contributions of domestic workers globally, Nigeria has not ratified it. This continued disregard not only denies domestic workers their right to decent work but also highlights the persistent injustice and neglect they face within the country.

One of the most significant injustices accentuated by the absence of the minimum wage coverage is gender disparity. Domestic work is highly feminised especially in Nigeria. As a result, most female workers face discrimination in the households in which they work. Due to Nigeria's patriarchal system, domestic work is widely seen as the responsibility and duty of females. Employers see females as more submissive, emotionally suited to caregiving and easier to control than males whose ego might be difficult to curtail³³. This perception reinforces the expectation that female workers should handle the domestic chores such as cleaning, cooking and childcare which are more physically demanding, and their work are often done under unstructured and long working hours. Despite this intensive labour, many of these women are still subjected to wage disparities. A 2020 study comprising both male and female domestic workers of which 58% were women, revealed that male domestic workers earned more than their female counterparts³⁴ indicating a clear gender pay gap and promoting gender inequality.³⁵ This is contrary to the ILO's principle of equal pay for equal work and it also impacts on constitutional freedom from discrimination on ground of sex.³⁶

Similarly, many female domestic workers endure verbal, physical and psychological abuse from employers who regard them as inferior, defenceless and less deserving of basic human

³³T. Oludayo and F. Aderinto, 'Factors Underlying Sex Preference of Domestic Workers in Nigeria' *ResearchGate* <https://www.researchgate.net/publication/270798619_Factors_underlying_sex_preference_of_domestic_servants_in_Nigeria> accessed 24 April 2025

³⁴A. Osiki (n, 21)

³⁵J. Okafor and E. Aniche, 'The 2011 National Minimum Wage Act Controversy and Trade Dispute in Nigeria: Problematizing Nigeria's Fiscal Federalism' (2015) 5(9) *Journal of Public Policy & Administration*, pp. 111-123

³⁶See Section 42 of the CFRN, 1999 (as amended)

dignity. Sadly, cases of abuse and even death are not uncommon. There have been numerous reports recounting severe mistreatment of female domestic workers, several of which have gone unresolved³⁷. These women are seen as less deserving of respect and are usually treated as ‘second-class citizens’ However, when these incidents are reported, justice is rarely served. The absence of formal employment contracts, combined with limited legal recourse and social stigma, means that most victims are left powerless. With few alternatives for employment, many choose to endure the abuse in silence, despite their feelings of unsafety in these households. This is contrary to Article 13 of the C189 ILO Convention which provides that domestic workers have the right to a safe and healthy working environment. This is however not the case for so many domestic workers in those Nigerian private homes as they prefer to endure in fear of losing their jobs.

The indirect exclusion of domestic workers from minimum wage protection also perpetuates a cycle of poverty. Many domestic workers are paid meagre wages by their employers, leading to poor living standards due to the low and most times irregular income they receive. Despite engaging in strenuous and intensive labour within households, their earnings are often barely enough to support their basic needs or send back to their families. This results in a poor standard of living due to the low and irregular remuneration they receive. Employers frequently exploit the workers’ low bargaining power and lack of awareness of their rights, paying them paltry sums that do not reflect their efforts³⁸. The inadequacy of their wages means that many are unable to afford basic necessities, including healthcare, education for their children, and decent housing, thereby perpetuating a vicious cycle of intergenerational poverty. In some cases, even the little they earn is further reduced by unscrupulous recruiters and agencies. These agencies, after connecting workers to employers, receive direct payment from the employers, and then deduct excessive fees before handing the remainder over to the domestic workers, leaving them with even less to survive on³⁹. Moreover, unlike workers in the formal sector, domestic workers are usually denied access to pension or gratuity schemes. Despite playing a crucial role in supporting households and, by extension, the economy, they are left without any form of retirement security. After years of hard labour, many are

³⁷W. Odunsi, ‘Joy Adole: Maid was Killed, Suicide Staged - Court Jails Lagos Couple’ *Daily Post* (2022) <<https://dailypost.ng/2022/07/08/joy-adole-maid-was-killed-suicide-staged-court-jails-lagos-couple/>> accessed 26 April 2025

³⁸A. Mehmood, ‘Domestic Workers Stuck In Poverty’ *Tribune* reported in 2023 and Available at <<https://tribune.com.pk/story/2412228/domestic-workers-stuck-in-poverty>> accessed 26 April 2025

³⁹R.Ogbechie, and K.Oyetunde, ‘Beyond Legislations: Ethical Issues in Domestic Work in Nigeria’ (2019) 5((3): *International Journal of Social Sciences*, 99-119

abandoned without savings or support, falling into deeper poverty and worsening economic hardship.

Furthermore, domestic workers are often subjected to excessively long working hours, primarily due to the absence of formal written contracts that clearly define the terms and conditions of their employment. In most cases, employers unilaterally determine the hours of work, and for live-in domestic workers, this often results in prolonged workdays with little to no rest or personal time. The lack of boundaries between working hours and private life means many domestic workers work between 14 to 18 hours a day, without any days off or guaranteed rest periods. Some are even expected to remain 'on-call' through the night to attend to infants or children, creating an environment of constant labour and fatigue⁴⁰. This reality stands in stark contrast to the provisions of ILO Convention No. 189, which guarantees domestic workers normal working hours, overtime pay, daily and weekly rest, and paid annual leave, with consideration for their special work status⁴¹. Although Nigeria's Labour Act contains similar protections, these provisions apply only to the formal sector and exclude informal workers like domestic workers. Additionally, the absence of a defined job description often leads to an overwhelming workload, with many domestic workers expected to take on responsibilities far beyond their capacity. Some are even forced to perform additional labour, such as working in their employer's business or selling goods in the market, without extra compensation or consent

Domestic workers are also typically unable to seek legal redress in cases of abuse, mistreatment or wrongful dismissal. This is largely due to their exclusion from the country's extant labour laws and social protection legislation. In many cases, especially involving women and girls, domestic workers are dismissed and sent back home to their families after experiencing sexual harassment by male members of the household, often without being paid their wages. The informal and unregulated nature of their employment makes it almost impossible for them to pursue legal action. They lack access to complaint mechanisms and, in cases where abuse is reported, the outcome is frequently dismissal of the worker rather than the criminal prosecution of the employer. Articles 16 and 17 of ILO Convention No. 189 explicitly mandate that domestic workers should have access to courts, dispute resolution systems, and effective complaint mechanisms. However, Nigeria's failure to ratify and

⁴⁰Human Rights Watch, 'Decent Work for Domestic Workers: The Case For Global Labour Standards' <https://www.hrw.org/sites/default/files/related_material/HRW_ILO_brochure_lores.pdf> accessed 27 April 2025

⁴¹See the ILO Convention on Domestic Workers, 2011 (C189), Article 10,

domesticate the Convention means these vital protections remain out of reach. Hence, domestic workers continue to face exploitation and abuse in silence, without recourse to justice, exposing them to deep emotional and psychological trauma.

4. Comparative Analysis on Minimum Wage Protection for Domestic Workers in Other Jurisdictions: Lessons for the Nigerian Government

4.1 South Africa

In South Africa, domestic workers are treated as equal to any other worker in the public sector and are protected under the National Minimum Wage laws and labour regulations. Although the historical working conditions for domestic workers in the country were poor and marked by widespread exploitation, significant efforts by unions and legislative reforms have greatly improved their situation. The South African Domestic Workers Union (SADWU), launched in 1989, played a pivotal role in championing legislative changes aimed at protecting domestic workers especially with regard to minimum wage protection. In 1993, the South African government amended the **Basic Conditions of Employment Act, 1983** to extend its coverage to domestic and farm workers which was a major milestone in recognizing domestic workers as employees entitled to rights and protections. This progress continued with the extension of the **Labour Relations Act (LRA)** in 1995 to include domestic workers, though initial restrictions on their rights remained. These restrictions were subsequently removed through amendments in 1997 and 1998, further strengthening protections for domestic workers. The amended Labour Relations Act guarantees domestic workers the right to form, join, and participate in trade unions. It also protects them from adverse employment actions such as hiring discrimination or retaliation for union membership. A particularly significant development was the establishment of the **Commission for Conciliation, Mediation, and Arbitration (CCMA)**, which has since become an essential mechanism for domestic workers seeking redress for wrongful dismissals and other labour disputes⁴².

Meanwhile, the **Basic Conditions of Employment Act (BCEA)** provided the legislative foundation for the introduction of the National Minimum Wage. Recognizing the vulnerability of workers in unorganized sectors, the BCEA empowered the Minister of Labour to issue sectoral determinations for minimum wages and employment conditions for

⁴²D. Budlender, 'The Introduction of a Minimum Wage for Domestic Workers in South Africa' ILO Working Papers (ILO, Geneva, 2016)

domestic workers. The **Sectoral Determination 7 (2002)** also governs key aspects of employment such as working hours, leave entitlements, remuneration, and termination procedures⁴³. Under this legislation, the maximum weekly hours of work are capped at 45 hours per week, Domestic workers are entitled to a 12-hour daily rest period and a 36-hour weekly rest period, with some adjustments if they live on the premises. Various types of leave such as annual leave, sick leave, maternity leave, and family responsibility leave are also guaranteed⁴⁴.

Importantly, the ratification of the ILO Convention 189 by the South African Government in 2013, heralded a fundamental change in the approach to standards of work for domestic workers. It set a new benchmark for improved conditions in the sector based on the key pillars of 'decent work'. These include recognition of domestic work as 'real work', formalization through written contracts, provision of adequate wages, social protection, health and safety in the workplace, and right to organize and engage in social dialogue. The ratification of the convention brought about changes in the approach to minimum wage protection for South African Domestic workers. Following this ratification, the South African government continued to strengthen protections. Notably, on March 1, 2022, the national minimum wage was increased from R21.41 (approximately US\$1.29) per hour to R23.19 (approximately US\$1.39) per hour, reflecting a 6.9% rise aimed at improving the living standards of all workers, including domestic workers.⁴⁵ With effect from the 1st March, 2025, the National Minimum Wage was increased to R28,79 per hour and domestic workers as well as farmer workers are entitled to this wage increase. Although certain categories of workers were excluded. The new minimum wage is governed by the National Minimum Wage Act, 2018 and it is subject to some modifications and review.

The lesson Nigeria can draw from South Africa is to establish a National Union of Domestic Workers in Nigeria so that domestic workers can unionize and create branches in different states in Nigeria. The National Union of Domestic Workers can agitate for the inclusion of domestic workers in the national minimum wage. More importantly the Union can also canvass for the enactment of special legislation to protect the welfare of domestic workers

⁴³ Social Law Project, *Domestic Workers' Laws and Legal Issues in South Africa* (WIEGO Law and Informality Resources, 2014)

⁴⁴ Y. Demarso and B. Abba, 'Legal Protection for Domestic Workers: The Case of Wolaita Do Town, Ethiopia' (2020) (11) 3 *Beijing Law Review*

⁴⁵ D. Sibanda, 'South African Domestic Workers Earn Minimum Wage' 11.11.11 (2022) <<http://11.be/en/stories/zuid-afrikaanse-huishoudhulpen-bekomen-minimumloon>> accessed 28 April 2025

in Nigeria. There is also a need to amend the Labour Act so as to extend its protection to workers in the informal sector. Domestic workers in South Africa are paid the national minimum wage because they are included in the **Basic Conditions of Employment Act (BCEA)**. **The Industrial Relations Act in South Africa also provides fair, humane working conditions for domestic workers. This was attained by the struggles of the Domestic Workers Union in South Africa. The same feat can be attained if a National Union of Domestic Workers is formally established in Nigeria.**

4.2 Namibia

In Namibia, the regulation of the domestic work sector including minimum wage protection of domestic workers is covered by the constitution, the Labour Act⁴⁶ and other labour laws. Domestic workers are explicitly recognized as employees under national legislation, with the general definition of “employee” in labour laws inclusive of those engaged in domestic work⁴⁷. This legislative inclusion signals a formal acknowledgment of the vital role domestic workers play in the broader economy. In December 2020, Namibia became the fifth African Country to ratify the ILO Convention No. 189 on Decent Work for Domestic Workers. This move marked a significant step toward enhancing the rights and protections of domestic workers, **73% of whom are women**, many vulnerable to **exploitation and abuse**.⁴⁸ Prior to this ratification, the Labour Act of 2007 already extended fundamental labour protections to all employees, including domestic workers. These protections included provisions on employment conditions, rights at work, and general workplace protections. However, the Act did not contain specific provisions on the minimum wage for domestic workers or explicitly address **abuse, violence, and exploitation**, which was later outlined in Convention 189. Following Namibia's adoption of Convention 189 in 2011 and agitations from domestic workers for minimum wage regulations, the government established a **Tripartite Wages Commission for Domestic Workers**. This Commission was tasked with setting a minimum wage benchmark in preparation for full ratification of the Convention.

As a result, the first Wage Order for Domestic Workers came into effect in 2016, followed by a second Wage Order in 2018. Namibia's ratification of the Convention affirms its commitment to achieving decent work for domestic workers and strengthen the measures

⁴⁶ Labour Act, 2007 (Act No. 11 of 2007)

⁴⁷ Ibid, S.1(1) & S.2(2)

⁴⁸ Legal Assistance Centre, 'Basic Facts About the Rights of Domestic Workers' *Gender Research and Advocacy Project* <<http://https://www.lac.org.na/projects/grap/Pdf/domworkersfactsheet.pdf>> accessed 28 April 2025

taken at the national level⁴⁹. The Labour Act complements this by regulating key wage-related and employment provisions such as payments-in-kind, the calculation of hourly, daily, weekly and monthly wages, the manner of remuneration and permissible wage deductions, working hours, leave entitlements, occupational health and safety and termination procedures. A notable recent development occurred in **2024**, when the government enacted a **Wage Order** establishing the **National Minimum Wage** applicable to all employees, including domestic and farm workers. Under this order, the **minimum wage for domestic workers** was set at **N\$12 per hour**, with a plan for **incremental increases** leading up to **N\$18 per hour by January 1, 2027**⁵⁰. This clearly emphasizes the government's dedication to protecting the rights and improving the working conditions of domestic workers. The lesson Nigeria can learn from Namibia is to set up a Tripartite Wages Commission for Domestic Workers in Nigeria. Then deliberate with Domestic Workers Union. After discussing with the Union of Domestic Workers, a compromise on extending national minimum wage to them should be gradually reached by collective agreement.

4.3 Brazil

In Brazil, domestic work is a vital source of employment for women with **94.8 per cent of domestic workers being female**⁵¹. Despite the importance of this occupation, domestic workers in Brazil were historically subjected to degrading treatment and lacked the protection afforded to other categories of workers under national labour laws. In recent years, however, Brazil has taken **significant steps in recognizing the rights of domestic workers**, aiming to place them on equal footing with other workers in terms of legal and social protection. A landmark step in this direction was the adoption of **Constitutional Amendment No. 72 in 2013**, popularly referred to as the **Domestic Workers' Law**. This amendment formally integrated domestic workers into the categories of employees entitled to full social rights.

With the enactment of this Amendment, domestic workers gained access to several key protections including minimum wage guarantees, compensation for dismissal without just

⁴⁹ILO, 'Namibia Ratifies the Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention, 2019 (No. 190)' <<http://www.ilo.org/resource/news/namibia-ratifies-domestic-workers-convention-2011-no-189-and-violence-and>> accessed 28 April 2025

⁵⁰ E. Brandt, 'N\$18 Minimum Wage Set for 2025 ...with Domestic and Farm Workers to Receive Gradual Increases' *New Era* (2024) <<http://neweralive.na/n18-minimum-wage-set-for-2025-with-domestic-and-farm-workers-to-receive-gradual-increases/>> accessed 28 April 2025

⁵¹ Murillo Dias et.al, 'Domestic Workers' Rights in Brazil: Improvement of Labour Regulation' (2014) *Humanities and Social Sciences Review* (2014) Available at <http://www.murillodias.com/publicacoes/artigos/labor_relations_september_2014.pdf> accessed 28 April 2025

cause, unemployment insurance, night work bonuses, standard work hours which is a maximum of 8 hours per day and 44 hours per week, criminal sanctions for wage withholding amongst others. The implementation of the Domestic Workers Law has had a measurable positive impact on Brazil's economy. **0.58% of the country's GDP growth** was attributed to the rising incomes of domestic workers, and Brazil is now considered to have **one of the highest levels of domestic worker coverage in Latin America**⁵². Although Brazil ratified the **ILO Convention 189** on **January 31, 2018**, becoming the **14th country in the Americas to do so**, it had already taken proactive steps toward alignment with the Convention. The **Domestic Workers' Law**, enacted prior to ratification, reflected many of the Convention's principles and marked a shift toward making **domestic work relationships professional**, with formal employment contracts clearly outlining the rights, responsibilities, and obligations of both employers and workers and most importantly the minimum wage for domestic workers.

One remarkable feature in Brazil is the inclusion of domestic workers' in its Constitution. This bold step has now brought domestic workers in parity with other employees who are entitled to social protection law. Furthermore, all the countries highlighted above have specific legislation to protect the rights and welfare of domestic workers. Nigeria can take a cue from this. These countries have also ratified the ILO Convention No. 189. Nigeria can also follow suit in this respect.

5. RECOMMENDATIONS

Although the enactment of the National Minimum Wage Act, 2019 and its amendment in 2024 represent commendable steps by the Nigerian Government to improve the living conditions of workers, the legislation remains lopsided in its current form especially to domestic workers, who are tacitly excluded from minimum wage protection. This de facto exclusion denies them fair compensation and in some ways, reinforces the negative and exploitative treatment they often receive from employers. To promote **social justice** and align with international labour standards, the following reforms are recommended. First, the **National Minimum Wage Act, 2019** should be further amended to **explicitly include domestic workers** under the definition of 'worker.' Section 17 of the Act defines a worker broadly as anyone employed under a contract, whether oral or written, expressed or implied,

⁵² ILO, 'Brazil: Guaranteeing Social Protection for Domestic Workers' Available at <<https://webapps.ilo.org/gimi/ShowResource.action;jsessionid=rsLsUex8P63YhRGcdssdTufuPb1hI5LqXD5mqpwye23qwrwbMHWh!-353509297?id=55656>> accessed 29 April 2025

but this is undermined by **Section 4**, which exempts establishments with fewer than 25 employees from fulfilling the legal obligation to pay minimum wage to workers. In the context of domestic work, where employment typically involves a single household, this provision effectively **excludes all domestic workers** from minimum wage protection. This exemption should be removed to ensure **equal treatment** under the law, regardless of the size of the establishment. By doing so, domestic workers would gain legal access to **fair wages** and protection from exploitation by employers who underpay or claim to compensate them with in-kind benefits.

Also, it is imperative that the Nigerian government ratifies ILO Convention No.189 on Decent Work for Domestic Workers. While Nigeria is a signatory to the Convention, it is yet to adopt and ratify it. Article 11 of the convention expressly states that “Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex”. Ratifying and domesticating this Convention would therefore guarantee **minimum wage protection** for domestic workers under Nigerian labour law. The International Labour Organization recognizes **that domestic workers are among the most poorly remunerated workers globally**, with an estimated **21.5 million domestic workers lacking any applicable minimum wage**⁵³. In response to this widespread neglect, Convention 189 was established to ensure that domestic workers, many of whom are women, receive the same fundamental protections as other workers, including **fair pay, decent working conditions, and dignity in employment**. Ratifying the Convention would empower Nigeria to integrate domestic workers into the national wage framework meaningfully. This could be done by **establishing a sector-specific minimum wage**, as seen in countries like **Switzerland, Brazil, Uruguay, and Namibia**. Alternatively, Nigeria could adopt a gradual **approach**, initially setting the domestic workers’ wage slightly below the national minimum wage and gradually increasing it over time, an approach successfully implemented in **Portugal, Ecuador, and Chile**⁵⁴. Once the Convention is ratified, it would provide a structured framework for determining minimum wages for domestic workers, including clear provisions on working hours, payment methods which would limit payments in-kind and adherence to the basic criteria for establishing minimum wage outlined in Article 3, namely the needs of the domestic workers and their

⁵³ILO, 'Minimum Wage for Domestic Workers' <<http://https://www.ilo.org/topics/wages/minimum-wages/minimum-wages-domestic-workers>> accessed 29 April 2025

⁵⁴ILO, 'Minimum Wage Policy Guide' <http://https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/genericdocument/wcms_508533.pdf> accessed 29 April 2025

families and economic factors. It would **also play an important role in institutionalizing written employment contracts**, as provided under **Article 7**, which mandates that the terms and conditions of employment be clearly stated. This would shift the dynamic from employers unilaterally dictating working conditions to a more transparent working relationship thereby **addressing and regulating the widespread exploitation and social injustice often faced by domestic workers**.

Similarly, before the ratification of Convention 189, a comprehensive national law on domestic work should be enacted, recognizing the significant contributions of domestic workers to society and the broader economy. Such legislation would expressly outline their rights, set standards for fair treatment, minimum wage protection and establish mechanisms to regulate employment relationships in the sector. It was reported that the Nigerian Senate passed the Informal Sector Employment (Regulation) Bill, 2025. But it has not received the President's assent. The intendment of the bill is to formalize and regulate the employment of domestic workers alongside other informal sector employees thereby protecting their rights and welfare.⁵⁵

Furthermore, domestic workers should be organized into trade unions, as this would provide them with essential rights, protections, and a collective platform through which their needs and concerns can be made visible to the state. The current absence of a formal union for domestic workers in Nigeria has significantly limited their ability to engage in collective bargaining and to assert their dignity and rights in shaping the terms and conditions of their employment. **Organizing these workers would ensure a minimum standard of living grounded in respect and dignity, allowing them to carry out their duties without fear of exploitation or intimidation**⁵⁶.

It would also ensure that their concerns and agitations are at the forefront of public discourse and they are included policy formulation processes. The importance of such organization is evident in countries such as South Africa where domestic workers' unions have persistently advocated for their rights, efforts that eventually led to legislative recognition and protection by the government⁵⁷. Additionally, domestic workers should be provided with regular training

⁵⁵This Bill consolidates two previous bills, the Documentation and Protection of Domestic Workers and Employers Bill, 2024 together with the Informal Sector Employment Agents (Regulation) Bill, 2024

⁵⁶ J. Ngwama, 'Trade Union Organising Domestic Workers and Its Effect on Socio-economic Development in Nigeria' (2020) 16(3) *Danubius Journals*

⁵⁷ Tolu Olosoji, 'South Africa is Pioneering a Better World for Domestic Workers' *Reasons to be Cheerful* (2022) <<https://reasonstobecheerful.world/south-africa-domestic-worker-rights-unions>> accessed 29 April 2025

and workshops to raise awareness of their rights and their entitlement to decent work and fair treatment. These educational initiatives would empower them to recognize that they are entitled to basic human dignity and do not have to tolerate inhumane or exploitative treatment from their employers.

6.CONCLUSION

Nigerian domestic workers hold indisputable socio-economic value in the society, enabling many others to participate in the modern workforce by relieving them of household responsibilities. Despite the significance of their labour, these workers remain among the most undervalued and overlooked workers in the society rendering them vulnerable to social injustices. Their implicit exclusion from minimum wage protections like the National Minimum Wage Act, 2019 reflects not only a policy gap but some neglect and lack of appreciation for these workers. Addressing these social injustices, is not merely about fixing a loophole, it is about recognizing that these workers deserve dignity and protection. It is therefore imperative for Nigerian labour laws and policies to become truly inclusive, promoting decent work and social justice for domestic workers ensuring that these workers are no longer invisible in the eyes of the law and are afforded the same rights, dignity and protection as every other worker in formal employment in Nigeria.