SECURING EQUAL ACCESS TO DECENT WORK IN NIGERIA:

A report by workers with disabilities

DECEMBER 2022
# TABLES OF CONTENTS

<table>
<thead>
<tr>
<th>LIST OF FIGURES</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF TABLES</td>
<td>1</td>
</tr>
<tr>
<td>LIST OF ACRONYMS</td>
<td>1</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>2</td>
</tr>
</tbody>
</table>

## I. INTRODUCTION TO THE STUDY

1.1 Background

1.2 Objectives

1.1.1 Main Research Objectives: 5

1.3 Methodology

1.3.1 Study Population

1.3.2 Study Area

1.3.3 Data Quality Control and Assurance

1.3.4 Limitations/Mitigation 7

## II. RESULTS

2.1 Key Findings of the Field Study

2.1.1 Demography 8

2.1.2 Economic Sector 9

2.1.3 Minimum Wage 9

2.1.4 Workers’ Unions 10

2.1.5 Employment of Workers with Disabilities 11

2.1.6 Motivation of and Challenges for Workers with Disabilities 13

2.1.7 Gender-Based Violence and Harassment (GBVH) 14

## III. COMMENTS AND GENERAL ISSUES

3.1 Recommendations 18

3.2 Conclusion 19

## ANNEX 1

20
LIST OF FIGURES

Figure 1 Survey Area: Map of Nigeria Highlighting Study Areas 6
Figure 2 Gender of Respondent 8
Figure 3 Disabilities Represented 8
Figure 4 Individuals with Disabilities ID 8
Figure 5 Economic Sector 9
Figure 6 Minimum Wage 9
Figure 7 Members of Unions—Persons with Disabilities 10
Figure 8 Reporting Issues Experienced at Work to the Union 10
Figure 9 Participated in or Attended a Union Meeting 11
Figure 10 Recruitment of Persons with Disabilities within the last 12 Months 12
Figure 11 Accommodating Workplaces for Persons with Disabilities 12
Figure 12 Motivating Working Condition for Persons with Disabilities 13
Figure 13 Motivations for Workers with Disabilities 13
Figure 14 GBVH Often Faced by Persons with Disabilities 16

LIST OF TABLES

Table 1 Target Population (Quantitative) 6
Table 2 Economic Sectors 9
Table 3 Do Unions Exist in Your Organization? 10
Table 4 Invitation to Persons with Disabilities by Union 11
Table 5 Union Support to Persons with Disabilities during Meetings 11
Table 6 Features Provided to Make Workplaces More Accommodating 12
Table 7 Work Hours of Persons with Disabilities 13
Table 8 Challenges of Workers with Disabilities 14
Table 9 GBVH against Persons with Disabilities in the Past Two Years 15
Table 10 GBVH experienced by workers with disability 15
Table 11 Groups of workers with disability often prone to GBVH 16
Table 12 Common Perpetrators of GBVH 16
Table 13 Existing Systems to Address GBVH 17

LIST OF ACRONYMS

CRPD Convention on the Rights of Persons with Disabilities
GBVH gender-based violence and harassment
FGD focus group discussion
KII key informant interviews
CSOs civil society organizations
CBA collective bargaining agreement
ONAPWD Joint National Association for Persons with Disabilities
ICCPR International Convention on Civil and Political Rights
CRPD Convention on the Rights of Persons with Disabilities
ICESCR International Covenant on Economic, Social, and Cultural Rights and on Civil and Political Rights
ICCPR International Convention on Civil and Political Rights
EXECUTIVE SUMMARY

The Trade Union Congress of Nigeria (TUC) Women Commission and the Solidarity Center, in collaboration with unions and disability rights CSOs, conducted a study on access to decent work for persons with disabilities from November to December 2022 across six geopolitical zones and Federal Capital Territory in Nigeria. The assessment compiled quantitative data from 660 workers with disabilities (322 Male and 338 Female) in both the formal and informal sectors. The results were supported by qualitative data collected from union members.

Key findings from this assessment include:

- The public sector, at the federal and state levels, employs the greatest number of workers with disabilities. However, employed through third parties as contact or temporary staff, they lack social protection.
- A large number of workers with disabilities earn below the national minimum wage.
- A majority of workers with disabilities are aware of the existence of a union in their industry or organization, but many do not belong to it, particularly women. Of those who are aware of the union, roughly one-third are not members, due to lack of information or lack of a representative trade union.
- A small percentage of persons with disabilities who are aware of or affiliated with a union have reported workplace issues they have experienced to the union. In contrast, the majority of workers with disabilities have never reported any problems they have experienced at work.
- Of those who have reported issues, a small percentage claims that the union did not take any action or intervene in response. Additionally, the study found that a relatively small percentage of workers with disabilities have been approached by the union or invited to a meeting to participate in some union activity, with a majority not being invited or involved in any union activities.
- The majority of disabled workers who were approached by the union have attended its activities, demonstrating that if invited or approached for union activity, the majority of those workers would participate.
Recruitment of persons with a disability within the last 12 months was relatively low.

A significant percentage of workers with disabilities reported that their work environment is not accommodating to their needs, the majority of them women.

A percentage of workers with disabilities in both the formal and informal sectors work more than eight hours per day without receiving overtime pay.

A quarter of disabled workers in both the formal and informal sectors have experienced some form of gender-based violence and harassment (GBVH) in the past two years. A majority of respondents claim to be unaware of such incidents, which may be due to a lack of awareness, effective reporting mechanisms, fear or stigma/shame.

Physical violence (the use or threat of force) was the most common form of GBVH in the formal sector, followed by sexual exploitation, abuse and harassment. Conversely, psychological abuse was the most prevalent form of GBVH in the informal sector, followed by physical violence and sexual exploitation, abuse and harassment.

Finally, the study shows that there are gaps in addressing GBVH-related issues for workers with disabilities.
1. INTRODUCTION TO THE STUDY

1.1 Background

Disability is a worldwide phenomenon that spans countries, sex, age, religion, race, social status, and economic and political position. It is estimated that more than 1 billion people experience disability worldwide,¹ the majority from developing countries.² According to the World Health Organization’s 2011 World Disability Report, there are between 25 million and 27 million disabled persons in Nigeria.³ The 2018 Nigeria Demographic and Health Survey showed that 7 percent of household members over the age of 5 (and 9 percent of those over the age of 60) reported some degree of difficulty in at least one functional domain, including vision, hearing, communication, cognition, walking or self-care.⁴ The United Nations (2011) projected that one in 10 persons in Nigeria suffers from some form of disability, and that nine out of 10 of those with a disability live below the poverty level.⁵

The lack of reliable data on the inclusion and actual well-being of persons with disabilities in the workforce is a problem. The situation of workers with disabilities must be taken into account to advocate for decent working conditions, which includes provision of a fair income, safety at work, social protection, prospects for personal development and social integration, the opportunity for workers to participate in decision-making that affects their work and equal pay. Regardless of legislation⁶ aimed at addressing diversity in the workplace, persons with disabilities in Nigeria do not experience the same access to employment opportunities as their counterparts without disabilities and often face physical, social, economic and/or environmental barriers to participation. Many employers continue to harbor negative attitudes about the work-related abilities of persons with disabilities,⁷ often leaving these workers unemployed and reliant on family or dependent on government assistance schemes.

The majority who are employed are in the informal economy or in government institutions as contract staff, which often limits the social protection available to them.⁷ Likewise, women and girls with disabilities are more likely to experience all types of violence inside and outside the home, including assault, neglect, exploitation and marginalization.⁸

Disability, gender and low socioeconomic status interact to keep people living in poverty.⁹ Even though attempts have been made by various stakeholders to alleviate the suffering of persons with disability and improve their living conditions, they still live in extreme poverty and poor health conditions, and are minimally participate in cultural, social and political activity. Therefore, the situation of workers with disabilities must be taken into account to harness their talents, reduce dependency and promote their economic and social development.

This study was conducted at the initiative of the Trade Union Congress of Nigeria (TUC) Women Commission and the Solidarity Center, in collaboration with unions and disability rights CSOs to understand the access persons with disability have to decent work in Nigeria. The study presents the situation of workers with disabilities in formal and informal sectors (public, private and associations).

The study is the first of its kind in terms of:

- The combined number of respondents from both formal and informal sectors who completed the survey (660 people of both sexes)
- The collaboration between trade unions and disability rights CSOs in the collection of firsthand data from (male and female) workers on their personal lives and their professional and trade union activities, using sociological research methods

Creating an inclusive society that offers equal opportunities for all Nigerians, regardless of their social status, depends on paying attention to persons with disabilities, who are an asset to society and contribute to diversity.
1.2 Objectives

1.1.1 Main Research Objectives:

1. Collect information on the working conditions and forms of labor that are accessed by persons with disabilities, both male and female
2. Identify the extent to which workers with disabilities are engaged in trade union activities across formal and informal sectors, in line with their constitutional right to defend their best interests
3. Promote the implementation of existing legal framework in favor of workers with disabilities

Specific Objectives:

a. Raise awareness of the challenges persons with disabilities face in the workplace and the primary barriers to accessing decent employment
b. Propose ways to increase satisfaction and performance of persons with disabilities in the workplace and empower disabled workers in Nigeria
c. Sensitize trade union leaders to the specific challenges of persons with disabilities and identify factors behind their low membership rate and lack of motivation to engage in union activities
d. Improve terms of membership by upgrading communication systems to suit the needs of men and women with disabilities
e. Evaluate current policies and collective bargaining agreements (CBAs) for effectiveness in helping with disabilities at the workplace

1.3 Methodology

The study used both quantitative and qualitative data-collection methods in the form of mobile data collection and paper-based, semi-structured questionnaires. These included key informant interviews (KIs) and focus group discussions (FGDs) to gather information from workers and union leaders from the public and private sectors, and associations on the rights of workers with disabilities and their access to decent work.

Focus Group Discussions were conducted with two major groups (a minimum of six and a maximum of 10 people per group) from union affiliates and associations in Nigeria. Participating union members included 42 women and 45 men.

A Key Informant Interview was conducted with workers of varying disabilities: intellectual, physical, mental illness and sensory disability.
1.3.1 Study Population

The study population of 747 (660 KII respondents and 87 FGD participants) was drawn from seven states in six geopolitical zones of Nigeria and the Federal Capital Territory (FCT).

Table 1: Target Population (Quantitative)

<table>
<thead>
<tr>
<th>State</th>
<th>Abuja</th>
<th>Lagos</th>
<th>Kaduna</th>
<th>Enugu</th>
<th>Rivers</th>
<th>Plateau</th>
<th>Borno</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveyed</td>
<td>123</td>
<td>122</td>
<td>73</td>
<td>123</td>
<td>75</td>
<td>70</td>
<td>74</td>
<td>660</td>
</tr>
</tbody>
</table>

1.3.2 Study Area

The study was conducted in seven states in six geopolitical zones of Nigeria and the FCT: Lagos, Kaduna, Enugu, Rivers, Plateau, Borno and FCT Abuja.

1.3.3 Data Quality Control and Assurance

To ensure data quality in the process of interviewing co-workers with disabilities, disability rights CSOs and union activists worked with Solidarity Center to ensure the research was inclusive and worker led. The study design captured the principles of participatory action research with persons with disabilities in line with the monitoring and evaluation code of conduct. Study questions were developed and agreed upon by unions, disability rights CSOs and the Solidarity Center. The Trade Union Congress and Solidarity Center collaborated to build relationships among unions and persons with disabilities advocating for workers with disabilities and to sensitize researchers on GBVH, its root causes and impact, and how to collect data safely and ethically from persons with disabilities.

1. A one-day stakeholders meeting was conducted for 15 people drawn from the Trade Union Congress, Joint National Association for Persons with Disabilities (JONAPWD) and other union affiliates and social movements on 14 September 2022 to create awareness among union leaders about key GBVH issues unique to people with disabilities. The meeting was also used to discuss the upcoming study on persons with disabilities and agree on the research objectives and methodology.

2. A two-day capacity building and information-sharing training was held on gender-based violence and harassment in the world of work and safe and ethical research on persons with disabilities for 37 data collectors drawn from worker activists from the unions and disability rights organizations.
1.3.4 Challenges and limitations

- **Data collection approach:** The interview process captured a total of 660 workers with disability through collaborations between unions, CSOs and networks from various workplaces that were easily accessible to workers. FGD was carried out with 87 (42 women and 45 men) union leaders. Persons with disability were included in data collection to ensure inclusion of the target audience.

- **Access constraints:** The exercise required that workers with disabilities be interviewed within their workplace. The majority of the persons with disabilities in the informal economy sector were harder to reach due to security concerns. Though researchers did visit those areas, the difficulty affected the number of workers with disabilities researchers could access. Also, some employers refused to allow field researchers to interview workers in the workplace despite the use of introductory letters, and many workers with disabilities refused to participate in the study due to lack of monetary incentive. This means that findings are not reflective of the situation in areas inaccessible due to insecurity and other access issues.

- **Potential under-reporting on sensitive subjects:** Many respondents refused to answer questions related to GBVH, which might lead to underreporting. Findings should be approached with caution and triangulated with secondary sources where possible.

- **Recall:** The inability of some respondents to recall incidents related to some questions posed a challenge. Data collectors were encouraged to probe further through follow-up questions.

- **Communication:** This was complicated with respondents who had hearing disabilities or speech impediments. Sign language instructors were introduced in such cases to bridge the barriers.
2 RESULTS

2.1 Key Findings of the Field Study

2.1.1 Demography

In this study, 660 workers with disabilities participated in the quantitative mobile data collection. The gender breakdown of these participants was 51 percent female and 49 percent male, as shown in Figure 2. In addition, 87 union members participated in the study, with 42 female and 45 male participants.

Disability can be categorized under any of the following categories: physical (affects either temporarily or permanently, a person’s physical capacity and or mobility), sensory (affects one or more senses—sight, hearing, touch, taste, or spatial awareness), intellectual disabilities (difficulty communicating, learning and retaining information), or mental illness (affects a person’s thinking, emotional state and behavior). The study used a series of multiple answers questions, of which disability type was one of such.

Of the respondents, 58.7 percent reported having a physical disability, with 27.6 percent identifying as male and 31.1 percent identifying as female. Similarly, 36.2 percent of respondents reported having a sensory disability (18.6 percent male, 17.6 percent female). A minority of respondents, 6.2 percent, reported having an intellectual disability or mental illness, with 3.1 percent identifying as male and 3.1 percent identifying as female (See Figure 3 for a breakdown of these demographics).

However, only 1.1 percent of the target population has multiple disabilities.

The survey shows that 58.5 percent (27.7 percent male, 30.8 percent female) of workers with disability use a form of disability aid, while 41.3 percent (20.8 percent male, 20.5 percent female) do not. This is mostly due to a lack of purchasing power rather than a lack of need for such, as indicated by participants of the FGDs.

The study also revealed that 53 percent of workers with a disability

Figure 2: Gender of Respondent

Figure 3: Disabilities Represented

Figure 4: Individuals with Disability ID

SECURING EQUAL ACCESS TO DECENT WORK IN NIGERIA: A report by workers with disabilities
do not have identification. Of the 45.9 percent who do, the majority are women (23.9 percent). And 39.6 percent of those with a disability ID claim to have experienced some sort of difficulty in obtaining it.

2.1.2 Economic Sector

The informal and formal sectors are two distinct parts of an economy that differ in their organizational structure and the way they operate. The informal sector refers to economic activities that are not regulated by the government and are not formally registered with the state, often characterized by a lack of formal contracts, low levels of education and skills among workers and poor working conditions. The formal sector, on the other hand, refers to economic activities that are regulated by the government and are formally registered with the state, typically characterized by higher levels of education and skills among workers and offer better working conditions and more stable employment. However, it was difficult to categorize the economy of Nigeria into these two sectors as some of the industries are a bridge of both.

For this research, the economic sectors were categorized into six sectors in a bid to capture the different industries according to their organizational structures (See Table 2).

The result above is visually represented in Figure 5 below, showing that the informal economy with the highest percentage of persons with disabilities at 29 percent, followed by 24 percent in the public sector, 19 percent in the private sector, 14 percent in the education sector, 9 percent in the manufacturing sector and 5 percent in the health sector.

2.1.3 Minimum Wage

In Nigeria, the minimum wage is determined by the government under the National Minimum Wage Act (2011) and is meant to ensure that all workers are paid a fair and livable wage. The minimum wage is reviewed and updated periodically, and different rates may apply to different industries or regions within the country. It is important to note that the minimum wage is not the same as the living wage, which is the amount of money that a person needs to earn to meet basic needs and maintain a

<table>
<thead>
<tr>
<th>Economic Sectors</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>13%</td>
<td>11%</td>
<td>24%</td>
</tr>
<tr>
<td>Informal economy</td>
<td>14%</td>
<td>15%</td>
<td>29%</td>
</tr>
<tr>
<td>Health</td>
<td>2%</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>4%</td>
<td>5%</td>
<td>9%</td>
</tr>
<tr>
<td>Education</td>
<td>5%</td>
<td>9%</td>
<td>14%</td>
</tr>
<tr>
<td>Private</td>
<td>11%</td>
<td>8%</td>
<td>19%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Wage</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not want to disclose</td>
<td>5.9%</td>
<td>5.3%</td>
</tr>
<tr>
<td>More than minimum wage</td>
<td>11%</td>
<td>11%</td>
</tr>
<tr>
<td>Equal to minimum wage</td>
<td>11.1%</td>
<td>9.5%</td>
</tr>
<tr>
<td>Less than minimum wage</td>
<td>23.2%</td>
<td>20.2%</td>
</tr>
</tbody>
</table>
decent standard of living. The current minimum wage in Nigeria is #30,000 (naira) per month, which applies to workers in both the public and private sectors.

The findings of the study indicate that the majority of workers with disabilities in the federation are earning below the minimum wage. Specifically, 43.4 percent of workers with disabilities earn less than the minimum wage in Nigeria (23.2 percent women, 20.2 percent men). In contrast, 20.6 percent (9.5 percent male, 11.1 percent female) of workers with disabilities earning the minimum wage, and 24.8 percent (13.8 percent male, 11 percent female) earn more than the minimum wage. This is most likely a result of the Ministry of Labor, which is tasked with compliance and enforcement but lacks the capacity and resources to carry out worksite inspections. The poor awareness of the Discrimination against Persons with Disability Prohibition Act has contributed to disabled workers earning the least across the population and employers capitalizing on their vulnerability.

2.1.4 Workers’ Unions
A workers’ union is a group of employees who join together to protect and promote their common interests, such as better working conditions, fair pay and job security. The main purpose of a union is to negotiate with the employer or management on behalf of its members to reach agreements that improve the conditions of the workers.

The results below (Table 3) show that 54.4 percent of workers with disability are aware of the existence of a union in their industry or organization while 36.7 percent claim there is none and 8.1 percent don’t know of the existence of one. Of those who are aware of the existence of a union for their industry or organization, 33 percent, a majority of whom are women, do not belong to the union (Figure 7).

About one-fifth of disabled workers (19.5 percent, comprising 13.1 percent males and 6.4 percent females) who are aware of or are affiliated to a union have reported issues they have encountered in the workplace to the union. In contrast, 80.5 percent of workers with disability have never reported any problems at work (as shown in Figure 8). Among those who have reported their issues, 14 percent say the union did not take any action or intervene in response.

The study further revealed that only 32 percent of workers with disability have been approached by the union or invited to a meeting or to participate in some union activity, with a majority (most of

<table>
<thead>
<tr>
<th>Table 3: Do Unions Exist in Your Organization?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have existing union</td>
</tr>
<tr>
<td>No existing union</td>
</tr>
<tr>
<td>Refuse to answer</td>
</tr>
<tr>
<td>Don’t know</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Figure 7: Members of Unions—People with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Belong to a Union</strong></td>
</tr>
<tr>
<td><img src="image" alt="Bar chart showing the distribution of members of unions by gender." /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Figure 8: Reporting Issues Experienced at Work to the Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did not report</td>
</tr>
<tr>
<td>Reported to the Union</td>
</tr>
</tbody>
</table>

A report by workers with disabilities
whom are women) not invited or involved in union activities (as shown in Table 4).

Also, 88 percent (52 percent male and 36 percent female) of people with disabilities who were approached by the union have attended or participated in the union’s activity, demonstrating that if invited or approached, a majority of workers with disabilities will participate (See Figure 9, below).

Table 5 illustrates the types of support or assistance provided to workers with disabilities by unions during meetings or union activities. This information is also supported by the findings of focus group discussions, in which certain union members reported providing some level of support to individuals with disabilities. In contrast, 10.8 percent of workers with disabilities reported that no support was provided by the union to them during the meetings.

There could be several reasons why only a small percentage of workers with disabilities who are aware of or affiliated with a union have reported workplace issues they have encountered, and why a significant number of workers with disabilities have not reported any problems they have experienced at work. Some possible reasons could include: fear of retaliation or loss of job, lack of awareness, stigma and discrimination, lack of confidence and limited support. It is important to address these and other barriers to ensure that workers with disabilities have the ability to report workplace issues and feel supported and protected in the workplace.

### 2.1.5 Employment of Workers with Disabilities

The Nigeria Discrimination against Persons with Disabilities Prohibition Act 2018 prohibits discrimination in various aspects of life, including employment and political participation. It aims to ensure equal access to employment opportunities and the political process. The act also requires employers and public bodies to make reasonable adjustments to ensure that individuals with disabilities are not disadvantaged and can access the same opportunities as those without disabilities. Overall, the act seeks to promote the inclusion and empowerment of individuals with disabilities in Nigeria (See Annex I).

The result of the study revealed that this act has not been implemented, with only 22 percent reported recruitment of persons with disabilities within the last 12 months. The majority of respondents (over 64 percent) indicated that their company has not hired a person with disability within the last 12 months (See Figure 10).
Also, 48 percent of workers with disabilities, 22.7 percent male and 25.3 percent female, revealed that their work environment is not accommodating. While 44.4 percent (23.5 percent male, 20.9 percent female), agreed they have an accommodating environment (See Figure 11, below).

Table 6 presents the features that make the workplace accommodating, as perceived by workers with disabilities, and includes the percentage of agreement with each feature.

In Nigeria, the standard working hours for individuals with disabilities are the same as for individuals without, which is typically eight hours per day, 40 hours per week. However, individuals with disabilities may be entitled to certain accommodations in the workplace to enable them to perform their duties effectively. These accommodations may include modified work schedules, assistive technology or other reasonable adjustments. However, 22.7 percent of workers with disabilities in both the formal and informal sector work over eight hours without overtime pay (Table 7).

### Table 6: Features Provided to Make Workplaces More Accommodating

<table>
<thead>
<tr>
<th>Feature</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adapting spaces at the workplace</td>
<td>38.2%</td>
<td>29.0%</td>
<td>67.2%</td>
</tr>
<tr>
<td>Pathway available such as ramps</td>
<td>14.7%</td>
<td>18.7%</td>
<td>33.4%</td>
</tr>
<tr>
<td>Adapting/Inclusive washrooms/toilet</td>
<td>9.2%</td>
<td>7.5%</td>
<td>16.7%</td>
</tr>
<tr>
<td>Adapting doors</td>
<td>9.2%</td>
<td>5.5%</td>
<td>14.7%</td>
</tr>
<tr>
<td>Adapting environment</td>
<td>21.8%</td>
<td>19.8%</td>
<td>41.6%</td>
</tr>
<tr>
<td>Adapting/flexible work hours</td>
<td>7.8%</td>
<td>11.6%</td>
<td>19.4%</td>
</tr>
<tr>
<td>Supportive supervision or monitoring</td>
<td>14.7%</td>
<td>12.3%</td>
<td>27.0%</td>
</tr>
</tbody>
</table>
2.1.6 Motivation of and Challenges for Workers with Disabilities

A motivating working condition for people with disabilities is one that takes into account their specific needs and circumstances, and provides the necessary support and accommodations to enable them to perform their job duties and achieve their full potential. Given the details already provided in the study, it is clear that the majority of workplaces do not have such accommodations. However, according to the results below (Figure 12), 59.2 percent of workers with disabilities claim to have a working condition that motivates them.

For more insight, the study probed what motivates disabled workers. Figure 13 shows the majority at 52 percent (27 percent male and 25 percent female) is motivated by their salary, despite the fact that 17 percent (9 percent male and 8 percent female) of workers with disabilities in this category earn less than the minimum wage. This is followed by job security at 44 percent (20 percent male and 24 percent female), promotions/career advancement at 30 percent (19 percent male and 11 percent female), health insurance at 18 percent (9 percent male and 9 percent female), and, finally, passion and self-reliance at 11 percent (5 percent male and 6 percent female).

It is worth noting that, given the high unemployment rate in Nigeria, individuals with disabilities may face challenges in finding employment opportunities. While it is better to have a job, even if it does not fully accommodate their needs, than no job at all, it is important for employers to consider the unique challenges and needs of people with disabilities to create a more inclusive and diverse workforce.

Table 7: Work Hours of People with Disabilities

<table>
<thead>
<tr>
<th></th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 hours</td>
<td>15.9%</td>
<td>10.9%</td>
<td>3.8%</td>
<td>2.4%</td>
<td>8.8%</td>
<td>10.2%</td>
<td>52.0%</td>
</tr>
<tr>
<td>Less than 8 hours</td>
<td>5.5%</td>
<td>7.7%</td>
<td>0.3%</td>
<td>3.3%</td>
<td>3.8%</td>
<td>4.7%</td>
<td>25.3%</td>
</tr>
<tr>
<td>More than 8 hours</td>
<td>2.6%</td>
<td>10.6%</td>
<td>0.9%</td>
<td>2.7%</td>
<td>2.0%</td>
<td>3.9%</td>
<td>22.7%</td>
</tr>
</tbody>
</table>

Figure 12: Motivating Working Condition for People with Disabilities

Figure 13: Motivations for Workers with Disabilities
Individuals with disabilities often face a range of challenges in the workplace, including communication issues and negative attitudes from colleagues, clients and others. According to the survey, the most significant concern reported by workers with disabilities was transportation, cited by 62.1 percent of respondents. Other challenges included the lack of accessible facilities (32.9 percent), and communication and co-workers’ attitudes (19.1 percent), as outlined in Table 8, below.

### 2.1.7 Gender-Based Violence and Harassment

Gender-based violence and harassment (GBVH) is a widespread and serious form of labor abuse that often intersects with other types of labor abuse, such as modern slavery. It can affect anyone, but it is particularly prevalent among women and vulnerable populations due to the gender and power imbalances that contribute to it.

For the purpose of this survey, GBVH was categorized into four major aspects:

- **Sexual (abuse and harassment):** Sexual exploitation, abuse and harassment refer to any non-consensual or abusive sexual behavior that is used to exploit or harm another person. This can include sexual assault, rape, sexual coercion, sexual exploitation, sexual abuse of power or authority, and other forms of sexual misconduct.

- **Physical (use or threat of force):** Physical violence or the threat of force can include physical assault, battery and other forms of violence that involve the use of physical force. It can also include the threat of violence, such as verbal threats or the display of weapons, which can be used to intimidate or coerce workers.

- **Psychological (verbal and non-verbal abuse and bullying):** Psychological abuse refers to any non-physical behavior that is used to harm, intimidate or control another person. This can include emotional abuse, such as manipulation, coercion or manipulation; verbal abuse, such as yelling, name-calling or using threatening language; and other forms of psychological abuse, such as isolation, gaslighting (manipulating evidence or information) or stalking.

- **Economic (restricting access to financial or other resources):** In the context of the workplace, economic abuse can take a variety of forms, such as withholding wages or paying unfairly low wages; refusing to provide necessary resources or support for the victim to do their job effectively; sabotaging the victim’s career or job prospects; discriminating against the victim on the basis of gender, disability or other protected status; retaliating against the victim for speaking out about abuse or discrimination; and coercing the victim into accepting less favorable terms of employment or working conditions.

<table>
<thead>
<tr>
<th>Table 8: Challenges of Workers with Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Communication</td>
</tr>
<tr>
<td>Supervisor attitude</td>
</tr>
<tr>
<td>Co-worker attitude</td>
</tr>
<tr>
<td>Customer/Client attitude</td>
</tr>
<tr>
<td>Transportation issues</td>
</tr>
<tr>
<td>Long working hours</td>
</tr>
<tr>
<td>Lack of accessible facilities</td>
</tr>
<tr>
<td>Lack of advancement potential</td>
</tr>
<tr>
<td>General acceptance</td>
</tr>
<tr>
<td>Low pay</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Refused to answer</td>
</tr>
<tr>
<td>Don’t know</td>
</tr>
</tbody>
</table>
These behaviors can have severe physical, emotional and psychological consequences for the victims and can often lead to long-term trauma. It is important to recognize and address GBVH in the workplace to prevent and address these harmful behaviors and support those who have experienced them.

**Table 9: GBVH against Persons with Disabilities in the Past Two Years**

<table>
<thead>
<tr>
<th></th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experienced</td>
<td>4.5%</td>
<td>9.8%</td>
<td>1.2%</td>
<td>2.1%</td>
<td>3.2%</td>
<td>3.6%</td>
<td>24.4%</td>
</tr>
<tr>
<td>Not Experienced</td>
<td>0.0%</td>
<td>0.6%</td>
<td>0.0%</td>
<td>0.2%</td>
<td>0.2%</td>
<td>0.0%</td>
<td>1%</td>
</tr>
<tr>
<td>Refuse to answer</td>
<td>6.7%</td>
<td>5.6%</td>
<td>1.5%</td>
<td>2.4%</td>
<td>5.0%</td>
<td>4.7%</td>
<td>25.9%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>12.7%</td>
<td>13.2%</td>
<td>2.3%</td>
<td>3.8%</td>
<td>6.2%</td>
<td>10.5%</td>
<td>48.7%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

This study aimed to assess the prevalence of GBVH against workers with disabilities in Nigeria. It is important to note that sensitivity of the topic was taken into consideration, and the respondents were not required to provide answers to questions that made them uncomfortable.

The assessment shows (Table 9, below) that 24.4 percent of workers with disability across all sectors surveyed have experienced some sort of GBVH in the past two years—9.8 percent of whom in the informal economy. Nearly half (48.1 percent) claim they do not know or are unaware of such acts. However, this may be due to lack of awareness, lack of effective reporting mechanisms tailored to the needs of persons with disabilities, fear or stigma/shame.

**Table 10: GBVH Experienced by Workers with Disability**

<table>
<thead>
<tr>
<th></th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
<th>Economic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual</td>
<td>11.1%</td>
<td>15.4%</td>
<td>1.2%</td>
<td>5.6%</td>
<td>7.4%</td>
<td>4.9%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Physical</td>
<td>14.8%</td>
<td>19.8%</td>
<td>2.5%</td>
<td>1.9%</td>
<td>3.1%</td>
<td>4.9%</td>
<td>8.6%</td>
</tr>
<tr>
<td>Psychological</td>
<td>6.2%</td>
<td>23.5%</td>
<td>0.6%</td>
<td>4.9%</td>
<td>6.2%</td>
<td>6.8%</td>
<td></td>
</tr>
<tr>
<td>Economic</td>
<td>3.7%</td>
<td>8.6%</td>
<td>0.0%</td>
<td>1.9%</td>
<td>4.9%</td>
<td>3.7%</td>
<td></td>
</tr>
</tbody>
</table>

This result from the FDG also supported this as the majority of the participants agree that there have been cases of GBVH experienced by persons with disability but most are not reported, or resolved quietly without penalty.

Table 10 shows the prevalence of GBVH experienced or observed by workers with disabilities in all economic sectors represented. Results showed the breakdown for each category of GBVH by sector.

In the public sector, physical violence (the use or threat of force) was predominant at 15.4 percent followed by sexual (exploitation, abuse and harassment) at 11.1 percent. This fact is also supported by qualitative data from union members during FGD claiming to have seen colleagues pushed workers with disability due to perceived slow response or delay while walking across a general pathway.

Conversely, the informal sector has psychological (verbal and non-verbal abuse and bullying) as the most predominant GBVH, at 23.5 percent followed by physical violence (the use or threat of force) at 19.8 percent and sexual (exploitation, abuse and harassment) at 15.4 percent (See Table 10 for details).
Despite the general notion that women and other vulnerable populations are most likely to experience GBVH, it is important to identify the most vulnerable set of people with disabilities in the workplace. Table 11 shows that female junior and low-level staff are often victims of GBVH in both the informal and formal sectors.

**Table 11: Groups of Workers with Disability Prone to GBVH**

<table>
<thead>
<tr>
<th>Category</th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower cadre staff – Men</td>
<td>6.1%</td>
<td>4.8%</td>
<td>1.2%</td>
<td>0.9%</td>
<td>3.0%</td>
<td>2.3%</td>
<td>18.3%</td>
</tr>
<tr>
<td>Lower cadre staff – Women</td>
<td>15.9%</td>
<td>19.5%</td>
<td>3.3%</td>
<td>6.7%</td>
<td>8.2%</td>
<td>12.7%</td>
<td>66.3%</td>
</tr>
<tr>
<td>Senior staff – Men</td>
<td>0.9%</td>
<td>2.4%</td>
<td>0.6%</td>
<td>0.3%</td>
<td>0.9%</td>
<td>1.4%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Senior staff – Women</td>
<td>5.9%</td>
<td>6.1%</td>
<td>0.6%</td>
<td>2.4%</td>
<td>3.0%</td>
<td>4.1%</td>
<td>22.1%</td>
</tr>
<tr>
<td>Junior staff – Men</td>
<td>5.6%</td>
<td>5.3%</td>
<td>0.9%</td>
<td>1.4%</td>
<td>4.1%</td>
<td>3.3%</td>
<td>20.6%</td>
</tr>
</tbody>
</table>

The study included a series of questions designed to gain a better understanding of the types of GBVH workers with disabilities are most exposed to, and from where it originates. According to the assessment, sexual and physical violence are the most prevalent forms of GBVH often faced by workers with disabilities, as illustrated in Figure 14. The threat comes more often from supervisors in the formal sector and from community members in the informal sector, as shown in Table 12.

**Figure 14: GBVH Often Faced by Workers with Disabilities**

**Table 12: Common Perpetrators of GBVH**

<table>
<thead>
<tr>
<th>Category</th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisors</td>
<td>14.5%</td>
<td>9.4%</td>
<td>2.3%</td>
<td>1.7%</td>
<td>6.1%</td>
<td>7.6%</td>
</tr>
<tr>
<td>Co-workers</td>
<td>8.5%</td>
<td>8.8%</td>
<td>1.2%</td>
<td>2.6%</td>
<td>5.0%</td>
<td>5.9%</td>
</tr>
<tr>
<td>Community members</td>
<td>10.6%</td>
<td>15.0%</td>
<td>1.5%</td>
<td>3.9%</td>
<td>5.6%</td>
<td>7.0%</td>
</tr>
<tr>
<td>Clients/Customer</td>
<td>5.3%</td>
<td>12.1%</td>
<td>1.1%</td>
<td>3.8%</td>
<td>2.6%</td>
<td>5.2%</td>
</tr>
</tbody>
</table>
It is essential for organizations to establish clear policies and procedures for reporting and addressing incidents of GBVH in the workplace. These policies and procedures should be widely disseminated throughout the organization so that all individuals are aware of them. However, data (See Table 13) suggests that a significant portion of workers with disabilities, approximately 39.1 percent, are unaware of any policy or system in place to address GBVH in their organization. This figure includes 11.1 percent of workers in the informal economy, 8.2 percent of workers in the public sector, 5.8 percent in the health sector, 4.1 percent in manufacturing, 5.5 percent in the education sector and 4.4 percent in the private sector.

Table 13: Existing Systems to Address GBVH

<table>
<thead>
<tr>
<th></th>
<th>Public</th>
<th>Informal Sector</th>
<th>Health</th>
<th>Manufacturing</th>
<th>Education</th>
<th>Private</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies</td>
<td>6.4%</td>
<td>6.5%</td>
<td>0.5%</td>
<td>1.1%</td>
<td>3.9%</td>
<td>6.4%</td>
<td>24.8%</td>
</tr>
<tr>
<td>Reporting Mechanisms</td>
<td>9.4%</td>
<td>11.7%</td>
<td>3.5%</td>
<td>3.3%</td>
<td>5.2%</td>
<td>8.0%</td>
<td>41.1%</td>
</tr>
<tr>
<td>None</td>
<td>1.2%</td>
<td>1.4%</td>
<td>0.2%</td>
<td>1.5%</td>
<td>0.5%</td>
<td>0.2%</td>
<td>5%</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>7.0%</td>
<td>9.7%</td>
<td>5.6%</td>
<td>2.6%</td>
<td>5.0%</td>
<td>4.2%</td>
<td>34.1%</td>
</tr>
</tbody>
</table>

Alternatively, the data also indicates that while there is some awareness of the availability of mechanisms for reporting incidents of GBVH in the workplace, the policies surrounding these mechanisms may not be clear. According to Table 13, above, 41.1 percent of workers with disabilities agree that there is a reporting mechanism in place in their organization, but only 24.8 percent acknowledge the existence of a clear policy related to GBVH. It is important for organizations to clearly communicate their policies and procedures related to GBVH to all employees to ensure that incidents can be effectively reported and addressed.
3.1 Recommendations

Based on the findings presented in the preceding sections, the following recommendations are proposed for consideration and implementation to address the barriers to work and employment for people with disabilities in Nigeria:

**Government should:**

- Revise the law to include detailed provisions on reasonable accommodation in employment to furnish employers with specific ideas about what can be done to assist workers with disability.
- Engage in a wide and rigorous public enlightenment campaign against the discrimination of people with disability.
- Introduce a Disability Tax Fund (DTF), which should be used for the provision of social security and the welfare of workers with disability for both formal- and informal-sector workers.
- Harmonize public policies to provide tax reductions or incentives, especially for private employers for compliance with the quota system.
- Promote awareness of employers on work-related rights of people with disabilities and obligations to prevent violence and harassment committed by staff and third parties such as clients, customers and members of the public.
- Activate training and labor inspectors’ mandate to identify, monitor, investigate and sanction non-compliance with the laws regarding the rights of people with disabilities in the workplace.
- Create safe, inclusive, gender-responsive and effective complaint procedures.
- Make vocational guidance and training programs accessible to people with disabilities to build and adapt their capacities.
- Provide advice and funding for employment-related accommodation, building workplaces that are accessible.
- Keep records of people with disabilities in the workforce.

**Employers should:**

- Make reasonable adjustments that will enable people with disabilities to work or continue to work as needed. Such adjustments should include flexible working hours and disability leave.
- Acquaint themselves with requirements for accommodation and non-discrimination of individuals with disabilities.
- Provide access to a full range of survivor-centered support or remedies to address harm and prevent reoccurrence.
- Set up a disability management program to support the return to work of employees who become disabled.
- Partner with local employment agencies and skills-training programs to build a skilled workforce that includes people with disabilities.
- Establish tailored mechanisms for prompt, safe and confidential reporting of cases of GBVH against all workers, including persons with disabilities, at the workplace.
- Provide targeted recruitment programs for persons with disabilities.
Workers should:

- Ensure prompt reporting of cases of GBVH and non-compliance with the law on Discrimination against persons with disability.
- Participate in advocacy campaigns for the rights of persons with disabilities.
- Engage in continuous bargaining with employers to ensure reasonable accommodation, security and peace at the workplace.
- Participate in training to improve work capacities and build knowledge on GBVH and labor rights of persons with disabilities.

Unions and CSOs should:

- Include workers with disabilities in collective bargaining with employers, to bargain for their needs, including things like specific accommodations, and to protect the rights of workers with disabilities.
- Establish mechanisms and programs to protect workers with disabilities from discrimination, violence, and harassment.
- Raise awareness of public and social stakeholders by organizing seminars and information campaigns on the rights of persons with disabilities.
- Provide necessary legal support for workers on any litigation that may arise on the rights of persons with disabilities at the workplace.
- Develop the culture of trade union membership and vary the ways to communicate with persons with disabilities.
- Participate in training and support to identify and report cases of violence and harassment including discrimination and support survivors.

3.2 Conclusion

Access to decent work for persons with disabilities is a critical issue that requires the attention and efforts of a wide range of stakeholders. While progress has been made in recent years, there are still significant barriers that prevent many disabled workers from accessing decent job opportunities. These barriers include stigma and discrimination, lack of accommodations and support, and a lack of awareness and understanding about the capabilities and potential of workers with disabilities.

To address these challenges, and to protect and promote the interest of people with disabilities in Nigeria, it is important for governments, employers and other stakeholders to adopt a range of strategies and measures, including making reasonable accommodations in the workplace, actively recruiting and hiring people with disabilities, providing training and support, fostering an inclusive work environment, and developing policies and practices that support the employment of disabled workers. By taking these steps, we can create a more inclusive and equitable society where everyone has the opportunity to participate in the workforce and contribute to the economic and social development of their communities.
Annex 1

Key Legal Framework and Instruments on Rights of Persons with Disabilities

A significant advance in the rights of persons with disabilities has been the emergence, over the last two decades, of various legal provisions in international conventions. In looking at these legal frameworks and instruments, we will first consider international (United Nations) legal documents and instruments and some local (Nigerian) legal instruments and documents (in the section below).

A. International (United Nations) Legal Instruments and Documents

Human rights are recognized and protected by a number of international human rights instruments (laws and conventions, etc.), such as the Universal Declaration of Human Rights (United Nations, 1948), the International Convention on Civil and Political Rights (ICCPR, 1966), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966), documents that are generally referred to as the International Bill of Rights. These international instruments provide the main legal, conceptual, and political framework for the protection and promotion of the rights of persons with disabilities.

1. Universal Declaration of Human Rights

Paragraph 1 of Article 23 of the Universal Declaration states that: “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” In line with the general human rights perspective regarding the vital importance of economic and social rights, Article 24 affirms that “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”

As part of the Universal Declaration’s effort to truly humanize the right to work for everyone, regardless of who or where the person is, Paragraph 1 of Article 25 states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

Therefore, the first UN document establishing the value and principle system in the field of human rights has affirmed the right to work and equal pay and remuneration, the right to justice, protection, dignity, and freedom of association. Highlighting and combining all these principles can be useful when connecting disability and the right to have and retain employment. The provisions of this Declaration have had a direct impact on persons with disabilities, as well as an indirect impact, especially with regard to the enrichment of the international frame of reference. This can be clarified by referring to some documents that focus on the issues of persons with disabilities in general, and their economic security in particular, with relation to their participation in the productive cycle through training, enablement, and access to work in normal conditions.

2. International Covenant on Economic, Social, and Cultural Rights and on Civil and Political Rights

The International Covenant on Economic, Social, and Cultural Rights of 1966 stipulates in Paragraph 1 of Article 6 that “the State Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” These steps and procedures are provided for in Paragraph 2 of Article 6 and elaborated in Article 7, on the provision of just and favorable work conditions. Article 8 addresses freedom of association and trade union; and Article 9 provides the right to social security.
Article 8 of the International Covenant on Civil and Political Rights, issued the same year, stipulates that work should not be linked to slavery and servitude (or forced labor) within the utmost respect for the inherent human dignity.

3. Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities enjoins state parties to “take appropriate measures, including legislation to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against” persons with disabilities (CRPD, Article 4). A key international instrument, and the first comprehensive human right treaty of the 21st century (United Nations, Convention and Optional Protocol Signatures and Ratifications, 2006), it was ratified by Nigeria in 2007, which also ratified its optional Protocol in 2010.

The CRPD focuses on the affirmation of all types of disabilities, and the full and equal enjoyment of all human rights and fundamental freedoms for those with disabilities.

*Articles 3 include these eight principles:*

a. Respect for inherent dignity and individual autonomy, including the freedom to make one’s own choices, and independence of persons;
b. Non-discrimination;
c. Full and effective participation and inclusion in society;
d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
e. Equality of opportunity;
f. Accessibility;
g. Equality between men and women;
h. Respect for the evolving capacities of children with disabilities and for the right of children with disabilities to preserve their identities.

The Convention dedicated Article 27 to “Work and Employment.” There is no need to include it here since it is very similar to other international documents, with one important difference—that the text of the Convention is binding for signatory states.

4. International Convention on Civil and Political Rights

Article 2 of the International Convention on Civil and Political Rights (ICCPR, 1966) requires states to protect the rights and freedoms of all persons regardless of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition. Other articles relevant to persons with disabilities affirmed in the ICCPR are: the right to life; the right to humane treatment; the right to liberty and personal security; the right to liberty of movement and freedom to choose residence; equality before the courts and tribunals; the right to recognition everywhere as a person before the law; the right to privacy and protection of the law against arbitrary or unlawful attacks on personal honor and reputation; the right to freedom of thought and expression, including the freedom to seek, receive, and impart information; the right to form a family; the rights of children to protective measures by the State based on his/her status as a minor; equality before the law and the right to equal protection; and rights of ethnic, religious or linguistic minorities.

5. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

This instrument, ratified in 1984, was designed to afford rights to individuals who have been subjected to cruel, inhuman, or degrading treatment or punishment based on their HIV/AIDS status, whether in a healthcare facility, prison, or other public institution. Article 10 specifies that the training of law enforcement, medical, civil,
and military personnel and other public officials must include the prohibition of torture during the custody, interrogation, or treatment of any individual subjected to arrest, detention, or imprisonment. Article 13 ensures that any person alleging that he/she has been subjected to torture has the right to complain to, and have his/her case promptly and impartially reviewed by, the competent authorities. Article 14 calls on legal systems of state parties to provide redress to victims, who have an “enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.”

6. International Labor Organization Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons)

This International Labor Organization (ILO, 1983) Convention aims to ensure that member states consider the purpose of vocational rehabilitation as enabling a disabled person to secure, retain, and advance in suitable employment, and thereby to further his/her integration into society.

7. Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

In reaffirming that persons with disabilities have the same human and fundamental rights as others, this convention aims to prevent and eliminate all forms of discrimination and also to promote the individuals’ full integration into society.

8. International Labor Convention on Violence and Harassment

This convention was ratified in 2022, and it recognizes the right of everyone to a workplace free from violence and harassment, including gender-based violence and harassment. Violence and harassment in the world of work can constitute a human rights violation or abuse and a threat to equal opportunities, and as such is unacceptable and incompatible with decent work situations. It emphasizes that violence and harassment also affect the quality of public and private services, and may prevent persons, particularly women (with disabilities), from accessing, remaining in, and advancing in the labor market. The convention recognizes that violence and harassment are incompatible with the promotion of sustainable enterprises and impact negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity.

B. Nigeria’s Legal Instruments and Documents

Two of the prominent legal instruments that will be considered are the Constitution of the Federal Republic of Nigeria 1999 (henceforth, Nigerian Constitution), and the Nigerian Discrimination against Persons with Disabilities (Prohibition) Act (2016), referred to hereafter as the Disabilities Act.


a. Section 42 of the Constitution of the Federal Republic of Nigeria 1999 prohibits discrimination against any citizen, whether on the grounds of the community to which he or she belongs, ethnicity, place of origin, sex, religion, or political opinion. Section 17 of the Constitution also provides that the State shall direct its policy towards ensuring that all citizens can secure adequate means of livelihood, as well as suitable employment and that there should be equal pay for equal work, without discrimination on the grounds of sex or any other reason.

b. However, Nigerian courts have held that the provisions of Section 17 are mere statements of policy, and cannot be relied upon as a basis for challenging any discriminatory practice unless the provisions are contained in a substantive law.
c. Section 34 stipulates that “every individual is entitled to respect for the dignity of his person” and Section 35 states that with the exception of certain circumstances in accordance with a procedure permitted by law, “every person shall be entitled to his personal liberty.” Broadly applied, these provisions can be said to similarly apply to persons with disabilities. However, the absence of a clear, specific, and robust reference to the rights of those with disabilities in the Nigerian Constitution necessitated the upper legislative arm of the Nigerian Government (the Senate) to enact the Disabilities Act, of which a few things need to be said as a preamble.

2. Discrimination Against Persons with Disabilities Act

a. In general, the Disabilities Act (2018) is meant to provide the framework for the full integration of persons with disabilities into Nigerian society and to ensure that their rights (social and economic, including the right to education and healthcare) as contained in the Nigerian Constitution are attained and realized. The Disabilities Act applies to citizens or legal immigrants and seeks to protect and enhance the rights of the disabled in all areas of social, economic, cultural, and political life. It forbids actions by any person or institution that discriminate on the basis of disability (Section 1). Some of the provisions in the Act in the areas of life, liberty, and security of persons, education, work and employment, accommodation, safety, and accessibility are similar to those in the CRPD, and all public organizations are to reserve at least five percent of employment opportunities for persons with disabilities. The rights that will be considered going forward are in education, work and employment, accommodation, safety, and accessibility. In terms of work and employment, Section 67 states that “persons with disabilities shall have the right to work, on an equal basis with others” and “the right to an opportunity to gain a living by work freely chosen or accepted in a labor market.” Section 68(1) prohibits employers from dismissing any person on the basis of disability. Other provisions contained in this section include requiring employers or their agents to desist from discriminating against persons with disabilities in “(a) the job application procedure; (b) the terms and conditions of employment; (c) opportunity for promotion, advancement, transfer or training, or to any other benefit associated with employment; (d) on-the-job training; (e) accommodation; (f ) employee compensation.”

b. And finally, in the areas of accommodation, safety, and accessibility, Section 3 states that it is unlawful to discriminate against persons with disabilities by refusing them access to any public premises, facilities, and services. Section 4 requires that public buildings be “constructed with the necessary accessibility aids, such as lifts (where necessary), ramps, and any other facility.” Section 5 stipulates that “a road side-walk, pedestrian crossing, and other facility made for public use shall be made accessible” for persons with disabilities. Furthermore, Section 9 requires that “[in] parking lots, suitable spaces shall be properly marked and reserved” for those with disabilities, whereas section 12 requires that persons with disabilities be given due and fair consideration in circumstances “where accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organizations for their members, government for the persons.”

c. The Act gives citizens with disabilities the right to file a lawsuit for damage against any defaulter. If an individual is found in violation, he/she will pay a fine of N100,000 or a term of six months imprisonment. The law imposes a fine of One Million Naira on corporate bodies.
UNION AND ORGANIZATIONS

TRADE UNION CONGRESS OF NIGERIA (TUC)
The Trade Union Congress of Nigeria (TUC) was registered as a labor center on August 8, 2005, after having gone through various transformations starting in 1980, first as the Federation of Senior Staff Associations of Nigeria (FESSAN), then as the Senior Staff Consultative Association of Nigeria (SESCAN) and, finally, TUC. The TUC has 32 affiliates and associate unions in both the public and private sectors in Nigeria.

TUC WOMEN COMMISSION
The Trade Union Congress of Nigeria (TUC) Women Commission is the Women Wing of the Trade Union Congress of Nigeria. The Commission’s mission is to inspire, equip and mobilize women to take actions that positively affect lives and society. Its vision is to improve the lives of women in union, labor and leadership matters through increased social interaction and sharing of information.

FAECARE FOUNDATION
Freky Andrew-Essien Care Foundation (FAECARE Foundation) is a nongovernmental organization established in 2013 with the mission to inspire, motivate and empower creative minds for a bright, better and possible future, and a vision to add value and create life opportunities for vulnerable groups, among them children, youth, women, persons with disability and the less privileged in society. FAECARE Foundation activities are focused in the South-South region of Nigeria.

ADVOCACY FOR WOMEN WITH DISABILITIES INITIATIVE, NIGERIA
Advocacy for Women with Disabilities Initiative (AWWDI) was co-founded in 2008 by Patience Ogolo, a woman with a physical disability. AWWDI advocates for the rights of women and girls with disabilities, and for their inclusion in all national policies, programs and activities. It works with women with disabilities and their families; local and development partners, including the government; and international organizations.

OPEN DOOR FOR SPECIAL LEARNERS
Open Doors for Special Learners was established in October 1999 by Joanne Umolu, Ph.D., a retired professor of Special Education. Its main function is to run the Open Doors Special Education Centre located in Jos, Plateau State, which began in 1999. Today it has two classroom blocks, a physiotherapy and vocational training building, and a small building that currently houses the sensory stimulation room, APT workshop and school shop.

SUSSAN’S UNIQUE OASIS FOUNDATION
Sussan’s Unique Oasis Foundation (SUOFOW) is a nongovernmental organization established in 2014 to advocate and work for the promotion, advancement and protection of the rights of vulnerable groups in society. SUOFOW operates as a vanguard, voice and sentinel for justice, equity and equality for all. It provides psychosocial and vocational and life skills support to persons with disabilities and other vulnerable groups; advocates against sexual and gender-based violence; and conducts sensitization and advocacy campaigns for the inclusion of persons with disabilities and to promote the sexual and reproductive health rights of women and girls.
ENDNOTES

2 https://www.who.int/health-topics/disability#tab=tab_1
6 Nigeria has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on Violence and Harassment, Discrimination against Persons with Disability (Prohibition) Act, the 1999 Constitution of the Federal Republic of Nigeria as well as Violence Against Persons Prohibition ACT (VAPP ACT).
7 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7114957/
8 https://openknowledge.worldbank.org/handle/10986/3991
9 https://www.academia.edu/30232051/What_Violence_Means_to_Us_Women_with_Disabilities_Speak