

Social Justice Through Law and Labour: Redefining the Legal Architecture of Work and Wages in Nigeria's Inclusive Development

Uchenna Emelonye¹

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Abstract: Nigeria's deepening income inequity and inequality, including persistent poverty amidst abundant human and material resources is not only a consequence of micro and macro-economic variables. It pertains more to legal, regulatory and institutional deficits in work, wage, and wealth governance in Nigeria. This article argues that to redefine the legal architecture of work, wage and wealth in Nigeria and ensure transition to inclusive development, regional and international frameworks domesticated and applicable in Nigeria provide the robust normative basis to approach work, wage and wealth governance as a human rights issue. Against this background, this the article demonstrates how working poverty is ultimately perpetuated in Nigeria through the actions or inactions of labour regulatory and oversight institutions, especially the failure in the redistributive functions of labour through the legal exclusion of informal workers. Anchored on articles 2, 3, 15 and 22 of the African Charter on Human and Peoples' Rights (ACHPR), this article draws on foundational guarantees relating to non-discrimination in the enjoyment of Charter rights, equality before the law, the right to work under equitable and satisfactory conditions, and the right to development. It further relies on articles 2(2), 3, 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which prohibit discrimination in the exercise of Covenant rights, affirm the equal right of men and women to the enjoyment of those rights, recognise the right to work, including access to employment and livelihood, and guarantee the right to just and favourable conditions of work, including fair wages, equal remuneration for work of equal value, a decent living standard for workers and their families, and safe and healthy working conditions. At the national level, the article situates these obligations within Nigeria's domestic labour law framework, including the 1999 Constitution (as amended), the Labour Act, the National Minimum Wage Act 2019, the Employees' Compensation Act 2010, and related labour regulations. While these instruments formally recognise rights to work, wages, and workplace protection, the article demonstrates that their limited scope, weak enforcement, and exclusion of informal and non-standard workers significantly undermine the redistributive and protective functions of labour law, thereby entrenching working poverty and inequality.

Keywords: Social Justice; Work; Wages; Labour Rights; Human Rights; Informal Sector; International Covenant on Economic, Social and Cultural Rights; African Charter on Human and Peoples Rights; Nigeria; Right to Development

INTRODUCTION

poverty, income inequality and labour remain defining challenges across Sub-Saharan Africa, raising

¹ Visiting Professor of Human Rights Law, Faculty of Business and Law, Bournemouth University, United Kingdom. This paper was presented in February 2026 at the 2nd International Conference of Liberal Arts and Management Sciences at Kingsley Ozumba Mbadiwe University, Imo State Nigeria on the theme "Poverty and Income Inequality in Sub-Saharan Africa: Pathways to Inclusive and Sustainable Development"

enduring questions about the relationship between economic growth, legal regulation, and social justice². Nigeria, Africa's most populous country and largest economy, starkly illustrates this paradox³. According to Nigeria's National Bureau of Statistics (NBS), 63% of the population, approximately 133 million people are multidimensionally poor, experiencing overlapping deprivations including insecure livelihoods, poor working conditions, and income instability.⁴ At the same time, the World Bank reports that 30.9% of Nigerians lived below the international extreme poverty line of US\$2.15/day (2017 PPP) alongside persistent spatial and income inequality.⁵

What distinguishes the Nigerian case from many other resource-endowed countries in Sub-Saharan Africa is not merely the persistence of poverty, but the scale and normalisation of working poverty.⁶ In Nigeria, employment has ceased to function as a reliable pathway to a life of dignity. Large segments of the labour force remain poor despite being economically active, reflecting a structural decoupling of work from basic human wellbeing.⁷ This phenomenon is particularly stark in an economy endowed with substantial natural and human resources and where sustained labour participation ought, in principle, translate into material security.⁸

Equally troubling is the erosion of education as a dependable route out of poverty. While education has traditionally served as the principal mechanism for social mobility, Nigeria increasingly exhibits a labour market in which even educated workers, graduates and skilled professionals included, are absorbed into precarious, low-wage, and informal employment.⁹ The result is a convergence of employment poverty and education-neutral poverty, where neither work nor schooling reliably delivers economic security.¹⁰

This distinguishes Nigeria from several comparator states in Sub-Saharan Africa, where labour-market institutions and social protection mechanisms, though imperfect, continue to preserve a clearer link between employment, skills acquisition, and improved living standards.¹¹ In Nigeria, by contrast, weak wage regulation, pervasive informality, and limited redistributive capacity have collectively produced a labour market in which work no longer guarantees dignity and education no longer ensures

² Muhammad, A. (2024). Analyzing Nigerian Legal Frameworks Through An Economic Lens. *The American Journal of Political Science Law and Criminology*, 6(04), 07-1

³ Nwankwo, B. C. (2021). Paradox of Development and Security Challenges in 21st Century Nigeria. *International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS)*, 4(3), 177-191.

⁴ National Bureau of Statistics (Nigeria), '2022 Multidimensional Poverty Index (MPI)' (NBS, 2022) (reporting 63% and c 133 million multidimensionally poor).

⁵ World Bank, 'Poverty & Equity Brief: Nigeria' (October 2024) (reporting \$2.15 poverty rate 30.9% (2018/19), Gini 35.1, and spatial inequality).

⁶ Appleton, S., McKay, A., & Alayande, B. A. (2008). Poverty in Nigeria. In *Economic Policy Options for a Prosperous Nigeria* (pp. 331-371). London: Palgrave Macmillan UK.

⁷ Danaan, V. V. (2018). Analysing poverty in Nigeria through theoretical lenses. *Journal of Sustainable development*, 11(1), 20-31.

⁸ Lawan, M. A. (2008). The paradox of underdevelopment amidst oil in Nigeria: A socio-legal explanation (Doctoral dissertation, University of Warwick).

⁹ Amzat, I. H. (2010). The effect of poverty on education in Nigeria: Obstacles and Solutions. *OIDA International Journal of Sustainable Development*, 1(4), 55-72.

¹⁰ Aidelunuoghene, O. S. (2014). The paradox of poverty in Nigeria: What an irony. *Research journal of Finance and Accounting*, 5(4), 116-122.

¹¹ Chungu, C., & Kalula, E. (2021). Labor law, labor market regulation, and social protection in Sub-Saharan Africa Emerging trends in comparative perspective. *The Routledge Handbook of African Law*, 347-360.

escape from poverty.¹² This systemic failure situates working poverty not as a residual development challenge, but as a defining feature of Nigeria's contemporary political economy, one that demands urgent legal and institutional re-engineering rather than incremental policy adjustment.¹³

Although Nigeria revised its statutory minimum wage to ₦70,000 per month in 2024,¹⁴ this reform operates within a labour market where informal employment exceeds almost 90% thus rendering wage protection largely aspirational and inoperational.¹⁵ This amount cannot reasonably be characterised as a living wage for either an individual or a family in Nigeria. A living wage, as understood in international human rights law and labour standards, is not merely a nominal income floor but a wage sufficient to secure a decent standard of living, including adequate food, housing, healthcare, education, transportation, and a margin for contingencies.¹⁶ When assessed against prevailing costs of living in Nigeria which is marked by sustained inflation, currency depreciation, and rising prices of basic necessities, the revised minimum wage, albeit recent falls significantly short of this threshold.¹⁷ In practical terms, ₦70,000 per month is insufficient to meet basic subsistence needs in most urban and peri-urban settings, let alone to support family dependants. Expenditure on rent, food, transportation, utilities, and healthcare alone commonly exceeds this amount, forcing workers to rely on multiple income streams, informal coping mechanisms, or household debt.¹⁸ The inadequacy is even more pronounced for workers supporting children or extended family members, a common socio-economic reality in Nigeria. Consequently, employment at the statutory minimum wage does not lift workers out of poverty but rather entrenches working poverty, where full-time labour fails to guarantee a life of dignity.¹⁹

From a human rights perspective, this gap between the statutory wage and the cost of living engages Nigeria's obligations under article 15 of the African Charter on Human and Peoples' Rights and article 7 of the International Covenant on Economic, Social and Cultural Rights, both of which require remuneration sufficient to ensure equitable and satisfactory conditions of work and a decent living for workers and their families.²⁰ A minimum wage that is disconnected from living-cost realities, weakly enforced, and inapplicable to the vast informal economy cannot fulfil these normative requirements. The 2024 wage revision, while politically and symbolically significant, therefore illustrates the limits of minimum wage formalism in the absence of a rights-grounded living-wage framework.²¹

¹² Omotola, J. S. (2008). Combating poverty for sustainable human development in Nigeria: The continuing struggle. *Journal of poverty*, 12(4), 496-517.

¹³ Raheem, S., Ayeni, J. O., & Fashedemi, A. O. (2014). Easing the "Disease" of poverty in Nigeria. *Developing Country Studies*, 4(19), 55-66.

¹⁴ World Bank, 'Nigeria: Poverty and Equity (Global POVEQ)' (noting projections and macro context affecting poverty outcomes through 2024).

¹⁵ WageIndicator Foundation, 'Minimum Wage– Nigeria' (valid January 2026; minimum wage effective 19 July 2024: ₦70,000/month).

¹⁶ Nwude, E. C. (2013). The politics of minimum wage in Nigeria: the unresolved issues. *Asian Journal of empirical research*, 3(4), 477-492.

¹⁷ Igboanua, C. N., Abba, U. E., & Nnaji, I. L. (2025). National Minimum Wage and its Effects on the Workers; Living Standards in Awka North and Outh Local Government Ares of Anambra State, 2011-2024. *International Journal of Public Administration And Development Studies*, 2(2), 43-56.

¹⁸ Elegbede, S., Gbajumo-Sheriff, M., & Oni, O. (2024). A Conceptual and Theoretical Analysis of Government Wage Policy and Labour Migration in Nigeria. *Nigerian Journal of Management Sciences Vol*, 25(2).

¹⁹ Umenweke, M. N., & Anushiem, M. I. (2024). Appraisal of the Challenges in the Implementation of National Minimum Wage Act, 2024. *Journal of Commercial and Property Law*, 11(4), 92-99.

²⁰ Shafiu, R. M., & Salleh, M. A. (2021). Nigeria-IMF Relationship and Its Impact on Human Rights and Standard of Living in Nigeria. *Yustisia Jurnal Hukum*, 10(2), 2021.

²¹ Elegbede, S., Gbajumo-Sheriff, M., & Oni, O. (2024). A Conceptual and Theoretical Analysis of Government Wage Policy and Labour

Despite the centrality of labour to livelihoods, Nigerian poverty and inequality debates continue to treat labour regulation as a secondary, technical matter rather than a core human rights concern.²² This has obscured the extent to which poverty and inequality are produced and sustained by legal design choices governing work, wages, and enforcement.²³ This article contributes to African and international human rights scholarship by situating labour and wage governance within the social justice architecture of the African Charter and the ICESCR, including by demonstrating that Nigeria's mass informality and wage inadequacy constitute Charter-relevant rights violations rather than economic inefficiencies. Finally, it proposes a Charter-informed reform agenda that reframes labour regulation as a justiciable component of inclusive and sustainable development.

Drawing on the United Nations and African Commission jurisprudence, the article proposes a norm-based reform agenda that transition from mere minimum wage formalism to a rights-grounded living-wage framework. It further seeks to extend protection to informal and platform workers through adaptive regulation, thus strengthening labour inspectorates and wage-setting bodies as accountability institutions, including integrating labour governance into national social protection schemes. It concludes by postulating that inclusive development in Nigeria requires treating labour regulation not as discretionary economic policy but as a core component of Charter-based social justice and human rights.

Normative Frameworks

International and regional human rights frameworks provide a robust normative foundation for labour justice. At the international level, the ICESCR establishes binding obligations on states to ensure the equal enjoyment of socio-economic rights, including those related to work, wages, and social protection.²⁴ Specifically, article 7 of the ICESCR guarantees the right to just and favourable conditions of work, including fair wages, equal remuneration for work of equal value, and a decent living for workers and their families. At the regional level, the African Charter on Human and Peoples' Rights (ACHPR) complements and, in certain respects, deepens these obligations by expressly linking labour, equality, and development within a unified social justice framework.²⁵ Central to both regimes are the principles of equality and non-discrimination.

Articles 2 and 3 of the African Charter guarantee non-discrimination in the enjoyment of Charter rights and equality before the law and equal protection of the law. These provisions find close functional equivalents in articles 2(2) and 3 of the ICESCR, which prohibit discrimination in the exercise of Covenant rights and guarantee the equal right of men and women to their enjoyment. Importantly, both regimes treat equality and non-discrimination as immediate obligations, not subject to progressive realisation.²⁶ Such systemic exclusion raises serious concerns under both the ACHPR and the ICESCR, as it results in

Migration in Nigeria. *Nigerian Journal of Management Sciences* Vol, 25(2).

²² Nwokpoku, E. J., Nwokwu, P. M., Nwoba, M. O. E., & Amaka, E. G. (2018). Nigerian labour laws: Issues and challenges. *World Applied Sciences Journal*, 36(1), 47-54.

²³ Dauda, R. S., & Oyeleke, O. J. (2021). Poverty and inequality: The challenges to sustainable development in Nigeria. *Ilorin Journal of Economy Policy*, 8 (2), 1-16.

²⁴ Gomes, V. B. (2020). The right to work and rights at work. In *Research handbook on economic, social and cultural rights as human rights* (pp. 227-249). Edward Elgar Publishing.

²⁵ Ssenyonjo, M. (2012). Economic, social and cultural rights in the African Charter. In *The African regional human rights system* (pp. 55-100). Brill Nijhoff.

²⁶ Monaghan, K. (2011). Equality and Non-discrimination. *Judicial Review*, 16(4), 418-428.

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unequal enjoyment of labour-related rights on the basis of employment status, economic position, and social vulnerability. From a human rights perspective, a labour regime that consistently privileges formal workers while rendering informal workers legally invisible engages the core equality guarantees of both instruments.²⁷

Beyond equality, the right to work under equitable and satisfactory conditions, enshrined in article 15 of the African Charter, provides a substantive benchmark for assessing labour-market outcomes. Article 15 guarantees not only access to work, but the right to work under conditions that are equitable and satisfactory, as well as the right to equal pay for equal work.²⁸ This formulation deliberately extends beyond the mere availability of employment to encompass the quality, fairness, and remuneration of work. It resonates closely with articles 6 and 7 of the ICESCR, which recognise the right to work and the right to just and favourable conditions of work, including fair wages, equal remuneration for work of equal value, safe and healthy working conditions, and a decent living for workers and their families.²⁹

The ACHPR right to development, articulated in article 22, further reinforces this conclusion. It recognises development as both a collective and individual entitlement and imposes corresponding duties on states to ensure that development processes are inclusive and equitable.³⁰ The African Commission has consistently clarified that development under article 22 must be participatory, equitable, and benefit-sharing, rather than narrowly growth-oriented.³¹ Development strategies that prioritise aggregate output while leaving large segments of the working population in poverty are therefore incompatible with the Charter's normative vision.³²

Labour governance lies at the heart of inclusive and equitable development and work is the principal mechanism through which individuals participate in, and benefit from, economic activity.³³ Where labour markets generate widespread working poverty despite growth and resource endowment, development ceases to be rights compliant. In such circumstances, the expansion of output without corresponding improvements in wages, security, and working conditions fails the equity requirement embedded in article 22.³⁴ Taken together, the equality guarantees in articles 2 and 3, the labour protections in article 15, and the distributive demands of article 22 of the ACHPR are in consonance with related provisions of the ICESCR and all resonate as coherent framework for labour justice in Nigeria.

Emerging Jurisprudence

²⁷ Miller, B. J. (2006). Living outside the law: how the informal economy frustrates enforcement of the human rights regime for billions of the world's most marginalized citizens. *Nw. Univ. J. Int'l Hum. Rts.*, 5, 127.

²⁸ Special Rapporteur on the Rights of Women in Africa (SRRWA) - 75OS available at <https://achpr.au.int/en/intersession-activity-reports/special-rapporteur-rights-women-africa-srrwa-75os>

²⁹ General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights); See also Hunt, J. (2003). *Fair and just working conditions. Economic and Social Rights under the EU Charter of Fundamental Rights: A legal perspective*, Oxford: Hart Publishing, 45-66.

³⁰ Arts, K. (2017). Inclusive sustainable development: a human rights perspective. *Current Opinion in Environmental Sustainability*, 24, 58-62.

³¹ Kamga, S. A. D., & Fombad, C. M. (2013). A Critical Review of the Jurisprudence of the African Commission on the Right to Development. *Journal of African Law*, 57(2), 196-214.

³² Ibid

³³ Mitchell, W. C. (1910). The rationality of economic activity. *Journal of Political Economy*, 18(3), 197-216. ³⁴ Sengupta, A. (2001). Right to development as a human right. *Economic and Political Weekly*, 2527-2536.

³⁴ O'Flaherty, M. (2006). The concluding observations of United Nations human rights treaty bodies. *Human Rights Law Review*, 6(1), 27-52.

Labour justice has emerged as a core concern of international and regional human rights jurisprudence, particularly in contexts where economic growth coexists with entrenched inequality and working poverty. Under the ICESCR and the African Charter, work and wages are no longer treated as matters of policy discretion but as enforceable rights grounded in dignity, equality, and social justice. The jurisprudence under these instruments provides detailed guidance on the content of labour-related rights and clarifies the positive obligations of states to structure labour markets in ways that ensure fair remuneration, decent working conditions, effective regulation, and inclusive protection. In this framework, persistent wage inadequacy, weak enforcement, and the systematic exclusion of informal workers are not merely policy failures but engage state responsibility and lie at the heart of contemporary labour injustice.

a. The Committee on Economic, Social and Cultural Rights (CESCR)

The CESCR has clarified that Article 7 of the ICESCR is violated where wages are insufficient to ensure a dignified standard of living, even where employment is formally available. In General Comment No. 23, the CESCR emphasises that minimum wages must be legally enforceable, regularly reviewed, and sufficient to enable workers and their families to enjoy other Covenant rights. This interpretation is particularly salient for Nigeria, where statutory wage floors are weakly enforced, not indexed to inflation, and largely inapplicable to the vast informal economy. From an ICESCR perspective, the persistence of working poverty therefore constitutes a rights violation, not merely a policy shortcoming.

The interpretive guidance of the Committee on Economic, Social and Cultural Rights (CESCR) is further refined through its Concluding Observations, which translate Covenant norms into concrete, state-specific expectations.³⁵ In its Concluding Observations on Nigeria, the Committee expressed concern about high levels of poverty and inequality, the prevalence of informal employment, and the limited coverage of social security schemes, particularly for workers outside formal employment relationships.³⁶ It urged Nigeria to strengthen labour inspection mechanisms, expand social protection coverage, and ensure that minimum wage policies guarantee a decent standard of living for workers and their families.

States frequently invoke resource constraints to justify gaps in labour enforcement and social protection. However, CESCR jurisprudence makes clear that progressive realisation does not excuse inaction. States bear immediate obligations to eliminate discrimination, secure minimum essential levels of rights enjoyment, and adopt deliberate and concrete steps towards full realisation.³⁷ In the labour context, these minimum core obligations include duties to establish and enforce wage standards; protect vulnerable and informal workers from exploitation; and prevent retrogressive measures that erode real wages or social protection coverage. These principles resonate strongly with African Commission jurisprudence on regulatory omission and reinforce the Charter-based analysis advanced above.

Of relevance is the Committee's emphasis that the persistence of informality does not diminish state responsibility; rather, it heightens the obligation to adopt targeted measures to protect workers in precarious

³⁵ UN Committee on Economic, Social and Cultural Rights: Concluding observations: Nigeria available at <https://www.refworld.org/policy/polrec/cescr/1998/en/33793#:~:text=11.,No%20adequate%20compensation%20is%20known>

³⁶ Chenwi, L. (2013). Unpacking " progressive realisation", its relation to resources, minimum core and reasonableness, and some methodological considerations for assessing compliance. *De Jure*, 46(3), 742-769.

³⁷ *Ibid*

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and informal employment.³⁸ In linking the right to social security with labour (ICESCR art 9), the CESCR has further underscored the indivisibility of labour rights and social protection. In General Comment No. 19, the Committee stressed that social security systems must extend to workers in the informal economy and those in precarious or non-standard employment. Conditioning access to healthcare, pensions, or income security exclusively on formal employment status entrenches inequality and violates the Covenant. For Nigeria where informality exceeds 90 per cent, this interpretation is decisive. Labour regulation and social protection cannot be treated as separate policy domains as failure to integrate the two exacerbate poverty and undermines the equal enjoyment of economic and social rights.

International labour standards further reinforce this jurisprudence. The ILO Decent Work Agenda conceptualises employment as a vehicle for dignity, equity, and social inclusion, rather than merely income generation. Similarly, Sustainable Development Goal 8 links decent work with inclusive and sustainable economic growth, while SDG 10 targets inequality within and among countries. Together, these frameworks confirm that labour law is not peripheral to development, but central to states' international human rights obligations. Read together with article 7 of the ICESCR and article 15 of the African Charter, these observations reinforce the conclusion that Nigeria's labour challenges reflect a rights-compliance deficit, not merely an economic or administrative inefficiency.³⁹ While the ICESCR provides the primary regional normative anchor for this analysis, its interpretation is reinforced by the African Charter to which Nigeria is also a state party.

b. African Commission on Human and Peoples' Rights (ACHPR)

The jurisprudence of the African Commission on Human and Peoples' Rights provides authoritative guidance on the scope and content of states' socio-economic obligations under the African Charter, including those bearing directly on labour justice.⁴⁰ In *SERAC v Nigeria*, the Commission articulated the now-established tripartite duties to respect, protect and fulfil Charter rights, emphasising the obligation of states to regulate private actors whose conduct undermines rights enjoyment.⁴¹ Although *SERAC* arose in the context of environmental and community rights, its doctrinal significance extends well beyond that setting. The decision clarifies that Charter violations may result not only from direct state action, but also from regulatory omission, institutional failure, and ineffective oversight. Applied to labour markets, this reasoning squarely implicates weak wage-setting frameworks, ineffective labour inspection, and the systematic regulatory exclusion of informal workers.

Similarly, in *Endorois*, the Commission affirmed that the right to development under article 22 of the African Charter requires development processes that are equitable, participatory, and benefit-sharing, rather than narrowly growth-oriented.⁴² This jurisprudence reinforces the proposition that labour

³⁸ Nwokpoku, E. J., Nwokwu, P. M., Nwoba, M. O. E., & Amaka, E. G. (2018). Nigerian labour laws: Issues and challenges. *World Applied Sciences Journal*, 36(1), 47-54.

³⁹ Amin, A. (2020). Assessing Violations of States' Socio-Economic Rights Obligations in the African Charter: Towards a Model of Review Grounded in the Teleological Approach. *Afr. Hum. Rts. YB*, 4, 16.

⁴⁰ Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v Nigeria (2001) AHRLR 60 (ACHPR 2001) (state duties to regulate and protect socio-economic rights; violations of arts 2, 4, 14, 16, 18(1), 21 and 4).

⁴¹ Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council Kenya (2009) AHRLR 75 (ACHPR 2009) (right to development and benefit-sharing).

⁴² Uchenna Emelonye, *Dialectics of Rights: Nigeria's Engagement with the Universal Periodic Review of the Human Rights Council* (2021) Joint publication of the National Human Rights Commission of Nigeria and Safari Publishers <https://www.nigeriarights.gov.ng/publications.html>

regimes which generate widespread working poverty, even in contexts of economic growth are incompatible with Charter-compliant development. Where labour governance fails to translate economic activity into improved livelihoods, the equity requirement embedded in article 22 is not met.

c. Universal Periodic Review (UPR)

Nigeria's obligations on labour justice are further reinforced through recommendations accepted under the Universal Periodic Review (UPR) process of the United Nations Human Rights Council. Across successive UPR cycles, Nigeria has received and accepted multiple recommendations calling for strengthened protection of workers' rights, improved enforcement of labour standards, extension of social protection, and measures to address poverty, inequality, and precarious work.⁴³ These recommendations reflect consistent international concern regarding the gap between Nigeria's formal labour commitments and the lived realities of workers, particularly those in informal and vulnerable employment.

UPR recommendations to Nigeria have repeatedly emphasised the need to ensure effective implementation of minimum wage laws, strengthen labour inspection and enforcement mechanisms, combat exploitative labour practices, and guarantee safe and healthy working conditions.⁴⁴ These recommendations have also urged Nigeria to expand social security coverage, address gender-based discrimination in employment, and protect the labour rights of vulnerable groups, including women, young people, and migrant workers. Taken together, these recommendations underscore an international expectation that Nigeria move beyond formal legal recognition of labour rights toward effective, inclusive, and redistributive labour governance.

Importantly, the UPR process situates labour justice within a broader framework of equality, dignity, and socio-economic inclusion. By consistently linking workers' rights to poverty reduction, social protection, and non-discrimination, UPR recommendations reinforce the argument that widespread working poverty and informality are not value-neutral economic phenomena but indicators of rights deficits. Nigeria's acceptance of these recommendations constitutes an acknowledgment of responsibility to address structural labour-market inequalities and to ensure that labour regulation reaches those most exposed to exploitation and insecurity.

Viewed alongside Nigeria's obligations under the African Charter and the ICESCR, UPR recommendations provide additional interpretive guidance on the content of labour justice and the measures required to realise it. Persistent failures to enforce wage standards, regulate informal work, and extend labour protections to the majority of workers therefore represent not only domestic policy shortcomings but continuing non-compliance with Nigeria's human rights commitments as repeatedly identified through the UPR mechanism. In this sense, the UPR reinforces the conclusion that labour justice in Nigeria must be approached as a matter of rights compliance, institutional reform, and inclusive development, rather than as a discretionary aspect of economic policy.

IV. Domestic Frameworks and Jurisprudence

At the national level, Nigeria's labour justice framework is anchored in a combination of constitutional

⁴³ Ibid

⁴⁴ Ibe, C. E., & Ogbike, A. M. (2024). Legal and Institutional Frameworks for the Promotion and Protection of Workers Rights. *Unizik Law Journal*, 20(1).

provisions, statutory labour legislation, and administrative institutions.⁴⁵ The Constitution of the Federal Republic of Nigeria 1999 (as amended) recognises the dignity of labour and obliges the state, under its Fundamental Objectives and Directive Principles, to ensure just and humane conditions of work, adequate means of livelihood, and equality of opportunity.⁴⁶ Although these provisions are formally non-justiciable, they provide an important normative baseline for labour governance and inform the interpretation of statutory labour protections and state policy choices affecting work, wages, and social welfare.⁴⁷

In Nigeria, where labour markets are marked by mass informality, these equality guarantees are salient.⁴⁸ When effective legal protection such as enforceable wage standards, access to social security, and labour inspection is practically confined to a small minority of formal-sector workers, while the overwhelming majority remain excluded, differential treatment ceases to be incidental or transitional. Instead, it becomes structural, embedded in the design and operation of the labour regulatory system itself.⁴⁹ The persistence of working poverty in Nigeria thus signals not only a developmental lag, but a structural violation of the right to development as understood in African human rights jurisprudence.⁵⁰

Statutorily, labour regulation in Nigeria is primarily governed by the Labour Act, the National Minimum Wage Act 2019, the Employees' Compensation Act 2010, and related legislation on trade unions, occupational safety, and industrial relations. Together, these instruments regulate employment conditions, wages, collective organisation, workplace safety, and compensation for work-related injury.⁵¹ However, their practical reach remains limited by existing working poverty and narrow interpretation and application of "worker," weak labour inspection systems, low compliance, and enforcement deficits. As a result, legal protections relating to minimum wages, social security, and safe working conditions are largely confined to formal employment relationships, leaving the vast informal workforce functionally excluded from the protective and redistributive aims of labour law.⁵²

Within this framework, mass informality, wage inadequacy, and weak enforcement in Nigeria cannot be dismissed as inevitable features of a developing economy. They represent normative failures that engage binding international and regional human rights obligations, and they demand rights-centric reforms grounded in dignity, equality, and inclusive development. This structural exclusion has direct implications for labour justice. Advertently or inadvertently, Nigeria's labour law framework reproduces a dual labour market in which formal workers enjoy legal recognition and institutional protection, while informal

⁴⁵ Odunsi, B., & Oduniyi, O. O. (2025). Fundamental Objectives and Directive Principles of State Policy in the Nigerian Constitution: Re-Examining the Non-Justiciability of Socio-Economic Rights. *Journal of Indonesian Constitutional Law*, 2(3), 274-298.

⁴⁶ Ibid

⁴⁷ Nwosu, J., & Folarin, O. (2025). Bridging the formality divide: A cross-national analysis of economic informality determinants. *Journal of Business and Economic Options*, 8(2), 1-9.

⁴⁸ Yusuff, O. S. (2011). A theoretical analysis of the concept of informal economy and informality in developing countries. *European Journal of Social Sciences*, 20(4), 624-636.

⁴⁹ Boshoff, E. (2022). Rethinking the premises underlying the right to development in African human rights jurisprudence. *Review of European, Comparative & International Environmental Law*, 31(1), 27-37.

⁵⁰ Nwokpoku, E. J., Nwokwu, P. M., Nwoba, M. O. E., & Amaka, E. G. (2018). Nigerian labour laws: Issues and challenges. *World Applied Sciences Journal*, 36(1), 47-54.

⁵¹ Arimah, B. C. (2001). Nature and determinants of the linkages between informal and formal sector enterprises in Nigeria. *African Development Review*, 13(1), 114-144.

⁵² Udombana, N. J. (2006). Social rights are human rights: actualizing the rights to work and social security in Africa. *Cornell Int'l LJ*, 39, 181.

workers remain legally marginalised despite constituting most of the labour force. Such outcomes sit uneasily with Nigeria's obligations under the African Charter and the ICESCR, which require states to ensure equality in the enjoyment of labour-related rights and to organise labour markets in ways that sustain human dignity and inclusive development. Viewed through this lens, deficiencies in Nigeria's labour governance are not merely administrative or economic shortcomings, but normative failures that engage the state's human rights obligations at the domestic, regional, and international levels.

In contexts such as Nigeria, where statutory wages fall short of basic living costs and enforcement mechanisms are weak or ineffective, article 15 of the African Charter is directly implicated. Read purposively, this provision requires states to structure labour markets in a manner that ensures work sustains human dignity, rather than reproducing poverty. Employment that fails to secure subsistence, exposes workers to chronic insecurity, or necessitates multiple informal income streams to survive cannot be reconciled with the Charter's conception of equitable and satisfactory conditions of work.⁵³ Labour regulation that tolerates such outcomes amounts to a failure not only of economic policy, but of rights compliance.⁵⁴

a. Justiciability and Enforcement

A common objection to socio-economic rights enforcement in Nigeria is the non-justiciability of Chapter II of the 1999 Constitution. However, this limitation does not exhaust Nigeria's human rights obligations. The African Charter (Ratification and Enforcement) Act domesticated the Charter into Nigerian law, providing a statutory basis for rights adjudication. In *Abacha v Fawehinmi*,⁵⁵ the Supreme Court confirmed that the African Charter, as domesticated, forms part of Nigerian law and is enforceable by courts, subject only to constitutional supremacy. This jurisprudence opens a pathway for labour-related claims grounded in Charter provisions, particularly articles 2, 3, 15 and 22 where domestic labour law or enforcement failures undermine dignity, equality, or equitable development. Regardless, enforcement gaps persist. Labour inspectorates remain under-resourced, sanctions weak, and access to remedies limited, especially for informal workers. From a Charter perspective, these institutional deficits constitute failures of the protect obligation, engaging state responsibility.

b. Comparative Perspectives

Nigeria's labour and inequality challenges are not unique as comparative experience across Sub-Saharan Africa demonstrates that legal and institutional choices matter in shaping labour outcomes, even within similar economic constraints. South Africa offers the most explicit constitutional recognition of labour and socio-economic rights in the region.⁵⁶ The Constitution guarantees fair labour practices and justiciable socio-economic rights, including social security. Constitutional jurisprudence has affirmed that the state bears a positive duty to design labour and welfare systems that progressively reduce inequality.⁵⁷ In its Concluding Observations on South Africa, the CESCR welcomed the country's extensive social protection system but nonetheless expressed concern about extreme income inequality, working

⁵³ Ibid

⁵⁴ (S.C. 45/1997) [2000] NGSC 2 (27 April 2000)

⁵⁵ Heyns, C., & Brand, D. (1998). Introduction to socio-economic rights in the South African Constitution. *Law, Democracy & Development*, 2(2), 153-167.

⁵⁶ Wilson, S., & Dugard, J. (2011). Taking poverty seriously: The South African Constitutional Court and socio-economic rights. *Stellenbosch Law Review*, 22(3), 664-682.

⁵⁷ Concluding observations on the initial report of South Africa available at [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov.za/ilr/docs/2018-ICESCR-SA-ConcludingObservations-Oct2018.pdf](https://www.unhcr.org/refugees/pdf/4d9d9d9d.pdf)

poverty, and the disproportionate impact of labour-market exclusion on marginalised groups.⁵⁸ The Committee underscored that even robust social grant systems must be complemented by effective labour-market regulation, adequate wage floors, and access to decent work opportunities.

While South Africa continues to face high unemployment and inequality, its constitutional wage protections, sectoral bargaining structures, and expansive social grant system have demonstrably reduced extreme poverty and cushioned labour-market shocks.⁵⁹ The lesson for Nigeria is not institutional replication, but normative clarity that labour and social protection are treated as rights, not discretionary policy tools. For Nigeria, the South African experience, viewed through CESCR scrutiny, illustrates both the potential and the limits of post-hoc redistribution that while social protection mitigates poverty, it cannot substitute for rights-compliant labour regulation.

Kenya's post-2010 constitutional framework has expanded the justiciability of socio-economic rights, including labour-related protections. Kenyan courts have increasingly scrutinised state omissions affecting vulnerable workers, particularly in informal and casual employment. This jurisprudence illustrates how courts can play a constructive role in translating constitutional and international labour norms into enforceable standards, even within predominantly informal economies.⁶⁰ In relation to Kenya, the Committee on Economic, Social and Cultural Rights (CESCR) highlighted the rapid expansion of informal and casual employment, weak enforcement of labour standards, and insufficient protection for workers in non-standard forms of work.⁶¹ The Committee called on Kenya to extend labour and social security protections to informal workers and to ensure that minimum wages are regularly reviewed and enforced. This mirrors Nigeria's situation closely and strengthens the case for adaptive labour regulation capable of reaching workers outside standard employment contracts, an approach consistent with both ICESCR obligations and African Charter principles of equality and non-discrimination.

In the case of Ghana, institutionalised wage-setting and social dialogue by the Tripartite Committee on Minimum Wage, comprising government, labour, and employers, represents a comparatively institutionalised approach to wage determination. While challenges remain, the process underscores the value of structured social dialogue and regular wage review mechanisms.⁶² Ghana's experience demonstrates that wage governance can be stabilised through institutional design rather than ad hoc political negotiation. While the Committee on Economic, Social and Cultural Rights (CESCR) is yet to review Ghana's initial report, related reports from other human rights mechanisms, including the ILO Committee of Experts have noted several issues aimed at improving fairness, worker protection, and decent work conditions with fair wages, including the passage of the Labour (Domestic Workers) Regulations 2020 to improve conditions of work for domestic workers.

⁵⁸ Mubangizi, J. C. (2006). The Constitutional Protection of Socio-Economic Rights in selected African countries: a comparative evaluation. *African Journal of Legal Studies*, 2(1), 1-19.

⁵⁹ Kinyua, B. (2011). A Revolution of Human Rights in Kenya: Assessing the Enforceability of Socio-Economic Rights Under the Constitution of Kenya 2010. Available at SSRN 1864585.

⁶⁰ Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant [on Economic, Social and Cultural Rights] : concluding observations of the Committee on Economic, Social and Cultural Rights: Kenya available at <https://www.refworld.org/policy/polrec/cescr/2008/en/63771>

⁶¹ Okyir, N. T. (2017). Toward a Progressive Realisation of Socio-economic Rights in Ghana: A Socio-legal Analysis. *African Journal of International and Comparative Law*, 25(1), 91-113.

These developments evidenced progress in minimum wage regulation and social dialogue but also a caveat that low wage levels and limited enforcement continued to undermine the right to just and favourable conditions of work. It presupposes that wage-setting mechanisms must be aligned with the cost of living and accompanied by effective monitoring. Ghana's experience underscores a central theme of this article that institutionalised wage-setting processes are necessary but insufficient unless they deliver substantively adequate outcomes.

Comparative record suggests three core lessons. The first is that where labour and social protection are constitutionally or legally entrenched, inequality mitigation improves. Secondly, institutionalised wage-setting and enforcement matter as much as wage levels and thirdly, informality does not preclude rights-based labour governance, it demands adaptive regulation. These lessons align with the African Charter's emphasis on equity, dignity, and development and reinforce the argument that Nigeria's current labour architecture reflects policy choice, not inevitability.

Overall, the normative convergence in sub-Sahara Africa is that countries that treat labour as a development instrument invest in its regulation and protection. Conversely, countries that violate the ICESCR and the African Charter systematically produce working poverty, exclude informal workers from protection, or rely on formal legality without effective enforcement. This convergence between ICESCR interpretation and African Commission jurisprudence strengthens the normative case for reconceiving labour regulation in Nigeria as a binding human rights obligation under both regional and international law.

CONCLUSION

Nigeria's revised minimum wage of ₦70,000 per month represents a response to inflationary pressures, but its redistributive impact is structurally constrained. With 92.7% informal employment in Q1 2024 and 93.0% in Q2 2024, most workers remain outside effective wage protection. Simultaneously, 63% multidimensional poverty underscores the scale of deprivation linked to insecure and poorly remunerated work. The interaction of weak wage standards, limited coverage, and ineffective enforcement produces a feedback loop to the extent that low incomes suppress domestic demand, constrain job creation, and reinforce precarious employment. Eventually, inequality thus emerges as a legally mediated outcome, implicating Charter-based social justice obligations.

Four reform directions emerge from a Charter-centred analysis. First, Nigeria should transition from episodic minimum-wage adjustments to a rights-grounded living-wage framework, anchored in articles 15 and 22 and supported by transparent, evidence-based wage-setting mechanisms. Secondly, labour law must extend protection to informal and platform workers through adaptive regulation that secures core rights without imposing prohibitive formalisation barriers. Thirdly, labour inspectorates and wage-setting bodies should be reconceived as human rights accountability institutions, adequately resourced and empowered to fulfil the Charter's protect obligation. Finally, labour regulation must be integrated with universal social protection systems, ensuring that access to healthcare, pensions, and income security is not contingent on formal employment status alone.

Nigeria's poverty and inequality crisis is inseparable from the legal architecture governing work, wages, and labour enforcement. As this article has shown, the African Charter and the ICESCR—domesticated in Nigerian law and elaborated through regional and international jurisprudence—provide a coherent normative framework for re-imagining labour governance as a matter of social

justice, human dignity, and inclusive development. In a labour market defined by mass informality and pervasive working poverty, minimum wage reform, though necessary, is inadequate in the absence of universalised protection, effective enforcement institutions, and the integration of labour regulation with social protection systems. Reclaiming labour law as a rights-bearing, redistributive, and developmental instrument is therefore not peripheral but central to Nigeria's journey toward inclusive and sustainable development.