

Guiding Questions for Focus Area:
Right to Work and Access to the Labour Market

National Legal and Policy Framework.

1. *What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?*

The Leadership Initiative for Transformation & Empowerment (LITE-Africa) found that it is expressly stated in the Nigerian Constitution that the State shall direct its policy towards ensuring that- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment that guarantees fundamental rights and freedom of the persons. The Nigerian labour law also provides for the protection of the right of the worker. LITE-Africa did not find any special reference to older persons in the constitutional provision and existing legal framework.

2. *What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?*

A number of factors such as the absence of state policy on the welfare of older persons, uncoordinated institutional framework, non-justiciability of the constitutional provisions for economic opportunities and income security, illiteracy and level of education, information bottleneck, age discrimination in employment, non-inclusive state policy and the non implementation of the Senior citizens Centre Act of 2017.

3. *What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?*

LITE-Africa finds a dearth of statistics regarding older persons engaged in informal work in Nigeria. Typically older persons retire home or go back to their villages in remote and rural settlements and are mostly engaged in the informal sector. With no particular reference to older persons, available data revealed that the¹Nigerian employment rate decreased to 76.90 percent in the third quarter of 2018 from 77.30 percent in the second quarter of 2018. Employment rate in Nigeria averaged 85.42 percent from 2014 until 2018, reaching an alltime high of 93.60 percent in the fourth quarter of 2014 and a record low of 76.90 percent in the third quarter of

¹ <https://tradingeconomics.com/nigeria/employment-rate>

2018. The ²CBN journal of applied statistics provides a compilation of labour force statistics for Nigeria.

Availability, Accessibility, Acceptability and Quality

- 4. *What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?***

LITE-Africa found that the Nigerian National Employment Policy 2017 provides a framework for access to the labour market but it has no special reference for older persons.

- 5. *What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?***

There is a legislation on National Senior Citizens Centre Act of 2017. LITE-Africa did not find National Senior Citizens Centre in practice as this centre appears only in principles, it has not been implemented. Also, the National Policy on Employment has no special provisions for older persons.

- 6. *What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?***

The National Electronic Labour Exchange (NELEX), operated by the Federal Ministry of Labour and Employment facilitate job exchange functions and provide labour market information system to planners and job seekers but it has no special focus for older persons. LITE-Africa find little or no awareness about NEFLEX.

- 7. *What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?***

LITE-Africa finds no special focus on older persons but the State policy ensures that- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment and humane conditions at work. Also, the Factories Act Cap F1 LFN 2004 provides for the protection of the safety, health and welfare of workers but it also did not focus on older persons.

²<https://www.cbn.gov.ng/out/2015/sd/on%20the%20compilation%20of%20labour%20force%20statistics%20for%20nigeria.pdf>

Equality and non-discrimination

8. *In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?*

LITE-Africa found that there is no specific legislation governing age discrimination in Nigeria. However, in practice age is a strong ground for discrimination in relation to work. Recently, there has been parliamentary attempt by way of a bill to ban all forms of age discrimination.

Remedies and Redress

9. *What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?*

LITE-Africa finds that presently, the right to work is not justiceable in Nigeria and there are no special focus on older persons in relations to work. Also, there is a National Industrial Court of Nigeria (NICN) that adjudicate trade disputes, labour practices, and related matters. There is also the Industrial Arbitration Panel (IAP) saddle with the duties of adjudicating trade disputes in both public and private sectors of the economy.

We found that none of these mechanisms have any special consideration for older persons. There is the need to make for justiceability of the social and economic rights in states where they are non-justiceable and in particular the right to work with special provisions for older persons access to labour. LITE-Africa feels that having a special court for older persons would help them overcome the present challenges of adequacy, access and equitable services in the present system.