

Committee on the Application of Standards

Date: 16 May 2022

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 16 May 2022.

▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Nigeria

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (Ratification:1961) Protection of Wages Convention, 1949 (No. 95) (Ratification: 1960)

The Government has provided the following written information.

On Article 1 of Convention No. 26 dealing with the scope of minimum wage, we note the Committee's observation on section 4 of the new National Minimum Wage Act 2019 on the exclusion of some categories of workers and which to state that the reduction of the minimum size of establishment to which the national minimum wage applies, from 50 to 25 persons, was a decision adopted by the Tripartite Committee on National Minimum Wage, after an extensive consideration of our national conditions and practices. It may also be noted that establishments employing less than 25 persons are usually in the informal economy and it is hoped that with the recent emerging focus on the informal economy, especially from the social protection perspective, the issue of scope of coverage may be revisited in the next review of the National Minimum Wage Act.

On Article 4(1) of Convention No. 26 dealing with the system of supervision and sanctions and the Nigeria Labour Congress (NLC) observations on non-compliant States in the Federation, we state that by the provisions of Item 34 of the Legislative Powers in the Nigerian Constitution, the matter of prescribing the national minimum wage for the Federation, and any part thereof, resides with the Federal Government on the Exclusive Legislative List. Accordingly, the four States yet to commence the payment of the national minimum wage are being monitored jointly by the State Labour Offices of the Federal Ministry of Labour and Employment in the concerned States, and the National Salaries, Incomes and Wages Commission, to ensure compliance. In this regard, the provisions of sections 12 and 13 of the National Minimum Wage Act 2019 on Monitoring, Compliance and Enforcement cover the steps to be taken by a worker or trade union on non-compliant employers to ensure social justice and equity. It should also be noted that during the minimum wage-fixing, the newly established standing Tripartite Committee machinery included the representative of the State

Governors' Forum and they are therefore part of the process that gave rise to the new national minimum wage.

On Article 2 of Convention No. 95 on the protection of wages of homeworkers and domestic workers, we state that the practice of homeworking is not quite prevalent in Nigeria in terms of employment relationships. Homeworkers are usually self-employed workers found mostly in the informal economy and are engaged to work on a contractual basis with a beneficiary of their services or labour. Domestic workers are more common in household employment relationships and hence the emphasis of the reviewed Labour Bill on Domestic Workers.

We also note the Committee's observations on Articles 6, 12(1) and 7(2) of Convention No. 95 and reiterate the commitment of the Government to ensure the protection of workers' freedom to dispose of their wages by ensuring non-compulsion on how, where, and when such wages are expended and also protects and promotes periodicity of payment of wages. Sections 2, 3, and 6 of our extant Labour Act guarantee this freedom and non-exploitation of workers' wages. Integrated labour inspection enables supervision and application of sanctions where a breach is dictated and workers also have the right to bring a complaint against any ailing employer(s) to the Federal Ministry of Labour right from the District Labour Offices, the State Labour Offices, the Regional Labour Offices, and to the Minister of Labour and Employment. In a further bid at strengthening and reinforcing measures to ensure regular payment of wages, we intend to utilize the machinery of the National Labour Advisory Council (NLAC) with memberships comprising all 36 States of the Federation and FCT to drive home the need for protection of wages. The Committee is further assured that section 35 of the extant Labour Act which had been moribund, has been reviewed during the National Tripartite Labour Bill Reviews which had the ILO Regional Office for Nigeria, Ghana, Liberia, in attendance.

On the provisions of Article 14 on the provision of information on wages before entering employment and wage/pay statements, we state that section 7 of our extant Labour Act enjoins an employer to make available to an employee or worker a written statement specifying the particulars of that employment including the rates of wages and method of calculation thereof, as well as manner and periodicity of payment. Payslips are given to workers and are available on request retrospectively to ensure that workers are acquainted with the structure and nature of their wages.

We would like to conclude by stating unequivocally that Nigeria has, by the provisions of the National Minimum Wage Act, established The Tripartite Committee on National Minimum Wage as a statutory national minimum wage-fixing machinery. The Tripartite Committee consists of representatives of Government, organized Labour and private sector employers on equal representation with a "plus" factor consisting of representatives from the informal economy. Also wage protection is of great concern to the Government and is within the mandate of the Federal Ministry of Labour and Employment, with State Labour Offices in the 36 States of the Federation and the Federal Capital Territory, as well as regional offices in the six geo-political zones in the country. The workers are also accorded a "voice" by extant labour laws to lodge labour complaints on any infringement up to the National Industrial Court and Appeals Court where need be.