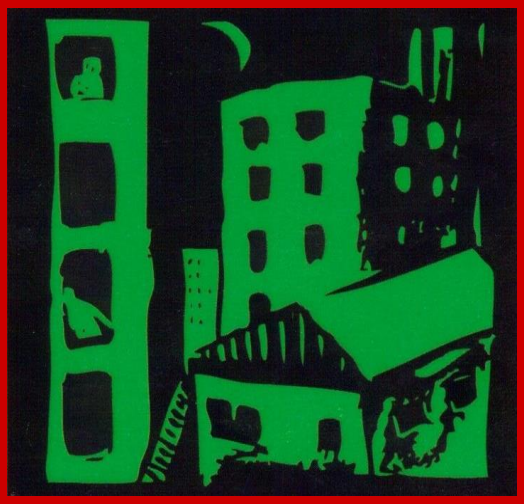
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The impact of socio-legal inequality on women in the Nigerian domestic work sector

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ABSTRACT

This article examines the impact of socio-legal inequality on the work conditions of female domestic workers in Nigeria. Domestic work is an important aspect of productive labour and an indispensable factor that contributes to the well-being of households and the economy. However, domestic workers face challenges that are multidimensional and gendered; they are often victims of physical and sexual abuse, and experience discrimination concerning pay, working conditions, and legal rights. These exploitations could be partly attributed to gaps in labour and social security regulations. Based on a survey conducted of 220 domestic workers from four geopolitical zones in Nigeria, this study provides a nuanced assessment of the manifestations of inequality in the domestic work sector. Although the working conditions of Nigerian domestic workers are objectionable and exploitative, this study finds that conditions of work for female

domestic workers are even more precarious.

Keywords: Domestic work, gender inequality, Nigeria, wages, social protection.

1 INTRODUCTION

By all accounts, in the last few decades there has been an increase in the participation of women in the labour market. Yet this has not necessarily translated into equity for women. Many still lack basic work rights and opportunities, and face huge inequalities in the world of work. Globally, the labour participation rate of women is 27% less than men's.[1] Women continue to experience more barriers in accessing jobs than men. When women work, they are over-represented in low-paying jobs in less profitable sectors. They also face discriminatory laws and norms which foster inequality and working poverty.

This discrimination is more evident for women in the informal economy and especially the domestic work sector. The latter is one of the sectors where women – who constitute 76.2% of the workforce – experience the highest level of inequality and exploitation.[2] This article explores the gender disparity in the domestic work sector and how it relates to working conditions.

Although women are disproportionately engaged in domestic work, female domestic workers are generally given both different and inferior treatment compared to that afforded their male counterparts. This inferior treatment is linked to patriarchal cultural norms and discriminatory legal frameworks. While the gender inequality challenge is multidimensional, this article uses quantitative and qualitative research methodologies to focus on three measures of inequality – pay discrimination, social protection, and safety at work – to provide a nuanced assessment of the factors that influence inequality in the Nigerian domestic work sector.

The study fills a gap in the literature because the impact of socio-legal inequality on female domestic workers in Nigeria has rarely been addressed.[3] Its goal is to highlight some of the injustices within the basic structure of Nigerian society.[4]

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[1] See International Labour Organisation (ILO) *World employment and social outlook: Trends 2020* Geneva: ILO (2020).

[2] ILO *Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)* Geneva: ILO (2021a).

[3] It draws on information from a research project, funded by the International Labour Organization (ILO), that dealt with decent work for domestic workers in Nigeria. Responsibility for opinions expressed in this article rests solely on the author, and publication does not constitute an endorsement by the ILO.

[4] This article does not consider the debate on whether legal reform alone is sufficient to facilitate protection for domestic workers. Nonetheless, as highlighted in the concluding remarks, to transform the lives of Nigerian domestic workers, a multi-pronged approach that goes beyond regulatory reform is imperative. For discussion of this, see Ally SA *From servants to workers: South African domestic*

2 INEQUALITY AND DISCRIMINATION IN THE WORLD OF WORK: A RECCURRENCE FOR WOMEN

The world of work has a long history of gender inequality. Nonetheless, in the 20th century, economic development and modernisation had profound impacts on men and women. This started with the "withering of traditional gender segregation", as women began to make significant contributions to various facets of the economy[5] and there was a steady expansion of international standards and national legislation to protect women workers' rights while curbing inequality in employment and occupation.[6] Yet recent research has shown that, although the gender gap seems to be narrowing, progress has been patchy, uneven, and, in some cases, reversing.[7] Clearly, "men and women experience the world of work differently".[8] This disparity is seen in terms of labour participation rate, earnings, productivity, unequal employment benefits, and job quality, among others.[9] For many women, the "glass ceiling" remains a subtle yet concrete barrier that restricts them from moving up the ladder in corporate workplaces.[10] Thus, while overt forms of gender inequality in the world of work may be fading, substantial and subtler obstacles to attaining substantive equality in the workplace remain firmly in place.[11]

Gender inequality can be explained in terms of labour market segregation. Labour market segregation based on sex operates horizontally and vertically and perpetuates

workers and the democratic state New York: Cornell University Press, (2010): ILO *Formalising domestic work* Geneva: ILO (2016) at part III.

5 Wu R & Cheng X "Gender equality in the workplace: The effect of gender equality on productivity growth among the Chilean manufacturers" (2016) 50(1) *The Journal of Developing Areas* 257 at 258.

6 ILO *Equality at work: The continuing challenge* Report of the Director-General, Report I(B) Geneva: International Labour Conference (ILC) (2011).

7 World Economic Forum (WEF) *Global gender gap report 2020* Geneva: WEF (2020): ILO *Empowering women at work: Government, Laws and Policies for Gender Equality* Geneva: ILO (2021).

8 Bobbitt-Zeher D "Gender discrimination at work: Connecting gender stereotypes, institutional policies, and gender composition of workplace" (2011) 25(6) *Gender & Society* 764.

9 Verick S "Female labour force participation and development" (2018) *IZA World of Labour* 1.

10 Gregory RF *Women and workplace discrimination: Overcoming barriers to gender equality* New Brunswick, NJ: Rutgers University Press (2003) at 5.

11 See generally Gregory (2003).

gendered inequalities, with women usually at the lowest levels.[12] Horizontal segregation follows stereotypical patterns, where women are disproportionately represented in lower-paying sectors of the economy. Research shows that women are more likely to be found in lower-skilled occupations with poor working conditions.[13] Most of these jobs are found in the informal economy.[14] Informal workers are generally deprived of decent work conditions, and this is worse for women. Although the number of men and women in informal employment varies across various regions, female informal workers are more concentrated in forms of employment with lower wages, less visibility, and fewer work rights than men.[15] These women are more often found in the most vulnerable and precarious work, such as domestic work and home-based work, than male informal workers are.[16] On the other hand, vertical segregation is characterised by the under-representation of women in management.[17]

Horizontal and vertical segregation are also patterned along sectoral lines. This is particularly prevalent in the informal economy and is categorised by employment status. Informal employers and own-account operators are more likely to be men, while informal waged and unpaid workers are likely to be women.[18] Other differences are that men tend to have better tools of trade, operate from better public spaces, have greater

[12] Horizontal segregation is the under-representation or over-representation of a given gender in certain occupations or sectors. Vertical segregation is a situation in which career progression for a particular gender within a sector or organization is limited: Fapohunda T "Towards improved access to full employment and decent work for women in Nigeria" (2012) 2(8) *International Journal of Humanities and Social Science* (special issue) at 104: EurWORK "Segregation" (2017) available at https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/segregation (accessed 26 May 2021); Organisation for Economic Co-operation and Development (OECD)/ILO *Tackling vulnerability in the informal economy* Paris: OECD Publishing (2019) at chapter 5; Perrons D "Gender mainstreaming and gender equality in the new (market) economy: An analysis of contradictions" (2005) 12(3) *Social Politics: International Studies in Gender, State & Society* 389.

[13] Pető R & Balázs R "Gender differences in the skill content of jobs" 2021 34(3) *Journal of Population Economics* 825.

[14] Jobs are in the informal economy if these jobs are either in law or in practice not covered or insufficiently covered by formal arrangements. See Paragraph 2(a) of the Recommendation Concerning the Transition from the Informal to the Formal Economy. The first indicator of informal employment is exclusion from labour and social security laws. The second indicator is whether the workers are excluded in practice from entitlement and effective access to protection. The third indicator is whether the protection is sufficient. Within the specific context of domestic work, many of these workers are informal because of the gaps in legal coverage and protection levels. Consequently, in many parts of the world including Nigeria, domestic workers remain largely informal. See section 4 of this article for more details.

[15] Bonnet F, Vanek J & Chen M *Women and men in the informal economy – A statistical brief* Manchester, UK: WIEGO (2019) at 5: Otobe N "Gender and the informal economy: Key challenges and policy response" Geneva: ILO (2017).

[16] See ILO *Women and men in the informal economy: A statistical picture* 3rd ed Geneva: ILO (2018).

[17] See Perrons D (2005) at 393.

[18] See ILO (2018) at 17-26.

access to financial capital, and sell more valuable goods and products at a higher volume,[19] while women generally sell more perishable products.[20] In many cases, inequality in the world of work is rooted in cultural and social values and norms.[21] Many of these norms are attributable to deeply entrenched stereotypes that restrict women to caregiving and see men as the breadwinners.[22] These gendered norms, for example, have reinforced the belief that domestic work, whether unpaid or paid, and care work are the female prerogative.[23] Consequently, these sectors are highly feminised, and their workers are some of the most exploited in the world of work. As argued by Qing, gender stereotypes in the world of work "collectively work to link women to family roles whereby society expects women to concentrate on housework or engage in traditional feminine occupations and master associated skills".[24] This attitude has contributed significantly to the gender inequalities in the world of work.

Institutional policies also play a crucial role in reinforcing gender inequality. More than half of the global workforce is estimated to be in the informal economy. This means that a significant proportion operates beyond the scope of the law.[25] The implication is that fundamental rights at work, including equality rights, are not protected. As a result, these workers face discrimination and unequal treatment. Given that women are more vulnerable in the informal economy, their operation beyond the regulative reach of the law reinforces gender inequality.

Similarly, women are generally found in non-standard forms of employment, and the scope of labour laws is mostly restricted to typical employment relationships. Indeed, the applicability of labour laws is hinged on the notion of workers with (a) long-term service in the same organisation; (b) homogenous and standardised working styles; (c) definite working hours that are separate from private time; and (d) unionism and collective bargaining.[26] This implies that women often fall outside the protection of

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[19] See Chen MA, Vanek J & Carr M *Mainstreaming informal employment and gender in poverty reduction: A handbook for policy-makers and other stakeholders* London: Commonwealth secretariat (2004).

[20] Bass LE "Enlarging the street and negotiating the curb: public space at the edge of an African market" (2000) 20(1/2) *International Journal of Sociology and Social Policy* at 82.

[21] Jayachandran S "The roots of gender inequality in developing countries" (2015) 7(1) *Economics* 63; Welle B & Heilman ME "Formal and informal discrimination against women at work" in Gilliland SW, Steiner DD & Skarlicki DP (eds) *Managing social and ethical issues in organizations* Connecticut: Information Age Publishing (2007) at 229.

[22] Gonalons-Pons P & Markus G "Marriage and masculinity: male-breadwinner culture, unemployment, and separation risk in 29 countries" (2021) 86(3) *American Sociological Review* 465.

[23] Ferrant G et al *Unpaid Care Work: The missing link in the analysis of gender gaps in labour outcomes* Boulogne Billancourt: OECD (2014).

[24] Qing S "Gender role attitudes and male-female income differences in China" (2020) 7(12) *The Journal of Chinese Sociology* 1 at 4.

[25] See Harriss-White B "Inequality at work in the informal economy: Key issues and illustrations" (2003) 142(4) *International Labour Review* 459.

[26] Iwagami T "The end of the classic model of labour law and Post-Fordism" (1999) 20(4) *Comparative Labor Law & Policy Journal* 691 at 692; Supiot A et al *Beyond employment: Changes in work and the future of labour law in Europe* Oxford: Oxford University Press on Demand (2001) at chapter 2.

existing institutions and legal frameworks. In this way, institutional policies that ignore the vulnerabilities of women in non-standard forms of employment create large gender gaps.

3 GENDER INEQUALITY IN NIGERIA

Nigeria's estimated 101.67 million women and girls have significantly worse life opportunities than men.[27] These women are marginalised across all spheres of the economy. Yet gender equality remains a contentious issue in Nigeria. Many Nigerians, particularly men, including law-makers, often (mis)interpret gender equality as "demands of women's desire to become men".[28] This is largely influenced by the patriarchal context of Nigeria, which dictates gender roles and entrenches male domination in all aspects of society, including in the world of work. As a result, Nigerian women are marginalised and continue to be vulnerable to exploitation and oppression. This vulnerability is exacerbated by the regulatory framework, which continues to foster gender inequality.

The 1999 Constitution of Nigeria prohibits discrimination on many grounds including sex.[29] Section 15(1) states: "national integration shall be actively encouraged, whilst discrimination on the grounds of … sex … shall be prohibited". There are similar provisions in sections 17(3e), 42, and 222. However, other constitutional provisions seem to contradict this provision on the prohibition of discrimination based on sex. For example, section 26 permits only men to transfer nationality or residency rights to foreign spouses, while section 29(b) promotes girl-child marriage. As a result, it has been argued that the Constitution is discriminatory.[30]

Nigerian law-makers have resisted calls to amend the Constitution and to formulate a specific law that addresses gender inequality. In 2016, the legislature failed to enact the Gender and Equal Opportunities Bill. This bill sought to provide gender equality and development in all spheres of society.[31] It also contained provisions that addressed substantive equality measures for women.[32] Indeed, through this bill, the United Nations' Convention on the Elimination of all Forms of Discrimination Against Women

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[27] Statista "Total population of Nigeria 2020, by gender" available at https://www.statista.com/statistics/967908/total-population-of-nigeria-by-gender/ (accessed 9 August 2020).

[28] Para-Mallam FJ "Gender equality in Nigeria" in Ortenblad A, Marling R & Vasiljevic S (eds) *Gender equality in a global perspective* New York: Routledge (2017) at 23-53.

[29] In this context, "sex" and "gender" are used interchangeably and refer to physical and biological characteristics such as genitalia: The Nigerian Constitution of 1999.

[30] Pereira C "Understanding women's experiences of citizenship in Nigeria: From advocacy to research" (2002) available at www.codesria.org (accessed 19 May 2021).

[31] Agbalajobi DT & Oluwalogbon LA "The Nigerian senate and the politics of the non-passage of the gender equality bill" (2019) 13(3) *African Journal of Political Science and International Relations* 17.

[32] See Agbalajobi & Oluwalogbon (2019) at 20.

(CEDAW) would have been domesticated. However, the bill failed to be passed because of significant opposition from cultural and religious proponents.[33] According to these proponents, the provisions in the bill infringed on their cultural and religious practices. As mentioned previously, many of these practices are deeply patriarchal and thrive on the subjugation of women.[34]

Similarly, the Nigerian Constitution is a barrier to the incorporation and enforcement of international standards on gender equality. Ordinarily, the government is the duty-bearer of human rights. However, section 12 of the Constitution restricts the automatic obligation of the government on signed and ratified international treaties or standards. According to this provision,

> "(1) No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.
>
> (2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty.
>
> (3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the House of Assembly in the Federation."[35]

As a result, unless the legislative arm of government passes an international treaty into law, such a treaty is of no effect in the country. The inequality and discrimination experienced by Nigerian women also extend to the labour market. Although Nigeria has ratified international standards such as the Discrimination (Employment and Occupation) Convention, 1958 (C111) and Equal Remuneration Convention, 1951 (C100), these standards have not been domesticated. Consequently, Nigeria does not have any specific legislation that addresses inequality and discrimination in the workplace. Coupled with the inconsistent provisions in the Constitution, this results in a tenuous framework for the protection of gender equality in the workplace.

National statutes which regulate labour relations and the workplace contain limited provisions concerning gender equality and non-discrimination. First, section 12 of the Trade Union Act prohibits the restriction of membership of trade unions on certain grounds.[36] Surprisingly, this Act does not expressly prohibit the restriction of

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[33] Makinde OA et al "Rejection of the Gender and Equal Opportunities Bill in Nigeria: A setback for sustainable development goal five" (2017) 32(3) *Gender in Management: An International Journal* 234.

[34] Omotola JS "What is this gender talk all about after all? Gender, power and politics in contemporary Nigeria" (2007) 28(1) *African Study Monographs* 33; Durojaye E & Adebanjo A "Harmful cultural practices and gender equality in Nigeria" (2014) 12(1) *Gender and Behaviour* 6169; Para-Mallam FJ "Promoting gender equality in the context of Nigerian cultural and religious expression: Beyond increasing female access to education" (2010) 40(4) *Compare* 459.

[35] Section 12 of the Nigerian Constitution of 1999.

[36] Trade Union Act Cap 432 of 2005.

membership on the ground of sex or gender. This signals the lack of acknowledgment of the role of women in trade union activities.

Secondly, the Labour Act, which is the primary law regulating the workplace, does not contain any provision which specifically prohibits discrimination or promotes equality at work.[37] Instead, sections 55 and 56 of this Act prohibit the employment of women on night and underground work. This is a discriminatory provision because it reinforces stereotypes about women's abilities. In addition, while the Act provides some measure of maternity protection, the application of this law, in terms of section 54, is limited to women working in public, private or commercial undertakings.[38] This is exclusionary, and it disproportionately affects domestic workers whose workplaces do not fall within the scope of these sections. Other discriminatory provisions include regulation 122 of the Nigerian Police Regulations, which prohibits married women from enlisting in the Nigeria Police Force. Regulation 123 also requires unmarried women to get the permission of the commissioner of police before getting married.

Furthermore, there is no legal provision addressing discrimination in wages and work benefits, even though this form of discrimination against women is persistent in the Nigerian workplace.[39] Similarly, sexual harassment is a plague in the Nigerian workplace.[40] Females are specifically recruited to be marketers, with such workers having mainly to source wealthy clients or customers to meet high targets set by employers.[41] This has made many employees susceptible to exploitative sexual advances, and is particularly prevalent in the Nigerian banking sector.[42] This is

[37] Labour Act 21 of 1974.

[38] Section 54(1) of the Labour Act states: "In any public or private industrial or commercial undertaking or any branch thereof, or in any agricultural undertaking or any branch thereof, a woman- (a) 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 …."

[39] Oyewunmi A "The promotion of sexual equality and non-discrimination in the workplace: A Nigerian perspective" (2013) 13(4) *International Journal of Discrimination and the Law* 324.

[40] Aina-Pelemo AD et al "Sexual harassment in the workplace: Case study of the Nigerian legal sector" (2019) 86 *Journal of Law, Policy & Globalization* 121; Okongwu OC "Are laws the appropriate solution: The need to adopt non-policy measures in aid of the implementation of sex discrimination laws in Nigeria" (2021) 21(1) *International Journal of Discrimination and the Law* 26; Oyesola O & Stand to End Rape Initiative "Examining the prevalence, context, and impact of workplace sexual harassment in Nigeria" Lagos, Nigeria: Stand to End Rape Initiative (2021) available at https://standtoendrape.org/wp-content/uploads/2019/10/Final-Research-Brief-Examining-the-Prevalence-Context-and-Impact-of-Workplace-Sexual-Harassment-in-Nigeria.pdf?ltclid= (accessed 20 August 2021).

[41] See Oyewuunmi A (2013) at 336.

[42] Akinfala FF & Komolafe T "Sexual harassment as a predictor of organisational outcomes" (2017) 20(1) *African Journal for the Psychological Study of Social Issues* 60; Bello SM "Gender differences in perception of sexual harassment among Nigerian banks' employees" (2016) paper presented to ISER 29th international conference, Dubai, United Arab Emirate at 21; Alooma AG & Atadiose S "Impact of

exacerbated by subtle practices in many organisations which target female applicants or employees who have to give sexual favours to get or retain their jobs.[43] Unfortunately, Nigeria does not have any substantive law that addresses sexual harassment and its elements in the workplace. Although the National Industrial Court is vested with the jurisdiction to decide on disputes related to sexual harassment and discrimination in the workplace, there are very few substantive laws under which an affected woman can bring a claim. This regulatory vacuum leaves female employees vulnerable.

Gender inequality and discrimination are also experienced by Nigerian women working in the informal economy.[44] According to an estimate by the ILO, 93% of all employment in Nigeria is informal, with 95% of women working in the informal economy compared to 90% of men.[45] The economic activities of these workers are either beyond the scope of the law or, where within the reach of the law, the law is not enforced or complied with or the law discourages compliance.[46] There is an overlapping relationship between informal employment and gender inequality. This is evident when informal work is analysed by economic sectors and the status of employment. The ILO reports that men tend to have the best-quality jobs in the informal economy, whereas women have the poorest.[47] In addition, women are more likely to be informal employees, while more men own informal enterprises.[48] This could be linked to more men having access to capital and to the culture of patriarchy in Nigeria.[49] Consequently, there are significant gender differences in the informal economy.[50]

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target deposit mobilization on unethical issues and employee dissatisfaction in the Nigerian banking sector" (2014) 4(10) *American International Journal of Contemporary Research* 120.

[43] Johnson K "Sexual harassment in the workplace: A case study of Nigeria" (2010) 8(1) *Gender and Behaviour* 2903.

[44] Osiki AE *The interdependence of human rights: A case study with recommendations for law reform to promote decent work in the informal economy and street vending sector in Nigeria* (unpublished PhD thesis, University of Cape Town, 2018).

[45] See ILO (2018) at 86.

[46] Trebilcock A "Decent work and the informal economy" WIDER Working Paper 4/2005 Helsinki: UNU-WIDER (Jan 2005) 1 at 2.

[47] See generally ILO (2018).

[48] See *The world's women 2010: Trends and statistics* New York: United Nations (UN) (2010): *The world's women 2015: Trends and statistics* New York: UN (2015): ILO (2018) at 22.

[49] Okafor EE et al "Barriers to women leadership and managerial aspirations in Lagos, Nigeria: An empirical analysis" (2011) 5(16) *African Journal of Business Management* 6717.

[50] Hill E "The informal economy in theory and policy" in Jo Tee-Hee et al (eds) *The Routledge handbook of heterodox economics: Theorising, analysing and transforming capitalism* New York: Routledge (2017): these differences might not be a result of direct gender-based discrimination but are reflections of a division of labour based on gender roles. Generally, women are assumed to be the primary caregivers within the family structure. This limits their capacity to work in many developing countries, including Nigeria. Hence, in many cases, women seek work in which they can combine with their roles as caregivers, which limits their productivity and economic security – see UN Women *Progress of the world's women 2015-2016: Transforming economies, realising rights* United States of America: UN Women (2015).

These differences are also pronounced according to informal sectors. More women are found in the informal manufacturing sector, making or selling perishable items including food, beverages and tobacco, while men dominate the more capital-intensive sectors such as construction and building. In the street-vending sector in the country, "men tend to have better tools of trade, operate from better public spaces, have greater access to financial capital, and sell more valuable goods and products at a higher volume",[51] while women generally sell more perishable products.[52] In addition, female street traders are excluded from decision-making processes, have lower levels of education, less income and access to social services, and smaller networks.[53]

The various manifestations of gender inequality highlighted in this section are an indication of unjust socio-economic relations and institutional structures that perpetuate discrimination against and marginalisation of Nigerian women. This structural and legal subordination impedes opportunities for women to participate fully in society and restricts inclusiveness in the labour market. Domestic workers in Nigeria provide a telling example of such structural and legal discrimination.

4 DOMESTIC WORK IN NIGERIA: CONTEXT AND INEQUALITIES

The ILO's Domestic Workers Convention, 2011 (No. 189) defines domestic work as "work performed in or for a household or households" and a domestic worker as "any person engaged in domestic work within an employment relationship".[54] Put simply, domestic workers are those who work in private households for pay in cash or kind, caring for children, the disabled, and elders, or providing gardening, driving, and security services. The socio-economic significance of and demand for paid domestic work have grown exponentially globally. Tasks performed by domestic workers free their employers from the constraints of reproductive labour. Thanks to the labour of domestic workers, others, particularly women, can work outside the home, thereby facilitating the operation of the labour market and contributing to economic growth.[55]

Domestic work is a source of employment for an estimated 75.6 million people (not including child domestic workers), and this number is steadily increasing globally.[56] A

[51] See Osiki (2018) at 79; Chen, Vanek & Carr (2004) at 40.

[52] See Bass (2000) at 82.

[53] Madichie & Nkamnebe "Micro-credit for microenterprises? A study of petty traders in Eastern Nigeria" (2010) 25(4) *Gender in Management: An International Journal* 301 at 305.

[54] This Convention has not been ratified by Nigeria. See the discussion in section 3 on the status of international law in Nigeria.

[55] Chen MA "Recognizing domestic workers, regulating domestic work: Conceptual measurement, and regulatory challenges" (2011) 23(1) *Canadian Journal of Women and the Law* 167.

[56] See ILO (2021a). However, these estimates have been argued to be dramatically underestimated due to the difficulty of enumerating domestic workers in national survey, and the concentration of domestic workers in informal employment and among migrants in irregular situations. See WIEGO "Challenges of measuring domestic workers" available at https://www.wiego.org/challenges-measuring-domestic-

unique characteristic of the domestic work sector is its highly feminised nature. The ILO estimates that 80% of all domestic workers are women.[57] Within the specific context of Nigeria, there is no national survey on the size of the domestic work sector. However, there are helpful indicators. A 2007 survey by the National Bureau of Statistics estimated that there were 197 900 domestic workers in Nigeria – 98 300 women and 99 600 men.[58] More recently, a 2017 labour survey suggests that unpaid house workers account for around 7.17% of the 69.09 million Nigerians employed in the labour market.[59] This survey did not take into consideration paid domestic workers, thereby making it a gross underestimation of domestic work in the country. In addition, the ILO suggests that in 2016 there were 313 042 domestic workers.[60] Also, as mentioned above, 93% of all employment in Nigeria is informal, and women make up the majority of the informal economy. It therefore can be argued that domestic work is largely informal.[61] On the one hand, this further affirms that the official statistics are not a true reflection of the domestic work sector; on the other, it reflects the invisibility of domestic workers in the Nigerian labour force.

Several unique features set domestic work apart from other forms of waged employment. First, domestic work is performed in private homes. Secondly, since this work is performed in private homes, the relationship between domestic workers and their employers is personalised. Yet the relationship is highly unequal, and domestic work is often exploitative. This is often worsened by the low education levels and disadvantaged socio-economic backgrounds of these workers. Thirdly, domestic services are patterned along ethnic lines. For example, domestic workers from Western Nigeria are reserved for "respected" positions such as drivers or housekeepers, while workers from Cross River/Akwa Ibom states are relegated to cooking and laundering.[62] This contributes to hierarchy within the domestic work sector, and in some cases is used to perpetuate abuse against these workers.

Fourthly, domestic work tends to be undervalued. This is because, in many instances, it is similar to chores historically performed by women and children without pay at home.[63] For example, in Nigeria domestic work is seen as a woman's unpaid duty

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workers (accessed 19 August 2021); Tayah MJ *Decent work for migrant domestic workers: Moving the agenda forward* Geneva: ILO (2016).

[57] ILO "Who are domestic workers?" available at https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm (accessed 19 August 2021).

[58] ILO *Domestic workers across the world: Global and regional statistics and the extent of legal protection* Geneva: ILO (2013) at 127.

[59] National Bureau of Statistics (NBS) *Labour Force Statistics Vol. 2: Employment by sector report. (Q3 2017)* Abuja: NBS (2018) at 1.

[60] See ILO (2021a) at 271.

[61] See generally ILO (2018) .

[62] Nesbitt-Ahmed ZD *The same, but different: The everyday lives of female and male domestic workers in Lagos, Nigeria* (unpublished PhD thesis, London School of Economics & Political Science, 2016) at 158.

[63] Anderson B "Just another job? Paying for domestic work" (2001) 9(1) *Gender & Development* 25.

in marriage. Fifthly, in Nigeria domestic work is mostly informal. As a result, domestic workers lack appropriate legal protection. Finally, the working conditions in the domestic work sector are poor. In the worst cases, domestic work has been argued to amount to servitude rather than employment, and this is facilitated by the regulatory framework.[64]

Domestic work in Nigeria is implicitly covered by the country's labour legislation. However, domestic workers do not generally enjoy the protection of labour legislation and labour institutions. This can be attributed to the inappropriate framing of the existing legal framework. As mentioned previously, the Labour Act is the primary employment legislation. The scope of this Act is provided in section 91, and it is applicable to employees who fall within the definition of workers. This section defines a worker to mean anyone "who has entered into or works 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 …". While this law appears inclusive, section 65 of the Act grants the Minister of Employment, Labour, and Productivity the power to make regulations on the working conditions of domestic workers. This power has not been exercised since the enactment of the Labour Act. However, these two provisions raise uncertainties as to whether the working conditions of domestic workers are regulated under the general provisions of the Labour Act or in terms of section 65.

Furthermore, the Labour Act uses the term "domestic servant" to refer to persons engaged in domestic work. Although the definition of "domestic servant" is consistent with the definition of "domestic work" under C189, the use of this derogatory term implies servitude and affects how domestic work is valued in the country. Besides, the term "domestic servant" has colonial and ideological undertones.[65] Nigerian labour legislation has its roots in English law.[66] Until the mid-20th century, domestic workers in England were referred to as "domestic servants" under English law.[67] The employment relationship then was regarded as a master-servant relationship, and domestic workers were excluded from protective legislation.[68] This made these workers disadvantaged and vulnerable to exploitation. While progress has been made in changing this derogatory phrase and extending protection to domestic workers in the United Kingdom, Nigerian domestic workers remain bound by the shackles of this colonial

[64] Du Toit D "Extending the frontiers of employment regulation: The case of domestic employment in South Africa" (2010) 14(1) *Law, Democracy & Development* 1: ILO *Decent work for domestic workers* Report IV (1) Geneva: ILO (2010).

[65] In precolonial Nigeria, domestic work was rooted in slavery. See Perbi A "Slavery and the slave trade in pre-colonial Africa" (2001) paper presented at the University of Illinois, USA available at http://www.latinamericanstudies.org/slavery/perbi.pdf (accessed 15 August 2020).

[66] See generally Mwalimu C *The Nigerian legal system* New York: Peter Lang Publishing (2005).

[67] Albin E "From 'domestic servant' to 'domestic worker'" in Fudge J et al (eds) *Challenging the legal boundaries of work regulation* Oxford, Oregon: Hart (2012) 1 at 241.

[68] See Albin (2012) at 237.

inheritance, and so remain known legally as domestic servants. Similarly, within the patriarchal context of Nigeria, domestic work is considered the responsibility and natural duty of women, and thus does not require remuneration.[69] The increased participation of women in the labour market has merely shifted the burden of domestic work to less empowered women.

Other legislation that should be applicable to the domestic work sector are the National Health Insurance Scheme Act;[70] the Employee's Compensation Act, 2010, which addresses the provision of compensation to employees who suffer injuries, diseases, or death during their employment; the Trade Unions Act;[71] the National Minimum Wage Act, 2019, covering the payment of a national minimum wage to all workers;[72] and the Pension Reform Act,[73] which establishes standards for the administration and payment of retirement benefits. However, enforcement and compliance with regulatory provisions are a challenge in the domestic work sector. In the labour market, the primary enforcement and compliance mechanism is labour inspection,[74] through which labour regulations are enforced. Yet labour inspection is largely neglected by the Nigerian government.[75] Coupled with the isolated nature of the domestic work sector, this makes it easy for employers to avoid their legal obligations and facilitates informality in the domestic work sector. There are laws addressing various forms of social protection, but access is based on contributions, which may be difficult to implement in the domestic work sector. So, as in many parts of the world, domestic workers in Nigeria are subjected to abuse and exploitation, including unregulated working hours, adverse working conditions, unsafe workplaces, and insecure incomes.

From the above, it is clear that the legal and institutional frameworks are not specifically designed to address the working conditions of domestic workers in Nigeria. This is worsened by the lack of effective organisations and mechanisms enabling domestic workers to bargain collectively with employers. Unlike in many African countries, there is no association of domestic workers, no existing trade union in

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[69] Nwokpoku EJ et al "Nigerian labour laws: Issues and challenges" (2018) 36(1) *World Applied Sciences Journal* 47.

[70] National Health Insurance Scheme Act 1999 No. 35.

[71] Trade Unions Act 17 of 2005.

[72] Domestic workers appear to be excluded from the entitlement under the National Minimum Wage Act. Section 2(a) of this Act states that the requirement to pay national minimum wage is applicable only to employers with more than 50 workers or employees.

[73] Pension Reform Act 4 of 2014.

[74] ILO "International labour standards on labour inspection" available at www.ilo.org (accessed 15 July 2021).

[75] Fajana S & Ilesanmi A "Challenges of COVID-19 on labour administration in Nigeria" (2021) VII (1) *Mizoram University Journal of Humanities & Social Sciences* 216: Adedeji GA et al "Ergonomic evaluation and labour inspection in cluster-sawmill in Port Harcourt, Nigeria" (2016) 12(2) *Pro Ligno* 38; The Cable "Ministry of labour: Gap and opportunities analysis" (2021) available at https://www.thecable.ng/ministry-of-labour-gap-and-opportunities-analysis (accessed 15 August 2021).

Nigeria affiliated with domestic workers, and no visible effort to organise domestic workers. This study has found that the isolated nature of domestic work, and the lack of awareness on the part of workers, are the biggest challenges to organising Nigerian domestic workers.

While there has been ample research on the domestic work sector in Nigeria, much of it focuses on child labour in the domestic work sector.[76] There has been little or no research on gender inequality in the Nigerian domestic work sector. Given the highly feminised nature of the domestic work sector, the poor working conditions and insufficient legal protection of Nigerian domestic workers could disproportionately affect women and reinforce gender disparities in this sector. It is, therefore, crucial to understand and analyse the working conditions from a gender perspective, as this has broader implications for gender equality in Nigeria.

5 METHODOLOGY

This article draws on a survey of domestic workers who fall within the definition of article 1 of Convention 189. Domestic worker participants were individuals who worked (or at least until recently) in a private household and were paid in cash or kind for this work. The survey was conducted in Abuja, Lagos, Ebonyi, and Benue states. Questionnaires were given to 220 domestic workers across these four states. A significant challenge with researching domestic workers is accessibility. Consequently, this necessitated the use of a snowball sampling method to inform the identification of domestic workers. Snowball sampling is when "the researcher accesses informants through contact information that is provided by other informants".[77] To avoid the potential pitfall of this non-probabilistic sampling method – that is, respondents nominating people they share similar traits with – sampling was based on multiple snowballs. In this instance, several respondents from different areas of each focus state acted as initiators.

The probing technique was implemented to facilitate communication with domestic workers and get detailed answers. The administering of the questionnaire lasted an average of 45 minutes for each of the respondents. This length of time was to allow for necessary explanation and the interpretation of the contents of the questionnaire into pidgin English (a Nigerian adaptation of the English language), or the local language of the domestic worker. Field research took place between August and October 2020. The

[76] Olayiwola P "Challenging stories about child domestic work: evidence from South-West Nigeria" (2021) 42(11) *Third World Quarterly* 2690; Elijah OA & Okoruwa V "Analysis of child labour and school attendance in Nigeria: The present and future implications" (2006) paper presented to European Society for Population Economics conference, Verona; Emeka-Mgbemere VC *Child labour: The sufficiency of international and domestic laws in protection for children against being used as domestic servants in Nigeria* (unpublished Master's thesis, University of KwaZulu-Natal, 2019).

[77] Noy C "Sampling knowledge: The hermeneutics of snowball sampling in qualitative research" (2008) 11(4) *International Journal of Social Research Methodology* 327.

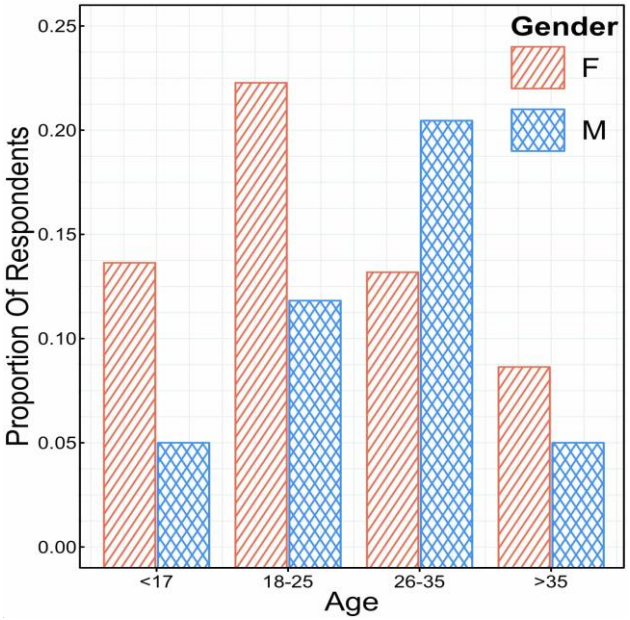
responses to the questions from the completed questionnaires were manually captured into a centralised, password-protected Microsoft Excel file. The records were then verified and cleaned before continuing with the data analyses. All data processing and analyses were executed using R statistical software. Anonymity and the confidentiality of personal information relating to the identity of all participants were maintained throughout all the phases of the study. Semi-structured interviews were conducted with recruiters, workers' unions, and civil society organisations. The data from these interviews were transcribed and then analysed using thematic analysis.[78]

6 FINDINGS AND DISCUSSION

6.1 Demographics of the respondents

This study reinforces research findings on the feminisation of the domestic work sector. Notably, 58% of our respondents were females, while 42% were males as depicted in Figure 1.

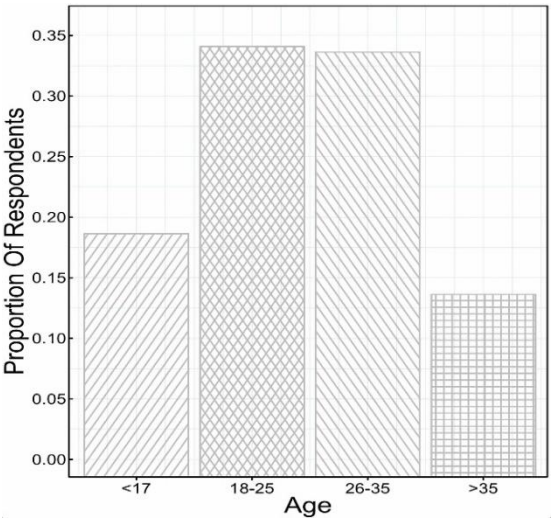
Figure 1: Overlap between gender and ages of respondents



[78] Braun V & Clarke V "Thematic analysis" in *Encyclopedia of Critical Psychology*. New York: Springer (2014) 1947.

In regard to the age of the participants, the proportion of domestic workers between the ages of 18–25 and 26–35 years stood at 34% each. The next largest group, comprising about 18% of respondents, were domestic workers between the ages of 9–17, as depicted in Figure 2.

Figure 2: Prevalence of child labour in the domestic work sector



6.2 Wages

Historically, minimum wage regulations for domestic workers have been weak.[79] This can be attributed to such factors as the unequal bargaining power between domestic workers and employers; the isolated nature of, particularly, live-in domestic workers; the perception that domestic service is household work traditionally performed by women; and weak regulation.

One of the tools for addressing this is a national minimum wage policy.[80] As mentioned, Nigeria has a law regulating the payment of a minimum wage to all workers. There is a minimum wage floor, prescribed by the National Minimum Wage Act, which is pegged at ₦30 000 (USD 72.9) per month and ideally applies to all workers, including domestic workers.[81] However, domestic workers appear to be excluded from the

[79] Oelz M & Rani U "Domestic work, wages, and gender equality: Lessons from developing countries" Working Paper 5/2015 Geneva: ILO (2015)1 at 13.

[80] Gama N & Willemse L "A descriptive overview of the education and income levels of domestic workers in post-apartheid South Africa" (2015) 80(5) *GeoJournal* 721; Minimum Wage Fixing Convention, 1970 (No. 131).

[81] Sections 2 and 3 of the National Minimum Wage Act of 2019.

coverage of this law under section 2(a) of the Act, which states that the requirement to pay the national minimum wage applies to an establishment in which not less than 25 workers are employed. This provision effectively excludes domestic workers, as it is very uncommon to find a household that employs up to 25 workers.[82] This exclusion creates a significant gap in protection and leaves the remuneration of domestic workers at the discretion of employers.

This study found that the wages of domestic workers show no reference to the national minimum wage. About 20% of domestic workers earn below ₦15 000 (USD 37); 35% between ₦15 000(USD 37) and ₦30 000 (USD 73); ₦40 000 (USD 94) – ₦55 000(USD 133) is the earning bracket of only 2%; another 6% of the respondents earn above ₦55 000 (USD 133). This shows that the majority of workers who are paid salaries in the domestic work sector earn below the national minimum wage. Yet these workers work extremely long hours, with the majority of the participants in this study, mostly women, working between 18 to 20 hours per day. This makes domestic work one of the lowest-paid occupations when compared with the national average in the country.[83] This confirms international statistical estimates which suggest that, in any given location, domestic workers typically earn less than half of the average wage or, in some cases, about 20% of it.[84] As a result, domestic workers are more likely than other workers to be living in poverty.[85]

Similarly, the pay gap in the domestic work sector also reflects inequalities that mainly affect women. Contrary to article 2 of the Equal Remuneration Convention, 1951 (No. 100) and article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), there was visibly gendered wage disparity. While men make up the minority in this study, their wages were higher than the female participants. This study noted that twice the number of females compared to males earned less than ₦15 000, which is the lowest wage demography. Overall, within the different wage categories employed in this study, male domestic workers earned more than their female colleagues.

Earning wages is the central motivation for workers when offering their labour, which affords them the income to sustain both themselves and their families. This is particularly true in a country like Nigeria, with limited social safety nets for citizens.

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[82] Ogbechie R & Oyetunde K "Beyond legislations: ethical issues in domestic work in Nigeria" (2019) 5(3) *PEOPLE: International Journal of Social Sciences* 99.

[83] This can be deduced from the 2011 Socio-economic survey: sectoral wages and emoluments. Average wages across sectors in 2010 ranged from ₦19 798 in wholesale and retail to ₦34 544 in hotels and restaurants and ₦80 144 in cement manufacturing. This statistic has not been updated – see NBS *Annual socio-economic report* Abuja: NBS (2011).

[84] Oelz M "Remuneration in domestic work" Domestic Work Policy Brief 1 Geneva: ILO (2011).

[85] Wolfe J et al "Domestic workers chartbook A comprehensive look at the demographics, wages, benefits, and poverty rates of the professionals who care for our family members and clean our homes" (2020) available at https://www.epi.org/publication/domestic-workers-chartbook-a-comprehensive-look-at-the-demographics-wages-benefits-and-poverty-rates-of-the-professionals-who-care-for-our-family-members-and-clean-our-homes/ (accessed 20 July 2021).

However, the similarity of domestic work to work traditionally performed by women for nothing has contributed to this form of work being undervalued and not recognised as "real work".[86] This has contributed to low pay levels within the sector, despite its socio-economic significance and the fact that a large part of the female workforce can participate in the labour market because of the existence of domestic workers. Women and migrant workers are the most vulnerable to labour exploitation, and so the regulation of their wages is vital.

The current exclusion of domestic workers from the coverage of the National Minimum Wage Act leaves them open to exploitation by employers, who are the sole determinants of their wages. Many domestic workers have a low level of individual bargaining power, which is accentuated by socio-economic characteristics of theirs such as poverty, low levels of education, and absence of alternative economic opportunities. In this study, the highest educational qualification (HEQ) for 52% of the domestic workers was a senior secondary certificate; the HEQ for 11% of the respondents was a junior secondary certificate; and 20% held a primary school certificate as their HEQ. The HEQ for another 12% varied, including the NCE and bachelor degrees, while 11% of the respondents had no formal education. Generally, the socio-economic background of the majority of these domestic workers, coupled with their low levels of education, puts them in a vulnerable position, making it easy for employers to unilaterally decide the wage formation.

Previously, the inclusion of domestic workers in the minimum wage act was left to member states. However, this has been changed with the ILO's Convention 189 (C189).[87] The provision in article 11 of C189 requires states to ensure that domestic workers enjoy minimum wage coverage where such exists. Indeed, the fact that many domestic workers come from vulnerable socio-economic backgrounds makes minimum wage coverage an instrument of social protection for these workers.[88] This is true within the context of the Nigerian domestic work sector. In this study it was found that the choice of domestic work as a source of employment was for many respondents the result of poverty and unemployment. For these workers, having a minimum wage would be a form of social protection in a country where access to social protection remains a challenge.

A component of the payment of wages is payment in kind and deductions that continue to be customary in the domestic work sector.[89] Many domestic workers are vulnerable to this exploitative practice regarding the payment of their wages. These

[86] Budlender D "Measuring the economic and social value of domestic work: Conceptual and methodological framework" Domestic Work Policy Brief 3 Geneva: ILO (2011) 1 at 1.

[87] The Minimum Wage-Fixing Convention, 1928 (No. 26) and article 1 of the Minimum Wage Fixing Convention, 1970 (No. 131)

[88] See generally ILO (2010): *General survey of the reports on the Minimum Wage Fixing Convention, 1970 (No. 131), and the Minimum Wage Fixing Recommendation, 1970 (No. 135)* Report III (Part1B) Geneva: ILO (2014) at 96.

[89] Ramirez-Machado JS *Domestic work, conditions of work and employment: A legal perspective* Conditions of Work and Employment Series 7 Geneva: ILO (2003) 1 at 53.

deductions could be in the form of accommodation, school fees, or the off-setting of family debts, for instance. In this study, 33% of the domestic workers, many of whom were live-in, indicated that they received their payment in kind. This aligns closely with the percentage of workers who identified themselves as family members. Indeed, the study revealed that domestic workers (about 27% of participants) who identified as family members were not paid salaries. Interestingly, it was discovered that the majority of those who identified as family members of their employers were child domestic workers, a majority of whom were females.

However, section 1 of the Labour Act allows payment in kind only if it forms part of the salary. In terms of deductions, 15% of the respondents noted that deductions were made from their salaries. Section 5 of the Labour Act permits deductions in certain instances, such as when the employer has 'suffered loss or injury by the wilful misconduct or neglect of the employee', or for contributions to social protection schemes or trade unions. In this study, it was discovered that deductions were made from the salaries of domestic workers for tuition, food, displeasing the employer, and various other reasons that do not fall within the scope of deductions allowed under the Act.

6.3 Social protection

Social protection is a human right and is defined "as the set of policies and programs designed to reduce and prevent poverty and vulnerability across the life cycle".[90] These include benefits for children and families, maternity, unemployment, employment injury, sickness, old age, disability, survivors, as well as health protection. According to ILO estimates, 46.9 % of the world's population was in effect covered by at least one social protection benefit.[91] In the domestic work sector, it is estimated that 90% of domestic workers do not, under law, have access to a social protection system.[92] According to the information collected in this study, only 4% of the participants were registered for any form of social security.

International labour standards such as C189, the Domestic Workers Recommendation 201, the Social Protection Floors Recommendation 202, as well as the Transition from the Informal to the Formal Economy Recommendation No. 204, provide guidelines through which social protection can be achieved for all workers. Article 14 of

[90] ILO *World social protection report 2017–19: Universal social protection to achieve the Sustainable Development Goals* Geneva: ILO (2017) at xxix: The term 'social protection' is broader and more inclusive than 'social security' because it incorporates non-statutory or private measures which are of particular relevance to informal workers in many developing countries: See generally Bonilla Garcia A & Gruat JV "Social protection: A life cycle continuum investment for social justice, poverty reduction and sustainable development" No. 366683 Geneva: ILO (2003).

[91] ILO *World social protection report 2020-22: Social protection at the crossroads-in pursuit of a better future* Geneva: ILO (2021b).

[92] ILO "Social and labour protection" available at https://www.ilo.org/global/topics/domestic-workers/WCMS_614987/lang--en/index.htm (accessed 24 August 2021); ILO *Social protection for domestic workers: Key policy trends and statistics* Geneva: ILO (2016) ix at ix.

C189 requires member states to take appropriate measures to provide social protection coverage for domestic workers at the same level that applies to workers generally. This implies that any available social protection scheme needs to be accessible to domestic workers as well, while taking into account the unique characteristics of this form of work.[93]

In Nigeria, although some social protection legislation applies to domestic workers, the language of the legislative provisions excludes them. For example, section 10(1c) of the National Social Insurance Trust Fund Act indicates that its provisions apply to employers with at least five employees.[94] The National Health Insurance Scheme Act has a similar provision. The implication is that domestic workers could be excluded from the coverage of this law if their employers do not meet its requirement for them contribute to the fund. This is contrary to the requirement in article 14 of C189 which prescribes that member states must consider the unique characteristics of the domestic work sector.

In practice, domestic workers are also excluded from applicable social protection laws. For example, while the Pension Reform Act and the Employees Compensation Act of 2010 legally extend to domestic workers, access to the benefits of this law is based on contribution, which may be difficult to implement in the domestic work sector.[95] Many domestic workers are in informal work arrangements and have low wages; some are paid in kind.[96] Contributing to social protection schemes would be an additional burden for these workers.

[93] It is important to note that Nigeria does not have an overarching social protection policy. This is reflected in the government's expenditure on forms of social protection. For example, its total health expenditure is 4% of the gross domestic product. This means that majority of Nigerians do not have any form of protection against vulnerabilities and emergencies. See Enabulele O "Achieving universal health coverage in Nigeria: Moving beyond annual celebrations to concrete address of the challenges" (2020) 12(1) *World Medical & Health Policy* 47; Aiyede E et al "The political economy of social protection policy uptake in Nigeria" Partnership for Africa Social and Governance Research Working Paper 002 (2015) available at http://www.pasgr.org/wp-content/uploads/2016/08/The-Political-Economy-of-Social-Protection-Policy-Uptake-in-Nigeria.pdf (accessed 30 June 2021) at 4.

[94] National Social Insurance Trust Fund Act 73 of 1993.

[95] Recently, a national social protection bill – the National Social Security Policy for Inclusiveness, Solidarity and Sustainable Peace and Prosperity – was drafted and submitted to the National Assembly for enactment. This bill aims to include informal workers under social protection mechanisms. However, it has not been passed, possibly due to lack of political support: See Osiki AE (2018) at chapter 8 for more discussion of this: *ILO programme implementation 2016-17* GB.332/PFA/1 Geneva: ILO (2018).

[96] See ILO "Extending social security to domestic workers" available at https://www.social-protection.org/gimi/Emodule.action?id=58 (accessed 30 August 2021).

Maternity protection is essential for promoting equality in the domestic work sector.[97] The feminised characteristic of the domestic work sector makes it important to adopt gender mainstreaming in social protection schemes for this sector.[98] However, contrary to international standards,[99] domestic workers are not granted the right to maternity leave under Nigerian labour law. Section 54 of the Labour Act explicitly excludes domestic workers, as their work does not fall into public or private industrial, commercial, or agricultural undertakings.

Many female domestic workers of reproductive age thus face challenges in starting their own families. In the absence of legal protection, female domestic workers of reproductive ages are at a serious disadvantage. In this study, the participation of women in the domestic work sector was significantly lower between the ages of 26–35, which are the peak years during which women reproduce and start families. It was found that the number of female domestic workers between the ages of 18–25 stood at 65%, compared to a lower 39% between the ages of 26–35. In contrast to women predominating the various age categories, 61% of domestic workers between the age of 25–35 were men. In addition, recruiters noted that domestic workers are not entitled to maternity leave and that the employment of any worker who gets pregnant is automatically terminated.

This legal vacuum has health and economic risks for domestic workers, making it imperative for the labour legislation to explicitly enshrine the right of women domestic workers to maternity protection.

6.4 Safety in the workplace

Workers in the domestic work sector are exposed to occupational health risks, injuries, domestic accidents and diseases, and adverse psychological pressure.[100] Apart from physical injuries, many of these workers, especially women, are vulnerable to sexual and emotional harassment by employers and their family members. The various forms of abuse prevalent in the domestic work sector due to its unique workplace contribute to concerns about the health and safety of workers. Stories of abuse and exploitation are common in the domestic work sector.[101] Accordingly, the work environment of these workers can be said to be largely unsafe. Interestingly, of the 206 participants in this

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[97] Addati L & Cheong LT "Meeting the needs of my family too: Maternity protection and work-family measures for domestic workers" Domestic Workers Policy Brief 6 Geneva: ILO (2013) 1 at 1.

[98] ILO & WIEGO "Labour and human rights frameworks promoting childcare for all workers" ILO and WIEGO Policy Brief 2 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/genericdocument/wcms_737553.pdf (accessed 15 July 2021).

[99] Maternity Protection Convention (Revised), 1952 (No. 103).

[100] Comaru F & Werna E "The health of workers in selected sectors of the urban economy: Challenges and perspectives" Working Paper 288 Geneva: ILO (2013).

[101] See ILO "Recognising the rights of domestic workers" (2018) available at https://www.ilo.org/global/about-the-ilo/mission-and-objectives/features/WCMS_641738/lang--en/index.htm (accessed 13 August 2021).

study who answered the question on safety in the workplace, only 20% felt unsafe, 3% were unsure, and the remaining 76% said they felt safe at work.

Most of the participants who reported abuse were women, although none of the domestic workers reported sexual abuse. Upon further probing among workers who did not feel safe, many complained that their bosses were verbally abusive and in extreme cases physically abusive, particularly when they (the workers) had made mistakes. Some of these participants said their bosses reacted badly to on-the-job mistakes. The term 'badly' is descriptive, and indicates that physical violence was involved. Interestingly, it was observed that despite facing some form of abuse, many domestic workers still maintained that they felt safe. This could be because many domestic workers do not have alternative economic opportunities. Therefore, unless they faced a situation that would lead to their immediate death, many workers were willing to bear abuse.

In contrast, recruiters and civil society organisations that participated in this study reported a high incidence of physical and sexual abuse of female domestic workers by their employers. A workers' organisation representative reported that many domestic workers faced emotional and psychological abuse from their employers; this included being called derogatory names such as slaves.

Regardless of the limited interaction with outsiders imposed by the workplace, it is important that domestic workers feel safe at work. Article 13 of C189 provides that every domestic worker has the right to a safe and healthy environment.[102] However, no similar provision exists in Nigerian law. Given the gaps in the law, civil society organisations and recruiters have adopted different strategies to address the issue of abuse in the sector. Civil society organisations liaise with police officers to prosecute perpetrators of violence against domestic workers (including child domestic workers). For their part, formal recruiters have a blacklist of employers who consistently abuse their employees and whose details are usually shared within the recruiters' networks.

Domestic workers also face discrimination at work due to their low socio-economic status. In Nigeria, this sector is characterised by intersecting inequalities, including those based on gender, ethnicity and class, all of which are reinforced by society. In this study, 22% of all the participants (all of whom were women) said that they had experienced discrimination in their workplace based on age, religion, gender, and ethnicity.

Various international standards such as the Conventions on Equal Remuneration, 1951 (No. 100), on Non-Discrimination (Employment and Occupation), 1958 (No.111), and the Convention on the Elimination of all Forms of Discrimination Against Women, 1979, provide guidelines to facilitate the elimination of discrimination in all its

[102] The ILO's Violence and Harassment Convention, 2019 (No. 190) provides for the protection of all workers from violence and harassment occurring the course of, linked with, or arising out of work.

manifestations, particularly against women.[103] Specifically, article 2 of C189 requires states to take measures to eliminate discrimination in respect of employment and occupation. However, as discussed earlier, no national legislation has explicitly addressed discrimination in the workplace.

7 CONCLUDING REMARKS

This article has highlighted some of the manifestations of inequality that affect female domestic workers. The conclusion therefore addresses how gender equality in the domestic work sector can be achieved and sustained. Some key points for fostering gender equality, both in the domestic work sector and the broader spectrum of the Nigerian labour market, should be noted.

As shown throughout this article, gender inequality in the domestic work sector is structured by power relations in the economy and wider Nigerian society.[104] It is the patriarchal and historical context of Nigeria that enables the continued undervaluation of domestic work.[105] As a result of the sector's embeddedness in the social and economic environment of Nigeria, employers of domestic workers and other relevant stakeholders are simply operating according to rules and norms that have emerged over time. However, unless there is a change in societal attitudes and the perception of domestic work, sustained equality cannot be guaranteed.

Various approaches to change negative societal attitudes have been documented,[106] and it is clear that the process needed to address gender inequality has many features in common with other types of challenges in the world of work. While it is outside the scope of this paper to review these documented approaches, they all tend to point to the importance of changing cultures, attitudes and perceptions, and the need to design appropriate frameworks which integrate gender equality.[107] Consequently, one of the major ways to delegitimise existing perceptions of domestic work is through policy-makers activating validity cues by changing the term "domestic servant" in the Labour

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[103] These instruments have not been domesticated in Nigeria.

[104] See generally, Midori K "'Domestic work is real work': Repoliticizing the discourse on gender, citizenship, and global injustices" DPU Working Paper 147 London: University College London (2012); Risman BJ "Gender as a social structure: Theory wrestling with activism" (2004) 18(4) *Gender & society* 429; George AS et al "Structural determinants of gender inequality: Why they matter for adolescent girls' sexual and reproductive health" (2020) 368 *BMJ* 19.

[105] Egbue NG "Gender division of domestic roles: Implications for social equality in Nigeria" (2010) 8 *The Nigerian Journal of Sociology and Anthropology* 14.

[106] For some approaches, see Rutland A & Killen M "A developmental science approach to reducing prejudice and social exclusion: Intergroup processes, social-cognitive development, and moral reasoning: A developmental science approach to reducing prejudice and social exclusion" (2015) 9(1) *Social Issues and Policy Review* 121; Murrar S & Brauer M "Overcoming resistance to change: Using narratives to create more positive intergroup attitudes" (2019) 28(2) *Current Directions in Psychological Science* 164.

[107] Haack P & Sieweke J "The legitimacy of inequality: Integrating the perspectives of system justification and social judgment" (2018) 55(3) *Journal of Management Studies* 486.

Act to the more respectful "domestic worker". For instance, in the Philippines, changing the term "domestic servant" to "domestic worker" was found to have succeeded in changing society's perception and attitude to domestic work.[108]

Similarly, another strategy for delegitimising inequality and bringing about institutional change lies in equality legislation and programmes. These are powerful tools for initiating and facilitating gender equality not only in the domestic work sector, but also in the broader Nigerian labour market. Given the patriarchal context of Nigeria, equality legislation must be perceived as an opportunity rather than a constraint. This can be achieved by disseminating examples of global good practices and demonstrating how legislative requirements can help increase the standard of living in society.

However, this cannot be achieved without collaboration with stakeholders in this sector, such as individual domestic workers, employers, workers' organisations, formal or informal recruiters, and non-governmental agencies. Since employers and other social partners in the domestic work sector have a significant influence on the implementation of any policy that regulates working conditions in the domestic work sector, the need to mainstream gender equality within them is imperative. Research has shown that collaboration with social partners and shared ownership of gender values facilitate gender equality in the labour market.[109]

Finally, the domestic work sector remains a huge source of employment in Nigeria. Although it is an undeniably feminised type of work, domestic work plays a role in facilitating the work-life balance of others and, consequently, in promoting gender equality in the Nigerian labour market. However, the equalisation of domestic workers is rarely considered. This article has shown the inequality and discrimination suffered by female domestic workers compared to their male counterparts. While it is time to begin to work towards human and labour rights for domestic workers, additional consideration must be given to facilitating equality for female domestic workers.

ETHICAL CONSIDERATIONS

Throughout the study, the author maintained high standards of research ethics, ensured the accuracy of data collected, translated, and analysed. Full consent was obtained from all participants before the study. In the case of children, the consent of a guardian was obtained. As participation must be voluntary, participants had the right to decline to answer any question as well as to withdraw completely from the interview or questionnaire at any point during the process. Additionally, participants had the right to request that some of the information they provided be excluded from the final research

[108] UN Women "Domestic workers count too: Implementing protections for domestic workers" USA: UN Women (2013).

[109] Olgiati E et al. *Promoting gender equality in the workplace* Dublin: European Foundation for the Improvement of Living and Working Conditions (2002).

document. The purpose of this study was explained to research participants. The participants were allowed to ask questions or report any concerns they had about the study. Anonymity and confidentiality, including in regard to personal information about the identity of participants, were maintained throughout the study. Moreover, the dignity of research participants was prioritised. Research participants were not subjected to harm of any kind.

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