



Women in Domestic Work and Informal Labour: Examining the Adequacy of Legal Protection Against Exploitation in Nigeria

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ABSTRACT

This article examines the adequacy of legal protection available to women engaged in domestic work and informal labour in Nigeria. Women constitute a significant proportion of Nigeria's informal workforce and are disproportionately represented in domestic service, petty trading, home-based production and other forms of precarious employment. Despite their contribution to household welfare and national economic development, many continue to experience exploitative conditions characterised by poor remuneration, excessive working hours, absence of written contracts, job insecurity, limited social protection and restricted access to justice.

Adopting a predominantly socio-legal methodology, the article combines doctrinal analysis of relevant Nigerian laws and international labour standards with an examination of the lived realities of women in these sectors. It interrogates the extent to which existing legal frameworks adequately address the vulnerabilities of women in domestic and informal labour. The article argues that while Nigeria possesses a range of constitutional, statutory and policy instruments capable of protecting workers, significant gaps in coverage, enforcement and implementation continue to expose women to exploitation. It concludes that meaningful protection requires not only legislative reform but also strengthened labour inspection, extension of social protection measures and the recognition of domestic and informal workers as integral participants in Nigeria's economy.

Keywords: Domestic Work, Informal Labour, Women, Legal Protection, Exploitation

INTRODUCTION

Domestic work is a key part of a productive society, and it is central to the well-being of households and the economy at large.¹ However, many domestic workers are faced with problems that are multifaceted and highly gendered. They often face challenges of abuse, low pay, poor working conditions, and limited legal protection. These exploitations are enabled by the gaps in the labour law and other related laws that are largely inadequate to ensure protection for them based on the peculiarities of their work.² Although the work conditions of domestic workers and people working in the informal sector in Nigeria are largely exploitative, it is, however, more aggravated when it comes to females in this sector.³ Although there has been an increased representation of women in the labour market, many women still experience inequalities and face dangerous conditions in their workplace.⁴ Women have lower access to well-paying jobs compared to their male counterparts. A lot of women

¹ International Labour Organization (2021). *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*. Geneva: ILO.

² Eyongndi, D. T.-A., Nnawulezi, U., & Imosemi, A. (2024). *Protection of domestic workers under Nigerian law: Gleaning lessons from ILO, Ghana, South Africa, and India*. Jindal Global Law Review. <https://doi.org/10.1007/s41020-024-00236-0>

³ Osiki, A. (2022). *Facilitating decent work: The case of domestic workers in Nigeria*. Industrial Law Journal, 43(2), 726–750. (Provides an in-depth legal analysis of regulatory gaps affecting domestic workers in Nigeria.)

⁴ Osiki Abigail, The impact of socio legal inequality on women in the Nigerian domestic work sector, *Law Democracy & Development*, Vol. 26 (2022) DOI: http://dx.doi.org/10.17159/2077_4907/2021/1dd.v26.3



often engage in low-paying jobs that are in less lucrative sectors. They also become victims of discriminatory practices and laws, which further enable inequality and propel poverty.⁵

Women constitute about 76.2% of the workforce in the informal and domestic work sector, where they experience various forms of exploitation and abuse.⁶ Their roles are often considered negligible and, therefore, mostly overlooked.⁷ However, without their work and role being played, society will crumble in a short time as it becomes unsustainable.⁸ This paper examines the role of the law in protecting this class of workers, its adequacy, and makes recommendations for a better future for women in these sectors. Although they play a key role in society, women in the informal and domestic sectors are often restrained by poor access to credit, education, and legal protection.⁹ A lot of women employed in these sectors are under-recognised, poorly catered for, and also insecure.¹⁰ The majority of women in the domestic and informal sectors find themselves operating in these sectors based on their low skills, social barriers, family duties, and an inadequate labour market.¹¹

Women in Domestic Work and Informal Labour in Nigeria: Contexts and Realities

Over the years, women have had a growing rate of participation in the labour market and in their contribution to the economic growth and gross domestic product (GDP) of their country.¹² However, they are still largely shouldered with the responsibility of domestic and care work in their homes.¹³ Many women in Sub-Saharan Africa spend over 10 hours each day catering to their homes in domestic work.¹⁴ Domestic work in developing countries can be said to entail cleaning, planning and preparation of food, cooking, child care, fetching water, doing the dishes, washing clothes, and even engaging in petty trading or subsistence agriculture.¹⁵ For most women in Africa, especially in Nigeria, their situation is further exacerbated by the fact that gender norms often prescribe that domestic chores and labour are the primary responsibility and duty of women.¹⁶ This is the widespread cultural and even religious belief in Nigeria. It is believed that she is naturally and inherently responsible for domestic work, hence, a lot of men take the back seat and watch women take on these chores with little to no intervention from the men, who are the supposed heads of the household.

⁵ Ibid

⁶ ILO Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189) Geneva: ILO (2021). Also, Florence Bonnet, Françoise Carré and Joann Vanek, *Domestic Workers in the World: A Statistical Profile* (WIEGO Statistical Brief No 32, WIEGO/ILO 2022) https://www.wiego.org/wp-content/uploads/2022/06/WIEGO_Statistical_Brief_N32_DWs%20in%20the%20World.pdf accessed 1 August 2026.

⁷ UN Department of Economic and Social Affairs, 'Invisible Yet Indispensable: Why the World Runs on Women's Unpaid Care Work' (*Second World Summit for Social Development*, 2025) <https://social.desa.un.org/world-summit-2025/blog/invisible-yet-indispensable-why-the-world-runs-on-womens-unpaid-care-work> accessed 1 August 2026.

⁸ UN Women, 'FAQs: What Is Unpaid Care Work and How Does It Power the Economy?' (*UN Women*, 23 October 2025) <https://www.unwomen.org/en/articles/faqs/faqs-what-is-unpaid-care-work-and-how-does-it-power-the-economy> accessed 1 August 2026. Also, Jayeeta Ghosh Chowdhuri and Sohini Chowdhury, 'The Invisible Backbone: The Unrecognized Political Economy of Women's Unpaid Care Work in India' (2025) 10(8) *Research Review International Journal of Multidisciplinary* 31 <https://doi.org/10.31305/rrijm.2025.v10.n8.005> accessed 1 August 2026.

⁹ Accion, 'Building Financial Resilience for Women in the Informal Economy' (*Accion*, 1 August 2025) <https://www.accion.org/article/building-financial-resilience-for-women-in-the-informal-economy/> accessed 1 August 2026.

¹⁰ Maya Stern Plaza, '94% of Domestic Workers Worldwide Lack Comprehensive Social Protection, according to a New ILO Report' (*Social Protection.org*, 16 June 2022) <<https://socialprotection.org/discover/blog/94-cent-domestic-workers-worldwide-lack-comprehensive-social-protection-according-ne-0>> accessed 1 August 2026.

¹¹ 'The Marginalization and Informalization of Women's Work' (*PubAdmin.Institute*, 15 April 2026) <https://pubadmin.institute/gender-sensitization/marginalization-informalization-womens-work> accessed 1 August 2026.

¹² Osinuga, Abisola et al. "Understanding Rural Women's Domestic Work Experiences (DWE) in Ibadan, Nigeria: Development of a Measurement Tool Using Confirmatory Factor Analysis." *International journal of environmental research and public health* vol. 18,21 11043. 21 Oct. 2021, doi:10.3390/ijerph182111043

¹³ Bianchi S.M., Sayer L.C., Milkie M.A., Robinson J.P. Housework: Who did, does or will do it, and how much does it matter? *Soc. Forces*. 2012;91:55–63. doi: 10.1093/sf/sos120.

¹⁴ Sayer L.C. Gender, Time and Inequality: Trends in Women's and Men's Paid Work, Unpaid Work and Free Time. *Soc. Forces*. 2005;84:285–303. doi: 10.1353/sof.2005.0126.

¹⁵ Habib R.R., El Zein K., Hojeij S. Hard work at home: Musculoskeletal pain among female homemakers. *Ergonomics*. 2011;55:201–211. doi: 10.1080/00140139.2011.574157

¹⁶ Osinuga, Abisola et al. "Understanding Rural Women's Domestic Work Experiences (DWE) in Ibadan, Nigeria: Development of a Measurement Tool Using Confirmatory Factor Analysis." *International journal of environmental research and public health* vol. 18,21 11043. 21 Oct. 2021, doi:10.3390/ijerph182111043.



Women's participation in Nigeria's domestic and informal economy is not just peripheral but integral to household survival and national development.¹⁷ They are the pillars of the micro-economy but are faced with significant challenges. They experience poor wages, lack of job security, social exclusion, stigmatization, and minimal legal protections. Women in these sectors are trapped in these precarious, dangerous, and unregulated labour practices, mainly due to the interplay of patriarchal cultural norms and widespread poverty.

Women constitute a massive part of Nigeria's informal economy, and they are concentrated in the lowest-paying, least-visible jobs. Most of them do not receive any benefits or entitlements such as health insurance, paid sick leave, or pensions. Hence, they experience severe wage gaps, lack of social protection, and systemic inequality. Key drivers of these realities for women in informal sectors are the economic hardship and widespread poverty, which drive a lot of unskilled rural women to migrate to urban areas to seek any form of income to survive.¹⁸ Also, the cultural gender roles dictate that women are meant to handle unpaid domestic chores, which has led to the devaluation of domestic labour as a paid profession. Women are significantly impacted by limited access to formal education and vocational training, which limits their entry into the formal corporate sector. They also face critical barriers to accessing loans, credits, and business development technology, which inhibit their growth even in the business sector.¹⁹

Most informal workers lack a voice to fight for their rights or make demands for better work conditions, as they often operate in isolation.²⁰ Also, domestic workers and informal sector workers, especially women, are susceptible to various forms of physical abuse, sexual harassment, and exploitation with little to no pathway to legal recourse.²¹ Workers in the informal and domestic sectors are mostly overlooked in public policy and rarely targeted by local law enforcement.²²

Due to the nature of most African societies, which are mainly patriarchal, even women who hold jobs outside the home still come back from work to bear the double burden of unpaid family caregiving. Women who get white-collar jobs or good jobs, so to speak, still have to come back home to deal with household chores such as cooking, cleaning, attending to children, among others. These services are largely unpaid for, as traditionally, it is the responsibility of a woman to keep the home and see to the efficient running of the home front.

The informal sector is often also regarded as the hidden economy which lacks government oversight or a social safety net.²³ Informal workers have been categorized as self-employed workers who work in small unregistered or incorporated microenterprises and people who work for wages without benefits or social protection.²⁴ Modern-day slavery has been enabled among the informal sector, domestic work, and other under-regulated industries by the absence of collective labour oversight both globally and regionally.²⁵

¹⁷ Salako Emmanuel, 'What Work Looks Like for the Majority of Women in Nigeria' (*Dataphyte Insight*, 1 August 2025) <<https://www.dataphyte.com/issue/senorrita/2025/08/what-work-looks-like-for-the-majority-of-women-in-nigeria>> accessed 1 August 2026.

¹⁸ Ndimele C.G, Poverty Reduction Among Women In Nigeria Through Paid Care Work: Lesson From Lvliang China, *Journal of Sustainable Development in Africa* (Volume 24, No.3, 2022) ISSN: 1520-5509

¹⁹ Abubakar, H. Z., & Jibrin, B. I. (2023). Women participation in the informal sector of Nigeria: A key to national development. *International Journal of Innovative Development and Policy Studies*, 11(2), 43–51.

²⁰ Damian Grimshaw, *Informal and Precarious Work: Persistent Inequalities* (UN DESA 2022) <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2022/06/Damian-Grimshaw-Paper.pdf> accessed 1 August 2026. Also, in Françoise Carré, Pat Horn and Chris Bonner, *Collective Bargaining by Informal Workers in the Global South: Where and How It Takes Place* (WIEGO Working Paper No 38, WIEGO 2018) https://www.wiego.org/wp-content/uploads/2019/09/Carre_Collective_Bargaining_Informal_Workers_WIEGO_WP38.pdf accessed 1 August 2026.

²¹ Oluwatoyin O Ogunkorode and Monica Eniola Amujo-Akomolafe, 'Sexual Harassment: Vulnerability of Domestic Workers in Nigeria' in Ebenezer Durojaye, Senthurun Nabaneh and Tade Adebajo (eds), *Sexual Harassment, Law and Human Rights in Africa* (Palgrave Macmillan, Cham 2023) ch 7..

²² Human Rights Watch, 'Street Vendors Are Workers – They Should Have Workers' Rights' (*Human Rights Watch*, 1 May 2025) <<https://www.hrw.org/news/2025/05/01/street-vendors-are-workers-they-should-have-workers-rights>> accessed 1 August 2026. [hrw](https://www.hrw.org/news/2025/05/01/street-vendors-are-workers-they-should-have-workers-rights)

²³ ILO. (2018b). Empowering women working in the informal economy (Issue Brief No. 4). Retrieved from ILO website: https://www.ilo.org/wcmsp5/groups/public/---dgreports/-cabinet/documents/publication/wcms_618166.pdf

²⁴ Bonner, C. (n.d.-f). Recruiting Informal Workers into Democratic Workers' Organisations (p. 48). Cambridge, USA: Weigo.

²⁵ Klovborg, S. (2019). *Maid in Hell* [Documentary, Online]. Retrieved from <https://www.cbc.ca/passionateeye/episodes/maid-in-hell>
Page 10990



The Nigerian Legal and Policy Framework for Protecting Women Against Labour Exploitation

There have been several discussions and advocacy for women's rights, which often focus on political participation, domestic violence, and reproductive rights. However, there seem to be very limited conversations around the labour exploitation of women.²⁶ A lot of women continue to experience exploitation and abuse in workplaces, farms, factories, markets, domestic service, and the informal economy. From domestic workers in Lagos to agricultural workers in rural communities, from factory workers in industrial clusters to female interns in professional settings, women often take positions characterized by vulnerability and weak bargaining power.²⁷

The reality is especially concerning because women form a large part of Nigeria's informal workforce, where labour regulation is weakest, and exploitation is most prevalent. Only about 10.5% of Nigerian women are engaged in salaried and waged employment, with the overwhelming majority of about 89.5% concentrated in the informal sector where they often lack income security and social protections.²⁸ Nigeria has developed a blend of constitutional guarantees, labour legislation, anti-violence laws, international obligations, and policy instruments directed at protecting women from labour exploitation. However, a major disparity still lies between law and practice.

Labour exploitation has been taken to include several things but for the context of this paper, it can be taken to include the non-payment or underpayment of wages, gender pay discrimination, workplace sexual harassment, denial of maternity leave and benefits, forced labour and debt bondage, unsafe and unhealthy working conditions, discriminatory promotion practices, exploitative domestic work arrangements, human trafficking for labour purposes, and economic coercion and workplace intimidation.

The Constitution

The foundation of women's protection against labour exploitation in Nigeria is the Constitution of the Federal Republic of Nigeria 1999. Several provisions of the Constitution provide different forms of protection to women. Section 42 of the Constitution ensures freedom from all forms of discrimination. It prohibits discrimination based on sex, among other grounds. A woman should therefore not be lawfully denied employment opportunities, promotion, benefits, or privileges solely because she is female. In *Ejiele Maduka v Microsoft Nigeria*²⁹ a landmark case on anti-sexual harassment in the workplace, the claimant had argued that the termination of her employment by her boss because she refused his sexual advances was a flagrant disregard for her right to freedom from discrimination and her right to dignity of person as contained in the constitution. The Court held the institution vicariously liable for the acts of the perpetrators of the infringement and awarded costs. This provision serves as the constitutional foundation for challenging workplace discrimination against women. Women in domestic labour and the informal sector face exploitations that are specifically gendered in nature. Women in these sectors are not only vulnerable but are also poor, and Section 42 can be used to address structural inequalities that perpetuate labour exploitation.

One of the most challenging situations faced by women in domestic work and the informal sector is unequal remuneration. A study by the International Monetary Fund found that Nigerian women earn about 45% less than their male counterparts in the same or similar roles.³⁰ Women often have the same qualifications and are sometimes even better enlightened and skilled than their male counterparts, yet this remuneration gap persists. It manifests in different ways, such as female domestic workers receiving lower wages than their male counterparts, women being paid way less for similar agricultural work compared to their male counterparts, and women being disqualified from higher-paying economic opportunities. Practices like these raise constitutional

²⁶ Augusta Shahin, 'The Silent Struggle: How Workplace Discrimination, Legal Gaps, and Economic Exclusion Trap Marginalised Women in Nigeria' (*LiRA-D Nigeria*, 25 February 2025) <<https://liradnigeria.org/the-silent-struggle-how-workplace-discrimination-legal-gaps-and-economic-exclusion-trap-marginalised-women-in-nigeria/>> accessed 1 August 2026.

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²⁸ World Bank, *Nigeria Gender Data Landscape* (2026 edn, World Bank 2026) <https://documents1.worldbank.org/curated/en/099210007022221373/pdf/IDU0eb03f34c0b98b04dbf0a2670d6c566023098.pdf> accessed 1 August 2026.

²⁹ [2014] 41 NLLR (Pt. 125) 67

³⁰ Mmesoma Stella Ezech, 'Addressing the Gender Pay Gap in Nigeria' (*African Liberty*, 2 June 2025) <<https://www.africanliberty.org/2025/06/02/addressing-the-gender-pay-gap-in-nigeria/>> accessed 4 August 2026.



concerns under section 42 of the Constitution. The law rejects the idea of gender being a valid reason for economic disadvantage.

Many women in domestic work often lose employment because of pregnancy. This equally manifests in various ways, such as refusal to hire pregnant women, dismissal after pregnancy becomes visible, reduction of working opportunities, and pressure to resign. These practices are critically discriminatory as pregnancy is considered to be a natural phase for women, and pregnancy discrimination is considered to be a form of sex discrimination. In *Mrs Adenike Aromasodu vs Reliance Health*,³¹ the National Industrial Court of Nigeria held that the termination of the claimant's appointment based on pregnancy is a form of discrimination on the grounds of sex and constituted a breach of her right against discrimination. Section 42 can be taken to challenge the institutional arrangements that perpetuate gender-based exclusion. A lot of women remain reduced to low-status occupations because of society's perception and categorization of certain jobs as "women's work," such as domestic work, cleaning, caregiving, food vending, and so on.

Another sacrosanct provision protecting women working in the domestic and informal sectors is Section 34 of the Constitution. This provision ensures a right to human dignity for all citizens. Labour exploitation often implicates human dignity. This provision protects every individual, including those working in the formal and informal sectors. Domestic workers are usually faced with conditions that raise serious dignity concerns. Some of them include excessive working hours, physical abuse, verbal humiliation, restriction of movement, withholding of wages, deprivation of food, sexual abuse, forced confinement, and child domestic servitude, among others. Most of these situations happen within private homes and therefore escape labour inspection, hence the reason why a lot of perpetrators escape the wrath of the law. However, the fact that most of these crimes are perpetrated behind the curtains or in private settings does not mean they should elude the law, nor does it remove the constitutional protection afforded to workers in such settings. There is no supremacy of profession or sector before the law, rather, the law is supreme and final. The law, especially this provision, applies to all persons in any profession or sector. The constitution follows the worker even into his household.

Some of the degrading treatment faced by domestic workers has been normalized, and they adversely affect such workers. Some of these implicitly degrading practices include being forced to eat separately from household members, being referred to by insulting names, being denied adequate sleeping arrangements, being prevented from using household facilities, and being publicly humiliated, among others. Such practices may not always violate specific labour regulations, but they may violate constitutional dignity standards. The concept of dignity recognizes that staff or workers are not mere instruments or tools of trade, but they are also human beings who are deserving of respect.

Section 34 expressly prohibits servitude. Servitude is not just about employment, but it exists where a person is put under compelling control, dependency, and inability to willingly and freely leave a work arrangement. Many domestic labour arrangements actually have a major undertone of and share similarities with servitude, especially where wages are withheld, workers are locked indoors, communication is limited, identity documents are withheld and confiscated from them, and movement is controlled. Such circumstances are not just ordinary labour disputes, but they also raise constitutional concerns as to the dignity of the persons in such conditions. The importance of Section 34 in situations like this is that it allows the court to view these violations not just as a breach of contract but also as violations of fundamental human rights of such workers.

Furthermore, this provision of the law also prohibits forced or compulsory labour, which is particularly relevant to the case of live-in domestic workers. Section 34(1)(c) prohibits forced or compulsory labour. Some domestic workers are mandated to work extremely long hours, they also work without rest, and some of them are deprived of the freedom to even resign. When some of them refuse to comply with these stringent conditions, they are threatened with violence or non-payment of their wages. Where labour is mandated through force, intimidation, confinement, or threats, constitutional issues arise. Also, peculiar to Nigeria is the challenge of trafficking young girls and women for domestic labour in various households. Most of them are forced into it due to their family's poverty and inability to cater to them. Some of them are recruited from rural communities and put in households

³¹ NICN/LA/204/2024



where they are exploited and put through inhumane treatments. Such practices directly engage with the provision of Section 34's prohibition of forced labour.

Also, the significance of dignity extends beyond domestic work to women in the informal sector. They frequently encounter challenges that undermine their human dignity. Some of them experience sexual exploitation by economic gatekeepers in their sector. Women traders sometimes face sexual demands from persons exercising regulatory or economic control. For example, women in need of trading spaces, market stalls, or commercial opportunities may be exposed to coercive sexual misconduct. Section 34 of the Constitution therefore provides them with a basis for challenging such exploitation. Many women also work in hazardous markets, polluted environments, and unsanitary conditions. Although dignity does not automatically translate to a right to perfect working conditions, it becomes a shield for workers against degrading and inhumane environments. Furthermore, modern human rights scholarship acknowledges economic violence as a dignity issue. Issues like arbitrary confiscation of goods, extortion by officials, and systematic harassment of female traders are considered a contravention of women's right to dignity as it attacks the economic foundation of their survival.

Furthermore, Section 17 of the Constitution envisions a society founded on equality and justice. It provides that every citizen should have access to equal opportunities at work. However, these provisions are contained in Section II of the constitution, which is generally non-justiciable and not enforceable. This is one of the major setbacks in Nigeria's anti-exploitation framework as some of the most liberating guarantees are difficult to enforce in court.

The Labour Act

The major legislation regulating employment relationships in Nigeria is the Labour Act. The Labour Act penalizes forced labour and reinforces constitutional protections against involuntary servitude. Persons who coerce others to work in the form of forced labour may face criminal sanctions. The Act is especially important to domestic workers, migrant female workers, rural agricultural labourers, and victims of labour trafficking.

A key part of the protection afforded to women by this Act is maternity protection. The Labour Act grants maternity leave to women and prohibits their dismissal during certain periods that are linked to pregnancy and childbirth. This provision reiterates and acknowledges the biological realities peculiar to women, especially during motherhood, and it seeks to prevent economic punishment for reproduction. Without such measures put in place, some employers may systematically exclude women from meaningful employment opportunities.

However, some provisions in the Labour Act, which were originally intended to protect women, have been considered to be discriminatory. For example, the provision that restricts women's participation in night work and certain categories of industrial employment remains in the Act.³² Critics argue that such provisions reiterate stereotypes about women's capacities rather than promote equality. This raises the question of whether women should be protected because they are vulnerable or because they are empowered as equal economic actors.

Also, Section 54 of the Labour Act restricts the maternity protection provided for in the Act to women in public, private industrial, or commercial undertakings, or agricultural undertakings. This provision excludes domestic workers whose workplaces do not fall under these categories.

Violence Against Persons (Prohibition) Act

One of the landmark developments in the protection of women in Nigeria has been the VAPP Act. [the Act sets out to eliminate violence in both private and public life. |It also affords victims with an array of remedies while actively punishing offenders. Although it is mostly referenced in relation to domestic violence and sexual offences, it still has important workplace implications.

Sexual harassment is one of the most prevalent forms of exploitation faced by women in the workplace. Such as demanding sexual favours in exchange for employment, conditioning promotion on sexual demands and compliance, unsolicited touching or advances, and persistent sexually offensive workplace language and

³² Sections 55 and 56 of the Nigerian Labour Act, Cap L1, Laws of the Federation of Nigeria 2004.



conduct. A lot of women faced with such challenges are usually coerced into submitting to such desires because their employment is hinged on the fulfilment of such desires. The VAPP Act strengthens the legal basis for seeking redress against such abuses, and it also improves the criminal accountability mechanism in the nation.

National Gender Policy

The National Gender Policy of Nigeria provides an avenue for gender equality to be mainstreamed into public institutions and workplaces. It sets out to address barriers and walls that prevent women from participating equally in economic life. The policy recognises that exploitation is not just a result of individual misconduct but also a reflection of the systemic inequalities that prevail in society. Therefore, it tries to set a standard against which society can perceive gender equality and fairness. It tries to shape the public's perception against occupational segregation, leadership exclusion, unequal access to economic resources, and cultural stereotypes regarding women's work. These factors collectively heighten vulnerability to exploitation.

International Labour Standards and Nigeria's Obligations

The protection of women in domestic work and the informal sector is not just a matter of national labour policy, but it has extended to be an area of particular concern for international labour law, human rights law, and sustainable development governance. In various parts of the world, domestic workers and workers in the informal sectors have historically occupied the borderline of labour protection regimes. In Nigeria, these concerns are especially important because the majority of employed women actually work within the informal economy. Hence, any meaningful intervention in women's labour rights in Nigeria must focus on domestic work and informal employment. Based on this, the international community decided to come together to address labour issues because it affects every country. The International Labour Organization (ILO) was established to form international labour standards to be used alongside other broad human rights instruments to ensure protection for all workers. These standards impose obligations on Nigeria not only to curb exploitation but also to ensure conditions for decent work, social protection, equality, dignity, and freedom from violence.

ILO Conventions

The ILO sets out an agenda to ensure decent work conditions for all workers. It is built on the pillars of employment creation, social protection, social dialogue, and rights at work. Notable among the ILO Conventions that can be used to protect women in domestic work and the informal sector are ILO Convention 190, Convention 111, Convention 100, Convention 183, and Convention 189.

The ILO Convention No.190 is an instrument against violence and harassment in the world of work. It is one of the most important labour instruments affecting women workers. It is the first international treaty to recognise that every person has the right to work in an environment free from violence and harassment. It expanded labour protection beyond wages and working hours to include dignity, safety, and psychological well-being. Nigeria ratified this convention in 2022 and therefore committed to preventing workplace violence, eliminating sexual harassment, protecting vulnerable workers, establishing effective complaint mechanisms, and providing remedies for victims. It protects women in domestic work and the informal sector as it expressly protects all workers irrespective of their contractual status. This convention recognises the contemporary labour challenges faced by these women as labour issues rather than as merely private matters.

Also, ILO Convention No.111 provides against discrimination in employment and occupation, and it was ratified by Nigeria in 2002. It prohibits all forms of discrimination in the work place based on sex, race, religion, political opinion, and social origin. This Convention is especially important for women as majority of the exploitation experienced by women often arises from gender discrimination, which can take various forms such as lower wages, hiring discrimination, pregnancy discrimination, occupational segregation, and exclusion from leadership positions, among others. This convention puts Nigeria under an obligation to ensure policies that eliminate such discrimination in the workplace. Women in domestic work and the informal sector experience discrimination in the line of their work, which can also take various forms such as unequal access to credit, restricted access to land, limited access to productive resources, and exclusion from decision-making structures. Nigeria, having ratified this Convention, is saddled with the responsibility of eliminating structural inequalities in the workplace.



Furthermore, ILO Convention No. 100 is often called the Equal Remuneration Convention because it requires equal remuneration for men and women for equal work of equal value. Nigeria ratified this Convention in 1974. Women mostly dominate low-paying sectors, and even where they perform similar work to their male counterparts, they often get paid less than their male counterparts. This happens often in agricultural labour, domestic work, small-scale trading, and artisanal production. This Convention challenges the systemic undervaluation of women's labour. Also noteworthy is the ILO Convention No.183 which ensures maternity protection to all women in the workplace. The Convention ensures paid maternity leave, health protection, employment security, and protection against pregnancy discrimination. Even though Nigerian domestic law provides for maternity protection, they are mostly restricted to formal employment. This creates a major gap where women in the informal sector and domestic work receive no paid maternity leave, they lack income support, and they have no childcare protections. Therefore, Nigeria's compliance is largely limited and highly non-regulated and non-inclusive for women in the informal sector, which enables flagrant disregard for this Convention and even provisions of the domestic law on maternity protection.

However, the most notable of the ILO Conventions that directly recognizes workers in the informal sector and domestic work is ILO Convention No.189. It is called the Domestic Workers Convention as it recognizes that domestic work is still work, and this represents a significant conceptual shift in labour-related matters. Historically, domestic work and informal sector work are often considered to be private arrangements rather than employment. However, with the advent of this ILO Convention No. 189, such views have been relegated as it acknowledges the labour efforts of those in domestic work and categorises it as work just like any other work in the formal sector. This convention holds that domestic workers should have access to fair remuneration, reasonable working hours, weekly rest periods, occupational safety protection, social security coverage, written contracts, and protection from abuse. It addresses the majority of the challenges faced by domestic workers in the course of their work. However, Nigeria is yet to ratify this Convention, and this remains one of the most important gaps in its labour governance framework. The failure to ratify is especially pronounced in Nigeria because domestic work and the informal sector remain one of the largest female-dominated occupations in Nigeria. Ratifying this Convention will tremendously improve the legal protection of domestic workers generally.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Nigeria ratified this Convention in 1985, and even though it is not a labour matter instrument, it contains provisions that can be used to ensure protection for women in the informal sector and domestic work. Article 11 of this Convention specifically addresses women's employment rights as it holds that States should ensure women have access to equal employment opportunities, equal remuneration, safe working conditions, maternity protection, and protection from discrimination. CEDAW has developed to recognize that women's labour goes beyond formal employment. It lays emphasis on economic inclusion, informal work protection, social security access, and recognition of unpaid care work. Looking at the Nigerian labour landscape, it is imperative that these obligations are highly necessary.

Between Law and Reality: Assessing the Adequacy of Protection in Nigeria

A key area of contradiction in Nigeria's Labour law is that the women who are most economically indispensable are usually the least legally protected. The market women who nurture an entire community, the domestic worker who assists professional families to run efficiently, the roadside vendor, the cleaner, the farm worker, the petty trader, the home-based producer, the online vendor, and the hairdresser, all work together to sustain the main parts of the Nigerian economy. Yet these women are often outside the reach of labour protection mechanisms. This contradiction reveals a more profound jurisprudential problem. Labour law traditionally evolved around the picture of a factory worker, a civil servant, a formal employee with a contract, defined working hours, and a known employer. However, the majority of Nigerian women are usually self-employed, informally employed, casually engaged, or employed within private households where labour regulation barely penetrates. Therefore, the key question is not what the Nigerian law says about women in the workplace, but rather the focus is on how adequate the available frameworks are for the protection of women in workplaces, especially those in the domestic and informal sectors. The answer, viewed through the lens of lived realities, is largely negative. Although Nigeria has a robust body of constitutional, statutory, policy, and international legal protections, the



existing frameworks are largely insufficient to tackle the challenges of women in domestic work and the informal sector because most of these laws are designed for workers in the formal sector. This consequently leads to a massive gap between legal recognition and practical protection.

Recent data on the Nigerian labour market reveal that approximately 93% of the population in the labour force is working in the informal sector.³³ Women are disproportionately represented, with around 96% of employed women working in the informal sector compared to men, who have about 90% of their workforce working in the informal sector.³⁴ These data reveal that the majority of women in Nigeria work where the labour law is weakest, labour inspection is scarcest, and legal enforcement is most difficult. This fact challenges the adequacy of existing legal protections.

Even though Nigeria has made tremendous progress, especially in the ratification of several Conventions that directly impact the labour force, it is still plagued with several setbacks in the enforcement and implementation of these laws and policies. The non-ratification of Convention 189, weak enforcement mechanisms, limited social protection, and the persistent subjugation of informal workers show that Nigeria is yet to fully align its labour governance with international standards. The true gauge of compliance is not in the number of conventions ratified, but in the extent to which domestic workers and people working in the informal sector across the various States of the Federation can experience dignity, safety, equality, and decent work as lived realities rather than distant legal ideals.

A major setback of the Nigerian labour regulations is what is termed “formalist bias.” Most labour protections assume the presence of formalities such as a formal employer, a written contract, a designated workplace, a clear employer-employee relationship, payroll documentation, and regulatory oversight. However, the lived realities of many workers in the domestic and informal sectors, especially Nigerian women, do not fit with these assumptions. Many of them operate under conditions that make these formalities almost impossible to meet due to the nature of their work, educational backgrounds, and literacy levels. The majority of these laws were designed for yesterday’s workers because the experiences of the modern Nigerian woman come with a starkly different economic reality. The labour experiences of domestic and informal sector workers often occur behind closed doors where inspections rarely occur, abuse is difficult to uncover, evidence is difficult to get, and monitoring mechanisms are weak. Hence, a lot of domestic workers often become legally invisible. It can therefore be said that Nigeria’s labour protections are strongest where exploitation and abuse are least prevalent, and weakest where exploitation and abuse are most common.

A typical example of the law-reality gap is in the issue of maternity protection. The Labour Act provides for maternity leave and certain protections for pregnant workers. However, these provisions barely apply to domestic and informal sector workers. They largely benefit women in formal employment. The market trader receives no paid maternity leave, the domestic worker stands to lose her job after pregnancy if she doesn’t resume on time, the roadside seller bears the full cost of childbirth, and the self-employed artisan receives no income replacement. Hence, a right that is widely acclaimed in labour law becomes inaccessible to most working women. The problem is not that of legal absence but that of unequal accessibility to rights. A right enjoyed by a few people cannot be celebrated as offering sufficient protection.

Furthermore, another reality for domestic and informal sector workers that portrays the legal and reality gap is in the handling of matters of sexual harassment and gender-based exploitation. Domestic workers are particularly vulnerable because they often work in isolation, they lack co-workers, they often lack reporting channels, and they are financially dependent on employers. Hence, many cases never go to court, many victims never report, and many remain trapped between economic survival and personal dignity. The law provides for legal remedies, but this rarely automatically translates into practical protection. The real problem is usually not the law but that of power imbalance. Also, a lot of women fall victim to exploitation and abuse through economic dependency. A vulnerable and poor woman may endure abuse just so that she can survive economically and cater to her

³³ National Bureau of Statistics, *Nigeria Labour Force Survey (NLFS) Q1 2024 Report* (National Bureau of Statistics 2024) https://www.nigerianstat.gov.ng/pdfuploads/NLFS_Q1_2024_Report.pdf accessed 23 June 2026

³⁴ Ibid



family. In such situations, exploitation comes not merely from the employer's behaviour but from structural economic vulnerability. More often than not, the law is ill-equipped to address such forms of exploitation.

A major weakness of Nigeria's labour framework is the narrow reach of social protection systems. Informal workers often lack access to pension coverage, health insurance, unemployment benefits, disability protection, and income security. This gap becomes more pronounced, especially during crises. A recent example of this was during the COVID-19 pandemic where several women in the informal and domestic sector experienced major income losses because their livelihoods depended largely on daily earnings. Many had no institutional support system. Hence, labour rights without social protection produce unstable livelihoods.

One of the greatest obstacles of the Nigerian labour framework for women in domestic and informal sectors is the limited access to the justice system. A lot of them encounter various difficulties while trying to enforce their rights. Such barriers include financial barriers. Legal proceedings are often expensive, and the cost of engaging a lawyer can even send some of these women bankrupt. Therefore, they try to avoid enforcing their rights through the courts. Also, many of these workers lack the awareness of their rights, and they mostly do not even know when their rights are being violated. The cultural barrier to justice also discourages these women from pursuing justice because social norms frown at laying complaints against employers who are often portrayed as divine helpers. Ultimately, most women in the domestic and informal sectors decide not to pursue justice because of the fear of retaliation. They often fear the repercussions of pursuing justice, which can include job loss, eviction, social stigma, and even blacklisting by the community. A lot of them stay to endure the exploitation, and this is why legal rights can sometimes remain theoretical.

From a feminist legal dimension, the heightened number of women in informal work is not accidental. Women are often unfairly saddled with the responsibilities of care work, domestic labour, childcare responsibilities, and household management. These unpaid responsibilities in the home often push women towards flexible but insecure forms of employment. The effect of this is that the labour market structure then tilts more towards gender inequality, as many more women get packed into low-paying jobs, unregulated sectors, vulnerable employment, and informal enterprises.

Towards Gender-Responsive Labour Protection: Reforming Nigeria's Approach

In light of the foregoing, this paper calls for the Nigerian government to gear towards gender-responsive protection to ensure that all workers are protected and carried along in the economic development of the country. The first reform this paper suggests is that the government should look to expand the legal definition of "worker." The current labour regulations remain focused on the traditional employment relationships. However, Nigeria needs to adopt a broader concept of work that will include domestic workers, home-based workers, platform workers, casual workers, and self-employed informal workers. The focus should shift from employment status towards economic vulnerability, because if labour protection is only applicable in formal sectors, then the majority of women will be excluded.

Furthermore, Nigeria needs to urgently ratify and implement the ILO Convention No. 189, which caters to informal workers. Its implementation should include written contracts for domestic workers, maximum working hours, weekly rest periods, wage protection, complaint mechanisms, and labour inspection models that have been adapted to private households. This would attend to one of the most crucial gaps in the Nigerian Labour regulation.

Also, the government needs to put in place universal maternity income protection systems that truly acknowledge the fact that pregnancy affects all women and not just salaried employees. The government can achieve this by establishing maternity income support schemes, informal worker maternity grants, and community-based social insurance mechanisms. Maternity protection should be connected to citizenship and economic participation and not just employment status.

To achieve a more gender-responsive labour protection, Nigeria needs to build a more gender-sensitive social protection system that extends beyond formal employment. This system should focus on setting up Universal health insurance access, informal worker pension schemes, childcare support programmes, disability protection,



and income support during economic shocks. This is necessary because without social protection, labour rights become weak.

In the pursuit of better labour protections for women in the domestic and informal sector, Nigeria needs to strengthen its collective organisation. One of the major weaknesses of informal labour is the lack of collective bargaining power. Where there is no united voice in action, there can be no focused goal attainment that will positively impact every worker. Hence, the government needs to support domestic worker associations, women traders' unions, informal worker cooperatives, and platform worker associations. Collective organisation transforms individual vulnerability into collective power and brings about a direct positive impact for all.

Also, Nigeria needs to adopt a Gender-responsive labour inspection system. Due to the nature of domestic and informal work, traditional labour inspection models are ineffective in monitoring exploitation and abuse. Therefore, the government needs to incorporate innovative approaches like community labour monitors, mobile complaint platforms, anonymous reporting systems, and local government-based labour protection units. With these innovative approaches, better labour protection is ensured for all workers.

Moreover, the Nigerian labour frameworks need to recognise care work as an economic issue. Women usually perform childcare, household management, elder care, and even community care. All these responsibilities directly impact their labour market participation. Therefore, the government can further support women by providing public childcare centres, flexible work arrangements, community caregiving programmes, and tax incentives for care services. It is most unlikely for labour protection to be effective if care responsibilities remain invisible. Where the government supports women in this area, it makes women even more productive and better contributors to the economic growth of the nation.

Another area that the government needs to look into is its preparation for digital informality. The world is evolving each day with new technological advancements, which create new career pathways and also pose new risks. The future of women's work is progressively becoming digital as many Nigerian women now earn their income through online retail, social commerce, freelancing, content creation, and platform work. Yet there have been insufficient regulatory frameworks to regulate these new livelihood channels. Therefore, future legislation should address platform accountability, digital wage protection, algorithmic discrimination, online harassment, and social security for digital workers. Labour regulations must continue to capture emerging forms of vulnerability.

Finally, the government can also assist women in the domestic and informal sectors by providing them with financial access through targeted micro-loans and grants to further aid their businesses. Also, the government can facilitate skill acquisition training for such women by offering them community-based training, which will further heighten their chances of employability and modernise production techniques.

Comparative Analysis of the Legal Protection of Women in Domestic Work and Informal Labour in Nigeria, South Africa and Ghana

The realities of women in domestic work and informal labour vary significantly across various nations, especially across Nigeria, South Africa and Ghana. The three nations share common law traditions, significant informal economies and substantial female participation in domestic work, yet the legal protection afforded to women in domestic work varies significantly. Although each jurisdiction has adopted constitutional and legislative measures aimed at protecting workers, South Africa is deemed to have developed the most comprehensive legal framework, Ghana has made commendable progress, while Nigeria seems to be lagging as it continues to experience legal and institutional deficiencies.

Despite the robust legal frameworks in force in Nigeria, domestic workers remain inadequately protected under the existing labour laws, which have been specifically enacted to regulate formal industrial employment. The Labour Act has limited provisions that particularly cover domestic work, and its enforcement mechanisms are further debilitated by the largely private and informal nature of domestic employment. Therefore, a lot of women in the domestic work and informal sector are daily faced with the harsh realities of low wages, excessive working hours, sexual harassment, unsafe working conditions and limited access to effective legal remedies.



By Contrast, South Africa is often considered to have one of the most developed legal regimes for domestic workers in Africa. Domestic workers have well-defined protection provisions under the Labour Relations Act,³⁵ the Basic Conditions of Employment Act,³⁶ and the Employment Equity Act.³⁷ Furthermore, South Africa ratified the ILO Convention No. 189 in 2013, which signals its devotion to international labour standards governing domestic work. Under these provisions, domestic workers are entitled to statutory minimum wages, maternity protection, paid leave, unemployment insurance and occupational health and safety safeguards. The landmark case of *Mahlangu v Minister of Labour*³⁸ further strengthened the legal protection afforded to domestic workers and informal sector workers, as the Court declared that the exclusion of domestic workers from the protections afforded by the Compensation for Occupational Injuries and Diseases Act³⁹ is unconstitutional and granted them retrospective social security rights. These developments show the commitment of the South African government to ensure a rights-based and inclusive approach to labour that accepts domestic work as a legitimate labour worthy of equal legal protection.

Ghana stands in an intermediate position between Nigeria and South Africa. Just like Nigeria, Ghana has an economy that thrives on a large informal sector where women constitute a significant proportion of domestic workers and informal labourers. However, Ghana has been more deliberate in ensuring the alignment of its national labour standards with international obligations and has subsequently made several legal reforms in line with this. Although the system is still plagued by implementation challenges, labour inspection limitations and persistent informality, which deeply affect the efficacy of the legal frameworks, Ghana has increasingly integrated domestic workers into national labour policy discussions and social protection initiatives.

A comparative evaluation reveals that the key difference among the three jurisdictions lies not only in legislative enactments but also in the implementation and legal recognition of domestic workers. South Africa has embraced a rights-based model aided by constitutional jurisprudence, special labour institutions and efficient enforcement mechanisms. Ghana has also demonstrated political commitment through the ratification of treaties and labour law reforms, even though enforcement remains largely uneven but it's a steady journey towards proper enforcement. On the other hand, Nigeria is dependent on fragmented legal provisions which are insufficient to address the unique vulnerabilities of female domestic workers and informal sector workers. The challenges of women in domestic work are greatly aggravated by weak institutional enforcement, limited labour inspections, the absence of ratification of ILO Convention No.189 and the exclusion of many informal workers from effective labour protection.

The comparative experiences of South Africa and Ghana offer tremendous lessons for Nigeria. The importance of the ratification and domestication of ILO Convention No. 189 and the holistic reform of the Labour Act cannot be overemphasized, as they are key to the recognition of domestic workers, extension of social security and occupational safety protections to workers in the informal sector. Furthermore, labour inspection systems need to be strengthened and access to labour dispute resolution mechanisms must be enhanced to ensure effective protection of women in the informal sector against labour exploitation in all forms. Adopting these reforms will not only ensure that Nigeria is in alignment with international labour standards, but will further contribute to the achievement of substantive gender equality and decent work for women within the domestic and informal sectors.

CONCLUSION

The major problem of Nigeria's current labour framework is not the absence of rights but the disparity between legal assumptions and lived labour realities of workers. Most of Nigeria's labour laws are designed for labour markets that are dominated by formal employment. However, the modern Nigerian labour landscape is dominated by widespread informality, self-employment, and hazardous labour arrangements. Therefore, the rights and protection afforded to women cannot be fully materialised, especially when measured against their

³⁵ Labour Relations Act 66 of 1995

³⁶ Basic Conditions of Employment Act 75 of 1997

³⁷ Employment Equity Act 55 of 1998

³⁸ *Mahlangu and Another v Minister of Labour and Others* [2020] ZACC 24,

³⁹ Compensation for Occupational Injuries and Diseases Act 130 of 1993



lived experiences. The critical problem facing women in the domestic and informal sectors is not just exploitation but also legal invisibility.

A gender-responsive labour protection system is therefore needed to move beyond formal equality towards substantive justice. It must acknowledge that women experience not only work differently, but they also experience vulnerability differently. The future of Nigerian Labour frameworks must therefore go beyond asking whether women are covered by the existing laws, but must move towards redesigning labour law to incorporate women who the current frameworks have overlooked such as the domestic worker behind closed doors, the market trader in the informal economy, the self-employed mother who is balancing the home-front with commerce, and the millions of women whose labour contributes, upholds and sustains the nation while remaining barely protected by it. Nigeria must therefore ensure that dignity, security, and decent work are not rights for those in formal employment alone, but they are also enjoyed by all women who work.

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