

MATERNAL HARASSMENT IN THE NIGERIAN WORKPLACE: AN APPRAISAL OF THE ADEQUACY OF THE LABOUR ACT, 2004

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ABSTRACT

Maternal harassment has emerged as a subtle but pervasive form of workplace discrimination directed at women because of pregnancy, childbirth, breastfeeding or other maternal obligations. This article examines the adequacy of the Labour Act 2004, Nigeria's principal employment legislation, in protecting pregnant employees and nursing mothers against such conduct. Drawing on Nigerian case law, comparative material from South Africa and the United Kingdom, and international labour standards, the article demonstrates that section 54 of the Labour Act — the only provision addressing maternity — is confined to leave, remuneration and a narrow dismissal protection, without defining or prohibiting maternal harassment as a distinct wrong. It further identifies the principal obstacles to enforcement: an inadequate legislative framework, entrenched cultural stereotypes, low awareness of legal rights, judicial and administrative bottlenecks, and the prevalence of informal employment. The article contrasts this position with South Africa's Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace and the United Kingdom's Equality Act 2010, both of which treat pregnancy discrimination as a distinct, expressly prohibited wrong and impose positive obligations on employers to prevent it. The article concludes that Nigeria should amend the Labour Act to define and prohibit maternal harassment, impose preventive obligations on employers, and strengthen enforcement institutions.

KEYWORDS: *Maternal Harassment, Labour Act 2004, Pregnancy Discrimination, Workplace Harassment, Nigeria, Comparative Labour Law.*

1. Introduction

Maternal harassment in the workplace has increasingly emerged as a subtle but pervasive form of employment discrimination directed against women because of pregnancy, childbirth, maternity leave, breastfeeding responsibilities or other maternal obligations. The International Labour Organization recognizes maternity protection as an indispensable component of decent work, because pregnancy should never become a basis for unequal treatment in employment¹. Likewise, the Convention on the Elimination of All Forms of Discrimination against Women obliges State Parties to prohibit dismissal on the grounds of pregnancy or maternity leave and to adopt appropriate legislative measures to eliminate discrimination against women in employment². Nigeria, being a State Party to these

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¹ILO, 'Maternity Protection' <<https://www.ilo.org>> accessed 15 July 2026.

²Convention on the Elimination of All Forms of Discrimination against Women 1979, art 11(2).

instruments, bears responsibility for ensuring that domestic law adequately protects women against workplace practices which undermine their reproductive and employment rights.

Women in the workplace constitute one of the recognized vulnerable and marginalized groups requiring special legal protection³. Vulnerability in this context does not arise merely from biological difference but from entrenched social, cultural and economic inequalities which disproportionately affect women during pregnancy and motherhood. Historically, employers have perceived pregnancy as an interruption to productivity, thereby creating discriminatory employment practices that disadvantage female workers⁴. Consequently, maternal harassment represents not merely an individual employment dispute but a manifestation of structural gender inequality. This article examines that problem in two parts: it first analyses the nature and forms of maternal harassment and the adequacy of the Labour Act 2004 in addressing it, and then draws comparative lessons from South Africa and the United Kingdom to propose legislative reform for Nigeria.

2. Nature and Forms of Maternal Harassment in the Nigerian Workplace

Maternal harassment assumes different forms depending on the conduct of the employer or other workplace actors. One of the most prevalent manifestations is sexual harassment, which often intersects with pregnancy-related discrimination. According to Atilola⁵, sexual harassment may take diverse and varied forms. It is not limited to demands for sexual favours made under threat of adverse job consequences, but also includes any unwanted conduct of a sexual nature, or other conduct based on sex, which violates the dignity of a person and, in particular, creates an intimidating, hostile, degrading, humiliating or offensive work environment for the recipient.

Closely related is physical harassment, involving unwanted physical conduct directed against female employees because of pregnancy or maternity. A further, and arguably the most common, manifestation is discriminatory harassment, which occurs where adverse employment decisions are taken because of pregnancy, childbirth, breastfeeding or maternity leave⁶. Examples include refusal to recruit pregnant applicants, denial of promotion, compulsory resignation after childbirth, reduction in remuneration, exclusion from training opportunities, refusal to renew employment contracts, and

³C Atairet and others, 'Human Resource Policies Protection and Sexual Harassment at the Workplace in Nigeria: An Appraisal' [2025] 10(2) Aksu Journal of Management Sciences 115; A D Aina-Pelema and others, 'Sexual Harassment at Workplace: Judicial Impact in Nigeria and India' [2018] 4(2) Indian Journal of Law and Human Behavior 108; L Iroegbu-Emeruem and others, 'Gender Perspective in the Workplace: The Experience of Women Medical Doctors' [2023] 64(5) Nigerian Medical Journal 653.

⁴S Issacharoff and E Rosenblum, 'Women and the Workplace: Accommodating the Demands of Pregnancy' [1994] 94(7) Columbia Law Review 2154.

⁵B Atilola, 'Recent Developments in Nigerian Labour and Employment Law' <https://www.hybridconsults.com/recent_development_seminar.php> accessed 14 July 2026.

⁶Ekosolicitors, 'Women and Maternity Discrimination in the Office: The Ultimate Thing' <<https://ekosolicitors.com/women-maternity-discrimination-in-the-office-the-ultimate-thing/>> accessed 15 July 2026.

dismissal because of pregnancy. Such practices reinforce gender inequality by compelling women to choose between motherhood and employment.

The growth of information technology has also given rise to cyber harassment, an increasingly significant dimension of maternal harassment. It includes offensive emails, abusive text messages, humiliating social media publications, online bullying, circulation of confidential medical information, electronic surveillance and digital intimidation targeted at pregnant employees or nursing mothers⁷. Unlike conventional workplace harassment, cyber harassment frequently extends beyond the physical workplace and continues outside official working hours, causing prolonged emotional and psychological distress.

The National Industrial Court has progressively adopted an expansive interpretation of employees' rights, relying on constitutional principles, international labour standards, and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. The Court has repeatedly affirmed that employers owe a duty to maintain workplaces free from discrimination and unfair labour practices⁸. Yet despite these constitutional and statutory safeguards, maternal harassment continues to thrive largely because Nigeria lacks comprehensive legislation that expressly criminalises or prohibits maternal harassment as a distinct form of workplace misconduct. Victims are consequently compelled to rely on a fragmented combination of constitutional provisions, labour legislation, criminal statutes, judicial precedent and international labour standards to seek redress — an approach that creates uncertainty regarding the scope of employers' obligations and the remedies available to victims.

3. Assessing the Adequacy of the Labour Act, 2004

The Labour Act 2004⁹ remains the principal legislation regulating employment relationships in Nigeria. Although the Act contains provisions relating to maternity protection, it was enacted at a time when workplace discrimination against pregnant women and nursing mothers had not assumed its present complexity. The principal provision governing maternity protection is section 54, which grants a female employee the right to maternity leave upon production of a medical certificate indicating that childbirth is expected within six weeks. A woman is entitled to twelve weeks' maternity leave, including a compulsory six-week post-confinement period¹⁰, and to payment of not less than fifty per cent of her wages where she has been in her employer's service for at least six months immediately preceding her absence¹¹. Nursing mothers are allowed half an hour twice a day to nurse their babies

⁷EIGE, 'Cyber Violence Against Women' <https://eige.europa.eu/gender-based-violence/cyber-violence-against-women?language_content_entity=en> accessed 15 July 2026.

⁸Ejike Maduka v Microsoft Nigeria Limited Suit No NICN/LA/492/2012.

⁹Labour Act 2004.

¹⁰Labour Act 2004, s 54(1)(a)-(b).

¹¹Labour Act 2004, s 54(1)(c).

during working hours¹². The Act also prohibits an employer from dismissing a female worker for absence from work while on maternity leave, or during any period of illness arising from pregnancy or confinement, so long as she produces a medical certificate from a registered medical practitioner¹³.

The National Industrial Court has held that a woman's right to maternity leave belongs to every pregnant woman, married or unmarried, working in any public or private industrial or agricultural undertaking, irrespective of the temporary or confirmed nature of her job. In *Mrs Folarin Oreka Maiya v The Incorporated Trustees of Clinton Health Access Initiative*¹⁴, the applicant's employment was terminated for being pregnant. The Court applied section 42 of the Constitution, the African Charter on Human and Peoples' Rights and ILO Convention No. 111 on Discrimination, held the termination wrongful and unconstitutional, and awarded compensation of ₦5,576,670.00, being one year's gross pay.

Similarly, in *Okunbowa v Group Consultants Nigeria Project Advisers (Nigeria) Ltd*¹⁵, the defendant terminated the claimant's employment on the basis that her contract did not provide for maternity leave. The court held that she was nonetheless entitled to maternity leave by virtue of the (then) sections 145 and 146 of the Labour Code — now section 54(a) and (4) of the Labour Act — together with salary for the leave period and damages for wrongful termination. In *Dorothy Adaeze Awogu v TFG Real Estate Limited*¹⁶, the National Industrial Court awarded ₦2.5 million in damages against an employer for physical harassment and discrimination against an employee at work — a decision that underscores the value of a documented workplace anti-harassment policy with clear reporting and investigation procedures. In *Mrs Ekwelem Chinenye v Acron Medical Consultant Limited*¹⁷, the Court held that the Labour Act's maternity leave provisions apply to all categories of employees in Nigeria, not merely those falling within the statutory definition of a 'worker'.

Where a woman has spent less than six months in her employer's service, she is entitled to maternity leave without pay¹⁸; beyond six months, she is entitled to leave with pay of at least fifty per cent of her monthly remuneration. International standards recommend that such remuneration be no less than two-thirds of the woman's earnings¹⁹, raised where practicable, after consultation with employers' and workers' organizations, to the full amount of her previous earnings²⁰. These provisions demonstrate

¹²Labour Act 2004, s 54(1)(d).

¹³Labour Act 2004, s 54(4)(b).

¹⁴(2012) 27 NLLR (Pt 76) 110 NIC.

¹⁵(1974) CCHCJ/2/74 159.

¹⁶Suit No NICN/LA/262/2013.

¹⁷Suit No NICN/YEN/25/2017.

¹⁸Labour Act 2004, s 54(1)(c).

¹⁹ILO Recommendation 183, art 6(1) and (3).

²⁰ILO Recommendation 191, para 2.

legislative recognition of maternity as deserving of protection, but they focus principally on leave and remuneration rather than on preventing the discriminatory conduct that frequently precedes or follows pregnancy. One of the clearest shortcomings of the Labour Act is its failure to define or expressly prohibit maternal harassment.

The duration of leave prescribed under section 54 also reveals the inadequacy of the legislation measured against contemporary international standards. The Act provides for twelve weeks in total, with only fifty per cent remuneration subject to statutory conditions, whereas the ILO Maternity Protection Convention, 2000 (No. 183) recommends a minimum of fourteen weeks with cash benefits sufficient to maintain the woman and her child in health and with a suitable standard of living²¹. Although Nigeria has not fully domesticated the Convention, the National Industrial Court has consistently treated it as reflecting international best labour practice applicable under section 254C of the Constitution.

4. Challenges in the Enforcement of Maternal Protection Laws

Although Nigeria has enacted several laws aimed at protecting pregnant workers and nursing mothers including the Labour Act 2004, the Employees' Compensation Act 2010 and the Violence Against Persons (Prohibition) Act 2015 and has ratified various international instruments on maternal protection, practical enforcement remains inadequate. The gap between legal provision and workplace reality continues to expose women to maternal harassment, discrimination, wrongful dismissal, denial of promotion and other forms of workplace victimization. Several factors account for this weak enforcement.

4.1 Inadequate Legislative Framework

Nigeria's legal landscape lacks a comprehensive anti-discrimination law addressing all forms of workplace discrimination. The Labour Act does not expressly define or prohibit maternal harassment as a distinct wrong. While section 54 provides maternity leave and prohibits dismissal during leave except for gross misconduct²², it does not address subtler forms of harassment such as forced resignation after pregnancy disclosure, denial of promotion, intimidation, exclusion from training, reduction of responsibilities, or discriminatory recruitment targeting women of childbearing age. This absence makes enforcement difficult, since many forms of maternal discrimination fall outside the express wording of the legislation²³.

²¹Maternity Protection Convention 2000 (No 183), art 4.

²²Labour Act 2004, s 54.

²³D E Gberville, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] 8(1) International Journal of Social, Human Science and Engineering 101.

A further indication of this inadequacy was the existence of discriminatory provisions in Regulation 127 of the Nigeria Police Regulations governing female police officers. Although the Constitution guarantees freedom from discrimination under section 42 and recognizes human dignity under section 34²⁴, historic police regulations-imposed restrictions incompatible with these guarantees and with international labour standards²⁵. Particularly controversial was the provision under which an unmarried female officer who became pregnant was liable to dismissal, reinstatable only by the approval of the Inspector-General of Police effectively making pregnancy a disciplinary offence rather than a protected biological condition, and subjecting female officers to treatment not imposed on their male counterparts.

The National Industrial Court delivered a notable decision in *Omolola Olajide v The Nigerian Police Force*²⁶, striking out section 127 of the Police Act and Regulation 127 of the Nigeria Police Regulations as discriminatory against unmarried female officers. This decision is notable as it followed the 2022 Federal High Court decision in *NBA v Attorney General of the Federation*²⁷, which had declined to strike out the same provisions, holding that the regulations concerned the conduct of female officers and nothing more.

4.2 Cultural and Gender Stereotypes

Deep-rooted socio-cultural norms significantly impede enforcement. Patriarchal structures and gender bias remain pervasive, producing systemic barriers to women's career advancement and workplace participation²⁸. Pregnancy is sometimes perceived by employers as reducing productivity or commitment, and women are often viewed primarily as caregivers whose family responsibilities conflict with organizational goals. These stereotypes influence recruitment, promotion, training, leadership appointment and performance evaluation, producing indirect discrimination that is difficult to prove under existing legal standards.

4.3 Lack of Awareness and Reporting Mechanisms

Many female employees are unaware of the maternity protections guaranteed under Nigerian law and international labour standards, and many employers — particularly small and medium-sized enterprises — have limited knowledge of their legal obligations²⁹. Numerous cases of maternal

²⁴Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 34 and 42.

²⁵M O Imasogie, 'Gender Sensitivity and Discrimination Against Women Under Statute and Common Law in Nigeria' [2010] 2(5) OIDA International Journal of Sustainable Development 11.

²⁶Suit No NICN/AK/14/2021, judgment delivered 11 January 2023.

²⁷Suit No FHC/ABJ/CS/178/2021.

²⁸M A Adebisi, 'Socio-Cultural Variables as Indices of Discriminatory Practices in the Workplace: A Sociological Analysis of Employment Relations in Nigeria' [2013] 20(3) Academic Journal of Interdisciplinary Studies 477.

²⁹G Alele-Williams, Education of Women for National Development (University of Benin Inaugural Lecture Series 32).

harassment go unreported because victims mistakenly believe the employer's conduct is lawful or unavoidable, and are further dissuaded by fear of victimization — such as unlawful dismissal or harassment during and after the reporting process³⁰. Because meaningful whistleblower protection is lacking, many discriminatory actions go unchecked.

4.4 Judicial and Administrative Bottlenecks

The Nigerian judicial system is characterized by inefficiencies that impede access to justice. Long court processes, driven by cumbersome procedural demands and case backlogs, discourage victims from pursuing claims. The absence of specialized anti-discrimination courts results in inadequate adjudication by judges who may lack the specific skills needed to handle complex discrimination cases³¹, stifling enforcement and delaying relief for aggrieved employees.

4.5 Informal Employment and Non-Standard Work Arrangements

A substantial proportion of Nigerian women work in the informal economy — domestic service, agriculture, petty trading, home-based enterprise, casual labour and gig work³². Because most labour law is designed for formal employment relationships, it offers little practical protection to these workers, and the absence of written employment contracts in the informal sector makes enforcement particularly difficult.

5. Comparative Perspective: South Africa and the United Kingdom

5.1 South Africa

Since the advent of democracy and the enactment of the Constitution³³, South Africa has made significant strides in advancing women's rights, notably in the workplace. The Constitution guarantees everyone the right to equality³⁴, and unfair treatment on the basis of a particular attribute is generally treated as unfair discrimination³⁵. Several transformational protective instruments have followed, notably the Labour Relations Act³⁶ and the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, issued under the Employment Equity Act in 2022.

³⁰M O Okome, 'Women, the State, and the Travails of Decentralizing the Nigerian Federation' [2005] 7(1) West Africa Review 8.

³¹S R Balabantaray, 'Breaking the Glass Ceiling: Analyzing Gender Stereotypes and Bias in Contemporary Work Environments' [2023] 2(5) International Journal of Multidisciplinary Comprehensive Research 1.

³²S Emmanuel, 'What Work Looks Like for the Majority of Women in Nigeria' <<https://www.dataphyte.com/issue/senorrita/2025/08/what-work-looks-like-for-the-majority-of-women-in-nigeria>> accessed 14 July 2026.

³³Constitution of the Republic of South Africa 1996.

³⁴Constitution of the Republic of South Africa 1996, s 9(1).

³⁵I Currie and J de Waal, *The Bill of Rights Handbook* (5th edn, Juta & Company 2005) 244.

³⁶Labour Relations Act 66 of 1995 (as amended).

Unlike earlier regulations that focused primarily on sexual harassment, the 2022 Code adopts a broader definition of workplace harassment, recognizing harassment based on pregnancy, family responsibility, gender and other prohibited grounds. The Labour Relations Act prohibits unfair labour practices, so that discrimination based on pregnancy constitutes an unfair labour practice for which reinstatement will readily be ordered³⁷. South African courts have consistently adopted a strict approach. In *De Beer v SA Export Connection CC t/a Global Paws*³⁸, an employee who requested a short extension of maternity leave to care for twins with colic was dismissed after the employer proved unwilling to accommodate a brief additional absence; the court held that where an employer dismisses a pregnant employee rather than accommodating a brief absence, the dismissal is automatically unfair. In *Woolworths (Pty) Ltd v Whitehead*³⁹, the Labour Appeal Court, though ultimately finding for the employer on the facts, affirmed that pregnancy discrimination is among the most serious forms of unfair labour discrimination and that employers must justify decisions affecting pregnant women with compelling evidence rather than stereotype. In *Wallace v Du Toit*⁴⁰, the Labour Court awarded substantial compensation for a pregnancy-related dismissal, reiterating that such discrimination violates the constitutional values of equality and dignity.

A distinctive feature of the South African model is the positive duty it places on employers to prevent harassment before it occurs. The Employment Equity Act and the Code of Good Practice require employers to establish internal grievance mechanisms, provide awareness training, investigate complaints promptly, maintain confidentiality, and protect complainants against retaliation⁴¹ — a preventive approach that differs markedly from jurisdictions relying solely on post-harassment litigation.

5.2 United Kingdom

The Equality Act 2010 consolidates earlier anti-discrimination and harassment legislation into a single instrument covering protected characteristics including age, disability, race, religion, sex and sexual orientation, and prohibiting direct and indirect discrimination, harassment and victimization. Employment Tribunals provide an accessible forum for resolving discrimination claims, with power to order compensation, reinstatement and other remedies⁴². Under section 18, a woman is treated as discriminated against where she experiences unfavourable treatment because she is pregnant, is

³⁷Labour Relations Act 1995, s 185.

³⁸(2008) 29 ILJ 347 (LC).

³⁹(2000) 21 ILJ 571 (LAC).

⁴⁰2006 (27) ILJ 1754 (LC).

⁴¹Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022, Code 8.

⁴²ACAS, 'Discrimination and the Equality Act 2010' <<https://www.acas.org.uk/pregnancy-and-maternity-discrimination>> accessed 15 July 2026.

suffering a pregnancy-related illness, is on or entitled to maternity leave, or has exercised or sought to exercise the right to maternity leave⁴³.

Although the Act does not define 'unfavourable treatment' exhaustively, UK courts have interpreted it broadly. In *Williams v Trustees of Swansea University Pension and Assurance Scheme*⁴⁴, the Supreme Court, addressing disability discrimination, held that unfavourable treatment is akin to suffering a detriment or disadvantage, even if unintentional — an interpretation that has influenced the broader reading of the concept in pregnancy and maternity cases. Notably, a claimant in a pregnancy or maternity case need not show a comparator, as affirmed in *Interserve FM Ltd v Tuleikyte*⁴⁵, although identifying one can still assist in showing that the treatment complained of was because of pregnancy or maternity. Protection under section 18 applies strictly during the protected period; conduct outside that period may still be unlawful, but typically falls to be assessed under ordinary sex discrimination provisions unless directly connected to the pregnancy or leave⁴⁶, in which case a comparator is required⁴⁷.

Tribunal decisions illustrate how employers continue to fall short of these obligations. In *Mrs Helen Larkin v Liz Earle Beauty Co Ltd*⁴⁸, failure to notify a pregnant employee of a senior vacancy before her redundancy was found to constitute both unfair dismissal and pregnancy discrimination. In *Miss N Grant v Hunter Price International Ltd & Others*⁴⁹, escalating disciplinary measures following disclosure of pregnancy, leading to resignation, were found to constitute constructive dismissal and pregnancy discrimination. In *Mrs Nichola Osborn v Mothercare Global Brand Ltd*⁵⁰, a restructuring that left a returning employee without a genuine role was found to disguise dismissal and to constitute maternity discrimination.

The Employment Rights Act 1996 further strengthens protection by safeguarding maternity rights throughout the employment relationship: dismissal because an employee is pregnant or intends to take maternity leave is automatically unfair irrespective of length of service⁵¹. This framework reflects

⁴³Equality Act 2010, s 18.

⁴⁴[2018] UKSC 65.

⁴⁵[2017] IRLR 615.

⁴⁶ACAS, 'What the Law Says – Pregnancy and Maternity Discrimination' <<https://www.acas.org.uk/pregnancy-and-maternity-discrimination>> accessed 15 July 2026.

⁴⁷Royal Pharmaceutical Society, 'Pregnancy, Maternity, Parents and Carer-related Microaggressions' <<https://www.rcpharm.org/pharmacy-guides/pregnancy-maternity-parents-and-carer-related-microaggressions/>> accessed 15 July 2026.

⁴⁸ET/1403400/2018.

⁴⁹ET/2410479/2018.

⁵⁰ET/3301207/2022.

⁵¹ACAS, 'Pregnancy at Work: Rights During Pregnancy' <<https://www.acas.org.uk/pregnancy-at-work/rights-during-pregnancy>> accessed 15 July 2026.

international standards, particularly the ILO Maternity Protection Convention, 2000 (No. 183) and the ILO Violence and Harassment Convention, 2019 (No. 190), both of which emphasize dignity, equality and safe working conditions for pregnant employees and working mothers.

6. Lessons for Nigeria and the Case for Reforms

A central lesson for Nigeria is the need to expressly recognize maternal harassment as a distinct form of workplace discrimination. Unlike the Labour Act 2004, which provides only maternity leave and limited breastfeeding rights, both South Africa and the United Kingdom have legislated to prohibit discrimination arising from pregnancy, childbirth and maternity, removing uncertainty as to the rights of employees and the obligations of employers⁵². Nigeria should amend the Labour Act to provide a statutory definition of maternal harassment and expressly prohibit all forms of discrimination, victimization and adverse treatment arising from pregnancy, childbirth and maternity.

Nigeria should also adopt a broader understanding of maternal harassment, recognizing — as the comparator jurisdictions do — that it extends beyond dismissal or denial of leave to intimidation, bullying, humiliation, verbal and psychological abuse, exclusion from promotion, unfair performance assessment, denial of workplace opportunities and the creation of a hostile working environment because of pregnancy or maternity, whether occurring before, during or after the pregnancy.

A further lesson is the value of positive statutory obligations requiring employers to prevent maternal harassment, rather than relying solely on litigation after the fact. South Africa, in particular, requires employers to maintain workplace anti-harassment policies, establish complaint procedures, provide staff training and discipline perpetrators⁵³; Nigeria should require comparable measures, including confidential internal complaint mechanisms that allow employees to report incidents without fear of retaliation.

Finally, Nigeria should integrate maternity protection within a broader equality and human rights framework, as the United Kingdom does by treating pregnancy and maternity as protected characteristics under equality legislation⁵⁴, recognizing maternal harassment as a violation of equality, dignity and non-discrimination rather than merely an employment issue. This would align Nigerian law more closely with constitutional guarantees of equality and with Nigeria's obligations under international and regional human rights instruments.

⁵²Equality Act 2010; Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022 (South Africa).

⁵³Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022, Code 8.

⁵⁴Equality Act 2010.

7.0 Conclusion

The Labour Act 2004 provides only limited maternity protection, centred on leave and remuneration, without expressly defining or prohibiting maternal harassment or imposing preventive obligations on employers. This gap leaves Nigerian working mothers to rely on a fragmented mix of constitutional, statutory and judicial sources for protection that remains uncertain and inconsistently enforced. The comparative experience of South Africa and the United Kingdom demonstrates that effective protection requires more than maternity leave entitlement: it requires express statutory recognition of pregnancy-related discrimination, positive employer obligations, accessible complaint mechanisms and robust enforcement institutions. Pregnancy and motherhood are natural incidents of employment and should never constitute grounds for workplace disadvantage. Judicial innovation, however welcome, cannot substitute for comprehensive legislative reform — Nigeria should amend the Labour Act to close this gap.

8.0 Recommendations

Arising from the foregoing analysis, the following reforms are recommended:

8.1 Statutory Definition and Prohibition of Maternal Harassment

The National Assembly should amend the Labour Act 2004 to expressly define maternal harassment and prohibit all forms of discrimination, victimization and adverse treatment arising from pregnancy, childbirth, breastfeeding or maternity leave. This is the foundational reform: enforcement mechanisms, employer obligations and public awareness efforts all depend on there being a clear, actionable statutory standard against which conduct can be judged.

8.2 Broadening the Scope of Protection

Reform should recognize, as South Africa and the United Kingdom do, that maternal harassment extends beyond dismissal or denial of leave to include intimidation, bullying, humiliation, verbal and psychological abuse, exclusion from promotion or training, unfair performance assessment, and the creation of a hostile working environment — whether occurring before, during or after the pregnancy.

8.3 Positive Preventive Obligations on Employers

Nigeria should, following the South African model, impose statutory obligations on employers to maintain workplace anti-harassment policies, establish confidential internal complaint mechanisms, provide regular staff training, and discipline perpetrators⁵⁵, rather than relying solely on litigation after harassment has already occurred.

⁵⁵Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022, Code 8.

8.4 Strengthening Enforcement Institutions

Effective administrative and judicial enforcement mechanisms should be established or strengthened, including clearer practice directions from the National Industrial Court and a more active complaint-handling role for the National Human Rights Commission, to reduce the cost, delay and procedural bottlenecks that currently discourage victims from seeking redress.

8.5 Public Awareness and Institutional Sensitization

The Federal Ministry of Labour and Employment, in collaboration with the National Human Rights Commission and civil society organizations, should undertake sustained public enlightenment campaigns to improve awareness of maternity rights among employees and employers, and to address the cultural stereotypes identified in this article as a key barrier to enforcement.

8.6 Integration Within a Broader Equality Framework

Maternal harassment should be addressed as part of a wider statutory equality and anti-discrimination framework, rather than being confined to isolated provisions within the Labour Act, so that it is recognized as a violation of equality and dignity consistent with Nigeria's obligations under CEDAW, the African Charter and relevant ILO instruments.