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COVID-19 pandemic, a war to win: assessing its impact on the domestic work sector in Nigeria

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ABSTRACT

This article examines the effects of the COVID-19 pandemic on the work conditions of domestic workers in Nigeria. We use four indicators – earnings, access to social protection, working conditions and labour protections to provide a nuanced assessment on the impact of the pandemic on domestic workers. Domestic work is an important aspect of productive labour and an indispensable factor that contributes to the well-being of households and the economy. Indeed, the enormous contribution of this sector to societies has been further exposed by the COVID-19 pandemic. However, while domestic workers are lauded as essential workers, their work remains extremely vulnerable to exploitation and human rights violations, and the pandemic has aggravated this situation. In the results, we find that while many domestic workers did not lose their jobs, their earning power dropped because of low wages in the sector. Furthermore, only 6% of survey respondents reported having access to the government's social protection measures. The findings of this study emphasises the need for the development of a regulatory model which considers the realities of the domestic work sector. Data used in this article draws from questionnaires administered on 220 domestic workers across four geo-political zones of Nigeria.

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Introduction

More than half of the global workforce is estimated to be in the informal economy. However, informal employment is more concentrated in certain sectors. According to the International Labour Organisation (ILO), 81.2% of the estimated 75.6 million domestic workers in the world are in informal employment, making the domestic work sector one of the largest in the informal economy (ILO 2021b). Compared to other forms of work, domestic work is unique in the following ways: it is mostly carried out by women and children – mainly girl children; private households are the workplaces and the relationship between a domestic worker and an employer is personalised. Given this uniqueness, domestic work is often exploitative. Furthermore, due to the high levels of informality in

this sector, its workers mostly experience indecent working conditions. Domestic workers tend to have extremely long and unstructured hours, low wages, little or no access to social protection, lack of labour law protection, among others.

The advent of the COVID-19 pandemic has exacerbated these pre-existing decent work deficits in the domestic work sector, particularly in developing countries. According to estimates by the International Labour Organisation, about 72.3% of domestic workers were impacted significantly by the pandemic in 2020 (ILO 2020c). These consequences were in the form of reduction in working hours, loss of jobs, increased workload, and redundancy among others. For many domestic workers, particularly those in developing countries, there were limited or no social safety nets to cushion the effects of the pandemic.

This study draws on a survey of domestic workers who fall within the definition of Article 1 of Domestic Workers Convention (2011) (No. 189) – hereafter called Convention 189. The survey examined the impacts of the COVID-19 pandemic on domestic workers in Nigeria. This study focused on four indicators – earnings, access to social protection, working conditions and labour protections. The indicators were used to provide a nuanced assessment on the impact of the pandemic on domestic workers. Findings show that the pandemic exacerbated pre-existing indecent work conditions in the domestic work sector. Research on the impact of the pandemic is particularly relevant given persistent informality and high levels of poverty in the country. Before the pandemic, 40% of Nigerians lived below the international poverty line of \$1.90 per person per day (National Bureau of Statistics 2019a; World Bank 2021c). A further 32% of Nigerians were stated to be vulnerable to falling into extreme poverty in the event of socio-economic shocks (World Bank 2021c). Indeed, Nigeria is infamously recognised as the poverty capital of the world (World Poverty Clock, 2019). Given that domestic workers are among the most vulnerable group of workers and likely to be from poor households, it is important to assess the specific economic and social implications of the COVID-19 pandemic on them.

There have been studies on the effect of the pandemic on the Nigerian society. For example, a National Longitudinal survey monitored the socio-economic effects of the pandemic including access to basic services, housing, employment, food security, among others (National Bureau of Statistics 2020; World Bank 2021a; 2021b).¹ This study complements that work by focusing specifically on the implications of COVID-19 in the domestic work sector and shows how the impacts further aggravate inequality in the labour market. The results presented in this study are useful to inform pandemic mitigation policy and the development of adequate labour law protections for domestic workers. Furthermore, given the feminisation of the domestic work sector, this study is relevant for the development of policy to facilitate gender equality.

Domestic work in Nigeria: context and regulatory constraints

The ILO's Domestic Workers Convention (2011) (NO. 189) defines domestic work as 'work performed in or for a household or households' and a domestic worker as 'any person engaged in domestic work within an employment relationship'. Domestic work may include tasks such as cleaning the house, guarding the house, cooking, washing, and ironing clothes, taking care of children/elderly or sick members of a family, driving

for the family, going to the market, gardening, taking care of household pets, among others. Being employed in or by a household is the most critical feature of domestic work.

Nigeria does not have any statutory definition of domestic work/domestic worker, and this creates legal uncertainty. Consequently, this study adopts the ILO's definition of domestic work/domestic worker. However, given the peculiarity of the Nigerian context and to ensure clarity, it is imperative to delineate the application of the above definitions to the context of this article. In accordance with ILO guidelines, various elements were relied on (ILO, 2012; 2016). These are:

- (a) the location of the workplace is a private home, at least until recently.
- (b) The work performed is done in service of the household. This covers activities beyond the home which is done in service of the household. For example, driving the family.
- (c) The type of work performed must be done on a regular basis and in a continuous manner. d) The work performed does not generate direct profits for the home. For this element, a degree of flexibility is necessary because in Nigeria some domestic workers work both in the homes of their employers and in a business, mostly informal enterprises, controlled by the employer (Osita, 2009). This practice is not peculiar to only Nigeria (Ramirez-Machado 2003).
- (d) The work is performed in exchange for remuneration either in cash or kind. Given the overlap of domestic work with familiar relationships, remuneration for many workers is usually in kind. According to Akinrimisi (2002), some domestic workers in Nigeria have their education sponsored or undergo some form of vocational training in exchange for the domestic work they perform.
- (e) The employer must be a private individual.
- (f) Elements to determine whether it is an employment relationship. A peculiar characteristic of domestic work is that it tends to be perceived as something other than 'work'. Besides the legacy of colonial and ideological undertones, this perception has persisted in Nigeria because of the home as the workplace of domestic workers and the cultural context of the country. The culture of mutual assistance and interdependence between friends, relatives and members of the same community is used as a means to get domestic workers from disadvantaged socio-economic backgrounds (Osiki 2022; WHO, 2011; Osita, 2009). Consequently, many households in Nigeria tend to characterise these workers as being family (WHO, 2011; Osita 2009; Olayiwola 2021). As highlighted later in this article, this was also obvious as many participants in this study identified as family members. However, these norms and perceptions, disguises the existence of an employment relationship, in favour of a form of paternalism which is used to justify the exploitative working conditions of many domestic workers (Olayiwola 2019). Nonetheless, some indicators provided in Employment Relationship Recommendation, 2006 (No. 198) were applied to determine the existence of the employment relationship. Besides the elements discussed above, these include the employer's power to give directives to the domestic worker, control and monitor how the domestic work is performed and the power to discipline the worker for non-compliance with the task given (Recommendation 198).

Domestic work is a source of employment for an estimated 75.6 million people (not including child domestic workers), and this number is steadily increasing globally (ILO 2021b). A unique characteristic of the domestic work sector is its highly feminised nature. According to the ILO, about 80% of all domestic workers are women (ILO 2021e). Within the specific context of Nigeria, there is no national survey on the size of the domestic work sector. However, there are helpful indicators. In 2016, the ILO estimated that there were 313 042 domestic workers in Nigeria, comprising 205 278 women and 107 764 men (ILO 2021b). This is in tandem with recent research which suggests that domestic workers in Nigeria are predominately women. Furthermore, a 2017 survey suggested that unpaid house workers accounted for about 7.17% of the 69.09 million Nigerians employed in the labour market (National Bureau of Statistics 2018). However, this survey did not consider paid domestic workers thereby making it a gross underestimation of domestic workers in Nigeria. Similarly, a 2018 ILO study estimated that 93% of all employment in Nigeria is informal, with 95% of women working in the informal economy compared to 90% of men (ILO 2018b). This suggests that domestic work is mostly informal in the country. Nonetheless, the lack of accurate official statistics reflects the invisibility of domestic workers in the Nigerian labour force.

Domestic work in Nigeria has several features which sets it apart from other forms of work. First, domestic work is performed in private homes, making the relationship between domestic workers and their employers personalised. As a result, this employment relationship is highly unequal and domestic work is often exploitative. This is worsened by the low education levels and disadvantaged socio-economic backgrounds of many domestic workers (Osiki 2022). Secondly, domestic work is patterned along ethnic lines. For example, domestic workers from South-West Nigeria are reserved for 'respected' positions such as drivers or housekeepers, while workers from Cross River/Akwa Ibom states are relegated to cooking and laundering (Nesbitt-Ahmed 2016). This contributes to hierarchy within the domestic work sector, and in some cases is used to perpetuate abuse against these workers. Thirdly, domestic work tends to be undervalued. This is because domestic work in many instances is similar to chores which women and children have historically performed in homes without pay (Anderson 2001). For example, in Nigeria domestic work is seen as a woman's unpaid duty in marriage. Fourthly, domestic is not recognised as a form of economic activity. In surveys of economic activities in Nigeria – to calculate the country's GDP, which include some informal sectors, the domestic work sector is not captured. This highlights the lack of official recognition of domestic work, making it difficult for the socio-economic value of this form of work to be adequately recognised by the government and society (ILO 2011b) Fifthly, domestic work is mostly informal. As a result, domestic workers lack appropriate legal protection. Finally, the working conditions in the domestic work sector are poor. In the worst cases, domestic work has been argued to amount to servitude rather than employment, and this is facilitated by the Nigeria's inappropriate regulatory framework and social norms.

The domestic work sector in Nigeria is regulated by various laws in the country. The primary legislation that regulates domestic work is the Labour Act, 2004. However, its discriminatory and inappropriate provisions means that this category of workers have limited legal protection. The scope of this Act is provided in section 91, and it is applicable to employees who fall within the definition of workers. This section defines a worker to mean anyone 'who has entered into or works with an employer whether the contract is for

manual labour or clerical work or is expressed or implied or oral or written and whether it is a contract of service or a contract personally to execute any work or labour ...'. While this law appears inclusive, section 65 of the Act grants the Minister of Employment, Labour, and Productivity the power to make regulations on the working conditions of domestic workers. This power has not been exercised since the enactment of the Labour Act. However, these two provisions raise uncertainties as to whether the working conditions of domestic workers are regulated under the general provisions of the Labour Act or in terms of section 65.

Similarly, section 91 uses the phrase 'domestic servant' in references to workers in the domestic work sector rather than 'domestic worker' as used in international labour standards.² This derogatory phrase perpetuates the stereotype that domestic work is not 'work' and implies servitude. In addition, section 7 of the Act requires that every worker must be given a written employment contract not later than three months after the resumption of work. However, there are some potential challenges for the application of this section in the domestic work sector. First, while the definition of a 'worker' includes someone who has entered into a contract of service, it excludes persons 'employed otherwise than for the purposes of the employer's business'. This raises the question of whether a domestic worker can be considered to be employed for purposes of the employer's business given the personalised nature of their services and private homes as their workplace. Secondly, the allowance of three months after the start of employment for the provision of contract leaves domestic workers vulnerable and without protection. For this reason, the propensity for informal work arrangements in employment relations is high.

Besides the above, domestic workers are not granted maternity protection in the Labour Act. Section 54 of the Act explicitly excludes domestic workers as their work do not fall into public or private industrial or commercial undertakings or agriculture. This is a significant challenge for the highly feminised domestic sector.

Other general legislation which should be applicable to the domestic work are the National Health Insurance Scheme Act (1999), the Employee's Compensation Act, 2010 – which addresses the provision of compensation to employees who suffer injuries, diseases or death during their employment; Trade Unions Act 17 of 2005; National Minimum Wage Act, 2019, covering the payment of national minimum wage to all workers, and Pension Reform Act 4 of 2014 – establish standards for the administration and payment of retirement benefits. However, enforcement and compliance with statutes remain a major challenge in the domestic work sector. The primary means to facilitate enforcement and compliance with labour regulation is labour inspection. Yet, labour inspection is largely neglected by the Nigerian government (Fajana and Ilesanmi 2021; Adedeji, Aiyeola & Nwosu. 2016) Together with the isolated nature of domestic work, this makes it easy for employers to avoid their legal obligations and facilitate informality in the domestic work sector. Furthermore, despite the existence of laws providing for various forms of social protection, access to benefits is based on contribution which is difficult to implement in the domestic work sector (ILO 2018a).³

There are also regulatory gaps in terms of payment of national minimum wage to domestic workers, protection against violence in the workplace, regulation of working conditions, among others. Furthermore, Nigeria is yet to ratify the ILO's Convention on Domestic Workers (C189) and adopt its accompanying Domestic Workers

Recommendation, 2011. The ratification of these international standards would have filled the gaps in the protection and regulation of domestic work caused by the national regulatory framework. Therefore, there is a disjuncture between the provisions of Nigerian labour regulations and the realities of domestic work. As a result of this legal vacuum, as in many parts of the world, domestic workers in Nigeria are subjected to abuse and exploitation, including unregulated working hours, adverse working conditions, unsafe workplaces, and insecure incomes. This is aggravated by the lack of effective organisations and mechanisms enabling domestic workers to collectively bargain with employers. Unlike in many African countries, there is no association of domestic workers neither is any existing trade union affiliated with these workers and making any visible effort to organise domestic workers. Altogether, these deficits in decent work contribute to widespread poverty and exploitation in the domestic work sector.

There is limited empirical research on the working conditions of domestic workers in Nigeria. However, the sparse available data show that Nigerian domestic workers are vulnerable to human right abuses in respect of their working conditions. Ogbegie and Oyetunde (2019) in their study found that most domestic workers, particularly live-in domestic workers, are without pay. These workers perform domestic service in exchange for sponsored education, vocational training, free accommodation, meal or extension of economic support to the family member of the domestic workers. While for workers who are paid, their remuneration is low and irregular (Ogbegie and Oyetunde 2019; Akinrimisi 2002). Furthermore, domestic workers work extremely long and unstructured hours with high workloads. Adisa et al. (2021), equate these working conditions to modern-day slavery. Their research found that domestic workers work an average of 72 hours weekly. Indeed, participants in this study described their job as voluntary slavery because of their unstructured long working hours and workload. According to Tade and Aderinto (2012), many employers in the domestic work sector of Oyo state, Nigeria, argued they could use domestic workers as they wished because they are paid to render a service. In terms of the right to social protection, employers of domestic workers do not contribute to social insurance measures on behalf of their workers (Ogbegie and Oyetunde 2019; Olayiwola 2019). These conditions are reinforced by the lack of individual and collective voice of domestic workers in Nigeria. The implications of these decent work gaps is that domestic workers experience high levels of poverty and are susceptible to socio-economic shocks. More recently, the COVID-19 pandemic has worsened these working conditions.

The COVID-19 pandemic which first emerged in 2020 has had a disastrous impact on employment and working conditions around the world (ILO 2020b). The ILO reports that the pandemic caused unprecedented reduction in economic activity and working time (ILO 2020b). While many employees lost their jobs, others – identified as essential workers – continued to work in high health risks environment to produce goods and services for the society (ILO 2020d). In addition, the pandemic exacerbated pre-existing decent work deficits and social inequalities in the informal economy. Contrary to widespread stereotype that the informal economy helps mitigate recessions, the social distancing and lockdown measures of the pandemic had a disproportionate impact on informal economic activities (Ohnsorge and Yu 2021; OECD 2021). A significant proportion of informal enterprises were in serious precarious situations because of their inability to access COVID-19 related government support (ILO 2021c; 2020a). Informal employees were found to be three times more likely to lose their jobs than their counterparts in the formal

economy (ILO 2021c). These workers are also more likely to fall deeper into poverty because they do not have access to social protection.

Similarly, the pandemic has implications for women and gender equality has worsened in the world of work. Research shows that the job losses resulting from the pandemic disproportionately affected women, who were overrepresented in the hardest hit sectors of the economy including retail, travel, childcare and education (Milliken et al. 2020, 1767). Women are 1.8 times more vulnerable to job losses than men (Madgavkar et al. 2020, 2). The impact of the pandemic on women also varied across regions. In Africa, women's employment decreased by 1.9% and gender gaps in employment rate is 10.4% (ILO 2021a). However, while this figure might look good when compared with other regions, it comes at the expense of the quality of their work, given the disproportionately high participation of women in the informal economy (ILO 2021a). Consequently, the pandemic has exacerbated the poor working conditions of these women. Indeed, this situation is worse when considered within the context of feminised sectors such as domestic work. Between 5–20% of domestic workers in Europe experienced job losses, Canada and South Africa (ILO 2021e). While the case was worse in the Americas where job losses amounted to 25–50% (ILO 2021e). In many parts of Africa, the impact of the pandemic also manifested as reduction in working hours, lack of access to personal protective equipment (PPE), longer and more intense working hours, non-payment of wages, among others (Castel-Branco 2021). However, there is limited research on how Nigerian domestic workers have been impacted. Given this context, it is imperative to understand how the COVID-19 pandemic has uniquely impacted the domestic work sector in Nigeria.

Methodology

This article draws on a survey of domestic workers who fall within the definition of Article 1 of Convention 189. The primary criteria used to determine domestic worker participants were individuals who worked (at least until recently) in a private household and are paid in cash/kind for domestic work. This survey was conducted in Abuja, Lagos, Ebonyi and Benue states. Questionnaires were administered to 220 domestic workers across these four states. In each of the states, 50 domestic workers participated in the survey except Lagos where 70 workers participated. Lagos state is the most populous urban area in Nigeria and the higher number of participants was in consideration of her population. A significant challenge with researching domestic workers is accessibility. Consequently, this necessitated the use of a snowball sampling method to inform the identification of domestic workers. Snowball sampling refers to when 'the researcher accesses informants through contact information that is provided by other informants' (Noy 2008). However, to avoid the potential pitfall of this non-probabilistic sampling method – that is, respondents nominating people they share similar traits with, sampling was based on multiple snowballs. In this instance, several respondents from different areas of each focus state acted as initiators.

Probing technique was implemented to facilitate communication with domestic workers and to get detailed answers. The administering of the questionnaire lasted an average of 45 mins for each of the respondents. This length of time was to allow for necessary

explanation and interpretation of the contents of the questionnaire in pidgin English (an adaptation of the English language) or the local language of the domestic worker. Each questionnaire contained multiple-choice, short response and true or false questions. Field research took place between August and October 2020.

Analysis

The responses to the questions from the completed questionnaires were manually captured into a centralised, password-protected Microsoft Excel® file. The records were then carefully verified and cleaned before continuing with the data analyses. All data processing and analyses were executed using R statistical software. Anonymity and confidentiality of personal information relating to the identity of all participants were maintained throughout all the phases of the study.

Results and discussion

Demographics

This study reinforces research findings on the feminisation of the domestic work sector. Notably, 58% of our respondents were females while 42% were males. In terms of the age of the participants, domestic workers between the ages of 18–25 and 26–35 years were 34% each. The next largest group consisting of 18% of our respondents were domestic workers between the ages of 9–17. This highlights the prevalence of child labour in the

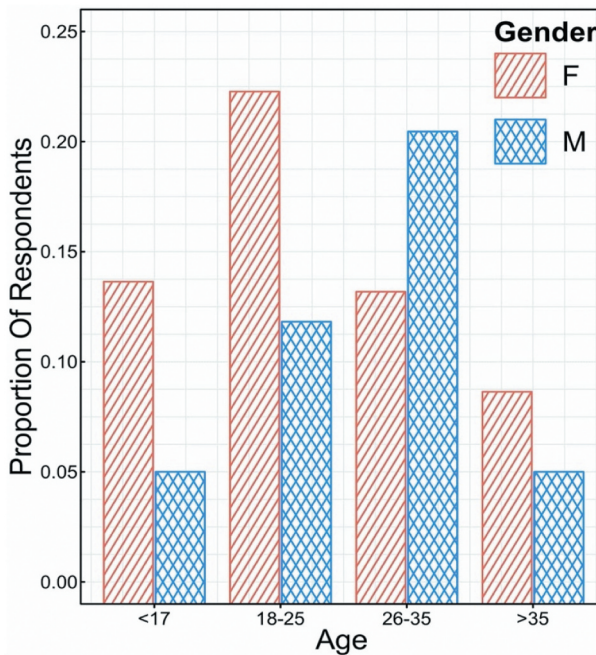


Figure 1. Distribution of domestic workers according to age groups and gender.

domestic work sector (Figure 1). However, child labour in the domestic work sector is not the focus of this paper.

An important characteristic of domestic workers is their low level of education. The results of this study showed that senior secondary school is the highest education level (HEL) completed by 52% of the domestic workers, for 11% the HEL was junior secondary school, 20% had a primary education HEL, 12% had other forms of education – including NCE and BSc, 5% had no form of formal education and 1 participant did not specify. On one hand, the percentage of participants who have only completed senior secondary school reflects the national average- which has the attainment of senior secondary education as the largest educational level in the country (National Bureau of Statistics 2019b). On the other hand, the low quality of education Nigeria means that the 75% of respondents with basic education⁴ cannot demonstrate skills related to numeracy, literacy, communication and life skills (Abdullahi and Abdullah 2014; Salihu and Jamil 2015). Furthermore, there is a direct correlation between the education levels of workers and access to decent work. According to the ILO, workers with advanced education have much lower informality rates compared to workers with basic or less than basic educational level (ILO 2020e). As mentioned earlier, informality is the norm in Nigeria and one of the personal characteristics of most informal workers is low education level. As a result, informal employment comes with risks and vulnerabilities for all informal workers. However, the implication of the low education levels is exacerbated for domestic workers, coupled with the unique characteristics of the domestic work sector which makes enforcement and compliance with regulation difficult, puts these workers in a vulnerable position making it easy for employers to unilaterally determine the terms of the relationship.

Earnings

Historically, minimum wage regulations for domestic workers have been weak (Oelz and Rani 2015). This remains the case in Nigeria. This can be attributed to factors such the isolated nature of particularly live-in domestic workers and the perception that this form of work is household work traditionally performed by women. One mechanism to address this deficit is through a national minimum wage policy (Gama and Willemse 2015). As mentioned previously, Nigeria has a law prescribing the payment of a minimum wage to all workers. In terms of this law- the National Minimum Wage Act, the minimum wage is pegged at ₦ 30 000 (USD 72.9) per month for all workers including domestic workers. However, the requirement that the obligation to pay the national minimum wage applies to only establishments with not less than 25 employees in terms of section 2(a) appears to exclude employers in the domestic work sector. This is because it is rare to find a household that employs up to 25 domestic workers (Ogbechie and Oyetunde 2019). This leaves the remuneration of domestic workers to the discretion of employers. This study found that 69% of the participants were paid domestic workers while the remaining participants were unpaid. This highlights the undervaluation of domestic work.

Furthermore, this study found that the wages of most of the paid domestic workers were fixed with no reference to the national minimum wage. About 20% of the participants earn below ₦15 000 (\$37); 35% between ₦15 000 (\$37) and ₦30 000 (\$73); ₦40 000 (\$94) - ₦55 000 (\$133) is the earning bracket of 2% whereas 6%

Table 1. State of income during COVID-19 pandemic. Percentages are in terms of all respondents.

Salary	Number of workers	Percentage
Constant	79	36%
Decreased	18	8%
Increased	3	1%
Unspecified	120	55%
Chi-Square p-value	0.000	

Table 2. Earning criteria during COVID-19 pandemic for all 220 respondents.

Paid without working	Number of workers	Percentage
Yes	19	9%
No	15	7%
Not applicable	186	85%
Chi-Square p-value	0.0000	

of the respondents earn above ₦ 55 000. This data show that majority of the participants who are paid salaries earn below the national minimum wage. The wages of more than half of domestic workers being below the national minimum wage, makes it one of the lowest-paid occupations when compared with the national average in the country (National Bureau of Statistics 2011).⁵ Similarly, international statistical estimates suggest that in any given location, domestic workers typically earn less than half of the average wages or in some cases, about 20% of the average wages (ILO, 2011). As a result, even before the pandemic, domestic workers were more likely than other workers to live in poverty (Wolfe,Kandra, Engdahl et al. 2020).

Considering the economic effect of COVID-19 on the income of many workers, a good deal of employers could be in a survival phase. Questions on income were asked to determine the economic impact of COVID-19 on domestic workers. Thirty-six per cent of domestic workers said their income has remained the same since the pandemic and 55% did not specify (Table 1). The 55% of participants who did not specify whether their wages remained the same includes domestic workers who identify as family members of the employer and are not typically paid in wages. Rather many of these workers perform domestic work in exchange for education, accommodation and feeding. This result appears to be positive ($p < 0.000$). However, when considered within the context of the low wages of majority of the participants and increased living costs – one of the economic impacts of the pandemic, it can be argued that the earning power of domestic workers dropped. We observed that (result not shown) for those whose salaries decreased, the salary cut was as high as 60% for some workers while for other participants, the salary increased by 20%. In addition, the reasons for these changes in wages given by the participants were changes in working hours and employer's loss of income. A special social protection measure should ideally be a coping mechanism for such workers.

Interestingly, some workers were paid in full without working during the COVID-19 lockdown. Of the 19 domestic workers that enjoyed the pay-without-work benefit, 12 of them received their full wages (Tables 2 and 3). In general, within the context of the low wages of the majority of the participants and increased living costs, it can be argued that

Table 3. Earning characteristic during COVID pandemic for all 220 respondents.

Nature of payment	Number of workers	Percentage
Full	12	5%
Part	5	2%
Kind	1	0%
None	1	0%
Unspecified	201	91%
Fisher Exact Test p-value		0.0000

one of the economic impacts of the pandemic is the drop in the earning power of domestic workers.

Access to social protection

Social protection is a human right and is defined as the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the life cycle (ILO 2017). However, according to ILO estimates, only 27% of the world's population have adequate social protection coverage (ILO 2021f). In the domestic work sector, almost half of all domestic workers are legally covered by at least one branch of social protection (ILO 2021c). In Nigeria, only 11% of the population are covered by at least one social protection benefit excluding health (ILO 2021d). Furthermore, 42% of the population have access to universal health coverage (ILO 2021d). However, this social protection coverage is grossly inadequate given the increased level of poverty and persistent informality in the country. Similarly, as previously mentioned, domestic workers in Nigeria are covered by various social protection legislation. However, enforcement and compliance remain a challenge. Against this background, this study found that only 4% of the respondents had either pensions or health insurance. This demonstrates the acute deficit of social protection in the Nigerian domestic work sector. In addition, this violates international labour standards such as C189, Domestic Workers Recommendation 201, as well as the Social Protection Floors Recommendation 202, and the Transition from the Informal to the Formal Economy Recommendation No. 204 which provides guidelines through which social protection can be achieved for all workers. Unfortunately, the COVID-19 pandemic exposed and aggravated the social protection deficits experienced by domestic workers.

At the peak of the pandemic, government implemented restrictions to control the spread of the COVID-19 virus. Many workers had to choose between staying with their families due to the enforced lockdown or maintaining their source of livelihoods. This emphasises the importance of domestic work as a source of livelihood because these workers do not have the choice of staying home to avoid exposure to the virus. Given this context, how domestic workers viewed the importance of their jobs was evaluated. Respondents were asked whether they would risk their health for their jobs. Forty-five per cent of the workers said their jobs were more important than protection against the virus. A domestic worker noted, *'if I no go work, how we go chop'*. This simply means without their jobs they cannot feed families. This highlights the importance of social protection for domestic workers.

To ameliorate the effects of the pandemic, the federal government issued the COVID-19 Emergency Regulations. With this regulation, the government introduced measures

Table 4. Protection provided by employer since COVID outbreak.

	Number of workers	Percentage
Health information provided		
Yes	160	73%
No	45	20%
Unspecified	12	7%
p-value	0.0000	
Employer provided PPE for errands		
Yes	109	50%
No	49	22%
Unspecified	62	28%
p-value	0.0000	

such as food and cash transfers aimed at mitigating the effects of the pandemic. While no visible measure was specifically targeted at informal workers including domestic workers, the government developed and purportedly implemented special social protection measures targeted at vulnerable households in the country. The households of domestic workers fall within this category. This study revealed that only 6% of the participants received palliatives from the government and 1 domestic worker benefitted from the government's cash transfer scheme. In terms of access to personal protection equipment when running work errands, only 50% of the participants were provided with PPEs by their employers.

Similarly, The Presidential Task Force on COVID-19 introduced some guidelines to curb the spread of the virus. These guidelines included: employers maintaining social distancing, making hand sanitisers available, provision of handwashing facilities, mandatory use of face masks, provision of thermometers for temperature checks and fumigation of their environments. A significant number of employers of domestic workers provided health information on the virus. The results show that more employers – 73%, provided information alone compared to those who additionally equipped their workers with PPE (Table 4).

Living conditions

COVID-19 pandemic also had some impact on the living conditions of domestic workers. About 81% of participants noted that the prices of their food basket increased while 21% experienced an increase in rental costs during the pandemic. Interestingly, the percentage of live-out domestic workers whose employer's provided private means of transportation appeared higher during COVID-19 (16%) and 33% of domestic workers were provided with transport allowance.

Table 5. Impact of COVID-19 pandemic on working hours.

Change in working hours	Number of workers	Percentage
Constant	153	70%
Decreased	29	13%
Increased	11	5%
Unspecified	27	12%
p-value	0.0000	

Working conditions

For many domestic workers, their working hours remained the same despite the pandemic. For the majority who experienced changes, their working hours were reduced. This study found that domestic workers surveyed appeared to work an average of at least 77 hours per week. During the COVID-19 pandemic lockdown, the working hours of 70% of the respondents remained constant (Table 5). For the majority who experienced changes, their working hours were reduced. This suggests that domestic workers provide essential services in the households they work.

With regards to the impact of COVID-19 on assigned tasks, the number of participants whose tasks remained constant is slightly lower than those whose working hours have remained the same.

Labour protections

Due to the unique characteristics of domestic work, there is often no written contract, making it challenging to extend labour protection to these workers. It has been estimated that 81.2% of domestic workers globally do not have effective labour protection (ILO 2021e). This is worse for migrant domestic workers who face even greater discrimination. Therefore, legislation and regulatory policies must be extended to domestic workers as a pathway to formalisation. Having a written contract is a significant step in this regard.

Article 7 of Convention 189 requires States to take steps to inform domestic workers of the terms and conditions of their employment and where possible, through written contracts per national laws. It goes on to list specific terms that must be present in the contract for domestic workers. This provision is replicated in Section 7 of the Nigerian Labour Act, where a written contract is required to be provided to workers stating the terms of their employment. A written contract is imperative for domestic workers as it affirms their classification as employees making them entitled to labour law protection. For these workers, their socio-economic background makes it likely that they would be unfamiliar with their legal rights and even where familiar may be unable to coherently express them. This study found that 48% of all the participants were aware of their legal rights. However, coherently expressing these rights was a challenge for the majority because of their low education levels. Therefore, a written contract may play an important role in empowering domestic workers within an employment relationship (ILO,2012).

In this study, only 17% of the respondents indicated they had signed contracts (including a signed T&C document) with their employers. This aligns with previous research which show that majority of Nigerian domestic workers do not have a letter of contract (Ngwamma et al. 2018). Signing a contract is just one step, having a copy of this contract is a step further. Similarly, having a written statement specifying the terms and conditions of employment also suffices to protect the worker. The provisions in Article 7 of C189, presupposes that domestic worker should have a copy of their contract. However, in this study, only 10% of the domestic workers had a copy of the signed document. Contracts are fundamental for domestic workers because it forms the basis of the relationship with their employers. Yet, having a contract is not the norm in the domestic work sector for many reasons. Firstly, lack of awareness, and the refusal of employers to recognise domestic workers as proper workers contribute to the absence of written

contracts. Secondly, employers of domestic workers avoid any form of documentation that can be used against them; a contract would expose unfairness and exploitation. Finally, for domestic workers recruited through informal arrangements (in many cases relatives or network of relatives), it is culturally 'wrong' to ask for written contracts as it can be interpreted as not trusting the relative or employer.

About 23% of all participants surveyed agreed that it was important to have a signed document to reflect their relationship with their employers, 18% did not know whether it was important and 59% did not specify. The number of domestic workers that were aware of the importance of having a contract/Terms and Conditions document is a manifestation of the low levels of education among domestic workers. During the study, it was discovered that many domestic workers had no idea what a contract was, hence could not possibly demand that their relationship with their employers be regulated by this.

Similarly, a norm in the domestic work sector is the termination of employment without notice (Odeku 2014; Mantouvalou 2006). A key term of the written contract for domestic workers required in Article 7 of C189 is 'terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer'. Also, Termination of Employment Convention, 1982 (no 158) provides broad guidelines on justification and procedure for termination of employment. Within the Nigerian context, Section 11 of the Labour Act provides for termination of contracts by a notice which applies to domestic workers. Many employers perpetuate unfair labour practices against domestic workers despite regulatory provisions to the contrary. The lack of awareness by many domestic workers contributes to this. This study found that only 45% of the total respondents were aware of their right to notice before termination. However, only 14% of the respondents said employers are required to justify sack while the majority (60%) were unaware. The lack of employment contract means that domestic workers lack the leverage to enforce the terms and conditions agreed to prior to their resumption of their employment. The implications of this vacuum was reinforced during the pandemic.

The COVID-19 pandemic highlighted the vulnerabilities of domestic workers in terms of the termination of their appointment without notice. Although, compared to other parts of the economy, the job losses in this sector were insignificant (ILO 2020c; Bamidele 2020). Data revealed that of the total participants, 14% said that their appointments had been terminated during the pandemic, another 14% were forced to take leave while 71% retained their jobs (Table 6). From the number of workers who lost their jobs, 55% of them were informed days before, 23% had no notice while 23% had weeks' notice. Upon further probing, some of the reasons given by participants for their termination included, the pandemic, illness, employer's loss of a spouse and some employers could not afford to

Table 6. Unemployment during the COVID-19 pandemic.

Loss of job	Number of workers	Percentage
Yes	31	14%
No	153	71%
Forced to take leave	31	14%
Unspecified	5	2%
p-value	0.0000	

pay their workers anymore. In terms of how easy it had been to get another job, only 6% of them found it easy, 58% said it was hard while 35% of them have remained unemployed.

An important component of labour protection is protection against forced and compulsory labour. Article 2 of Forced Labour Convention, 1930 (No 29) defines forced labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.⁶ Domestic workers are particularly vulnerable to forced or compulsory labour practices because of their isolated workplaces and mostly informal recruitment arrangements. Indeed, the likelihood of this happening in the domestic work sector was exacerbated by the lockdown enforced during the COVID-19 pandemic.

Our research found that some domestic workers who worked for expatriates in DUFIL (makers of Indomie noodles and power oil) were victims of forced labour (Sahara Reporters 2020). These workers, who were mainly women, had been locked up in the homes of their bosses since March 2020 – when the lockdown started. They were forced to work and prevented from leaving the house (Sahara Reporters 2020). For these women, their rights as provided in Article 11(e) of the Convention on the Elimination of all Forms of Discrimination against Women was violated. This Convention requires States to grant paid leave for women workers which would have mitigated the need for this forced labour. Although sections 34 (1c) of the Constitution and 73 of the Labour Act prohibits forced or compulsory labour, the law does not define what constitutes forced or compulsory labour. Nonetheless, the ILO has provided indicators that apply to the domestic work sector. Within this sector, forced labour could manifest as coercion to perform tasks not initially agreed at the time of recruitment, physical confinement, isolation, confiscation of phones or passports – for migrant domestic workers, withholding of wages or threats of arrests among others.⁷ Convention 189 and Recommendation 201 have set out measures to prevent situations that amount to forced or compulsory labour. Additionally, forced labour is intrinsically linked to human trafficking which is a potential challenge for migrant domestic workers.

Concluding remarks

This study has highlighted the impact of the COVID-19 pandemic, particularly during the lockdown, on the domestic work sector. It was established that many of these challenges – low wages, lack of access to social protection, indecent working conditions and lack of labour protection are not new to the domestic work sector. All the pandemic did was to exacerbate these indicators of indecent working conditions of these workers. Convention 189 has provided guidelines for States to ensure the effective promotion and protection of the rights of domestic workers. However, as mentioned in this paper, this convention has not been ratified. Recognising the regulatory and implementation gap is important if decent work is to be achieved for domestic workers. This study presents some key recommendations.

The recommendations are:

Ratification of Convention 189: in Nigeria, the ratification procedure is an essential step towards protecting the rights of domestic workers. One of the potential ways this

could be achieved is by highlighting the economic value of the domestic work sector. Also, trade unions have a role to play in the ratification of Convention 189. Many global campaigns by trade unions have successfully brought about collective power and great change which have influenced countries to ratify Convention 189 and the adoption of labour law reform for domestic workers. An example is the 12 by 12 campaign that was organised by Uruguayan trade union activists and domestic workers with the support of the International Trade Union Congress which led to the successful ratification of Convention 189 by Uruguay's House of Representative.⁸ To fulfil this role successfully, trade unions must disseminate information on relevant international instruments which protect the rights of domestic workers. Some specific occasions to bring this up includes Independence Day, workers' day and the international day of domestic work. Closely related to the ratification of C189 is the development of appropriate legislation.

Framing Responsive Regulation: An important theme highlighted in this paper is the mismatch between the existing labour regulatory framework and the typical model of domestic work. Thus, any regulatory model for domestic work must consider realities in the domestic work sector. The first step towards having a responsive regulation is for the Minister of Labour to exercise the powers in Section 65 of the Labour Act. This section provides an easier and faster route to appropriately regulate the domestic work sector without going through the onerous process of amending the Labour Act itself, which has been stalled for decades. This is similar to the power exercised by the South African Minister of Labour in terms of Section 51 of the Basic Conditions of Employment Act No 75 of 1997 to establish Sectoral Determination 7 on the working conditions of domestic workers.

A guiding principle in this regulation should be the effective implementation of all fundamental rights of domestic workers within the employment context. This will include working conditions, access to social protection as well as organisational and collective bargaining rights among others.

Like other reforms, having a responsive regulation raises challenges of the feasibility in transcending barriers of an existing institution. At this level, it would require the participation of multiple stakeholders in this sector. These include individual domestic workers, employers, workers' organisations, formal/informal recruiters, CSOs among others. Engaging stakeholders on various issues, particularly enforcement and compliance, is one of the hallmarks of a responsive regulation. This would serve as an easy means to exchange information and ideas to ensure efforts to secure compliance with regulatory provisions in the sector.

Inclusive national social protection policies: Access to social protection is crucial to achieving decent work and mitigating the effects that emergencies such as the pandemic have on domestic workers. This raises the challenge of how access to social protection should be conceptualised and funded. A potential means of achieving this is the development of a national security system that will cover domestic workers and other workers in non-standard forms of employment including informal workers on a cross-subsidisation basis. This will be most effective if implemented at a national level rather than being industry-specific or employment specific as it is currently. To achieve this national security system, attention must be given to sustainable strategies such as the institutionalisation of informal social security devices such as Esusu cooperative scheme and enforcement of

compliance by employers of current social insurance contributory schemes (Osiki 2020). Incentives could potentially be used to encourage compliance by employers. For example, in Brazil to encourage employers to contribute to social protection for domestic workers, employers were given a discount from the income taxes equivalent to the amount they contributed towards social protection (ILO, 2013a) Similarly, in France and Belgium, a voucher system was created to enable employers to pay a contribution towards social security funds for their workers (Tomei 2011). In doing this, employers are expected to have standard employment contracts which is another way to achieve formalisation of this sector. However, designing and implementing this policy is dependent on political will and governance.

Limitation of study

First, as with any survey instrument, there was limited opportunity to capture unanticipated information. Although, the survey had open-ended questions, the space and time to provide detailed information was limited. Secondly, as stated in the body of the paper, a major challenge within the domestic work sector is the lack of accurate official statistics on domestic workers. Varied reasons were noted for this. Nonetheless, considering the significance of the domestic work sector, detailed statistics on the numbers and characteristics of domestic workers are important for developing appropriate regulatory framework for this sector. Therefore, it is important to note that this survey is not representative of Nigerian domestic workers as whole. Furthermore, the data presented here represent the reality between July and October 2021 when the confinement measures were in place. However, till date the government has not taken targeted measures to protect domestic workers and, their situation remains highly precarious and dependent on the goodwill of their employers.

Finally, we acknowledge the high non-response rate as a limitation of the study. This is however a common problem in survey-based research that does not necessarily invalidate the research inferences (Meterko et al. 2015; Halbesleben and Whitman 2013). We implemented a simple assessment of nonresponse bias in our study by investigating whether there is statistical significance relationship between gender and the rate of non-response. Except for the 'nature of payment' question (Table 3), the chi-square test (and Fisher exact test, where relevant) all returned high p-values. These imply that there is insufficient evidence of non-response bias in the analysed data. Therefore, our inferences are not invalid. In the case of 'nature of payment', where evidence of non-response bias was apparent (p-value: 0.0017), an interesting feature was noticed. Majority of the non-respondents (about 62%) were females while majority of the respondents (about 79%) were males. This 'low-response vs high-non-response' trend among females was common within the study, although it was not strong enough to constitute bias for the other questions. We believe that this is not necessarily a flaw in our study. Instead, we believe that this feature highlights the patriarchal nature of the Nigerian society, where females are trained to be submissive and reserved. The group plans to undertake a more rigorous statistical analyses of the non-response bias associated with the current study, in the nearest future. We however expect that the inferences stated in this paper will be consolidated by such investigation.

Ethical considerations

Throughout the study, the authors maintained high standards of research ethics, ensured the accuracy of data collected, translated and analysed. To ensure this:

- Full consent was obtained from all participants before the study. In the case of children, the consent of a guardian was obtained. As participation must be voluntary, participants were informed of their right to decline to answer any question as well as to withdraw completely from the interview or questionnaire at any point during the process. Additionally, participants had the right to request that some of the information they provided be excluded from the final research document.
- The purpose of this study was explained to research participants and were allowed to ask questions or report any concerns they had about the study.
- To protect the workers from any harm that may arise from issues of confidentiality and anonymity, the researchers did not gather any data that contains obvious personal identification information of the participants.
- The data was kept safe and only the researchers had access to the data. During the processing and cleaning of the data, the data files were password protected and saved on a cloud storage which only the researchers could access.

Notes

1. This study was conducted by the World Bank and the National Bureau of Statistics and found that the lockdown significantly impacted on the employment and income of respondents. This impact was mostly felt in the commerce, service and agriculture sectors. Almost 80% of the respondents reported that their households' total income decreased. However, since the lockdown has been eased, more Nigerians are working. It has been suggested that this increase may be due to "an added worker" effect where households boost their overall labour supply to cope with negative economic shocks'. This boost in labour supply was higher for women.
2. the definition of a domestic servant is consistent with the characterisation of domestic work given under article 1 of the Convention 189. Nonetheless, the use of the phrase 'domestic servant' has colonial and ideological undertones. The Received English Law is one of the major sources of Nigerian labour law (Mwalimu 2005; Nwokpoku et al. 2018). Until the mid-twentieth century, domestic workers in England were referred to as 'domestic servants' under the English law (Albin 2012). These workers were basically slaves, required to serve their masters/mistresses around the clock and were excluded from protective legislation. This made these workers disadvantaged and vulnerable to exploitation. While progress has been made in extending protection to domestic workers in the United Kingdom, Nigerian domestic workers remain bound by the shackles of the colonial inheritance. Similarly, within the patriarchal context of Nigeria, domestic work is considered the responsibility and natural duty of women, and thus not requiring remuneration. The increased participation of women in the labour market has merely shifted the burden of domestic work to less empowered women.
3. Recently, a national social protection bill – the National Social Security Policy for Inclusiveness, Solidarity and Sustainable Peace and Prosperity, was drafted and submitted to the National Assembly for enactment. This bill aimed to include informal workers under social protection mechanisms. However, it has not been passed possibly because of the lack of political support.

4. Basic education in Nigeria is 6 years primary education and three years junior secondary school education: section 15 Free Universal Basic Education Act 2004.
5. This can be deduced from the 2011 Socio-economic survey: sectoral wages and emoluments which indicated average wages across sectors in 2010 ranged from NGN19798 in wholesale and retail to NGN34544 in hotels and restaurants and NGN80144 in cement manufacturing. This statistics have not been updated.
6. Nigeria has ratified both this convention and C105 - Abolition of Forced Labour Convention, 1957 (No. 105). Through this ratification, in terms of Article 1 of C29, Nigeria undertook to 'to suppress the use of forced or compulsory labour in all its forms within the shortest possible period'. As this was signed almost 60 years ago, it can be argued that the State has reasonably exceeded this timeline. Apart from the constitutional provision, the corresponding provisions which give effect to C29 are found in Section 365 of the Criminal Code-deprivation of liberty, section 369 of the Criminal Code (slavery) and Section 270 of the penal code-prohibition of forced labour.
7. See ILO Indicators of Forced Labour https://www.ilo.org/wcmsp5/groups/public/—ed_norm/—declaration/documents/publication/wcms_203832.pdf.
8. <https://www.scoop.co.nz/stories/WO1205/S00021/12-by-12-campaign-uruguay-first-country-to-ratify-c189.htm>: <https://www.ituc-csi.org/domestic-workers-12-12>.

Disclosure statement

No potential conflict of interest was reported by the authors.

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