

POSTCARD

54. Reducing inequality through transformative institutional policies: the case of the Industrial Court of Nigeria

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International labour standards promote opportunities for all workers to obtain decent and productive work in conditions of freedom, equity, security and dignity. They are essential ingredients for ensuring equality for all in the workplace. Ratification of the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work (ILO, 1998) and its follow-up, the Addis Ababa Declaration (ILO, 2015) commits Member States to respect and promote principles and rights at work in four categories: 'freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation' (ILO, 1998). International labour standards constitute a viable legal force which influences equality in labour market structure, both in providing a frame of reference for positive behaviours and social policy, and by placing a veto on negative practices which work against the establishment of equality for all in the marketplace. Standards promoting equality in the workplace will, however, be a vain slogan if they are not enforceable.

Nigeria is one of the few countries in Africa with a national, specialized Labour Law Court to which any individual, or group of individuals, may have access for the purpose of enforcing their rights as contained in the Declaration. The National Industrial Court of Nigeria¹ has since the third alteration of the National Constitution of 2010 been conferred with exclusive jurisdiction over matters relating to international labour law, best practices in labour, and the application or interpretation of international labour standards. The implication of this is that the standards can be enforced without having to be translated and passed as national law.

The basic and fundamental ILO Declaration concerning principles and rights at work creates a legal framework for regulating labour practices, together with the following Conventions: No. 100 Equal Remuneration Convention, 1951; No. 111 Discrimination (Employment and Occupation) Convention, 1958; No. 156 Workers with Family Responsibilities Convention, 1981; and No. 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983.

A case illustrating the statutory protection afforded to those who seek redress of their rights at work

The case in question is *Adebusola Adedayo Omole v. Mainstreet Bank Microfinance Bank LTD* [2015] 53 N.L.L.R.²

The claimant filed a lawsuit against her employer for reasons to do with her salary having been reduced or withheld by her employer. The judge noted:

It is important for it to be said here and now that at the global level a unilateral reduction in the wages and salaries of workers is not acceptable. We must bear in mind that no nation can be an island to herself and any nation that seeks to do so will be doing so at its own peril. Thus the need to ensure that the Nigerian labour jurisprudence is in tandem with what is obtainable at the international scene found reflection in the National Industrial Court Act, 2006.

He ordered the defendant to pay the claimant the sum of 1,386,652 Nigerian naira, corresponding to the total amount taken by the defendant from the claimant's salary without her consent, plus 15 per cent interest on this sum for the specified period.

Through enforcing international labour standards, the Nigerian Industrial Court creates the conditions for reducing inequality,³ and participates in furthering ILO aims and the transformation of Africa through decent labour practices and rights at work.⁴

Acknowledgement

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Notes

1. <http://nicn.gov.ng/jurisdiction.php#>
2. For full particulars of this case, see http://judgment.nicn.gov.ng/pdf.php?case_id=676 and for others related to the argument here <http://judgment.nicn.gov.ng/courtRuling.php>
3. See Okafor (2010).
4. See the 2015 Addis Ababa Declaration for 'Transforming Africa through Decent Work for Sustainable Development' which involved governments, employers and workers from forty-five African countries (ILO, 2015).

Bibliography

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