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## **LABOUR LAW IN NIGERIA**

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The Global technological advancements and shifts in the labour market has consistently initiated reviews of business models, ideals and working conditions in the business and professional space. The goal is to structure institutions for long term purposes, provide individuals the enabling environment to grow and comply with available laws and regulations.

The Nigerian Labour Act is the primary legislation which addresses the rights, working conditions, minimum wage, termination clauses, and many other rules set by the Government of Nigeria as affecting employers and employees. This Act covers employees engaged under a contract of manual labour or clerical work in private and public sector.

Broadly, there are two categories in the Labour Law Conversation. Firstly, labour law defines the tripartite relationship between employee, employer and union. Secondly, labour law focuses on employees' rights at work and through the contract work term.

Building or expanding a business in Nigeria comes with ease when there's an understanding of culture, Ideology and the Legal compliance required in the employer-employee relationship. The laws and regulations are not burdensome but serve as guides to sustaining a healthy and equitable employment environment.

This paper addresses focal areas under the Nigerian Labour Law and legislations that foreign companies and investors must develop interest in, strategize with competent professionals before recruitment, to avoid legal liabilities in the course of business.

***The basic conditions of employment in nigeria***

***All employees must have a written contract***

The Labour Law states that All employers must give their employees a written agreement within three months of the commencement of the employment, adequately stating the particulars of the employer and the employee, the position, nature of employment, duration, wages, terms and conditions of the contract and any special conditions of Service. This is fundamental, ensuring the employee understands what is expected of him and is adequately protected. This explains further that if there are new terms of service, such must be reduced into writing and made known to the employee within a month after the changes are effected, and any amendments in the contract of employment require an agreement between the employer and the employee. This Condition is basic in a Country abiding to the Global best practice in Service rights and fairness in its institutions.

### ***Forced labour***

Every Nigerian has the right to be free from forced labour, and this is enshrined and guaranteed under the 1999 constitution. This is also provided in the Labour Act. This two legislations clearly reveals the criminal undertone of forced labour either directly or indirectly so long the service is required from one against his will. In the event of this situation, a formal complaint should be made to the Police for immediate intervention and prosecution of the offender. However, the Labour Act gives the government the ability to requisition people to work during an emergency, and this will not bear the weight of 'Forced Labour'.

### ***Payment of wages***

There is a mandated minimum wage of NGN 30, 000 (USD 72.14) per month and workers in Nigeria should not be paid less than this stipulated amount. However, this is not inclusive of bonuses and benefits in the course of business.

Any contract where the whole or part of the worker's wages is made payable in any other manner apart from legal tender shall be illegal. Therefore, it is illegal for an employer to pay an employee with things other than money.

It's illegal for any contract to be for the payment of wages at intervals exceeding one month except with the written consent of the state authority. This means that in the

event an employer makes an employment contract where the employee is to be paid every 5 weeks, such contract is illegal

No employer can impose any restrictions as to the place and manner in which the employee can spend his/her wages. Employers are also not allowed to provide an advance of wages in excess of a month wages.

### ***Average hours and overtime***

The Labour Act regulates hours of work and overtime. It states that normal hours of work shall be those fixed by mutual agreement, collective bargaining within the organization or industry concerned, or by an industrial wages board. It states further that any other hour of work in excess of those agreed to by mutual agreement, collective bargaining or by an Industrial Wages Board shall constitute overtime.

The Labour Act does not expressly state the hours of work for workers. However, it explicitly provides that where a worker works for six (6) hours or more a day, they shall be entitled to one or more 'suitably spaced' rest-intervals not less than one-hour on the aggregate. This provision has given rise to the norm of giving employees an hour for lunch every day in Nigeria. Lunch can be taken in the Company's cafeteria or employees can exit the premises for their one-hour lunch break.

A workday in Nigeria is a standard 8 hours shift and 40 hours a week, with all workers entitled to a minimum of six working days paid annual leave and overtime pay where applicable.

### ***Holidays, leaves, and rest hours***

Employees are entitled to 12 days sick leave per annum for a temporary illness that must be certified by a medical practitioner.

In every period of 7 days' work, employees are entitled to at least a day off under the employment law in Nigeria. Also, if an employee works for more than 6 hours a day, s/he must be given 1 hour of interval on that day.

Employees after 12 months of continuous service are entitled to a holiday with full pay of at least six working days (this is exclusive of all public holidays)

### ***Maternity and paternity leave***

Female employees are entitled to a minimum of 12 weeks maternity leave with full pay. Paternity leave is optional as the Nigerian Labour Act does not recognise paternity leave and makes no such provisions. However, in the Lagos state, civil servants are entitled to 10 days paternity leave within the first 2 months of the birth of the Child.

### ***Pension contribution***

Employers and employees are required to make a statutory minimum contribution of 10% and 8% respectively of the employee's monthly emoluments.

### ***Health insurance***

Provision of Medical Insurance for employees by employers is provided for and regulated by the National Health Insurance Scheme (NHIS) Act. The NHIS Act provides that an employer shall make contributions to the Scheme. This contribution shall be a negotiated sum deducted from an employee's wages and paid for this purpose.

The NHIS Act requires an employer to register itself and its employees under the Scheme. The provision of health insurance for employees is common in Nigeria but is not mandatory. Private businesses provide health insurance benefits to their employees provided by accredited Health Maintenance Organizations (HMO) in the country.

### ***Transfer of employment***

For the propriety of a transfer of employment to be established, An employee must consent to his/her transfer from one employer to the other which must be endorsed by an authorised Labour officer. For instance, If Company A buys over Company B, the employment of Company A employee into Company B will not be automatic without the consent of the employee. This is established with a letter of employment or confirmation which must be signed by the employee.

### ***Termination of employment***

The Labour Act Provides:

Where an employee has been in employment for three months or less, either party may terminate the contract with a minimum of 1-day notice.

Where an employee has been in employment for three months but less than two years, either party may terminate the contract with a minimum of 1-week notice.

Where an employee has been in employment for two years but less than five years, either party may terminate the contract with a minimum of 2 weeks' notice.

Where an employee has been in employment for five years or more, either party may terminate the contract with a minimum of 1-month notice.

An employer may terminate an employee's contract when there is a fundamental breach of the employment contract without compensation.

### ***Compliance officials***

This is not a basic condition to employment in Nigeria but a basic requirement to building a successful riskfree enterprise. Every Company needs complaince officials to thrive.

Foreign companies expanding into Nigeria that are not familiar with the Labour Law are at risk of non-compliance that can lead to adverse legal consequences; this is why companies looking to expand into new markets are increasingly partnering with Professional Employer Organizations (PEO) and corporate legal professionals to help reduce risks with labour related compliance and liability issues. Rules, regulations and global best practices beg for the presence of corporate professional Individuals and Associations for the efficient business coverage.

### ***Conclusion***

Nigeria has a diverse cultural heritage with individuals passionate about their dreams regardless of surrounding limitations. There is a spread of outsourcing companies across Europe and this can be replicated in Africa. Nigeria is a fertile ground for expansion where Foreign companies can engage professionals for qualitative and exceptional service at no extra cost.

Therefore, the knowledge of the Nigeria Labour conditions for employers-employees is sine qua non (fundamental) to a long lasting, equitable and productive partnership [1] .

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