

**Protective Legal Framework for the Protection of Migrant Workers from Labour
Exploitation in Nigeria**

**Oluropo Elijah AWOYELE
LCU/PG/006070**

**Being a LL.M Project submitted to the Department of Private and Business Law Lead City
University, Ibadan, Oyo State, Nigeria**

In Partial Fulfilment of the Requirement for the Award of Master of Laws Degree

(LL.M)

2025

Certification

This is to Certify that Oluropo Elijah AWOYELE with Matriculation Number Lcu/Pg/006070 Carried Out This Research Work Titled “A Legal Analysis Of The Framework For The Protection Of Migrant Workers From Labour Exploitation In Nigeria” In The Department Of Law, Faculty Of Law, Lead City University, Ibadan, Oyo State, For The Award Of Master Degree (LL.M) In Law And That This Has Not Been Previously Submitted For Any Publication.

Dr Aderonke Adegbite

Supervisor

Date

Dr. Olanike Adedokun.

H.O.D

Date

Dedication

This research is dedicated to God Almighty

Lead City University Ibadan DO NOT COPY

Acknowledgement

Without God's Grace this work could not have been what it is. For that reason, I thank you God for being my strength in my weakest moments.

I duly recognize and most honourably appreciate the Management of Lead City University, the faculty of law library, my amiable supervisor in person of Dr. Aderonke Adegbite, all the brilliant and critical comments shaped and or galvanized my thought profoundly and made this work a success, thereby making your supervision highly appreciated.

My special gratitude to my learned colleagues, friends and well-wishers whose support sustain my temporary stay away from my family to produce this work.

Last but most importantly, my lovely family; My beautiful wife Omowunmi Olanike Awoyele and my greatest gifts, Tolulope, Damilola and Ebunoluwa Awoyele, your contributions both emotionally and physically cannot be overemphasized, I have no words to described how well you have contributed not only to this work but my future generally. I appreciate your kind efforts.

Abstract

Migration for work-related reasons has long been a widespread trend that continues to influence economic, social, and demographic changes across various regions. In West Africa, Nigeria, as the most populous country and an important financial centre, acts as a major destination for migrant workers, especially from neighbouring countries within the Economic Community of West African States (ECOWAS). These migrant workers are vital to Nigeria's economic development by addressing labour shortages across sectors such as agriculture, construction, domestic work, and informal employment. Despite their contributions, however, migrant workers remain among the most vulnerable groups in Nigeria's labour market. Many face systemic issues such as exploitation, wage disparities, unsafe working conditions, discrimination, and limited access to social protections. Nigeria is bound by several international and regional agreements, including key International Labour Organisation conventions, the ECOWAS Protocol on Free Movement, and the African Charter on Human and Peoples' Rights to ensure fair treatment of migrant workers. Nonetheless, the practical enforcement of these commitments has often been inconsistent and ineffective. The study critically assesses Nigeria's legal and institutional frameworks in safeguarding migrant workers from labour exploitation. It uses a doctrinal approach, systematically collecting and analysing legal sources. Primary materials include the Nigerian Constitution, labour laws, subsidiary regulations, judicial decisions, and ratified treaties, complemented by secondary sources such as academic articles, policy reports, and institutional publications. Through content analysis, comparative legal review, and normative assessment, the research evaluates how well Nigeria's domestic laws align with international labour standards and examines the effectiveness of current enforcement mechanisms. The results highlight significant regulatory gaps, weak institutional coordination, and inadequate implementation structures. The study concludes with recommendations for targeted legal reforms, stronger enforcement mechanisms, and improved institutional cooperation to develop a more coherent, effective, and rights-based framework for migrant workers in Nigeria.

Keywords: Labour Rights, Human Trafficking, Exploitation, Migrant Workers, Forced Labour, Refugees

Word Count: 300

List of Authorities

A. Case Law

1. Udo v The State
2. Ogunyale v Globacom (Nig) Ltd
3. Dr Dogo Isaac v Nigerian Immigration Service & Ors
4. Ikechukwu v Nigerian Breweries Plc
5. Ukaegbu v Ugoji
6. Nwanji v Coastal Services Ltd
7. Attorney General v Dow (Botswana, 1992)
8. Siliadin v France (ECHR, 2005)
9. R v Connors (UK, 2016)

B. Legislation & National Instruments

10. Constitution of the Federal Republic of Nigeria 1999 (as amended)
11. Labour Act
12. Immigration Act
13. National Industrial Court Act 2007
14. Employees' Compensation Act 2010
15. Nigeria Data Protection Act 2023
16. Business Facilitation (Miscellaneous Provisions) Act 2023 (BFA 2023)
17. National Minimum Wage Act 2019 & 2024 Amendment

Nigerian Policies / Regulatory Instruments

18. National Policy on Labour Migration 2014

19. National Migration Policy (2015)

20. Executive Order 001 (EO001)

21. Industrial Training Fund Act (as amended by BFA 2023)

22. National Housing Fund Act (as amended by BFA 2023)

23. Pension Reform Act (as amended by BFA 2023)

24. Expatriate Employment Levy Scheme (2025)

C. INTERNATIONAL TREATIES & CONVENTIONS

25. Universal Declaration of Human Rights (UDHR)

26. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990

27. UN reports on migration and protection

International Labour Organization (ILO) Conventions

28. ILO Convention No. 29 — Forced Labour Convention (1930)

29. ILO Convention No. 105 — Abolition of Forced Labour (1957)

30. ILO Convention No. 97 — Migration for Employment Convention (1949)

31. ILO Convention No. 143 — Migrant Workers (Supplementary Provisions) Convention (1975)

32. ILO Convention No. 181 — Private Employment Agencies Convention (1997)

33. ILO Convention No. 189 — Domestic Workers Convention (2011)

34. ILO Convention No. 190 — Violence and Harassment Convention (2019)

35. International Labour Organization (ILO), Employment & Labour Laws and Regulations Report 2025 Nigeria (ICLG)

36. International Organization for Migration (IOM) – Comprehensive Review (snippet visible)

37. ECOWAS Protocol on Free Movement of Persons, Residence and Establishment

38. Revised ECOWAS Treaty (1993)

39. Global Compact for Safe, Orderly and Regular Migration (GCM, 2018)

40. African Charter on Human and Peoples' Rights (ACHPR)

D. Policies, Frameworks & International Soft Law

41. Fair Recruitment Initiative (ILO)

42. Domestic Workers' Bill of Rights (pending)

43. ILO Committee of Experts Reports

44. Nigerian labour inspection reports (2023)

Lead City University Ibadan DO NOT COPY

List of Abbreviations

AFJCLJ – African Journal of Criminal Law and Jurisprudence

APS – African Population Studies

AYGF – African Youth Growth Foundation

BFA – Business Facilitation (Miscellaneous Provisions) Act

BFA 2023 – Business Facilitation (Miscellaneous Provisions) Act 2023

CAC – Corporate Affairs Commission

CFRN – Constitution of the Federal Republic of Nigeria

CGI – Comptroller-General of Immigration

CV – Curriculum Vitae

DOL – United States Department of Labour

ECOWAS – Economic Community of West African States

EO001 – Executive Order 001 (2017)

EQ – Expatriate Quota

FWLR – Federation Weekly Law Reports

GAMA – Great African Merit Award

ICRMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ILO – International Labour Organization

IOM – International Organization for Migration

ISSR – International Social Security Review

JEE – Jackson, Etti & Edu

LL.M – Master of Laws

LLP – Limited Liability Partnership

LFN – Laws of the Federation of Nigeria

MDAs – Ministries, Departments and Agencies

MUNFOLLJ – Madonna University Nigeria Faculty of Law Journal

NGOs – Non-Governmental Organisations

NICN – National Industrial Court of Nigeria

NLLR – Nigerian Labour Law Reports

NMGAA – Nigeria Merit Gold Award for Achievers

OAU – Obafemi Awolowo University

PDF – Portable Document Format

Pt. – Part (law report citation format)

ROE – Right of Establishment

ROR – Right of Residence

SAN – Senior Advocate of Nigeria

UDHR – Universal Declaration of Human Rights

UKSC – United Kingdom Supreme Court

UN – United Nations

UNTS – United Nations Treaty Series

WCMS – ILO Publication Code

TABLE OF CONTENTS

1. Certification	i
2. Dedication	ii
3. Acknowledgements	iii
4. Abstract	iv
5. List Of Authorities	v
6. List Of Abbreviations	viii
Chapter One: Introduction	1
1.1 Background to the study	1
1.1.1 Historical and Economic Drivers of Migration	4
1.2 Statement of the Problem	5
1.3 Aim/Objectives	7
1.4 Specific Objectives	7
1.5 Research Questions	8
1.6 Significance of the Study	8
1.7 Research Methodology	10
1.8 Limitation of the Study	13

1.9	Structure of Research	15
1.10	Operative Definition of Key Terms	17
1.10.1	Migration	17
1.10.2	Migrant Worker	20
1.10.3	Labour Exploitation	23
1.10.4	Legal Framework	23
1.10.5	Social Protection	24
1.10.6	Irregular Migration	24
	Chapter Two: Literature Review	25
2.1	Literature Review	25
2.2	Theoretical Review	43
2.2.1	Push-pull Theory	43
2.2.2	Human Right Based Approach Theory	47
2.2.3	System Theory Approach to Migrant Worker Vulnerability	49
2.3.4	Theoretical Framework	52
	Chapter Three : Legal Frameworks and Gaps in the Protection for Migrant Workers	56
3.1	Legal Frameworks and Gaps in the Protection for Migrant Workers	56
3.2	Constitutional Framework	64
3.2.1	Labour Act	67
3.2.2	Trade Unions act	68
3.2.3	Immigration Act	68
3.2.4	The National Industrial Court Act 2007	71
3.2.5	Employee's Compensation Act 2010	73

3.2.6 Nigeria Data Protection Act 2023	73
3.2.7 International Labour Conventions and Their Domestic Impact	73
3.2.8 The Business Facilitation (Miscellaneous Provisions Act), 2023	75
3.3 Framework for the protection of Intra-Regional Migrants in West Africa	78
3.3.1 1979 Protocol relating to free Movement of Persons, Residence and Establishment	78
3.3.2 1986 Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on the for Movement of Persons, the right of Residence and Establishment.	80
3.3.2 1990 Supplementary Protocol on the implementation of the Third Phase (Right of Establishment) of the Protocol on free Movement of Person, Right of Residence and Establishment	82
3.4 The Universal Declaration of Human Rights and the Protection of Migrant Rights	84
3.5 Identifying Gaps, Weaknesses and Enforcement Challenges	88
Chapter Four: Analysis of Nigeria Labour Laws and Policies Addressing Exploitation of Migrant Workers against the ILO convention	91
4.1 The Labour Act	95
4.1.1 Written Contracts and Transparency	96
4.1.2 Prohibition of Forced Labour	97
4.1.3 Recruitment and Protection of Workers under the Labour Act	100
4.14 Wage Protection and Non- Discrimination	102
4.1.5 Terms and Conditions of Employment	103
4.1.6 Definition of ‘Worker’ and its Limitations	104
4.2 The Immigration Act	105
4.3 National Policy on Labour Migration	106

4.4 Labour Law Provisions Affecting Migrant Workers in Nigeria: Limitations and Challenges	109
4.5 Adequacy of Nigerian Labour Laws vis-à-vis ILO Provisions	112
4.6 Protection Mechanisms and Enforcement of Rights	115
4.7 Contributions of NGO'S As Protection Mechanisms	116
4.7.1 Challenges and Structural Constraints	118
4.7.2 Key Takeaway	118
4.8 Enforcement the Fundamental Right of Migrant Workers in West Africa	119
Chapter Five: Conclusion	122
5.1 Summary of Findings	122
5.1.1 Objective 1: To Examine the Legal Frameworks Governing the Rights and Welfare of Migrant Workers in Nigeria	124
5.1.2 Objective 2: To Identify the Gaps, Weaknesses, and Enforcement Challenges within the Existing protection Regime for Migrant Workers	125
5.1.3 Objective 3: To Analyse How Migrant Labour Laws and Policies Address Issues of Labour Exploitation Concerning Migrant Workers	127
5.1.4 Objective 4: To Examine the Legal Frameworks Governing the Rights and Welfare of Migrant Workers in Nigeria	129
5.2 Conclusion	130
5.3 Recommendations	131
5.3.1 Consolidations and Harmonization of the Legal Frameworks	133
5.3.2 Increase Investment in Labour Inspection Service	134
5.3.3 Update Policies to Cover Broader Scopes Legal Loopholes	134

Bibliography	136
Books & Reports	136
Online Articles & Websites	137

Lead City University Ibadan DO NOT COPY