



Global Care Policy Index

Technical Report for Nigeria

Published: Nigeria | The Global Care Policy Index | globalcarepolicy.com

Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for Nigeria

In Sub-Index A, Nigeria was primarily scored based on its policies laid out in the Labour Act 2004. Nigeria's score thus reflects those policies affecting workers eligible for coverage under the Labour Act. Public sector employees are governed by the Public Service Rules 2008. However, only around 0.1% of Nigeria's workforce is employed in the public sector. It is thus more likely that the policies laid out in the Labour Act would provide a more accurate representation of policies affecting workers with family caregiving responsibilities.

How to Cite this Technical Report

The recommended citation for this report is as follows:

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
Nigeria				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, working women are guaranteed maternity leave in Nigeria. For the purposes of this project, policies affecting women in the private sector outside of the coverage of the Labour Act, and women in the public sector have been omitted. Policies affecting women in the public sector were omitted because the public sector employs a very low percentage of Nigeria's total workforce.</p> <p>Private Sector Section 54(1)(a) of the Labour Act (1990) states that: "In any public or private industrial or commercial undertaking or any branch thereof, or in any agricultural undertaking or any branch thereof, a woman- shall have the right to leave her work if she produces a medical certificate given by a registered medical practitioner stating that her confinement will probably take place within six weeks;"</p> <p>Public Sector Section 100218 of the Public Service Rules (2008) states that "A female staff that is pregnant is entitled to 16 weeks maternity leave at a stretch beginning not less than 4 weeks from the expected date of delivery with full pay. A medical certificate showing the expected date of confinement must be presented not less than two months before that date. The annual leave for that year will, however, be regarded as part of the maternity leave. Where this annual leave has already been enjoyed before the grant of maternity leave that part of the maternity leave equivalent to the annual leave will be without pay."</p> <p>Therefore, both employees of the private and public sectors receive guaranteed maternity leave.</p>	<p>Public Service Rules</p> <p>The Labour Act</p>
A1.2	Are all categories of working women guaranteed maternity leave?	0.25	<p>Yes, working women are guaranteed maternity leave in Nigeria with the exceptions of 1) <i>women engaged in "administrative, executive, technical, or professional functions"</i>, 2) <i>women who are members of the employer's family</i>, and 3) <i>women employed for purposes other than the employer's business</i>.</p> <p>Section 54(1)(a) of the Labour Act (1990) states that: "In any public or private industrial or commercial undertaking or any branch thereof, or in any agricultural undertaking or any branch thereof, a woman- shall have the right to leave her work if she produces a medical certificate given by a registered medical practitioner stating that her confinement will probably take place within six weeks;" Here, the Labour Act does not specify how the law would apply to workers in temporary employment, part-time work, multi-party employment relationships, or in disguised employment. It does however seem to expansively aim to cover women in all commercial undertakings.</p> <p>Section (91) of the Labour Act</p> <p>The definition of industrial undertaking excludes "any commercial or agricultural undertaking, any undertaking in which only members of the same family are employed or any customary occupation of a kind normally carried on at home;"</p> <p>"worker" means any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour, but does not include-</p> <p>(a) any person employed otherwise than for the purposes of the employer's business, or (b) persons exercising administrative, executive, technical or professional functions as public officers or otherwise, or (c) members of the employer's family, or (d) representatives, agents and commercial travellers in so far as their work is carried on outside the permanent workplace of the employer's establishment; or (e) any person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or the material; or (f) any person employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply;</p> <p>Score = 1 - 0.25(managerial level private sector) - 0.25(family members) - 0.25 (women employed for purposes outside of the employer's business) = 0.5</p>	<p>The Labour Act</p>



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A1.3	How long a maternity leave are eligible working women guaranteed?	0.25	<p>The duration of maternity leave offered varies between the Labour Act and the Public Service Rules.</p> <p>"Workers" in the private sector are still bound by the Labour Act. Section (54)(1) of the Labour Act states that: a) [a woman] shall have the right to leave her work if she produces a medical certificate given by a registered medical practitioner stating that her confinement will probably take place within six weeks; (b) shall not be permitted to work during the six weeks following her confinement;</p> <p>In total, eligible private sector "workers" are entitled to 12 weeks of maternity leave. Private sector "non-workers" do not have any such legal guarantee as their entitlement would vary based on their contract.</p> <p>Public sector staff are bound by the Public Service Rules. Section 100218 of the Public Service Rules (2008) states that "A female staff that is pregnant is entitled to 16 weeks maternity leave at a stretch beginning not less than 4 weeks from the expected date of delivery with full pay. A medical certificate showing the expected date of confinement must be presented not less than two months before that date. The annual leave for that year will, however, be regarded as part of the maternity leave. Where this annual leave has already been enjoyed before the grant of maternity leave that part of the maternity leave equivalent to the annual leave will be without pay."</p> <p>In summary, public sector staff are entitled to 16 weeks of maternity leave. The latest available data on the number of civil servants is from 2015, when the number of civil servants across all states was 89,511. The latest available numbers number of civil servants was 89,511. The total labour force of Nigeria in 2017 was 54,557,232 people (World Bank). As such, civil servants make up 0.15% of the labour force. Given the low coverage of the Public Service Rules, Nigeria was not credited for this policy.</p>	<p>Public Service Rules</p> <p>Understanding the Nigerian Public Service Rules</p> <p>The Labour Act</p> <p>Maternity Entitlements in Nigeria: Policy and Practices (pg 18)</p> <p>The Public Service Rules</p> <p>Labor Force Statistics, World Bank</p> <p>89,511 civil servants in FG's employ by Nov 2015: DG BPSR</p>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	<p>No, Nigerian Law does not make any provisions for extended prenatal maternity leave in the case that the actual date of childbirth varies from the expected date.</p> <p>Section 54(4)(b) of the Labour Act reads: Where a woman - remains absent from her work for a longer period as a result of illness certified by a registered medical practitioner to arise out of her pregnancy or confinement and to render her unfit for work, then, until her absence has exceeded such a period (if any) as may be prescribed, no employer shall give her notice of dismissal during her absence or notice of dismissal expiring during her absence.</p> <p>Therefore, a woman's job security is protected if she needs extended maternity leave for medical reasons. However, there are no specific clauses enabling extended prenatal leave.</p>	<p>Public Service Rules</p> <p>The Labour Act</p>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>No, Nigerian law does not explicitly guarantee extended maternity leave in the case of simultaneous multiple births.</p> <p>Section 54(4)(b) of the Labour Act reads: "Where a woman - remains absent from her work for a longer period as a result of illness certified by a registered medical practitioner to arise out of her pregnancy or confinement and to render her unfit for work, then, until her absence has exceeded such a period (if any) as may be prescribed, no employer shall give her notice of dismissal during her absence or notice of dismissal expiring during her absence."</p> <p>Therefore, a woman's job security is protected if she needs extended maternity leave for medical reasons. However, there are no specific clauses considering the case of simultaneous multiple births.</p>	<p>Public Service Rules</p> <p>The Labour Act</p>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	<p>Yes, eligible working women are allowed to freely choose when to take their non-compulsory leave.</p> <p>Under the Labour Act, Section 54(1)(b) states that "[a woman] shall not be permitted to work during the six weeks following her confinement"; thus, her postnatal leave is compulsory.</p> <p>Women are allowed to take their maternity leave beginning from 6 weeks prior to their expected date of confinement. In practice many women prefer to take the entire twelve weeks post-delivery or just start the leave a week or two to the delivery date. Thus, they are indeed able to take the non-compulsory part of their leave before or after childbirth.</p>	<p>Public Service Rules</p> <p>The Labour Act</p> <p>Conditional Cash Transfers for Maternal Health Interventions: Factors Influencing Uptake in North-Central Nigeria</p>



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A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes, eligible working women are guaranteed a compulsory period of maternity leave after childhood, with the exception of women in the state sector. Under the Labour Act, Section 54(1)(b) states that "[a woman] shall not be permitted to work during the six weeks following her confinement"; thus, her postnatal leave is compulsory.	Public Service Rules The Labour Act
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	Eligible women are entitled to six weeks of compulsory postnatal maternity leave. Under the Labour Act, Section 54(1)(b) states that "[a woman] shall not be permitted to work during the six weeks following her confinement".	Public Service Rules The Labour Act
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	Yes, eligible women guaranteed additional leave in case there is a documented medical illness. Section 54(4)(b) of the Labour Act reads: "Where a woman - remains absent from her work for a longer period as a result of illness certified by a registered medical practitioner to arise out of her pregnancy or confinement and to render her unfit for work, then, until her absence has exceeded such a period (if any) as may be prescribed, no employer shall give her notice of dismissal during her absence or notice of dismissal expiring during her absence." Therefore, a female employee governed by the Labour Act does appear to be able to take extended maternity leave for medical reasons provided that her claim is supported by a registered medical practitioner.	Public Service Rules The Labour Act
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No, Nigeria's maternity leave policies do not allocate parental leave for adoptive parents. In both the Labour Act, maternity leave is linked to "confinement"[childbirth] and "pregnancy". This excludes adoptive parents, who do not go through such biological processes.	Public Service Rules The Labour Act
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	0.51	Eligible women under the Labour Act are entitled to " not less than fifty per cent of the wages she would have earned if she had not been absent" during their maternity leave, subject to one exclusionary condition. Section 54(1)(c) of the Labour Act states that eligible women are entitled to this proportion of salary payment only after having worked for their employer for six months or more, prior to their confinement. This is classified as an exclusionary condition. Therefore, Nigeria scores 0.5 (the ratio of salary that a woman is entitled to receive as maternity leave pay in Nigeria) / 0.66 (The ILO recommended minimum proportion of salary to be paid during maternity leave) - 0.25 (Deduction for the exclusionary condition that limits maternity leave pay only to those who have worked for their employer for six months or more) = 0.51. Score = 0.5/0.66 - 0.25 = 0.51	Public Service Rules The Labour Act
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	Yes, Nigerian women can enrol in cash transfer schemes to support themselves during their pregnancy. Conditional Cash Transfer schemes (CCTs) were introduced in Nigeria in 2007 and are aimed at poverty alleviation. Women in Nigeria in need of additional wage support can thus enrol in this scheme. Nigeria's CCT programme provides monetary incentives to encourage pregnant women to go through the full continuum of MNCH services from antenatal care (ANC) to skilled birth delivery and postnatal care for the mothers and newborns The CCT, through provision of this incentive, sought to increase pregnant women' welfare by providing them with cash support to reduce the impact of economic barriers to access to health services (eg, transportation costs to the PHC). The total incentive amount is N 5000 (approximately US\$30) per woman, conditioned upon fulfilment of outlined co-responsibilities. Therefore, pregnant women in need of additional wage support do have access to cash benefits if required.	Conditional Cash T
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.00	No, Nigerian law specifies that employers are liable for remunerating women's maternity leave.	The Labour Act



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A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	Yes, tax contributions are payable equally by men and women, and are not distinguished on the basis of sex. While Nigeria does not have a state funded maternity benefits scheme (rather, employers are liable to pay maternity benefits), contributions under social security schemes do not discriminate on the basis of sex. For example, pension deductions and employees contributions to the Nigeria Social Insurance Trust Fund are equal for members of any gender.	Tax Summaries for Nigeria, PWC Administration of taxes in Nigeria, Mondaq
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	99.00	This category is not applicable to Nigeria because there are no provisions in Nigerian legislature for unemployment benefits to any workers.	The Labour Act
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.00	No - the right to return to the same or an equivalent position as held before taking maternity leave is not guaranteed in the Labour Act.	The Labour Act
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	Yes - The Labour Act protects women from dismissal while they are on maternity leave. Section 54(4)(a - b) reads: "Where a woman ...is absent from her work in pursuance of subsection (1) (a) or (b) of this section; or remains absent from her work for a longer period as a result of illness certified by a registered medical practitioner to arise out of her pregnancy or confinement and to render her unfit for work, then, until her absence has exceeded such a period (if any) as may be prescribed, no employer shall give her notice of dismissal during her absence or notice of dismissal expiring during her absence". This protects women from dismissal during regular maternity leave, as well as any extended leave that a medical practitioner recommends a woman to take.	The Labour Act
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No - women are not explicitly protected from dismissal during a period following their return to work after maternity leave in the Labour Act. However, the Labor Act does prevent women from dismissal while on maternity leave. (edit)	The Labour Act
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	0.00	No - there is no explicit clause preventing employers from requiring pregnancy tests of women applying for employment.	The Labour Act
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.10	No, there are no laws to protect workers against direct or indirect discrimination based on marital status or familial responsibilities. Article 18 (2) of the Nigerian constitution reads: The State shall direct its policy towards ensuring that - "(a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment; there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; " Thus, there is a general provision against discrimination enshrined in the constitution. However, this provision does not explicitly acknowledge discrimination on the basis of marital status and care responsibilities. The omission of explicit clauses protecting such workers even from the Labour Act means that a worker suffering from discrimination on the basis of marital status or care duties would have to rely on a generous reading of the law to protect themselves. Thus, Nigeria can only score 0.1 in this category.	Article 18, Nigerian Constitution
A3.	Paternity Leave Policies			
A3.1	Are working men guaranteed paternity or parental leave?	0.00	No - there are no provisions for paternity leave in the Labour Act. However, in 2014, Lagos state begun a policy of 10 day paternity leave for male civil servants.	The Labour Act Lagos Approves 10 day paternity leave for civil servants



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A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	99.00	Not applicable, as no classes of men covered by the Labour Act are granted Paternity leave.	The Labour Act
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	99.00	Not applicable, as no duration of paternity leave is granted under the Labour Act.	The Labour Act
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	99.00	Not applicable, as working men are not entitled to paternity leave.	The Labour Act
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No - there is no provision for an employed father of a child to take proportionate leave in the event that the mother passes away prior to the expiry of postnatal leave.	The Labour Act
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No- there are no provisions for an employed father of a child to take proportionate leave to care for the child in the event that the mother falls ill or is hospitalized after childbirth.	The Labour Act
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No -there are no provisions for parental leave for adoptive parents under the Labour Act.	The Labour Act
A4. Dependent Care Leave Policies				
A4.1	Are eligible workers entitled to leave to take care of their children?	0.00	<p>No - Nigerian law allows for only two types of leave, sick leave and annual leave.</p> <p>Sick leave is granted for up to "twelve working days in any one calendar year during absence from work caused by temporary illness certified by a registered medical practitioner", according to Section 16 of the Labour Act.</p> <p>Section 18 of the Labour Act states with regard to annual leave, that "Every worker shall be entitled after twelve months continuous service to a holiday with full pay of (a) at least six working days;"</p> <p>As there is no provision for additional leave for employees covered by the Labour Act, outside of holiday leave and sick leave, eligible workers cannot be considered to have childcare leave. If they were to use their annual leave as childcare leave, this would deprive themselves of holiday.</p> <p>If workers were to use their annual or sick leave as dependent care leave, this would deprive themselves of holiday or medical rest.</p>	Sections 16 and 18, The Labour Act
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	<p>No - Nigerian law allows for only two types of leave, sick leave and annual leave.</p> <p>Sick leave is granted for up to "twelve working days in any one calendar year during absence from work caused by temporary illness certified by a registered medical practitioner", according to Section 16 of the Labour Act.</p> <p>Section 18 of the Labour Act states with regard to annual leave, that "Every worker shall be entitled after twelve months continuous service to a holiday with full pay of (a) at least six working days;"</p> <p>If workers were to use their annual or sick leave as dependent care leave, this would deprive themselves of holiday or medical rest.</p>	Sections 16 and 18, The Labour Act
A4.3	Are all categories of workers guaranteed dependent care leaves?	99.00	Not applicable, since the Labour Act does not grant dependent care leave.	Sections 16 and 18, The Labour Act
A5. Flexible Work Arrangements				



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A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	Section 13 of the Labour Act states that normal hours of work are to be fixed: "(a) by mutual agreement; or (b) by collective bargaining within the organization or industry concerned; or (c) by an industrial wages board (established by or under an enactment providing for the establishment of such boards) where there is no machinery for collective bargaining." However, there is no explicit language addressing workers with care responsibilities and the potential of requesting reduced work hours for any employee. However, since normal hours of work may be fixed by mutual agreement, then it is possible that workers with care responsibilities may be able to include this reduction in their own contracts. However, since it has not been explicitly granted as a right, Nigeria has not been credited for this.	Section 13, The Labor Act
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.00	The Nigerian Labour Act has no such provisions for workers to request flexitime and telecommuting.	The Labour Act
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.25	No, the Nigerian Labour Act does not explicitly account for the needs of workers with family responsibilities in making shift work arrangements and night-work assignments. However, Section 55 of the Labour Act prohibits most classes of women from engaging in night work. However, these laws possess three exclusionary conditions: they do not account for men with family responsibilities, do not account for women in management conditions, and do not make accommodations for workers with family responsibilities in assigning shift work. Therefore, Nigeria's final score for this section is 0.25. Score: 1 - 0.25 - 0.25 - 0.25 = 0.25	Section 55, The Labor Act
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	No - there are no explicit laws enabling a Nigerian woman to leave work to undergo pregnancy related medical examinations.	The Labour Act
A6.	Mother-Friendly Workplace Policies			
A6.1	Nursing Support in the Workplace			
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	Yes - working women are guaranteed nursing breaks twice a day if they have children to nurse. Section 54(1)(d) of the Labour Act states that "a woman worker... shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for that purpose."	Section 54, The Labor Act
A6.1.2	Are these breaks counted and compensated as working time?	1.00	Yes, nursing breaks are considered part of working hours. Section 54(1)(d) of the Labour Act states that "a woman worker... shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for that purpose."	Section 54, The Labor Act
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No, there are no provisions in the Labour Act for adapting the frequency and length of nursing breaks.	The Labour Act
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.00	No, there are no provisions in the Labour Act requiring employers to provide infrastructure or facilities near the workplace for mothers to nurse and pump milk.	The Labour Act
A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No - the Labour Act does not acknowledge special and unique workplace safety risks to pregnant and nursing women. As such, though there are clauses that prevent women from engaging in night work and mine work, there are no explicit clauses that require employers to assess workplace risks particularly targeted towards women and children.	The Labour Act



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A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.10	<p>Nigerian labour laws indirectly protect pregnant and nursing women from performing work that may be injurious to the mother or child, by placing restrictions on the nature of work that women can engage in.</p> <p>Women who engage in manual labour are not allowed to engage in night work, nor are they allowed to work in mines. This is determined by the following clauses in the Labour Act.</p> <p>Section 55.(1): Subject to this section, no woman shall be: employed on night work in a public or private industrial undertaking or in any branch thereof, or in any agricultural undertaking or any branch thereof Section 56.(1): Subject to subsection (2) of this section, no woman shall be employed on underground work in any mine.</p>	Sections 55-56. The Labour Act
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.00	<p>No, there are no provisions for women to eliminate risk elements from their work in Nigerian labour law.</p> <p>While provisions exist in the Labour Act that justify the use of female manual labour at night and in mines sometimes, these provisions justify an employer's decision to adapt a woman's work into potentially harmful conditions. There exists no provision however, for a woman to eliminate risk elements from her work by her own decision.</p> <p>The Factories Act lays out safety standards that all factories are expected to follow. However, there are no explicit provisions for female factory employees to be able to eliminate risk elements from their work.</p>	The Labour Act The Factories Act
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.10	<p>No. While women who are engaged in manual labour are exempt from doing night work except under very specific circumstances, other women covered by the Labour Act are not party to this law.</p> <p>The section preventing women from engaging in Night work "shall not apply to women employed as nurses, in any public or private industrial undertaking or in any agricultural undertaking, nor to women holding responsible positions of management who are not ordinarily engaged in manual labour" (Section 55(2) of the Labour Act).</p> <p>Therefore, the law exempting women from night work has more than 3 exclusionary conditions, and as such Nigeria can only be credited 0.1 for this section.</p>	The Labour Act

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B1.1	Are domestic workers covered under national labor laws?	0.25	<p>Domestic workers are partially covered under Nigerian Labour legislature.</p> <p>Under the Nigerian Labour Act 2009, domestic servants are defined as a separate class of employee distinct from "workers", and are thus excluded from the majority of legislature that protects "workers". However, under the Employees Compensation Act 2010, domestic servants are included in the definition of "employees", thus making them eligible for workplace injury benefits. Finally, domestic workers are not covered by the National Minimum Wage Amendment Act 2019.</p> <p>The Labour Act Section 65 of The Labour Act is dedicated to Domestic Service, and while vague, does allow for the Minister of Labour to make regulations covering the remuneration, accomodation, and living standards of domestic workers.</p> <p>The clause in full reads: The Minister may make regulations providing for- (a) the engagement, repatriation or supervision of domestic servants; (b) the employment of women and domestic servants; (c) the housing accommodation and sanitary arrangement of domestic servants; and (d) the conditions of domestic service generally.</p> <p>However, Section 91 of the Labour Act defines workers as: "worker" means any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour, but does not include- (a) any person employed otherwise than for the purposes of the employer's business. Crucially, a majority of legislature in the Labour Act only applies to "workers".</p> <p>Therefore under the Labour Act, provisions exist for future legislature to be made for Nigerian domestic workers, however most provisions in the existing Labour Act do not apply to domestic workers.</p> <p>The Employees Compensation Act 2010 Section 73 of this act defines an employee as: "employee" means a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State and Local Governments, and any of the government agencies and in the formal and informal sectors of the economy.</p> <p>The majority of the Employees Compensation Act applies to "employees", and domestic workers are included in the definition of employees. Therefore, Domestic workers are eligible for workplace injury compensation and retirement compensation.</p> <p>The National Minimum Wage Act 2019 Section 17 of the National Minimum Wage Act defines "worker" as: "any person who has entered into or works under a contract with an employer whether the contract is for manual labour, clerical work, is expressed or implied, oral or written, and whether it is a contract of service or a contract personally to execute any work or labour, but excludes the exemptions contained in this Act".</p> <p>Notably, Section 4 of this act excludes "an establishment employing less than 25 persons", or "establishments in which workers are employed or paid on part-time basis, and commission or piece-rate".</p> <p>Despite not explicitly excluding domestic workers from the definition of "worker" then, the act excludes domestic workers if their employers do not employ 25 or more workers.</p> <p>Nigeria's score is 0.25 as domestic workers possess very few legal protections in comparison to other workers.</p>	<p>Section 65, The Labour Act</p> <p>Section 73, The Employees Compensation Act</p> <p>Section 17, The National Minimum Wage Amendment Act 2019</p>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	1.00	<p>Yes - a wide range of work is recognized as domestic service under the Nigerian Labour Act.</p> <p>The Act defines domestic work as follows: "domestic servant" means any house, stable or garden servant employed in or in connection with the domestic services of any private dwelling house, and includes servant employed as the driver of a privately owned or privately used motor car;</p>	<p>Section 91, The Labour Act</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.00	<p>No - Nigeria has no explicit legal requirements for domestic workers to be informed of their terms of employment.</p> <p>Nigeria requires that written contracts be issued within 3 months of employment for other categories of work covered by The Labour Act (Section 7). However, this section specifically applies to "workers".</p> <p>Section 91 of the Labour Act defines workers as: "worker" means any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour, but does not include- (a) any person employed otherwise than for the purposes of the employer's business</p> <p>Crucially, this excludes domestic workers, who are not employed in service of the employer's business. Therefore, there is no explicit legal requirement for domestic workers to be informed of terms of employment.</p>	Section 7, 65, and 91, The Labour Act
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0	<p>No - there is no explicit legal requirement for domestic workers to have contracts that include standard employment relationship information.</p> <p>However, Section 7 of the Labour Act specifies that within three months after the worker commences employment, the employer must issue the worker a statement specifying :</p> <ul style="list-style-type: none"> a) the name of the employer or group of employers, and where appropriate, of the undertaking by which the worker is employed b) the name and address of the worker and the place and date of his engagement; c) the nature of the employment; d) contract duration e) terms and conditions related to normal hours of work, holidays and holiday pay, and any provisions for sick pay <p>Since domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, these regulations on contract information are not applicable to them.</p> <p>However, Section 65 of the Labour Act does mention that the Minister of Labour may make regulations providing for the engagement of domestic servants.</p>	Section 7, 65, and 91, The Labour Act
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.00	<p>No - there is no explicit legal requirement for domestic workers to have contracts that include information about working hours, rest, and leave.</p> <p>There is no explicit or universal requirement for normal hours of work in the Labour Act. Working hours are negotiated by mutual agreement, collective bargaining, or by an industrial wages board.</p> <p>However, Section 13(3) requires that "Where a worker is at work for six hours or more a day, his work shall be interrupted (to the extent which is necessary having regard to its character and duration and to working conditions in general) by allowing one or more suitably spaced rest-intervals of not less than one hour on the aggregate".</p> <p>Section 13(7) requires that in every period of seven days, a worker should be entitled to one day of rest.</p> <p>Section 18 regulates leave, granting full-pay leave of at least six working days to workers who have worked for twelve months of continuous service.</p> <p>Since domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, these regulations on contract information are not applicable to them.</p>	Section 7, 65, and 91, The Labour Act
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.00	<p>No - there is no explicit legal requirement for domestic workers to have contracts that include wage remuneration information.</p> <p>Section 7(f) of the Labour Act mentions that a worker's contract must include "the rates of wages, method of calculation thereof, and the manner and periodicity of payment of wages".</p> <p>Since domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, these regulations on contract information are not applicable to them.</p>	Section 7, 65, and 91, The Labour Act
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No - there is no explicit legal requirement for domestic workers to have contracts that include information about live-in conditions.</p>	Section 7, 65, and 91, The Labour Act
B2.2	Regulations for Recruitment and Employment Process			



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B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.00	<p>No, there are no laws restricting how private employment agencies may recruit and place local or migrant domestic workers.</p> <p>Sections 23-27 define who may recruit workers for employment within and outside of Nigeria. As such, the process of recruitment itself is somewhat regulated.</p> <p>In addition, Section 27(4) reads that "No recruiter shall recruit any young person". However, there are no express regulations mandating that private employment agencies must place local and migrant domestic workers in safe occupations. However, domestic workers would be excluded from the definition of "worker" set out by the Labour Act, as it excludes those who are not employed in service of their employer's business. Therefore, the recruitment and placement of domestic workers appears to be largely unregulated.</p>	Sections 23-27. The Labour Act
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>No, there are no laws that ensure that the fees of private employment agencies are not charged from the remuneration of the domestic workers they recruit.</p>	The Labour Act
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	<p>No, there are no measures to prevent discrimination in employment of domestic workers based on the result of medical testing results.</p> <p>Section 28(1) of the Labour Act states that "Every recruited worker shall be medically examined under section 8 of this Act." Section 8 of the Labour Act mandates that: "Every worker who enters into a contract shall be medically examined by a registered medical practitioner at the expense of the employer.</p> <p>(2) The State Authority may by order exempt for the requirement of medical examination workers entering into contracts for-</p> <ul style="list-style-type: none"> (a) employment in agricultural undertakings not employing more than a limited number of workers (the limit being specified in the order); or (b) employment in the vicinity of the workers' homes- (i) in agricultural work, or (ii) in non-agricultural work which the State Authority is satisfied is not of a dangerous character or likely to be injurious to the health of the workers" <p>However, while medical tests are mandatory, there are no regulations that limit how the results of these tests may be used. Furthermore, given that these tests are conducted at the expense of the employer, there is a likelihood that the employer would have access to the worker's test results.</p> <p>There is no mention of HIV and pregnancy testing.</p> 	Section 8 and 28. The Labour Act
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	<p>The Nigerian Labour Act does not specify normal hours of work for any trade. However, it does provide mechanisms by which trades may set their normal hours of work</p> <p>Section 13 reads: Normal hours of work in any undertaking shall be those fixed-</p> <ul style="list-style-type: none"> (a) by mutual agreement; or (b) by collective bargaining within the organization or industry concerned; or (c) by an industrial wages board (established by or under an enactment providing for the establishment of such boards) where there is no machinery for collective bargaining. 	Section 13. The Labour Act
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	<p>No, there are no provisions to ensure that on-call hours for domestic workers are regarded and compensated for as hours of work.</p> <p>However, Section 13(4) of the Labour Act specifies that during a "rest-interval", a worker should be free to dispose of their time in any way they please and not be required to remain at their place of work. Such a provision would somewhat protect domestic workers' rest hours if domestic workers were included under the definition of "worker" in the Labour Act.</p>	Section 13. The Labour Act
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	<p>No, there are no legal provisions for standby work in the Labour Act.</p>	The Labour Act
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	<p>No, there are no requirements that hours of work be accurately recorded and kept accessible to any classes of workers, let alone domestic workers.</p>	The Labour Act



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B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.00	<p>No, there is no explicit requirement for domestic workers to be provided with a safe and healthy working environment.</p> <p>Under Section 78 of the Labour Act, the labour inspector may inspect the conditions of work of a normal worker. However, domestic workers are excluded from this class of worker.</p> <p>Section 78 allows a labour inspector to:</p> <p>b) enter, inspect and examine by day any premises provided by an employer in which he has reasonable cause to believe that workers are living;</p> <p>(c) enter, inspect and examine any hospital building, sanitary convenience, messroom or water supply provided for or used by workers;</p> <p>However, domestic workers are not included in the definition of "worker" in the Nigerian Labour Act and as such this regulation does not apply to them.</p>	Section 78, The Labour Act
B3.2	Rest and Leave			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	<p>No, there is no requirement for domestic workers to be provided with a daily rest period under the Nigerian Labour Act.</p> <p>Section 13(3) of the Labour Act requires that:</p> <p>"Where a worker is at work for six hours or more a day, his work shall be interrupted (to the extent which is necessary having regard to its character and duration and to working conditions in general) by allowing one or more suitably spaced rest-intervals of not less than one hour on the aggregate;"</p> <p>However, as domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, they are excluded from this protection.</p>	Section 13, The Labour Act
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.00	<p>No, there is no requirement for domestic workers to be provided with a weekly rest period of 24 hours under the Nigerian Labour Act.</p> <p>Section 13(7) of the Labour Act requires that:</p> <p>"In every period of seven days a worker shall be entitled to one day of rest which shall not be less than twenty-four consecutive hours"</p> <p>However, as domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, they are excluded from this protection.</p>	Section 13, The Labour Act
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	<p>No, there are no laws that protect the rest time of domestic workers.</p> <p>Section 13(3)(b) of the Labour Act reads that:</p> <p>(b) "where it is found unavoidable in view of the nature of the work and the working conditions in general, time-off for a meal at the worksite or in the immediate vicinity may be substituted for the rest-interval."</p> <p>Section 13(7) also extends that "if any reduction takes place in the weekly rest-period- (a) corresponding time-off from work shall be allowed as soon as possible (and in any case not later than fourteen days thereafter); or (b) wages at overtime rates shall be paid in lieu thereof."</p> <p>Therefore, where workers' rest periods are reduced, overtime pay is mandatory and compensatory time-off is required. However, as domestic workers are excluded from the definition of "worker" in the Nigerian Labour Act, they are excluded from this protection.</p>	Section 13, The Labour Act
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.00	<p>No, there is no paid annual leave specified for domestic workers.</p> <p>Section 18(1)(a) reads as:</p> <p>"Every worker shall be entitled after twelve months continuous service to a holiday with full pay of (a) at least six working days;"</p> <p>Therefore, even other classes of workers are not guaranteed 3 weeks of paid annual leave.</p>	Section 18, The Labour Act
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	<p>No, there are no laws to ensure the compensation of domestic workers who accompany household members of holiday.</p>	The Labour Act
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.00	<p>No, domestic workers are not assigned a minimum wage because they are excluded from the coverage of the National Minimum Wage Act 2019. This is because the Act excludes "establishments employing less than 25 people", and "establishments where workers are paid on a part-time or piece-rate basis".</p>	Section 3 and 4, National Minimum Wage Act 2019
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	<p>No, there are no provisions for overtime compensation for domestic workers.</p> <p>The Labour Act addresses the need for workers to be paid compensation for hours worked outside the normal hours of work agreed upon in the contract (Section 2 and Section 13(7)(b)). However, the Labour Act does not specify what this rate of compensation should be for any class of worker.</p>	Section 2 and 13, The Labour Act

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B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	<p>While there are limitations on the payment of wages in kind for workers covered by the Labour Act, domestic workers are excluded from the definition of "worker" in the Labour Act. Therefore, there are no limitations on domestic workers being remunerated in kind.</p> <p>Section 1(3) of the Labour Act reads that: "Except where otherwise expressly permitted by this Act, wages payable in money shall be paid only in legal tender or, with the prior consent in writing of the worker concerned, by cheque or postal order and payment or purported payment in any other form shall be illegal, null and void."</p> <p>An employer may also provide "a dwelling place or any other allowance or privilege as a part of a worker's remuneration if the food, dwelling place, allowance or privilege is prescribed by law, by a collective agreement or by an arbitration award because it is customary or desirable in view of the nature of the industry or occupation in which the worker is engaged;"</p> <p>Under Section 5 of the Labour Act, an employer is only allowed to make deductions from a worker's salary, with the exceptions of deductions that are paid into a worker's Social Security Scheme upon the consent of the worker, or "in respect of injury or loss caused to the employer by the willful misconduct or neglect of the worker".</p>	Section 5, The Labour Act
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	<p>No, there are no requirements for any class of worker that require monthly payment in cash for domestic workers.</p> <p>Periodicity of wages payment is limited by the workers' own contract, which is required to specify "the rates of wages and method of calculation thereof and the manner and periodicity of payment of wages". This implies that periodicity of wage payment may be determined between worker and employer.</p> <p>However, section 4 limits the payment of advances, stating that "No employer may make to a worker an advance of wages in excess of one month's wages". This indirectly requires a roughly monthly periodicity of wage payment.</p> <p>However, these laws only apply to "workers", from which domestic workers are excluded. As a result, no protections exist to ensure the monthly payment of domestic workers' wages</p>	Section 4 and 7, The Labour Act
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	<p>No, there is no requirement for domestic workers to be given a legible written account of their due wages at the time of payment in the Labour Act.</p>	The Labour Act
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	<p>Yes, upon termination of employment the Labour Act requires that outstanding payments should be made to domestic workers.</p> <p>Section 11(7) of the Labour Act requires that upon the termination of an employment contract, "All wages payable in money shall be paid on or before the expiry of any period of notice". As this section relates to two parties bound by a contract and not specifically to "workers" alone, domestic workers should be protected by this legislation.</p>	Section 11, The Labour Act
B3.4	Social Security			
B3.4.1	Are domestic workers eligible for healthcare coverage?	0.00	<p>No, domestic workers are not eligible for healthcare coverage in Nigeria.</p> <p>Section 8(1) of the Labour Act states that "Every worker who enters into a contract shall be medically examined by a registered medical practitioner at the expense of the employer". Professions exempt from this include agricultural undertakings employing fewer than a specified number of people, or employment in the vicinity of the worker's home of an agricultural or non-agricultural nature that is deemed to not be harmful to a worker's wellbeing. Beyond this however, there is no requirement that employers provide Nigerian workers with healthcare coverage.</p> <p>Every foreign contracted worker brought into Nigeria for work is entitled to receiving medical attention sponsored by their employer, free of charge to themselves, according to Section 40 (1)(f) of the Labour Act.</p> <p>However, given that domestic workers are not included in the definition of "worker" set out by the Labour Act, they are exempt from the protections of this law.</p> <p>The National Health Insurance Scheme in Nigeria provides health insurance coverage only for employees of the federal government. Therefore, domestic workers, amongst all other private sector workers, would be excluded from Nigeria's public health insurance scheme.</p>	Section 8 and 40, The Labour Act Operationalizing Universal Healthcare in Nigeria Through Social Health Insurance



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B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	<p>No, domestic workers are not eligible for paid sick leave.</p> <p>Section 16 of the Labour Act states that "Subject to the Workmen's Compensation Act, a worker shall be entitled to be paid wages up to twelve working days in any one calendar year during absence from work caused by temporary illness certified by a registered medical practitioner".</p> <p>However, as the definition of "worker" in the Labour Act is not inclusive of domestic workers, this provision would not entitle domestic workers to paid sick leave.</p>	Section 16, The Labour Act
B3.4.3	Are domestic workers eligible for unemployment benefits?	99.00	<p>Not applicable, as there are no laws to provide unemployment benefits to any classes of workers in Nigerian law.</p>	The Labour Act The Employees Compensation Act
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes, domestic workers are technically eligible for pension benefits in Nigeria.</p> <p>The Pension Reform Act, which regulates the payment of retirement benefits applies to "employees who are in the employment of an organization in which there are 15 or more employees" (Section 2(2)). However, employees of organizations with less than three employees, as well as self-employed persons "shall be entitled to participate under the scheme". Therefore, domestic workers may be eligible to participate in Nigeria's Pension scheme, but there is no mandatory requirement upon their employers to enroll them in the pensions scheme.</p> <p>Section 4(1) of the Pension Reform Act states that an employer should contribute a minimum of 10%, and an employee should contribute a minimum of 8% of their monthly emoluments towards their pension.</p>	Pension Reform Act 2004
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes, domestic workers are eligible for employment injury benefits.</p> <p>Employment injury benefits are regulated by the Employees Compensation Act 2010. Domestic servants are explicitly included under the Employees Compensation Act, and are thus eligible for compensation for injury, mental stress, occupational disease, hearing impairment, disability, and death arising due to their employment or in working conditions .</p> <p>The definition of "employee" in this Act reads as : "a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State and Local Governments, and any of the government agencies and in the formal and informal sectors of the economy"</p>	Section 73, Employees Compensation Act 2010
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes, domestic workers are eligible for invalidity benefits.</p> <p>Employment injury benefits are regulated by the Employees Compensation Act 2010. Domestic servants are explicitly included under the Employees Compensation Act, and are thus eligible for compensation for injury, mental stress, occupational disease, hearing impairment, disability, and death arising due to their employment or in working conditions .</p> <p>Under Sections 21-26 of the Employees Compensation Act, domestic workers are eligible for compensation if they incur 1) Permanent total disability or disfigurement 2) Temporary total disability 3) Temporary partial disability</p> <p>The definition of "employee" in this Act reads as : "a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State and Local Governments, and any of the government agencies and in the formal and informal sectors of the economy".</p> <p>As such, domestic workers qualify for invalidity benefits.</p>	Section 73 and Sections 21-26, Employees Compensation Act 2010



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B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes, domestic workers are eligible for survivors' benefit.</p> <p>Employment injury benefits are regulated by the Employees Compensation Act 2010. Domestic servants are explicitly included under the Employees Compensation Act, and are thus eligible for compensation for injury, mental stress, occupational disease, hearing impairment, disability, and death arising due to their employment or in working conditions .</p> <p>Section 9 of the Employees Compensation Act reads that "Where... the death of an employee is caused by an occupational disease, compensation and healthcare benefits shall be payable under this Act".</p> <p>Section 9(4) states that "Where death results from any disability under sub-section 3 of this section, the dependants of the employee shall be entitled to compensation under this Act".</p> <p>The definition of "employee" in this Act reads as : "a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State and Local Governments, and any of the government agencies and in the formal and informal sectors of the economy".</p> <p>As such, domestic workers qualify for survivors benefits.</p>	Section 73 and Section 9, Employees Compensation Act 2010
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	<p>No - there are no laws to protect any classes of workers in the event of an employer's insolvency or death.</p>	The Labour Act The Employees Compensation Act
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	<p>No, there are no measures to ensure that domestic workers are free to decide whether or not to live in the household they work for.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accommodation and sanitary arrangements for domestic servants. However, no further regulations have been made to actually protect the freedoms of live-in domestic workers.</p>	Section 65, The Labour Act
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	<p>No, there are no measures to ensure that live-in domestic workers have privacy in their accommodation.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accommodation and sanitary arrangements for domestic servants. However, no further regulations have been made to ensure that domestic workers have access to private accommodation.</p>	Section 65, The Labour Act
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No, there are no measures to ensure that live-in domestic workers are afforded access to suitable sanitary facilities.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accommodation and sanitary arrangements for domestic servants. However, no further regulations have been made to ensure that domestic workers have access to suitable sanitation.</p>	Section 65, The Labour Act
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	<p>No, there are no measures to ensure that live-in domestic workers are afforded access to suitable living facilities.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accommodation and sanitary arrangements for domestic servants. However, no further regulations have been made to ensure that domestic workers have access to adequate lighting, heating, and air conditioning in their accommodation.</p>	Section 65, The Labour Act
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	<p>No, there are no measures to ensure that live-in domestic workers are provided with adequate meals.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accommodation and sanitary arrangements for domestic servants. However, no further regulations have been made to ensure that the employers provide domestic workers with appropriately nutritional meals.</p>	Section 65, The Labour Act



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B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	<p>No, there are no measures to ensure that live-in domestic workers are not obliged to remain in the household or with household members during rest or leave.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service, and the housing accomodation and sanitary arrangements for domestic servants. However, no further regulations have been made to protect the rest time of domestic workers.</p> <p>Section 13(4) of the Labour Act defines a rest-interval as "an interruption of work, of which the length is fixed beforehand and during which the worker is free to dispose of his time and is not required to remain at the place of work". However, as this law applies to workers- a distinct class from domestic workers, under the Labour Act - this does not protect domestic workers.</p>	Section 65 and 13, The Labour Act
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	<p>No, there are no requirements that live-in workers be given a reasonable time period to seek new accomodation/employment in the event of termination of employment.</p> <p>Section 65 of the Labour Act enables the Minister of Labour to make regulations providing for the conditions of domestic service. However, no further regulations have been made to protect the rights of live-in domestic workers.</p>	Section 65, The Labour Act
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	<p>No, there are no provisions within the Labour Act that allow live-in domestic workers to keep their travel and identity documents under their own possession.</p>	The Labour Act
B4. Labor Rights and Protections				
B4.1 Freedom of Association and Access to Collective Bargaining				
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes, there are legislative provisions that protect the rights of all employees to partake in trade-related collective action. Therefore, domestic workers too have the right to establish their own organizations or join workers organizations of their choosing.</p> <p>Under the Trade Unions Act, "worker" is defined as "any employee, that is to say any member of the public service of the Federation or a State or any individual other than a member of any such public service, who has entered into or works under a contract with an employer, whether the contract is for manual labour, clerical work, or otherwise, expressed or implied, oral or in writing, and, whether it is a contract personally to execute any work or labour or a contract of apprenticeship."</p> <p>The only employees exempted from the right to unionise are the employees of certain public institutions, set out in Section 11 of the Trade Unions Act.</p> <p>Section 9(6) of the Labour Act prevents employees from being discriminated against for trade union activity or membership. It states that: "No contract shall- (a) make it a condition of employment that a worker shall or shall not join a trade union or shall or shall not relinquish membership of a trade union; or (b) cause the dismissal of, or otherwise prejudice, a worker- (i) by reason of trade union membership, or (ii) because of trade union activities outside working hours or, with the consent of the employer, within working hours, or (iii) by reason of the fact that he has lost or been deprived of membership of a trade union or has refused or been unable to become, or for any other reason is not, a member"</p> <p>Therefore, domestic workers are not excluded from the ability to unionise set out under the Trade Unions Act.</p>	<p>The Trade Unions Act</p> <p>Section 9, The Labour Act</p>
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, there are legislative provisions to allow collective bargaining in "any undertaking".</p> <p>Section 13(1) states that "Normal hours of work in any undertaking shall be those fixed- (a) by mutual agreement; or (b) by collective bargaining within the organization or industry concerned; or (c) by an industrial wages board (established by or under an enactment providing for the establishment of such boards) where there is no machinery for collective bargaining."</p> <p>Furthermore, regulations on night work and the provision of food to an employee by the employer are also subject to collective bargaining under the Labour Act.</p> <p>In Nigeria, the Federation of Informal Workers Organisation of Nigeria (FIWON) exists and attempts to represent domestic workers' rights.</p>	Section 9 and 13, the Labour Act
B4.2 Access to Complaint Mechanisms				



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B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	0.00	<p>No, there are no specific complaint mechanisms for domestic workers to report non-compliance with labor protections.</p> <p>If an employer fails to meet the standards set out by the Labour Act, they are held accountable by Section 21 of the Labour Act, which reads:</p> <p>"Any employer who-</p> <p>(a) enters into any agreement or contract or gives any remuneration for employment contrary to this Part or declared by this Part to be illegal or unlawful; or</p> <p>(b) makes any deduction from the wages of any worker or receives any payment from any worker contrary to this Part; or</p> <p>(c) contravenes section 6 (2), 7, 13 (3), (5) or (7), 14 or 18 (3) of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding N800 or, for a second or subsequent offence, to a fine not exceeding N500."</p> <p>Therefore while there are provisions to hold employers accountable for non-compliance, there are no direct mechanisms for domestic workers to report violations. Furthermore, there are very few labor protections that apply to domestic workers in Nigeria.</p>	Section 21, The Labour Act
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	The Trade Disputes Act makes no explicit exclusion of domestic workers. Section 1 specifies that the Trade Disputes Act applies to all trade disputes, and any party involved in them. Thus, it appears that domestic workers would be able to raise cases at the National Industrial Court of Nigeria (NICN) through the Trade Disputes Act.	Section 1, Trade Disputes Act
B4.3	Enforcement and Protection Mechanisms			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, there are no legal provisions under which on-site labor inspections of the employers of domestic workers may be conducted.</p> <p>Section 67(c) of the Labour Act allows that:</p> <p>"The Minister, in respect of labour health areas or any particular labour health area, may make regulations for:- (c) the provision of housing accommodation for workers, the provision of sanitary arrangements for, and the inspection of, that accommodation, and the limitation of the number of persons or class of persons who may reside in any house".</p> <p>This principle allows household inspections exists for Industrial labour health areas, which are industrial or agricultural undertakings in an otherwise isolated area. A similar principle would be required to allow on-site labor inspections of the living and working conditions of domestic workers.</p>	Section 67, The Labour Act
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	0.00	<p>No, there are no legal provisions that penalize private employment agencies for non-compliance with domestic worker protections.</p> <p>Sections 45 and 46 explain that recruitment agencies that violate the conditions set out by the Labour Act can be held liable in criminal or civil courts.</p> <p>Specifically, Section 46 states that "Any employer who neglects or ill-treats any worker whom he has contracted to employ in accordance with this Part of this Act shall be guilty of an offence."</p> <p>Further, Section 45 states that "No person shall by fraud, falsehood, intimidation, coercion or misrepresentation induce any worker to enter into a contract under this Part, and any contract entered into by reason of any such inducement shall be void...".</p> <p>However, the definition of "worker" under the Labour Act does not include domestic workers. Therefore, the protections that exist to regulate recruitment agencies do not apply to protect domestic workers.</p>	Sections 45 and 46, The Labour Act
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes, there are some penalties for employers for non compliance with domestic work protections.</p> <p>Section 46(1) of the Labour Act states that "Any employer who neglects or ill-treats any worker whom he has contracted to employ in accordance with this Part of this Act shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding N500 or to imprisonment for a period not exceeding one year, or to both. "</p> <p>However, the definition of worker excludes domestic workers and thus this law is inapplicable to domestic workers.</p> <p>However, in the Employees Compensation Act, there are penalties for employers who do not pay their workers compensation - domestic workers are explicitly covered by this protection. The Employees Compensation Act states that "Any person who contravenes any provision of this Act for which no specific penalty is provided, commits an offence and shall be liable on conviction to a fine of N20,000 for the first case of non-compliance or imprisonment for a term not exceeding 1 year or N100,000 or every subsequent case of non-compliance or to both such imprisonment and fine."</p>	Section 46, The Labour Act The Employees Compensation Act



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B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.10	<p>There are very few legal protections for domestic workers against workplace abuse, harassment, and violence.</p> <p>There is no explicit provision in the Labour Act 2004 that prohibits sexual harassment or any other kind of harassment during employment. The closest provision in this regard is Section 9 of the Employees Compensation Act 2010, which provides for compensation in the event of mental stress caused as a result of a sudden and unexpected traumatic event which arises during employment.</p> <p>However, there are no explicit provisions guarding against workplace violence.</p> <p>Section 34(1) of the Nigerian Constitution states that : " Every individual is entitled to respect for the dignity of his person, and accordingly - (a) no person shall be subject to torture or to inhuman or degrading treatment;"</p> <p>Though this protection exists, there is no explicit protection regarding workplace abuse or harassment. Given the lack of explicit protections, Nigeria will only score 0.1 in this category.</p>	<p>The Labour Act</p> <p>Section 9, The Employees Compensation Act</p> <p>Section 34, Constitution of the Federal Republic of Nigeria</p>
B5. Protections for Forced/Under-age Domestic Workers				
B5.1 Protections against Forced/Compulsory Labor				
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, forced labor of any kind is illegal and punishable as a penal offence in Nigeria.</p> <p>Section 73(1) of the Labour Act reads that "Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 31 (1) (c) of the Constitution of, the Federal Republic of Nigeria shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000 [USD2.42 as of 1st June 2021] or to imprisonment for a period not exceeding two years, or to both."</p> <p>Section 34(1)(c) of the Constitution states that "no person shall be required to perform forced of compulsory labour."</p> <p>Therefore, forced labor of any kind is punishable as a penal offence.</p>	<p>Section 73, The Labour Act</p> <p>Section 34, The Constitution of the Federal Republic of Nigeria</p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, victims of forced labor are provided with protections under Nigerian legislation.</p> <p>Section 5(e) of the Trafficking in Persons (Prohibition), Enforcement and Administration Act 2015 includes forced labour as a case of trafficking in persons, that comes under the purview of the NAPTIP to investigate.</p> <p>The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) produced The Guideline on National Referral Mechanism (NRM) for Protection and Assistance to Trafficked Persons in Nigeria. The duration for accommodating Trafficked Persons in NAPTIP shelters is 6 weeks based on this policy. Therefore, trafficked persons and victims of forced labor in Nigeria receive safe accommodation. The policy includes provisions for identification and rehabilitation of trafficked persons too.</p>	<p>Guideline on National Referral Mechanism (NRM) for Protection and Assistance to Trafficked Persons</p> <p>Trafficking in Persons (Prohibition), Enforcement and Administration Act 2015</p>
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes, victims of forced labor or human trafficking are given access to legal and social remedies.</p> <p>Section 5(e) of the Trafficking in Persons (Prohibition), Enforcement and Administration Act 2015 includes forced labour as a case of trafficking in persons, that comes under the purview of the NAPTIP to address.</p> <p>The Guideline on National Referral Mechanism (NRM) for Protection and Assistance to Trafficked Persons in Nigeria ensures that trafficked persons in Nigeria are given shelter for six weeks, and are also sent for rehabilitation and counseling sessions if required. Measures are also taken for the social inclusion of trafficked persons, and the Guideline allows for the options of adoption or long term shelters for victims who cannot or do not wish to be returned to their home communities.</p>	<p>Guideline on National Referral Mechanism (NRM) for Protection and Assistance to Trafficked Persons</p>
B5.2 Protections for Under-age Laborers				
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.00	<p>No, the minimum age at which a domestic worker can be employed is 12.</p> <p>Section 59 of the Labour Act entails that young persons under the age of 16 and above the age of 12 may be employed as domestic workers.</p> <p>Section 59(1) of the Labour Act specifies that: "No child shall- (a) be employed or work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Minister;" A "child" is later defined in Section 91 of the Act as "a young person under the age of twelve years".</p>	<p>Section 59 and 91, The Labour Act</p>



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B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.00	<p>No, there are no provisions that enable domestic workers under the age of 18 to continue to pursue compulsory education or further educational/ vocational training opportunities.</p> <p>Section 59(8) of the Labour Act states that "No young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight working hours in any one day: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service."</p> <p>Therefore, young domestic workers are explicitly made exempt from existing protections that limit the working hours of workers under the age of 18.</p>	Section 59, The Labour Act
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	<p>No, there are no additional limitations on the working hours of domestic workers under the age of 18.</p> <p>Section 59(8) of the Labour Act states that "No young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight working hours in any one day: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service."</p> <p>Therefore, young domestic workers are explicitly made exempt from existing protections that limit the working hours of workers under the age of 18.</p>	Section 59, The Labour Act
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	1.00	<p>Yes, Domestic workers under the age of 18 are prohibited from working at night.</p> <p>Section 60(1) specifies that "Subject to this section, no young person shall be employed during the night". While certain industrial occupations are exempt from this provision, there is no explicit exemption made for young domestic workers. Young persons are defined by Section 91 to be those under the age of 18. Therefore, it appears that domestic workers under the age of 18 are prohibited from working at night.</p>	Section 60, The Labour Act
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are additional measures to limit work that is excessively physically or psychologically dangerous to young persons in employment.</p> <p>Section 59(6) specifies that "No young person shall be employed in any employment which is injurious to his health, dangerous or immoral; and, where an employer is notified in writing by the Minister (either generally or in any particular case) that the kind of work upon which a young person is employed is injurious to the young person's health, dangerous, immoral or otherwise unsuitable, the employer shall discontinue the employment, without prejudice to the right of the young person to be paid such wages as he may have earned up to the date of discontinuance".</p> <p>Therefore, a domestic worker under the age of 18 would be protected by limitations on the nature of work they can do, placed by the Labour Act.</p>	Section 59, The Labour Act
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service



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B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	This section is not applicable to Nigeria because the country does not have a dedicated visa or immigration track for migrant domestic workers.	Nigeria Immigration Service