

From Ratification to Reality: ILO Convention No. 190 and the Implementation Gap in Workplace Sexual Violence Governance in Nigeria

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ABSTRACT

Sexual violence and harassment remain pervasive yet institutionally silenced problems in Nigerian workplaces. Nigeria's ratification of International Labour Organization Convention No. 190 in November 2022 marked a significant milestone in the country's anti-harassment governance. However, ratification does not automatically translate into institutional effectiveness. Drawing on a public administration perspective of the "implementation gap," this article systematically analyzes the tension between C190's institutional requirements and Nigeria's actual governance landscape. The analysis identifies significant deficits across three dimensions: normative (fragmented legal framework), organizational (weak enforcement capacity and ineffective reporting mechanisms), and governance (limited tripartite coordination and representational deficits). These gaps stem from the combined effects of legal fragmentation, organizational accountability failures, and structural power asymmetries. The article argues that effective implementation of C190 in Nigeria requires three transformations: translating principles into enforceable rules (normative translation), shifting from formal compliance to substantive protection (organizational transformation), and moving from isolated departmental action to multi-stakeholder governance (governance transformation). The study contributes to theoretical understanding of how international labour standards are domesticated within national public administration systems and offers practical implications for anti-harassment policy reform in Nigeria and other developing countries.

Keywords: ILO Convention No. 190; sexual violence; sexual harassment; workplace; gender inequality; workplace sexual violence; implementation gap.

INTRODUCTION

In 2019, the International Labour Conference adopted the Violence and Harassment Convention (No. 190), the first global treaty specifically addressing violence and harassment in the world of work. The Convention established the principle that "everyone has the right to a world of work free from violence and harassment" and required ratifying states to adopt an "inclusive, integrated and gender-responsive approach" to prevention and elimination. The significance of this instrument lies in its redefinition of workplace sexual violence from a "private moral issue" to a "public safety concern" and a "human rights issue," thereby obligating states to assume positive protective duties.

Nigeria ratified C190 in November 2022, becoming the first West African nation to do so. The International Labour Organization commended this move as an important advancement in the country's gender equality and decent work agenda. However, a fundamental distinction exists between ratifying a convention and achieving its objectives. As Nigerian trade union representatives have observed, the "real challenge only begins after ratification"—the absence of a coordinated national action plan, weak enforcement mechanisms, and limited stakeholder consultation are severely constraining the Convention's domestication.

This predicament is not unique to Nigeria. The "implementation deficit" of international labour standards is a governance challenge developing countries commonly face: international commitments may encounter institutional inertia, resource constraints, and insufficient political will within domestic administrative systems. For Nigeria, however, the problem carries particular urgency. National surveys indicate that over 94% of respondents consider workplace sexual harassment a widespread problem, yet half of all workers have never received any anti-harassment training, and a significant proportion are unaware of or unable to access their organization's anti-harassment policy. In higher education, a survey covering six universities found that 63% of female academic staff and approximately 70% of female students reported experiencing some form of gender-based violence.

This article adopts an institutional enforcement capacity perspective from public administration to explore the following core questions: What exactly is the gap between C190's institutional requirements and the actual governance of workplace sexual violence in Nigeria? What are the structural roots of these gaps? What institutional transformations are required to move from international convention to effective public administration practice?

Analytical Framework: The "Implementation Gap" of International Labour Standards

Understanding C190's implementation challenges in Nigeria requires an analytical framework capable of explaining the tension between "international commitment" and "domestic enforcement." Drawing on the public administration research tradition concerning "institutional enforcement capacity," this article decomposes the implementation gap into three dimensions: **normative** (whether legal rules are clear and enforceable), **organizational** (whether administrative agencies possess the capacity and will to enforce), and **governance** (whether multiple stakeholders form effective coordination).

The core question of the normative dimension is: Have the principled provisions of the international convention been translated into operationally specific domestic legal norms? C190 requires ratifying states to "define and prohibit violence and harassment in laws and regulations," but the Convention itself does not provide specific legislative templates. States have the discretion to choose implementation pathways according to their legal traditions—through labour law, criminal law, anti-discrimination law, or dedicated legislation. While this flexibility accommodates national circumstances, it also creates risks of "translation failure": principled international commitments may be diluted into policy declarations lacking enforcement power.

The core question of the organizational dimension is: Do the administrative agencies responsible for enforcing anti-harassment policy possess sufficient capacity, resources, and accountability pressure? In Nigeria, this dimension is particularly problematic. Trade union representatives have noted that the Federal Ministry of Labour lacks dedicated inspectors to handle gender-based violence and harassment cases, making effective oversight difficult even where legal provisions exist. Capacity deficits and weak political will often form a vicious cycle: the absence of dedicated personnel means cases cannot be systematically processed, and inadequate processing further undermines institutional reform momentum.

The core question of the governance dimension is: Have government, employers' organizations, and trade unions formed effective tripartite coordination mechanisms? C190 explicitly requires ratifying states to "recognize the different and complementary roles of government, employers and workers and their respective organizations." Nigeria has indeed promoted some tripartite cooperation since ratification—in 2025, the Federal Ministry of Labour, in collaboration with the ILO, held a five-day tripartite workshop to draft Nigeria's first implementation report on C190. However, unions have pointed out that government consultation with unions in policy formulation has been "limited," lacking a permanent mechanism to institutionalize tripartite consultation.

These three dimensions are not independent but interact in complex ways: normative ambiguity undermines the legitimacy of organizational enforcement, organizational capacity deficits reduce governance coordination to formalism, and governance failures in turn impede normative development. This interdependency means that reform in any single dimension is unlikely to produce lasting effects.

The Normative Gap: Fragmentation of the Legal Framework and Enforcement Vacuums

C190's ratification generated an important normative signal within Nigeria's legal system, but progress in translating that signal into systematic legal protection has been limited.

Nigeria's current anti-sexual harassment legal framework exhibits pronounced "fragmentation." At the federal level, the Labour Act (2004), as the primary law governing employment relations, contains no provisions addressing workplace sexual harassment. Regulation of sexual harassment relies mainly on general constitutional provisions concerning human dignity (Section 34) and freedom from discrimination (Section 42), with remedies obtained through the judicial practice of the National Industrial Court of Nigeria (NICN). At the state level, a few states—including Lagos and Edo—have enacted dedicated anti-sexual harassment laws, but these laws are limited in territorial scope and vary in standards. In higher education, the Sexual Harassment in Tertiary Educational Institutions (Prohibition) Bill has remained pending since 2019 and has yet to receive presidential assent.

The direct consequence of this fragmentation is **inequality of protection**. Women working in the public sector in Lagos or Edo may be covered by dedicated legislation, but women in other states or in the private sector can only rely on constitutional litigation—a pathway that is not only costly but whose evidentiary requirements often deter victims. For workers in the informal economy, the absence of legal protection is even more severe. Article 8 of C190 specifically requires member states to "recognize the important role of public authorities in the informal economy" and to identify "sectors or occupations and work arrangements in which workers are more exposed to violence and harassment." Nigeria's informal economy is vast, yet the current legal framework contains virtually no targeted protections for this group.

Article 9 of C190 requires employers to take "appropriate measures commensurate with their degree of control" to prevent violence and harassment, including adopting and implementing workplace policies, taking into account psychosocial risks associated with violence and harassment in occupational safety and health management, identifying hazards and assessing risks, and providing information and training. In Nigeria, although some large enterprises and public institutions have developed internal anti-harassment policies, systematic compliance requirements have yet to be established. Research by Heir Women Hub in the Federal Capital Territory found that although 60% of employees believed their workplace had a harassment policy, most reported never having seen or understood these policies; 50% of respondents reported never receiving anti-harassment training. This indicates that even where written policies exist, a significant gap remains between "paper policy" and "institutional arrangements that employees know and trust."

The normative gap can be summarized as follows: **the principle of legal prohibition has been established, but a concrete, enforceable rule system has yet to emerge**. Article 7 of C190 requires member states to "define and prohibit violence and harassment in laws and regulations," but Nigeria lacks unified dedicated anti-harassment legislation covering all forms of employment. This normative vacuum creates space for organizational inaction and makes it difficult for victims to assert rights on clear legal grounds.

The Organizational Gap: The Enforcement Chasm from "Having a Policy" to "Having Protection"

Effective implementation of C190 requires not only improved legal rules but also administrative agencies capable of translating rules into actual protection. The organizational gap is particularly pronounced in Nigeria, manifested in three areas: **enforcement capacity, reporting mechanisms, and employer accountability**.

Enforcement capacity deficits are evident first in the lack of dedicated personnel. As Nigerian Labour Congress representatives have noted, the Federal Ministry of Labour has no labour inspectors specifically assigned to gender-based violence and harassment cases. This means that even where legal obligations exist, no dedicated administrative force monitors compliance. Nigeria's labour inspection system already faces resource constraints, and incorporating gender-based violence and harassment cases into inspection scope is difficult without specialized training and staffing. Article 10 of C190 requires member states to "ensure

effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates"—a requirement that has yet to receive an institutionalized response in Nigeria.

The **failure of reporting mechanisms** is another prominent manifestation of the organizational gap. Multiple Nigerian studies consistently show extremely low utilization of formal reporting systems. Adekoya et al. (2025), studying 388 female civil servants in Southwest Nigeria, found that 70.9% of respondents considered reporting mechanisms ineffective. This finding echoes Heir Women Hub's research in the Federal Capital Territory—20% of respondents reported distrust of internal reporting systems. In higher education, reporting rates are extremely low despite the prevalence of sexual harassment, with reasons including "fear of retaliation, lack of trust in institutional procedures, and absence of confidential and effective reporting channels."

Article 10 of C190 explicitly requires member states to ensure "safe, fair and effective reporting and dispute resolution mechanisms," with particular emphasis on "protection of complainants, victims, witnesses and whistle-blowers against victimization or retaliation." Significant gaps exist between Nigeria's current organizational practices and this requirement. The failure of reporting mechanisms is not merely a technical problem—lack of anonymous channels or unclear complaint procedures—but a problem of trust. When employees believe that reporting will only bring negative consequences rather than remedies, even the most sophisticated procedures remain merely formalistic.

Weak employer accountability further exacerbates the organizational enforcement gap. Nigerian courts established an important principle in *Ejike Maduka v. Microsoft Nigeria*: employers may be held vicariously liable for sexual harassment committed by management. This precedent carries significant normative weight. However, the precedent effect of judicial decisions requires translation into institutional arrangements in daily administrative practice to produce systemic impact. Article 9 of C190 requires employers to take "appropriate steps" to prevent harassment, but the specific content of "appropriate steps" lacks clear administrative guidance in Nigeria: the extent to which employers must establish internal prevention mechanisms, how compliance is assessed, and what consequences follow non-compliance all lack clear institutional answers.

The essence of the organizational gap is a **rupture in the administrative enforcement chain**. From legal obligation to employer action, from reporting mechanisms to effective remedies, from inspection oversight to sanction enforcement, each link exhibits capacity or will deficits. Nigeria ratified an international convention, but the Convention's realization requires a comprehensive domestic administrative infrastructure—from labour inspection to judicial remedies, from employer compliance to union oversight. The absence of this support system means that C190's principles are largely dissipated before reaching affected workers.

The Governance Gap: Structural Obstacles to Tripartite Coordination

A core innovation of C190 is its positioning of workplace violence and harassment governance as a shared responsibility of government, employers, and workers. Article 4(3) of the Convention explicitly requires member states to "recognize the different and complementary roles of government, employers and workers and their respective organizations." This tripartite governance framework aims to mobilize the resources and commitment of all stakeholders to form a synergistic force for prevention and response. In Nigeria, however, tripartite coordination faces structural obstacles.

Insufficient government coordination is the primary problem. Workplace sexual violence governance in Nigeria involves multiple government agencies—the Federal Ministry of Labour responsible for labour standards and inspection, the Ministry of Women Affairs responsible for gender equality policy, the National Industrial Court responsible for labour dispute adjudication, and state governments with legislative and enforcement powers within their jurisdictions. In the absence of effective coordination mechanisms, this multi-agency configuration is prone to "responsibility diffusion": each agency may assume others should bear primary responsibility, resulting in no agency being genuinely accountable for the systemic effectiveness of anti-harassment governance. Union criticism of the "lack of a coordinated national action plan" directly reflects this coordination failure.

Employer organizations' willingness to participate varies considerably. The Nigeria Employers' Consultative Association (NECA) played a role in the C190 ratification process, but employer attitudes toward anti-harassment compliance diverge significantly. Large enterprises and multinational corporations typically have more sophisticated internal policies and compliance capacity, while small and medium-sized enterprises and informal sector employers generally lack resources and incentives. Article 8 of C190 requires identification of "sectors or occupations and work arrangements in which workers are more exposed to violence and harassment," but Nigeria has yet to systematically undertake this identification, meaning targeted protective measures are absent. Research shows that female adolescents in the informal economy, such as those working in auto repair shops, face severe sexual harassment risks, yet this group remains almost entirely outside the vision of institutional protection.

Trade unions' oversight capacity is structurally constrained. Nigerian trade unions (NLC and TUC) played a key role in advocating for and achieving C190 ratification and have promoted the inclusion of anti-harassment provisions in collective bargaining agreements to create "safe spaces" for victims. However, effective union oversight depends on membership coverage and collective bargaining capacity, and a large proportion of Nigerian workers—particularly women in the informal sector—do not belong to any union. For these workers, the "worker" party in the tripartite governance framework is effectively absent.

The core of the governance gap is a **representational deficit**. C190's tripartite governance model assumes that workers participate in governance through union organizations, but Nigeria's employment structure means organized workers constitute only a portion of the labour force. When large numbers of workers—especially the most vulnerable in the informal sector—cannot express their demands through collective organization, tripartite coordination risks degenerating into a dialogue among elites, with precisely those most in need of protection excluded.

Bridging the Gap: Pathways from International Commitment to Effective Governance

Analyzing C190's implementation gap in Nigeria is not intended to negate the significance of ratification but to identify specific obstacles between commitment and effectiveness and to provide a basis for targeted reform. Based on the three-dimensional analysis above, the following pathways may help narrow the gap.

At the normative level, Nigeria needs unified dedicated anti-harassment legislation covering all forms of employment. Such legislation should: clearly define violence and harassment (adopting C190's broad definition, encompassing gender-based violence, third-party harassment, and digital harassment); establish employers' positive prevention duties (rather than merely ex post liability); provide effective, proportionate, and dissuasive sanctions; and provide a clear protection framework for informal economy workers. Pending dedicated legislation, consideration could be given to amending the Labour Act and issuing binding administrative regulations to fill some gaps.

At the organizational level, the priority is establishing dedicated enforcement capacity and trustworthy reporting mechanisms. The Federal Ministry of Labour should create a specialized anti-harassment inspection function, staffed with trained inspectors, and integrate workplace sexual harassment into routine labour inspection indicators. At the employer level, C190's required "workplace policies" should shift from compliance checks of "existence" to effectiveness evaluations of "whether they work"—including whether employees are aware of policies, trust reporting channels, and receive timely and fair treatment after reporting.

At the governance level, C190's required tripartite consultation needs to be institutionalized. Drawing on international experience, a national tripartite committee on anti-harassment could be established to oversee Convention implementation, coordinate cross-departmental action, and review policy effectiveness. Simultaneously, alternative representation and participation mechanisms should be created for informal sector workers—in sectors with low union coverage, community organizations, non-governmental organizations, or dedicated worker representative systems could fill the representational gap.

Bridging the Gap: Operational Pathways and Comparative Experience

How Labour Inspectorates Can Monitor Informal Workplaces: Low-Cost, High-Coverage Operational Strategies

The organizational dimension analysis above reveals a core paradox: approximately 80% of Nigeria's workforce operates in the informal economy, yet the existing labour inspection system—already resource-constrained—struggles to cover the formal sector, let alone dispersed and hidden informal workplaces. ILO guidance emphasizes that, under resource constraints, labour inspection should "prioritize sectors, occupations and work arrangements with higher exposure to violence and harassment" (ILO, 2013). Accordingly, Nigeria can adopt the following operational strategies.

First, replace comprehensive sweeps with a "high-risk sector checklist." Article 8 of C190 requires identifying "sectors or occupations and work arrangements in which workers are more exposed to violence and harassment." ILO guidance documents enumerate priority scenarios: those involving cash handling, direct public contact, isolated work environments (such as home-based work), night work, and work arrangements characterized by high power asymmetry. Nigeria can develop a country-specific list prioritizing: domestic workers, market traders, female transport sector workers, and women in informal manufacturing. This targeted strategy concentrates limited inspection resources on the most vulnerable groups rather than attempting to cover all workplaces.

Second, adopt a "joint inspection" model that embeds anti-harassment checks into existing inspection activities. Nigeria's labour inspection system already conducts routine inspections in the area of occupational safety and health (OSH). Integrating sexual harassment risk assessment into OSH checklists—rather than conducting standalone specialized inspections—can significantly reduce marginal administrative costs. The ILO training manual provides operational tools: inspectors can use simplified "violence and harassment risk checklists" during inspections, focusing on: whether a written policy exists (even a minimal version), whether workers are aware of reporting channels, and whether there are positions with concentrated power and limited oversight. This embedded approach makes anti-harassment oversight not dependent on new inspectors but achieved through functional expansion of existing personnel.

Third, utilize "alternative reporting nodes" to compensate for blind spots in formal inspection. In the informal sector, formal labour inspection is virtually impossible to reach every workplace. The ILO manual recommends that labour inspection institutions establish coordination mechanisms with "social partners, other public administrative entities, specialized NGOs and CSOs". Nigeria can draw on this approach by authorizing community organizations, union branches, and even local government social welfare offices as "anti-harassment information nodes"—these institutions would receive preliminary complaints, provide basic information, and refer complex cases to labour inspection agencies or the NICN. The cost of such distributed nodes is far lower than expanding the formal inspection workforce, but it can significantly enhance victims' accessibility.

Fourth, use data-driven inspection planning. The ILO emphasizes that "systematic recording, classification and trend analysis" are important for targeted prevention and demonstrating effectiveness. Nigeria can establish a minimal data collection mechanism: requiring all enterprises (even the smallest) to report in annual compliance declarations whether they received sexual harassment complaints and the outcomes of handling. While these data cannot reflect true incidence rates (due to extremely low reporting rates), they can reveal anomalous distributions of "zero complaint" enterprises - if all enterprises in a certain region report zero complaints, this itself is a signal for inspection attention.

Comparative Perspective: South Africa's C190 Implementation Pathway and Its Implications for Nigeria

Among the ten African countries that have ratified C190, South Africa's experience offers the most relevant reference for Nigeria. Both countries share a common law tradition, possess plural legal systems and large

informal economy sectors, and face the challenge of translating international labour standards into domestically enforceable rules.

South Africa submitted its ratification documents to the ILO on 29 November 2021, and C190 formally entered into force for South Africa on 29 November 2022 (Republic of South Africa, 2022; ILO, C190, 2022). Unlike Nigeria, where legislative progress stalled after ratification, South Africa swiftly adopted a "soft law first" strategy. On 18 March 2022, the Minister of Employment and Labour released the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, replacing the previous code that covered only sexual harassment (Republic of South Africa, 2022). Although the Code is not legislation, it carries quasi-legal effect under the Employment Equity Act. Its core innovations include: expanding the definition of harassment to encompass violence, physical abuse, psychological abuse, emotional abuse, sexual abuse, gender-based abuse, and racial abuse; expanding the concept of "workplace" to include public and private spaces, bathrooms, work-related travel, training activities, employer-provided accommodation and transport (Republic of South Africa Labour Gazette, 2022). and clarifying applicable subjects, covering owners, employers, managers, supervisors, employees, interns, job seekers, volunteers, clients, suppliers, contractors, and others.

The core lesson from South Africa is not whether dedicated legislation was enacted, but rather translating C190's requirements into operational compliance standards for employers. The Code specifies in detail the steps employers should take: develop and implement anti-harassment policies, establish effective procedures for handling complaints, ensure employees are aware of policies, conduct regular training, and protect employee safety following complaints. South African legal practitioners note that after the Code took effect, "the number of harassment claims increased significantly," indicating that it did produce behavioral change effects.

Kenya's judicial-first strategy offers another comparative dimension worth noting. Although Kenya has not yet ratified C190, its courts have begun to "proactively interpret and apply Convention principles" (Human Rights Watch, 2025). Human Rights Watch's submission notes that C190 has been used to guide several Kenyan judicial decisions, which is "a promising practice to ensure victim-survivors access justice" (Human Rights Watch, 2025). The Employment and Labour Relations Court has adopted broader definitions of harassment in several judgments, including bullying, verbal abuse, intimidation, retaliation, and exclusion. Kenya's experience demonstrates that even before ratification, judicial bodies can "pre-adapt" to C190 standards by interpreting existing constitutional and labour law provisions. This resonates with the NICN's approach in the Ejike Maduka case—where the NICN, in the absence of dedicated legislation, invoked CEDAW and ILO Convention No. 111 to find that sexual harassment constitutes gender discrimination and a dignity violation.

The implications for Nigeria are twofold. At the normative level, South Africa's "code-first" model demonstrates that substantial binding force can be generated through administrative regulations and quasi-legal documents without waiting for unified legislation. Nigeria's Federal Ministry of Labour can, under the framework of Article 7 of C190, issue binding "Guidelines on the Prevention of Violence and Harassment in the Workplace," clarifying employer compliance standards. At the judicial level, the NICN has demonstrated willingness to fill legislative gaps through international conventions, but this needs systematic advancement—extending the principles from the Maduka case from an individual case to predictable adjudicative rules, particularly in emerging areas such as third-party harassment and digital harassment.

In-Depth Analysis of Specific Judicial Cases: The Legal Evolution from Maduka to Chekwube

Anchoring the normative dimension analysis in specific precedents can transform abstract "legal friction" into observable institutional practice.

Ejike Maduka v. Microsoft Nigeria (2013) is the foundational case in Nigerian workplace sexual harassment jurisprudence. The plaintiff, Maduka, was a corporate marketing manager at Microsoft Nigeria who alleged that her direct supervisor—country manager and CEO Onyeje—subjected her and other female employees to

persistent unwanted physical contact ("tickled and touched") and terminated her employment after she rejected his sexual advances. The NICN's judgment was groundbreaking on three levels.

First, confirmation of employer vicarious liability. The Court held that the employer failed to exercise "utmost care" to ensure employees were protected from discriminatory and humiliating treatment in the workplace and was therefore jointly liable for damages with the direct perpetrator. This judgment concretized the spirit of Article 9 of C190—that employers have an obligation to take "appropriate measures commensurate with their degree of control" to prevent harassment—into enforceable liability. (National Industrial Court of Nigeria, 2013).

Second, application of international conventions as adjudicative bases. In the absence of dedicated anti-harassment legislation in Nigeria, the NICN invoked CEDAW General Recommendation No. 19 and ILO Convention No. 111. CEDAW General Recommendation No. 19 explicitly states that discrimination exists "when a woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment (including recruitment or promotion), or when it creates a hostile working environment." This finding redefined sexual harassment from "individual misconduct" to "institutional discrimination," providing a jurisprudential foundation for subsequent cases.

Third, joint employer liability for multinational corporations. The Court found that Microsoft Corporation (US parent) and Microsoft Nigeria constituted a "joint employer" relationship, making the US parent company also liable for sexual harassment at its Nigerian subsidiary. This judgment created direct compliance pressure on multinational enterprises operating in Nigeria.

From *Maduka* to *Offor Vivian Chekwube v. African Foundries Limited* (2026) (National Industrial Court of Nigeria, 2026), one can observe significant evolution in NICN jurisprudence. In *Chekwube*, the plaintiff began experiencing persistent harassment from General Manager Pedro two weeks after joining the company. After she reported through email to management, the company conducted no investigation; instead, two days later, Pedro informed her that "management requested her to resign honorably." Subsequently, the company terminated her employment on grounds of "falsifying employment records"—a reason that could not be supported by any evidence at trial (National Industrial Court of Nigeria, 2026).

The *Chekwube* judgment advanced three key principles beyond *Maduka*. First, independent employer liability for failure to address complaints. The Court explicitly found that the defendant "not only failed to address her complaint but actively condoned the alleged harassment"—this finding expanded employer liability from "failure to prevent harassment from occurring" to "failure to respond appropriately to complaints of harassment that have occurred." This directly corresponds to C190 Article 10's requirement for "effective reporting and dispute resolution mechanisms" (National Industrial Court of Nigeria, 2026).

Second, application of punitive damages. In assessing damages, the Court explicitly listed "conduct involving sexual harassment and undermining a safe workplace" as circumstances warranting punitive damages (National Industrial Court of Nigeria, 2026). This judicial stance echoes C190 Article 10's requirement for "effective, proportionate and dissuasive sanctions."

Third, linkage between procedural justice and substantive justice. The Court strictly scrutinized the procedural regularity of the employer's termination: the defendant claimed dismissal for "falsifying records" but never presented relevant evidence to the plaintiff or allowed her to respond. The Court found that the defendant "bore the burden of proving the authenticity of the termination reason" and failed to discharge it (National Industrial Court of Nigeria, 2026). This reasoning links anti-harassment governance with general labour law due process principles, enabling victims to assert rights through procedural defects without bearing the full burden of proving the harassment itself.

The juxtaposed analysis of these two cases reveals both the potential and limitations of Nigeria's judicial pathway. The potential lies in the NICN's demonstrated initiative and capacity to fill legislative gaps through international conventions and constitutional provisions. The limitation lies in the fact that judicial remedies

are ex post, case-specific, and expensive—Maduka was decided in 2013 and Chekwube in 2026, a gap of thirteen years, during which numerous victims abandoned their claims before reaching court due to economic pressure, evidentiary difficulties, or distrust of the system. This precisely confirms the core argument of this article: the judicial pathway can create important normative signals but cannot replace systematic administrative prevention mechanisms.

CONCLUSION

Nigeria's ratification of C190 is an achievement of both symbolic and substantive significance. It demonstrates the state's willingness to examine and address workplace sexual violence within the framework of international human rights and labour standards. But ratification is only the starting point. Between the Convention's textual principles and workers' actual protection lies an entire institutional infrastructure that must be built and activated—legal rules, administrative capacity, organizational accountability, and multi-stakeholder coordination.

This article's analysis demonstrates that the roots of this "implementation gap" lie not in a complete absence of political will but in the compounding of multiple constraints: path dependency in legal tradition, systemic deficits in administrative resources, and representational deficits in employment structure. Narrowing this gap requires recognizing that anti-harassment governance is not an isolated policy task but is embedded in broader public administration capacity building and labour governance reform. The South African experience demonstrates that administrative guidelines can generate behavioral change effects without waiting for unified legislation; the Kenyan judicial practice shows that courts can pre-adapt to C190 standards even before ratification; and the evolution of NICN jurisprudence from Maduka to Chekwube indicates that Nigerian courts possess the capacity to develop anti-harassment common law through international conventions and constitutional provisions.

In this sense, C190 implementation is not only part of the gender equality agenda but also an important test of Nigeria's public administration modernization. The operational pathways proposed in this article—targeted inspection checklists, embedded OSH assessments, alternative reporting nodes, and data-driven inspection planning—provide feasible starting points under existing resource constraints. The question is not whether Nigeria can afford to implement C190, but whether it can afford not to.

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