



FREEDOM OF ASSOCIATION AND RIGHT TO TRADE UNION ACTIVITIES: APPRAISAL OF INTERNATIONAL LABOUR STANDARDS AND NIGERIAN LABOUR LAWS

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ABSTRACT

Freedom of association and the right to engage in trade union activities are fundamental labour rights recognized under international labour standards and domestic legal systems. These rights enable workers and employers to form and join organizations of their choice for the promotion and protection of their economic and social interests. This article examines the legal framework governing freedom of association and trade union activities under international labour standards and Nigerian labour laws. It analyses key international instruments, particularly those of the International Labour Organization (ILO), alongside relevant constitutional and statutory provisions regulating trade unionism in Nigeria. The study evaluates the extent to which Nigerian labour laws comply with internationally accepted principles relating to workers' rights to organize, collectively bargain, and participate in trade union activities without interference or discrimination. Adopting a doctrinal research methodology, the article relies on primary and secondary sources, including statutes, international conventions, judicial decisions, textbooks, and scholarly literature. The study finds that although Nigeria has ratified several international labour instruments guaranteeing freedom of association, certain legislative and practical constraints continue to impede the full realization of these rights. Challenges such as restrictions on trade union registration, employer interference, anti-union practices, and limitations on industrial actions remain significant concerns. The article concludes that greater legislative reforms, effective enforcement mechanisms, and stronger institutional commitment are necessary to align Nigerian labour laws with international labour standards and ensure adequate protection of trade union rights.

KEYWORDS: *Freedom of Association, Right to Trade, International Labour Standards, Nigerian Labor Laws, Unionism*

1. INTRODUCTION

Freedom of association and the right to engage in trade union activities are among the most fundamental rights recognized in labour relations across the world. These rights provide workers and employers with the opportunity to organize collectively for the protection and advancement of their economic, social, and professional interests. The ability of workers to form and join trade unions of their choice is widely regarded as an essential element of democratic governance, social justice, and industrial harmony.¹ Through collective action, workers are better positioned to

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¹ C K Agomo, 'Natural Justice and Individual Employment in Nigeria' in I O Agbede and E O Akanki (ed), *Current Themes in Law* (Faculty of Law, University of Lagos, 1997) 101.



negotiate favorable terms and conditions of employment, promote workplace welfare, and protect themselves against arbitrary treatment by employers.² The recognition of freedom of association has evolved over time from a mere civil liberty into a universally accepted labour right. The emergence of organized labour movements during the industrial revolution highlighted the need for legal mechanisms through which workers could collectively address issues relating to wages, working conditions, and job security.³ Consequently, international organizations and national governments began to develop legal frameworks aimed at protecting workers' rights to organize and participate in trade union activities without fear of victimization or interference.

At the international level, the International Labour Organization (ILO) has played a central role in promoting freedom of association as a cornerstone of labour rights. Since its establishment in 1919, the ILO has consistently emphasized that lasting peace and social progress can only be achieved where workers are guaranteed the freedom to organize and collectively pursue their interests.⁴ This commitment is reflected in several international labour instruments, particularly the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). These conventions establish minimum standards for protecting workers and employers against interference in the formation, administration, and activities of their organizations.⁵

Beyond the ILO framework, freedom of association has also received recognition under various international and regional human rights instruments. The right is acknowledged as a fundamental human right because of its significance in promoting participation, equality, and social dialogue within the workplace.⁶ Consequently, states are expected to adopt legislative and administrative measures capable of guaranteeing the effective exercise of trade union rights. In Nigeria, freedom of association enjoys constitutional recognition as a fundamental right. The Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees the right of every person to assemble freely and associate with others, including the right to form or belong to trade unions for the protection of his interests.⁷ This constitutional guarantee is complemented by statutory provisions contained in labour legislation regulating trade unions, collective bargaining, and industrial relations. The legal framework governing trade union activities in Nigeria has undergone significant developments over the years in response to changing economic conditions, labour market realities, and international obligations.

² P L Wallis, 'The Protection of Job Security: The Case for Property Rights in One's Job' [1992] (7) (4) *Otago Law Review*, 641.

³ O V C Okene, 'Internationalisation of Nigerian Labour Law: Recent Developments in Freedom of Association' [2008] (7) *University of Botswana Law Journal*, 93-126.

⁴ F Maupain, *The Future of the International Labour Organization in the Global Economy* (Hart Publishing 2013) 47.

⁵ B Aturu, *The Nigerian Labour Laws: Principles, Cases, Commentaries and Materials* (Lagos: Frankad Publishers 2005)

⁶ J G Getman and F R Marshall, 'The continuing Assault on the Right to strike' [2000-2001] (12) *Texas Law Review*, 703.

⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 40.



Despite these legal protections, the practical realization of freedom of association and trade union rights in Nigeria continues to face numerous challenges. Issues such as restrictions on trade union registration, governmental intervention in union affairs, employer hostility towards unionization, and limitations on the exercise of the right to strike have generated debates regarding the extent to which Nigerian labour laws conform to international labour standards.⁸ In some instances, workers have encountered obstacles in exercising their rights to organize and participate in union activities, particularly within sectors characterized by precarious employment arrangements.⁹

Against this background, this article examines the concept of freedom of association and the right to trade union activities through the lens of international labour standards and Nigerian labour laws. It evaluates the extent of compliance of Nigerian labour legislation with international obligations and identifies areas requiring reform to ensure the effective protection of workers' rights in contemporary labour relations.¹⁰

2. INTERNATIONAL LABOUR STANDARDS ON FREEDOM OF ASSOCIATION AND TRADE UNION RIGHTS

Freedom of association and the right to engage in trade union activities occupy a central position within the international labour rights framework. These rights are widely regarded as indispensable for the protection of workers' interests and the promotion of social justice in employment relations. International labour standards recognize that workers and employers should be free to establish and join organizations of their own choosing without interference from public authorities or private actors. The effective enjoyment of these rights facilitates collective bargaining, promotes industrial democracy, and contributes to the maintenance of stable labour relations.¹¹

The International Labour Organization (ILO) has been the principal institution responsible for the development and promotion of international labour standards relating to freedom of association. Since its inception in 1919, the ILO has consistently maintained that freedom of association constitutes a fundamental principle underpinning decent work and social dialogue.¹² This commitment was reaffirmed in the ILO Declaration on Fundamental Principles and Rights at Work, which identifies freedom of association and the effective recognition of the right to collective bargaining as core labour rights binding on all member states regardless of ratification status.¹³

The most important international instruments governing freedom of association are the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). Convention No. 87 guarantees the

⁸ O V C Okene, *Nigerian Labour Law: The Law of Work* (1st edn, Pearl Publishers 2011) 301.

⁹ C A Ogbu, *Human Rights Law and Practice in Nigeria* (Anikon AI Centre Ltd 2013) 417.

¹⁰ Trade Unions Act, Cap T14, Laws of the Federation of Nigeria 2004, s 1–24.

¹¹ C Fenwick and T Novitz (eds), *Human Rights at Work: Perspectives on Law and Regulation* (Hart Publishing 2010) 43.

¹² S Deakin and G S Morris, *Labour Law* (6th edn, Hart Publishing 2012) 715.

¹³ International Labour Organization, *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up* (ILO 1998).



right of workers and employers to establish and join organizations of their own choosing without prior authorization.¹⁴ It further protects such organizations from dissolution or suspension by administrative authorities and affirms their autonomy in determining their constitutions, rules, and activities. Convention No. 98 complements these protections by prohibiting anti-union discrimination and safeguarding workers against acts designed to undermine their freedom to organize.¹⁵ It also encourages voluntary collective bargaining as a means of regulating employment relations.

Beyond these conventions, the ILO supervisory system has played a significant role in clarifying the scope and content of freedom of association. Through the decisions of the Committee on Freedom of Association and observations of the Committee of Experts on the Application of Conventions and Recommendations, important principles have emerged concerning trade union independence, collective bargaining, industrial action, and protection against victimization.¹⁶ These supervisory bodies have consistently emphasized that restrictions on trade union activities must be narrowly construed and justified only by compelling public interests. Freedom of association is also recognized within the broader international human rights framework. The Universal Declaration of Human Rights affirms the right of every person to form and join trade unions for the protection of his interests.¹⁷ Similarly, the International Covenant on Civil and Political Rights guarantees the right to freedom of association, including the right to form and join trade unions, subject only to restrictions prescribed by law and necessary in a democratic society.¹⁸ The International Covenant on Economic, Social and Cultural Rights further recognizes the right of trade unions to function freely and the right to strike, provided it is exercised in accordance with national laws.¹⁹

At the regional level, labour rights have received substantial protection through human rights instruments. The African Charter on Human and Peoples' Rights recognizes the right of every individual to freely associate with others subject only to restrictions provided by law.²⁰ This provision has strengthened the legal basis for the protection of trade union rights within African states and has influenced domestic labour law reforms across the continent.

The cumulative effect of these international standards is the establishment of a comprehensive framework aimed at ensuring that workers can organize collectively, participate in trade union activities, and bargain effectively with employers. These standards serve as benchmarks against

¹⁴ International Labour Organization Convention No 87 concerning Freedom of Association and Protection of the Right to Organise 1948, arts 2-3.

¹⁵ International Labour Organization Convention No 98 concerning the Right to Organise and Collective Bargaining 1949, arts 1-4.

¹⁶ B Gernigon, A Odero and H Guido, *ILO Principles Concerning the Right to Strike* (International Labour Office 2000) 9.

¹⁷ Universal Declaration of Human Rights 1948, art 23(4).

¹⁸ International Covenant on Civil and Political Rights 1966, art 22.

¹⁹ International Covenant on Economic, Social and Cultural Rights 1966, art 8.

²⁰ African Charter on Human and Peoples' Rights 1981, art 10.



which national labour laws are measured and provide guidance for legislative and institutional reforms designed to enhance the protection of workers' rights.²¹

3. TRADE UNION FORMATION AND REGISTRATION UNDER NIGERIAN LABOUR LAWS

The formation and registration of trade unions in Nigeria are governed primarily by statutory provisions that regulate how workers may organize themselves for the protection of their interests. Trade union formation is not left entirely to informal association; rather, it is subject to a legal framework designed to ensure orderliness in industrial relations and prevent the proliferation of unregulated unions. This regulatory approach reflects the state's interest in balancing workers' freedom of association with the need to maintain stability in the labour market.²²

Under Nigerian law, the process of forming a trade union begins with the voluntary association of workers or employers who share common occupational or industrial interests. However, such association does not acquire legal recognition until it is registered in accordance with the prescribed statutory procedure. Registration confers legal personality on the union, enabling it to sue and be sued, own property, and engage in collective bargaining on behalf of its members.²³ Without registration, a trade union lacks legal capacity and cannot fully participate in formal industrial relations processes.

The Registrar of Trade Unions plays a central role in the registration process. Applications for registration must comply with statutory requirements, including the submission of prescribed documents, rules of the union, and evidence of compliance with membership thresholds and occupational alignment.²⁴ The Registrar is empowered to approve or refuse registration based on compliance with the law, although such discretion is subject to judicial review to prevent arbitrary decisions.

One of the key regulatory features of Nigerian labour law is the system of trade union classification. The law groups trade unions into categories based on industries or occupations, thereby limiting the formation of multiple unions within the same sector.²⁵ This "check-off system" and the principle of exclusive jurisdiction are intended to reduce rivalry among unions and promote organized collective bargaining structures. However, critics argue that this arrangement may restrict workers' freedom to choose unions that best represent their interests. The Trade Unions Act also provides for the compulsory recognition of registered trade unions by employers. Once a union is duly

²¹ O V C Okene, 'Current Issues and Developments in Workers Freedom of Association in Nigeria' [2007] (5) (1) *Journal of Commonwealth Law and Legal Education*, 49-68.

²² T M Fapohunda, 'Employment Casualisation and Degradation of Work in Nigeria' [2012] (3)(9) *International Journal of Business and Social Science*, 18-29.

²³ Trade Unions Act, Cap T14, LFN 2004, s 2.

²⁴ A A Adeogun and E O Akinola, *Labour Law in Nigeria* (University of Lagos Press 2007) 188.

²⁵ Trade Unions (Amendment) Act 2005, s 3.



registered and meets statutory requirements, employers are obligated to recognize and engage with it for collective bargaining purposes.²⁶ This recognition is essential for the effectiveness of trade union activities, as it gives legal backing to negotiations over wages, working conditions, and other employment matters.

Despite these provisions, the process of trade union formation and registration in Nigeria has not been without controversy. Issues such as state control over union registration, delays in approval processes, and restrictions on the formation of new unions have raised concerns about the extent of compliance with international labour standards.²⁷ These challenges often affect the ability of workers to freely organize and choose their representative bodies. Judicial interpretation has also played an important role in shaping the registration framework. Courts in Nigeria have on several occasions addressed disputes relating to the refusal of registration or conflicts between competing unions, emphasizing that administrative discretion must be exercised in accordance with the law and constitutional guarantees of association.²⁸ This judicial oversight provides an additional layer of protection for workers' rights. Overall, while Nigerian labour laws provide a structured framework for trade union formation and registration, the effectiveness of this system depends on how fairly and transparently the regulatory powers are exercised. Ensuring that registration processes are not used to unduly restrict union activity remains central to the protection of freedom of association in practice.²⁹

4. COLLECTIVE BARGAINING AND WORKERS' PARTICIPATION IN INDUSTRIAL RELATIONS

Collective bargaining is a central mechanism in industrial relations through which employers and workers, usually represented by trade unions, negotiate terms and conditions of employment. It is widely recognized as an essential process for achieving industrial peace, improving working conditions, and promoting equitable labour relations. In Nigeria, collective bargaining operates as a structured dialogue between employers and registered trade unions, aimed at reaching mutually acceptable agreements on wages, benefits, and workplace standards.³⁰ Its effectiveness depends largely on the strength of trade unions, the willingness of employers to negotiate in good faith, and the regulatory framework supporting industrial relations.

Workers' participation in industrial relations extends beyond collective bargaining to include involvement in decision-making processes within the workplace. This participation may take various forms, including consultation, joint negotiation committees, and representation in

²⁶ O O Odusote, *Principles of Nigerian Labour and Employment Law* (Malthouse Press 2019) 143.

²⁷ International Labour Organization, *Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee* (6th edn, ILO 2018) 308.

²⁸ *National Union of Road Transport Workers v Road Transport Employers Association of Nigeria* (2011) 18 NWLR (Pt 1279) 74.

²⁹ C K Agomo, *Nigerian Employment and Labour Relations Law and Practice* (Concept Publications 2016) 301.

³⁰ E E Okafor, 'Nonstandard Employment Relations and Implications for Decent Work Deficits in Nigeria' [2012] (6)(3) *African Research Review*, 93.



workplace governance structures. The underlying objective is to ensure that employees have a voice in matters affecting their employment and working environment.³¹ Such participation contributes to improved productivity, reduced workplace conflicts, and enhanced trust between management and employees.

In Nigeria, collective bargaining is closely linked with the principle of freedom of association, which allows workers to organize and engage employers through recognized unions. Once a union is duly registered, it acquires the legal authority to negotiate collective agreements on behalf of its members.³² These agreements, often referred to as collective agreements, are intended to regulate employment relationships and establish binding or persuasive terms depending on their incorporation into individual contracts of employment. Despite its importance, the practice of collective bargaining in Nigeria faces several challenges. One major issue is the imbalance of power between employers and employees, particularly in sectors where union density is low or where casual and contract labour is prevalent.³³ In such situations, workers may lack effective representation, thereby weakening the bargaining process. Additionally, economic instability and inflation often complicate negotiations, as employers may resist wage adjustments due to financial constraints.

Another challenge relates to the legal status and enforceability of collective agreements. In many jurisdictions, including Nigeria, collective agreements do not automatically acquire the force of law unless incorporated into individual employment contracts. This limits their enforceability and may reduce compliance by employers, particularly where sanctions for breach are weak or unclear. Consequently, disputes may arise regarding the binding nature of negotiated terms. Workers' participation in industrial relations is also influenced by institutional frameworks such as wage boards, industrial councils, and tripartite bodies involving government, employers, and labour representatives. These institutions provide platforms for dialogue and policy formulation on labour matters.³⁴ However, the effectiveness of such structures often depends on the level of commitment by stakeholders and the degree of independence enjoyed by worker representatives.

Furthermore, globalization and changing labour market conditions have impacted collective bargaining processes. The rise of non-standard forms of employment, outsourcing, and gig work has created new challenges for traditional union structures, making it more difficult to achieve broad-based worker representation.³⁵ These developments have necessitated reforms aimed at expanding the scope of collective bargaining to cover emerging categories of workers. Ultimately,

³¹ B Hepple, *Labour Laws and Global Trade* (Hart Publishing 2005) 93.

³² O V C Okene, 'Internationalisation of Nigerian Labour Law: Recent Developments in Freedom of Association' [2008] (7) *University of Botswana Law Journal*, 93-126.

³³ P O Kalejaiye, 'The Rise of Casual Work in Nigeria: Who Loses, Who Benefits?' [2014] (8) (1) *African Research Review*, 156.

³⁴ O W Onemola, 'Employment Casualisation and Workplace Violation as in Nigeria' (2012) <<http://venturesafrica.com/employment-casualization-and-workplace-violations-in-nigeria/>> accessed 04 June 2026.

³⁵ G Davidov, *A Purposive Approach to Labour Law* (Oxford University Press 2016) 198.



collective bargaining and workers' participation remain vital components of industrial relations, contributing to fairness, stability, and productivity in the workplace. Strengthening these mechanisms requires not only legal protection but also institutional support, social dialogue, and respect for the autonomy of trade unions in representing workers' interests.³⁶

5. RESTRICTIONS ON TRADE UNION ACTIVITIES AND THE RIGHT TO STRIKE IN NIGERIA

Although freedom of association and trade union activities are recognized under Nigerian law, these rights are not absolute. The legal framework governing industrial relations imposes several restrictions on trade union operations and the exercise of the right to strike, largely in the interest of public order, economic stability, and essential service delivery. These restrictions reflect the state's attempt to balance workers' rights with broader societal needs, particularly in sectors considered vital to national security and public welfare.³⁷

One of the most significant limitations on trade union activities relates to the regulation of strikes. Nigerian labour law provides that strikes must follow prescribed procedures before they are deemed lawful. Trade unions are generally required to issue prior notice, engage in negotiations, and explore dispute resolution mechanisms before resorting to industrial action.³⁸ Failure to comply with these statutory requirements may render a strike illegal, exposing workers and unions to sanctions. This procedural framework is intended to encourage dialogue and minimize disruption to economic activities. Certain categories of workers are also restricted from engaging in strike actions. Employees in essential services, such as health, security, and public utilities, are subject to stricter controls due to the potential consequences of work stoppages on public welfare.³⁹ In some cases, the law permits the government to intervene by referring disputes to compulsory arbitration or by declaring industrial actions unlawful where they threaten national interest. Another major restriction concerns the recognition and registration of trade unions. The state retains significant regulatory authority over the formation and classification of unions, which can limit the ability of workers to freely choose or establish unions of their preference.⁴⁰ This centralized control is often justified on the grounds of preventing union fragmentation and ensuring orderly industrial relations, but it has raised concerns regarding conformity with international labour standards.

Judicial intervention also plays an important role in regulating trade union activities and strikes. Courts in Nigeria have, on several occasions, issued injunctions restraining strikes deemed

³⁶ A O Adewusi, 'Remuneration of Casual Workers in Selected foreign-owned Manufacturing Industries in Southwest Nigeria' [2015] (7) (22) *European Journal of Business and Management*, 184-192.

³⁷ E E Okafor, 'Globalizations, Casualization and Capitalist Business Ethics: A Critical Overview of Situation in the Oil and Gas Sector in Nigeria' [2007] (15) *Journal of Social Science*, 169-179.

³⁸ Trade Disputes Act, Cap T8, Laws of the Federation of Nigeria 2004, s 4.

³⁹ T M Fapohunda, 'Employment Casualisation and Degradation of Work in Nigeria' [2012] (3)(9) *International Journal of Business and Social Science*, 28.

⁴⁰ E A Kenen, 'Trade Union Laws and Labour Relations in Nigeria: A Critical Examination' [2019] (10) *Benue State University Law Journal*, 90.



unlawful or inconsistent with statutory procedures.⁴¹ While such judicial actions are aimed at maintaining industrial peace, they sometimes generate debate regarding the extent to which courts should intervene in labour disputes.

In addition, public policy considerations significantly influence restrictions on trade union activities. Governments may impose limitations on strikes during periods of national emergency or economic crisis.⁴² Such measures are often justified on the basis of protecting essential services and maintaining social order, but they may also be perceived as infringing on workers' collective rights. The enforcement of these restrictions is supported by statutory penalties, including fines and other sanctions against unions or individuals who participate in illegal strikes.⁴³ These enforcement mechanisms are intended to deter unlawful industrial actions but may also discourage legitimate collective bargaining activities when applied excessively or inconsistently.

Furthermore, international labour standards recognize that while the right to strike is an essential component of freedom of association, it may be subject to certain limitations provided they are reasonable and proportionate.⁴⁴ The challenge in Nigeria lies in ensuring that domestic restrictions do not undermine the substance of this right or conflict with international obligations. While restrictions on trade union activities and the right to strike are intended to maintain industrial harmony, their application must be carefully balanced to avoid excessive interference with legitimate labour rights and collective bargaining processes.

6. COMPLIANCE OF NIGERIAN LABOUR LAWS WITH INTERNATIONAL LABOUR STANDARDS

The relationship between Nigerian labour laws and international labour standards reflects a continuous effort to align domestic legal frameworks with globally accepted principles on freedom of association and trade union rights. Nigeria, as a member of the International Labour Organization (ILO), has undertaken obligations to promote and respect fundamental labour rights, including the right of workers and employers to organize and engage in collective bargaining. However, the extent of compliance remains a subject of academic and policy debate, particularly in relation to the practical enforcement of these rights within the domestic legal system.⁴⁵

A key indicator of compliance is Nigeria's ratification of several ILO conventions, especially those relating to freedom of association and collective bargaining. These instruments establish minimum standards requiring states to ensure that workers can form and join trade unions without undue

⁴¹ *Akapo v Hakeem-Habeeb* (1992) 6 NWLR (Pt 247) 266.

⁴² P O Kalejaiye, 'The Rise of Casual Work in Nigeria: Who Loses, Who Benefits?' [2014] (8) (1) *African Research Review*, 156

⁴³ Trade Unions Act, Cap T14 LFN 2004, s 54.

⁴⁴ International Labour Organization, *Freedom of Association: Compilation of Decisions* (6th edn, ILO 2018) para 564.

⁴⁵ E E Uvieghara, *Labour Law in Nigeria* (Malthouse Press Ltd, 2007) 1.



interference and that trade unions operate independently.⁴⁶ While Nigeria has formally adopted these international obligations, the translation of these standards into effective domestic practice has been uneven, largely due to statutory restrictions and administrative controls embedded in labour legislation.

One area of partial compliance is the constitutional recognition of freedom of association. The Nigerian Constitution guarantees the right of every person to assemble and associate freely, including for trade union purposes.⁴⁷ This provision aligns with international labour standards, which emphasize the protection of workers' organizational rights. However, constitutional guarantees alone are insufficient without robust implementing legislation and consistent judicial enforcement. In practice, Nigerian labour laws impose several regulatory constraints on trade union formation, registration, and operation, which may not fully align with the flexibility required under international standards. For instance, the state's control over union classification and registration procedures has been criticized for limiting workers' freedom of choice in union representation.⁴⁸ Such restrictions may conflict with the ILO principle that workers should be free to determine their own representative organizations without prior authorization or undue interference.

Another area of concern relates to the regulation of strikes and industrial action. International labour standards recognize the right to strike as an essential component of freedom of association, subject only to narrowly defined limitations.⁴⁹ In Nigeria, however, statutory provisions impose procedural and substantive restrictions on strike actions, including mandatory dispute resolution processes and limitations on essential service workers. While these measures are intended to maintain industrial peace, they sometimes extend beyond what is considered permissible under international labour norms.

Judicial interpretation in Nigeria has also influenced the degree of compliance with international standards. Courts have occasionally relied on international labour principles to interpret domestic labour legislation in a manner consistent with global norms.⁵⁰ Nevertheless, the incorporation of international standards into domestic adjudication remains inconsistent, and in many cases, courts prioritize statutory provisions over international obligations where conflicts arise.

Institutional enforcement mechanisms further affect compliance levels. Weak labour inspection systems, limited regulatory capacity, and insufficient enforcement of labour rights contribute to

⁴⁶ O F Odeku and K O Odeku, 'In Pursuit of the Employees' Welfare in the Workplace: Issues in Perspective' [2014] (5)(15) *Mediterranean Journal of Social Sciences*, 652.

⁴⁷ O F Odeku and K O Odeku, 'In Pursuit of the Employees' Welfare in the Workplace: Issues in Perspective' [2014] (5)(15) *Mediterranean Journal of Social Sciences*, 652.

⁴⁸ C I Okereke and A Daniel, 'Staff Welfare and Productivity in Patani Local Government Council, Delta State Nigeria' [2010] (2)(12) *Journal of Economics and International Finance*, 313-321.

⁴⁹ A Olatubosun, 'Safety of Oil and Gas Workers in Nigeria- Fiction or Reality?' [2000] (5) (1) *Modern Practice Journal of Finance and Investment Law*, 72.

⁵⁰ P L Bayo, 'The Negative Effects of Labour Casualization in Nigeria: A Conceptual Review' [2019] (7)(2) *International Journal of Innovative Social Sciences & Humanities Research*, 69-82.



gaps between legal provisions and actual workplace realities.⁵¹ These structural challenges reduce the effectiveness of international labour standards within the Nigerian context, despite formal recognition of such norms.

Moreover, globalization and evolving labour market dynamics have placed additional pressure on Nigeria's compliance framework. The rise of informal employment, contract labour, and non-standard work arrangements has created gaps in legal coverage, making it difficult to fully implement international labour protections across all categories of workers.⁵² This development highlights the need for continuous legal reform to address emerging forms of employment. While Nigerian labour laws demonstrate a significant degree of formal alignment with international labour standards, especially at the constitutional and legislative levels, practical compliance remains limited. Strengthening enforcement mechanisms, reducing restrictive provisions, and enhancing institutional capacity are essential steps toward achieving full conformity with international labour obligations.

7. CONCLUSION

Freedom of association and the right to trade union activities remain central pillars of modern labour relations and democratic industrial governance. Their recognition under international labour standards underscores the importance of collective organization as a means through which workers can effectively protect and advance their interests. Within this framework, the International Labour Organization has consistently emphasized that genuine labour justice depends on the ability of workers and employers to freely associate, bargain collectively, and participate in shaping conditions of work without undue interference. In Nigeria, the legal framework provides a formal basis for the protection of trade union rights through constitutional guarantees and statutory provisions. These legal instruments reflect an intention to align domestic labour regulation with international obligations. However, the practical realization of these rights continues to face significant constraints arising from regulatory controls, administrative discretion, and restrictive labour practices. As a result, a gap persists between the normative framework and actual labour relations in practice.

The regulation of trade union formation, registration, collective bargaining, and industrial action demonstrates a dual objective: promoting orderly industrial relations while maintaining state oversight over labour activities. While this approach is designed to ensure stability in the labour market, it has also generated concerns regarding excessive restrictions on union autonomy and the effective enjoyment of the right to strike. These challenges are further compounded by enforcement deficiencies and limited institutional capacity. Comparatively, international labour standards

⁵¹ Y D Agber, 'Outsourcing, Contracting-Out and Labour Hire: Implications for Human Resources Development in Australia Organizations' [2021] (3)(2) *Asia Pacific Journal of Human Resources*, 234-41.

⁵² A Emiola, *Nigerian Labour Law* (4th edn, Emiola Publishers Ltd 2008) 252.



provide a broader and more flexible framework that prioritizes worker autonomy and protection against interference. The extent to which Nigerian labour laws comply with these standards remains mixed, with notable alignment at the constitutional level but inconsistencies in implementation and practice. Strengthening compliance therefore requires not only legislative reform but also improved institutional enforcement and judicial willingness to apply international principles where appropriate.

The effectiveness of freedom of association and trade union rights in Nigeria depends on achieving a careful balance between regulation and autonomy. A labour system that respects international standards while addressing domestic realities will enhance industrial peace, promote fair labour practices, and contribute to broader socio-economic development. Sustained reforms, stronger enforcement mechanisms, and greater respect for collective labour rights are essential for bridging the existing gap between law and practice.

8. RECOMMENDATIONS

1. **Strengthen Legal and Constitutional Protection of Trade Union Rights:** The Nigerian government should strengthen the enforcement of constitutional and statutory guarantees on freedom of association by ensuring full compliance with international labour standards, particularly International Labour Organization (ILO) Conventions Nos. 87 and 98.
2. **Review and Reform Labour Legislation:** Existing labour laws should be reviewed and amended to remove provisions that unduly restrict workers' rights to organize, engage in collective bargaining, and participate in lawful trade union activities, while ensuring effective judicial remedies for violations of these rights.
3. **Promote Respect for Workers' Rights and Good Industrial Relations:** Employers in both the public and private sectors should respect employees' rights to join and participate in trade unions without intimidation, discrimination, or victimization, while trade unions should uphold internal democracy, accountability, and responsible leadership.
4. **Enhance Labour Rights Education and Awareness:** Government agencies, employers' associations, and trade unions should organize regular training and public awareness programmes to educate employers and workers on their rights and obligations under Nigerian labour laws and international labour standards, thereby promoting industrial harmony, social justice, and sustainable economic development.