

Legal Protection for Informal/Casual Workers: A Comparative Study of Nigeria and Australia

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ABSTRACT

Over the years, the Nigerian labour community has suffered from instabilities ranging from inconsistent government policies, recurrent economic recessions, inadequate power supply, and other structural challenges. In response, many employers have resorted to casual or informal employment as a means of reducing costs and avoiding statutory obligations. Casual employment, in principle, should apply to short-term, irregular, or seasonal work arrangements. However, in practice, employers often abuse this arrangement, retaining workers in casual status for several years without granting them the rights and protections of permanent employees. This paper critically examines the legal protection available to informal or casual workers in Nigeria and compares it with the more advanced framework in Australia. While Nigeria's Labour Act makes limited provisions, it falls short of ensuring adequate protection, leaving workers vulnerable to job insecurity, unfair wages, and exclusion from social benefits. By contrast, Australia has made legislative reforms, particularly through the Fair Work Act and subsequent amendments, to provide clearer definitions, rights, and pathways to permanency for casual employees. This study underscores the urgent need for statutory regularization and enforcement mechanisms in Nigeria, highlighting the comparative insights that Australia offers. It concludes by recommending a comprehensive review of Nigerian labour laws to bridge the gap between formal and informal employment, safeguard workers' rights, and promote fair labour practices.

Keywords: Informal workers; Casual employment; Labour law; Nigeria; Australia

INTRODUCTION

In recent decades, the global labour market has shifted from traditional permanent employment toward flexible, non-standard work arrangements. Among these, casualization has become a dominant trend, driven by employers seeking cost reduction, efficiency, and profit maximization [1]. While seemingly advantageous to employers, this practice raises profound concerns regarding fairness, social protection, and the dignity of work.

In Nigeria, casual employment is widespread across vital sectors such as oil and gas, banking, construction, and even government establishments. Reports suggest that up to 80 percent of workers in some sectors like the banking industry are casual employees [2]. The absence of adequate statutory regulation exacerbates this problem, leading to abuse and denial of basic rights.

Conversely, Australia presents a contrasting framework. Despite also experiencing a rise in casual work, legislative reforms—particularly the Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act of 2021—have clarified the status of casual workers and extended statutory rights to them [3]. These reforms provide useful comparative insights for Nigeria's labour system.

MATERIALS AND METHODS

This research adopts a **doctrinal research methodology**, relying primarily on existing legal instruments, statutes, case law, and international conventions. Primary sources include the Nigerian Labour Act, the 1999 Constitution of the Federal Republic of Nigeria, the Employee Compensation Act, and the Fair Work Act of

Australia. Secondary sources include journal articles, textbooks, reports of labour unions, and comparative analyses from international organizations such as the International Labour Organization (ILO).

By synthesizing these sources, the study identifies legal gaps in Nigeria's labour laws and evaluates best practices from Australia that may be adapted to strengthen protections for casual workers in Nigeria.

Formal Economy in Relation to Work

The **formal economy** refers to employment relationships that are legally recognized, contractually binding, and subject to regulatory oversight [4]. Such employment is characterized by written contracts, defined rights and obligations, and enforceable standards relating to wages, working hours, leave, and termination.

In Nigeria, the formal economy is dominated by the oil and gas sector, which contributes about 65% of government revenue and 88% of foreign exchange earnings [5]. While its share of GDP is under 10%, its influence over inflation, employment, and public expenditure makes it pivotal to the Nigerian economy. Yet, despite the sector's profitability, casualization is rampant within oil companies, where workers may remain in "temporary" roles for decades without conversion to permanent status [6].

Petroleum product pricing has always been a crucial issue in Nigeria because it affects the economic growth of the country. Empirical review of various studies carried out by different researchers and scholars in this field, has shown that there are significant relationship between oil price volatility and Nigerian economic growth. The implication is that change in oil price always determines the government's expenditure level, rate of inflation as well as level of unemployment, which in turn determines the growth of the Nigerian economy [7].

The Formal Employment is strictly formal as the name implies. It is work that is defined from the beginning of one's engagement till the end. The Labour Act Cap.L1 LFN 2004 is the major legislation that regulates formal employment in Nigeria. Others include The Pensions Act, 2014, Industrial Training Act Cap L9 LFN 2004, Employees Compensation Act, 2010 and the Trade Unions Act Cap. T4 LFN, 2004 but to mention a few.

In Australia, the formal economy is robust and diversified, with services accounting for nearly 79% of employment, followed by construction, manufacturing, and mining [8]. Importantly, the legal framework like Fair Work Act, 2009, Privacy Act 1988, Disability Discrimination Act 1992 and Fair Work Ombudsman provides clear protections for all categories of employees, including casuals, through statutes such as the **Fair Work Act 2009**, the **Disability Discrimination Act 1992**, and the **Privacy Act 1988**. These instruments create a transparent environment where rights are enforceable and breaches attract penalties.

Thus, while Nigeria's formal economy remains heavily dependent on one sector and suffers weak enforcement of labour standards, Australia's diversified economy demonstrates the benefits of codified legal protections for both formal and informal employees and proactive governance.

Informal Economy

The **informal economy** consists of unregulated or under-regulated forms of work, often without written contracts or social protections [9]. The ILO defines it as all economic activities insufficiently covered by legal frameworks.

In Nigeria, the informal economy employs approximately 80% of the workforce and contributes up to 65% of GDP [10]. Workers in this sector—ranging from small businesses, farmers, labourers, Private Firms having less than 10 workers, artisans to contract staff in banks—face wage insufficiency, job insecurity, lack of health benefits, and limited access to trade union rights.

Judicial interventions, such as in the case of *Afolayan Aderonke v. Skye Bank*, have begun to curtail arbitrary dismissals by requiring employers to provide valid reasons for termination [11]. However, unlegislated work conditions and terms, insufficient direct provision/classifications for the casual workers promotes systemic enforcement gaps which means that many casual workers remain vulnerable.

By contrast, Australia's informal sector is relatively small (about 10% of employment) but is still subject to very clear and strict regulatory oversight [12]. Even casual workers and seasonal employees fall under statutory protection, with rights to minimum wages, leave loading, and in some cases, conversion to permanent roles after a defined period. This demonstrates the possibility of regulating informal work without stifling flexibility.

Legal Protection of Informal Employees in Nigeria and Australia

Nigeria's legal framework provides **limited protection** to casual workers. Section 7 of the Labour Act [13] provides that a worker should not be employed for more than three months without the formal contract between the worker and her employer. The written contract shall state the terms and conditions of employment by the employer. That is remotely the only provision of the Labour Act which seems to have provided protection for the Informal Employee in Nigeria even though in reality a lot of establishments do not obey the said provision of section 7 of the Act.

In the past, informal employment was strictly for the unskilled workers and required for or short-term jobs predominantly in the construction industry and the agricultural sector. Today, both the skilled and the unskilled are employed as casual workers in the informal sector, the organized private sector and even the public sector. The prevailing arrangement in most organizations in Nigeria is a situation where people are employed as casual or contract staffs for many years and are paid less than their permanent counterparts in terms of wages and benefits even though they possess the same skills, work the same hours and perform the same tasks as permanent employees [14].

The **Labour Act** is not clear on the conceptualization of informal workers or employment.

However, **Section 7(1)** stipulates that before the expiration of the third month of employment, employers must give their employees a written statement specifying the name of the employer or group of employers, the rates of wages and method of calculation and any other special condition in respect to such employment.

The implication of the above provision is that casual employment is recognized but it must not exceed three months from the day of employment. It is mandatorily short-termed. An employer is mandated by law to enter into a contract of employment with an employee who was employed as a casual staff three months after the said employee was employed. The said agreement shall contain the following:

1. The name of the employer or group of employers and where appropriate of the undertaking by which the employee is employed.
2. The name of the employee, address, position to be occupied, and the date of engagement.
3. The nature of the employment.
4. If the contract is for a fixed term, the date when the contract expires.
5. The appropriate period of notice to be given by the party wishing to terminate the contract.
6. The rate of wages and method of calculation and the manner and periodicity of payment.
7. The terms and conditions relating to the hours of work, holiday pay, and conditions for incapacity to work due to sickness, injury, inclusive of provisions of sick pay.
8. Leave allowance, medical and other special allowances to be accrued.
9. Special conditions of the contract.

These provisions of the Labour Act seek to protect a casual staff from underemployment, underpayment and job insecurity.

Despite the intentions of this provision to protect the legal rights and interests of employees, they have unfortunately been no adherence thereto by teaming employers who take advantage of the non-provision for punitive action by the Act in the event of any breach thereof and so, the ratio of casual or informal workers keeps increasing by the day.

They have however been few cases where judicial pronouncements have been made to give life to the said provision of Section 7(1) of the Labour Law. In the case of *Fatai Oyekunle v. Abel Sell Ltd and Henry Boyo* [15] a casual worker with no contract of employment was fired without notice or retirement benefits after working

for about 22 years. The court held that not giving him a letter of employment was a breach of the Labour Act which mandates an employer to issue an employee a written statement stipulating the terms of the employment 'within three months' of such employment.

Aside the Labour Act, the Constitution of the Federal Republic of Nigeria makes an attempt for protective provisions for casual workers even though not direct. Sections 16 (2) (d) provides that the State shall direct its policy towards ensuring- that suitable and adequate shelter, suitable and adequate food, **reasonable minimum living wage**, old age care and pensions, and unemployment sick benefits and welfare of the disabled are provided for all citizens. Minimum wage is a work right reserved for employees who are mostly in a secured employment i.e. formal employment. The constitution by this provision has created inclusive mandatory universal wage equilibrium for all workers including the casual worker which protects the casual worker from wage discrimination.

Practically, this provision of the constitution has not enjoyed robust compliance from employers but it is a mandatory provision that can be enforced by an aggrieved employee. This is so because the constitution never made a distinction or classification of workers that can benefit or be entitled to the payment of minimum wage; as a result, a casual worker can come under this section of the constitution to demand compliance by an employer by urging the court to direct such erring employer to pay such minimum wage as provided by the operating law [16].

Though the constitutional protective provisions for the casual/informal employees are not directly spelt out, they are accommodative enough to proffer some kind of protection especially with the aid of the courts- the National Industrial Court. The courts are there to provide legal interpretations of our laws whether for clarification sake or enforcement of one right or the other. To further ensure that workers are protected, an exclusive court was created to handle issues arising from and relating to work/employment. Section 254A of the 1999 Constitution established the National Industrial Court, Section 254C spelt out the jurisdiction of the court. The jurisdiction created includes but is limited to civil cases bothering on any labour, employment, trade unions, industrial relations and matters arising from workplace, the conditions of service, including health, safety, welfare of labour, employee, worker and **matters incidental** thereto or **connected** therewith or arising from factories act, trade disputes act, trade unions act, labour act, employees' compensation act or any other act or law relating to labour, employment, industrial relations, workplace or any other enactment replacing the acts or laws or pertaining to the application or interpretation of international labour standards.

By the provisions of Section 254C (1) (a), (b) and (g) of the 1999 constitution as reproduced above, a Casual/Informal Employee has been vested with the right to approach the Court for redress of any dispute arising from his employment. The choice of the word "any" by the draftsmen of the constitution, expands the coasts of the court's operations to include all kinds of employment be it casual or statutory flavoured employments; all have equal rights to approach the court when any breach of rights or disputes arises. Also, the powers granted to the National Industrial Court by the provisions of Section 254C (g) of the 1999 constitution allows the court to apply international best labour standards or practices in adjudicating or determining labour matters. It is a big win for the casual employees in Nigeria

Section 40 of the 1999 Constitution also provides as a fundamental right, the right of any citizen of Nigeria to peaceful association and assembly as well as the right to form or belong to any political party, trade union or any other association for the protection of their interest. The only exception here in terms of regulating or permitting to form any association is for the political parties which exclusive power was vested in Independent National Electoral Commission INEC to accept or refuse and application to form a political party.

Trade Union was specifically mentioned as part of the association a Nigerian citizen has a right to belong to and there was no differentiation as per what kind of worker can join a Trade Union or not. This position was given judicial backing when the court in the case of *Patovilki Industrial Planners Limited V National Union Of Hotels and Personal Services Workers* [17] inter alia that casual employees have the right to unionize as a constitutional right.

The constitution is the grund norm and as such supersedes any other legislation providing otherwise.

Australia, on the other hand, has codified protections under the **Fair Work Act 2009**, as amended in 2021, which explicitly defines casual employment and mandates employer obligations [18]. The Act also provides a pathway for long-term casuals to convert to permanent employment after 12 months, thereby reducing exploitation.

The Act also creates a compliance and enforcement regime and establishes several bodies to administer the Act, including Fair Work Australia (FWA) and the Fair Work Ombudsman (FWO).

Everyone working in Australia under the Fair Work system are entitled to general workplace protections.

The Fair Work Act protects certain rights, including:

- ❖ Workplace Rights
- ❖ The right to engage in industrial activities. This right also provides for rights to decline from participation in industrial action.
- ❖ The right to be free from unlawful discrimination
- ❖ The right to be free from undue influence or pressure in negotiating Individual Arrangements.

There is also a provision for Flexible Work Arrangement between employer and employee.

These rights are protected from certain unlawful actions. This includes (but is not limited to):

- ❖ Adverse Action
- ❖ Coercion
- ❖ Misrepresentations
- ❖ Undue influence or pressure in relation to:
- ❖ Individual flexibility arrangements under modern awards and enterprise agreements
- ❖ Guarantees of annual earnings
- ❖ Deductions from wages [19].

International labour standards also reinforce these protections. Nigeria ratified ILO Conventions 87 (freedom of association), 98 (collective bargaining), and 29 (forced labour) in 1960. However, enforcement remains inconsistent [20]. Australia has integrated such conventions into its domestic framework more effectively; ensuring international best practices are enforceable.

Other Nigerian Labour Statutes

Other statutes provide indirect protections for casual workers in Nigeria. Section 73 of the **Employee Compensation Act 2010** defines “an Employee as a person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis. And includes a domestic servant who is not a member of the family of the employer including any person employed in the Federal, State, Local Governments, and any of the government agencies and in the formal and informal sectors of the economy”

The broader definition of employee under the Employees Compensation Act which plainly mentions casual, temporal or part-time employment as employment relationship in Nigeria makes it conclusive that, the Nigerian Legislators adequately acknowledges the existence of Casual workers in Nigeria and intentionally made provision for a sort of protection under this Act.

This Act has one of the most direct provisions of law when it comes to protection of the casual worker in Nigeria even if it is restricted to workplace injuries but the law is very unambiguously inclusive.

Section 4 [21] expressly provides for the payment of compensation to employees (including casual workers) who suffer from occupational diseases or sustains injuries arising out of and in the course of employment. This provision of the act has been implemented in favour of casual workers in some cases in Nigeria. One of such cases is the case of *Mr. Alex Ekeh v Setraco Nigeria Limited* [22] where the Claimant avers that his Employer failed or refused to report his injury he sustained in the eye to the Nigerian Social Insurance Trust Fund while

working for them as required by the Employee Compensation Act. The court went ahead to award the sum of N1,000,000 as compensation to the claimant.

By the decision in the case of *Green Pack Rubber Ind. Ltd v. Ossai* [23] employers are mandated to comply with the Common Law and Statutory duties regarding safety of Employees (no distinguishing whether casual or permanent employee) operating machines at work places.

Section 17 (1) of the Factories Act imposes an absolute duty on employers to provide safety by fencing off every dangerous part of any machinery. The intendment of this provision of the Act is guarantee the safety of all persons employed or working in the factory and any workplace that has to do with the operation and use of machines. **Section 23** provides that no person should be employed at any machine or in any process being a machine or process liable to cause bodily injury, unless he has been fully instructed as to the dangers likely to arise in connection therewith and the precautions to be observed, or he is under adequate supervision by a person who has a thorough knowledge and experience of the machine or process. This case went on to lay down that section 17(1) of the Factories Act imposes an obligation on a company to securely fence every dangerous part of any machinery to secure the safety of every person employed or working on the premises or a device should be provided that will protect the operator or the person from coming into contact with the dangerous part of the machinery.

It is important to note that even if the employer covered the medical expenses of treating the injury, he can still be liable for compensating the injured employee. in the case of *Mr. Charles Nwaosa V. Ports & Terminal Multiservice Ltd & Anor* [24] this court held that the employees right to compensation is not taken away by the medical expenses defrayed by the employer This means that whatever payments the defendants may have made towards or in respect of the claimant's medical expenses do not take away the right of the claimant to compensation (although that case was determined to be workmen's compensation the principle of law is as good in this case). The Court of Appeal affirmed the decision of the lower court. *Ports & Terminal Multiservice Ltd & Anor V Charles Nwaosa* [25]

This legislation is no doubt one with the most protective provisions for casual workers in Nigeria. It made provisions beyond physical injuries. **Section 8** [26] also provides for compensation for mental stress. This is a novel provision that raised the protective bar for employees beyond just physical injuries and recognized the existence of mental health challenges. It is a very welcome development. **Section 9** details the procedure for filing compensation claims and the role of the Nigeria Social Insurance Trust Fund (NSITF) in administering compensation payments.

The Act specially addresses compensation for work -related injuries, disabilities, or death suffered by workers in the course of employment, establishing a framework for employer liability in such cases. In the case of *Abel v Trevi Foundation Nigerian Limited* [27] the National Industrial Court of Nigeria (NICN) relied on the definition of an employee under section 73 of the Act to hold that the Claimant who was employed by the defendant as a "contract staff" is an employee of the Defendant and therefore entitled to compensation for injuries sustained in the course of his employment with the Defendant.

However, the effectiveness of this law faces challenges in practical implementation as well as unawareness by employee on the workability of the law and the rights provided for them therein. Delays in the disbursement of compensation and disputes over the extent of liability are issues that need attention.

The administrative hurdles and complexities in navigating the compensation process sometimes hinder the timely delivery of benefits to affected employees.

In as much as the Employees Compensation Act in Nigeria is towards protecting employees against work place injuries, occupational diseases and death, it faces several practical and legal challenges such as but not limited to the following:

- a. Limited awareness and understanding; many employers and employees are unaware of the rights and obligations contained in the Act especially as it relates to compensating occupational injuries.

- b. Poor enforcement and compliance; so many employers are not registered with the Nigeria Social Insurance Trust Fund (NSITF) as required by the Act. Beyond the low number of registration with or under the NSITF, the provisions of the Act are yet to be impactful in the sector because of very weak enforcement mechanisms. Not all employees' right violation or protective provisions must go to court before same can be enforced. Just like Austria, Nigeria can have in every Ministry of Labour an Ombudsman specifically charged with the enforcement and compliance of all labour laws including mapping out and enforcing penalties due to employers and employees who breach the Act.
- c. Funding and Administrative Challenges; the unnecessary and unjustifiable delays in remittance of contributions by employees to NSITF is a huge challenge that impel the success if the Act; the mismanagement, misappropriation and bureaucratic inefficiencies are also visible challenges.
- d. The Act suffers lack of clear holistic coverage of all forms of employment. As can be clearly seen, the Act covers only employees in the formal sector leaving the Casual Workers and other workers like contract staffs unprotected due to lack of inclusiveness of the Act.
- e. Delay in payment of compensation has almost rendered this Act impotent.
- f. Ambiguities and vagueness of guidelines for calculating benefits is a problem that cannot be overlooked. These ambiguities make it difficult for employees to access legal remedies.
- g. Corruption and Fraud in the sector has helped in the failure of this Act.

Possible Reforms to the Employees Compensation Act

- a. A Nationwide Awareness Campaign. There should be wide publications, seminars, workshops, training aimed at informing employees on the existence and enforceability of the Act. The Labour Unions and the Ministry of Labour should be the drivers of this campaign.
- b. There should be a mandatory induction or enrollment of employees into the scheme. Government officials should be on ground periodically to remind the employees of the potency and enforceability of the Act to boost confidence.
- c. The penalties for defaulting employers should be increased. Inspection and monitoring units should be introduced and taken seriously in order to achieve compliance.
- d. There should be introduced mechanisms (periodic auditing) to guarantee strict and transparent remittance. The financial performance and activities of the NSITF should be made public and accessible online. This will reduce corruption and fraud and increase trust for employees which will automatically increase subscription to the compensation program and consequently increase safety in our work places.
- e. The Act needs to be amended to explicitly include the informal sector employees like casual and domestic workers. The amendment should also set statutory timelines for claims/compensations to be settled. A sixty (60) days timeline is suggested.
- f. The Act section 56, 57 and 58 should be amended to review and clearly define the following (i) section 56 shall make it mandatory for employers of all forms of employee with workforce of 15 and above to subscribe to the Employee Compensation Fund. Section 58 should be amended to provide for a uniform procedure in which to access the Employee Compensation Fund for example introducing an independent medical verification panel to enforce strict penalties for claims and attach a fixed amount per occupational disease/injury to create uniformity and balance.
- g. The Act should be amended to establish a specialize cost effective Employee Compensation Tribunal such as an Ombudsman specifically charged with the enforcement and compliance of Act and enforcing penalties against culpable employers who breach the Act.

The **Trade Unions Act** and Section 40 of the Constitution guarantee freedom of association, which courts have extended to casual employees in cases like *Patovilki Industrial Planners Ltd v. NUHPSW* [28].

In the Australian workforce, casual employment arrangements play a significant role, providing flexibility for both employers and employees. However, it is essential to understand the legal protections afforded to casual employees to ensure fair treatment and compliance with employment laws.

The Fair Work Act, 2009 is the primary legislation for all workers in Australia including the Casual Worker. Under the Fair Work Act 2009, casual employees in Australia are entitled to certain minimum employment conditions or benefits known as the National Employment Standards (NES). These standards include rights such

as the right to a safe working environment, the right to receive a Fair Work Information Statement, and the right to request flexible working arrangements. One of the key benefits for casual employees is the payment of a casual loading. This loading is an additional percentage paid on top of the base rate of pay and is designed to compensate casual employees for the absence of paid leave entitlements such as annual leave and personal leave. It is highly important that there is correct calculation and application of casual loading in line with the fair work instrument to avoid any potential underpayment claim [29].

Beyond creating these standards of work for the Casual Worker, the Fair Work Act also made provisions for effective mechanisms for the enforcement of these rights to wit:

a. The Fair Work Ombudsman

The Fair Work Ombudsman (FWO) is an independent Australian government agency responsible for educating and enforcing compliance with the country's workplace laws. It ensures that employees and employers follow the rules set by Australia's workplace relations system, helping to create fair and legally compliant workplaces.

The FWO enforces the Fair Work Act 2009, the main law governing workplace rights, entitlements, and conditions in Australia. This law sets the standards for minimum wages, employment conditions, and protection against unfair dismissal. The FWO ensures that businesses follow these rules and offers resources on flexible working, public holidays, and superannuation.

They help employers and employees understand and comply with Australian workplace laws. Their primary focus is to ensure fairness and legal compliance in workplaces across Australia.

Their responsibilities:

- Educate employers and employees: The FWO teaches businesses and workers about their entitlements, such as minimum wages, annual leave, parental leave, and superannuation.
- They also help them understand rights related to flexible working, public holidays, and protections under the National Employment Standards.
- Provide resources and tools: The FWO offers tools like pay calculators and fact sheets to help businesses follow the Fair Work Act. They also provide information about enterprise agreements, modern awards, and how to comply with the law for independent contractors and outworkers.
- Investigate complaints: If someone files a complaint, like an underpayment or a breach of workplace rights, the FWO can investigate. Fair Work Inspectors may be involved to ensure compliance and resolve issues.
- Enforce workplace laws: The FWO can take action when businesses commit breaches of the Fair Work Act. This may include issuing fines or taking businesses to court to enforce compliance with the law.

The FWO can also assist when employers face workplace disputes. If problems arise, such as underpayment, unfair dismissal, or breaches of employment conditions, the FWO offers mediation services to resolve conflicts before they escalate. It also provides advice to help businesses avoid costly legal issues.

If employees face issues such as underpayment, sexual harassment, or breaches of their workplace rights, the FWO assists in filing complaints and offers mediation to resolve disputes. The FWO makes sure employees are treated fairly and supports them in protecting their rights in the workplace.

b. Fair Work Commission

The Fair Work Commission FWC is Australia's national workplace relations tribunal—an independent body responsible for regulating and overseeing the country's national workplace relations system.

The Fair Work Commission is the key regulator of workplace relations in Australia. It was established by the Fair Work Act 2009 to protect employees' rights and help resolve conflicts between businesses and workers. The FWC ensures that employees are treated fairly and that employers follow the law.

Some of the FWC's main responsibilities include: [30]**❖ Setting and adjusting national minimum wages**

Every year, the FWC reviews and adjusts the national minimum wage - the lowest wage employers must pay their workers. Businesses, including small businesses, need to stay updated on any changes to avoid legal trouble. The FWC also ensures that wage decisions provide a safety net for workers.

❖ Creating and updating modern awards

Modern awards are legally binding documents that set the minimum pay rates and conditions for workers in different industries. Employers need to comply with these awards, which cover annual leave and other entitlements.

❖ Approving enterprise agreements

The FWC also reviews and approves enterprise agreements. These agreements are contracts between employers and employees that set specific workplace conditions. The FWC makes sure these agreements are fair and in line with Australian employment law.

❖ Resolving workplace disputes and complaints

The FWC helps resolve workplace disputes, such as unfair dismissal claims, through processes like conciliation. It helps both parties to find a solution without going to court. The FWC also addresses cases of workplace bullying, sexual harassment, and issues involving termination of employment. Understanding these processes can help employers avoid legal problems.

In addition to resolving disputes, the FWC oversees enterprise bargaining and offers guidance on handling more complex issues, such as industrial action. Businesses can seek legal advice to ensure they comply with these rulings.

Other key roles of the FWC

The Fair Work Commission works closely with other organizations like the Fair Work Ombudsman and the Australian Government to ensure that workplace laws are enforced. The FWC also handles claims related to registered organizations, which are unions or employer associations.

These groups play a big part in maintaining fair working conditions. The FWC is also located in major cities, including Melbourne, Sydney, Brisbane, and Adelaide. This wide presence helps employers and employee's access resources and dispute-resolution services no matter where they are in Australia.

c. Federal High Court

The powers of the Fair Work Commission are different from the powers of the courts. The Commission is a tribunal and does not have the power to enforce the orders that it can make under the Fair Work Act 2009.

The enforcement role is performed by either the Federal Court or the Federal Circuit Court. The powers of the courts (including powers to grant injunctions and make declarations) are not limited by any term of the Fair Work Act.

The Act clearly and specifically states that any jurisdiction granted to the Federal High Court under the Act must be exercised within the Fair Work Division of the Federal High Court including Appeals from the Fair Work Commission [31].

Role of the Federal courts

If a person does not comply with a Commission order, a person affected may seek enforcement of the Commission's order through civil remedy proceedings in the courts.

Typically applications of this kind are made to the Federal Circuit Court.

The Fair Work Act provides a table in s.539 which gives details of who may make an application to the court for the various civil remedy provisions. Provisions relating to industrial action are set out in Items 14–24.

Failure to comply with an order may result in the court imposing a pecuniary penalty or making other orders.

CONCLUSION AND RECOMMENDATIONS

Casualization of labour is not inherently problematic; however, in Nigeria it has been exploited as a tool to deny workers fair treatment, social protection, and job security. Comparative insights from Australia demonstrate that with clear definitions, codified rights, and effective enforcement mechanisms, casual employment can be regulated in a way that balances employer flexibility with employee dignity.

Recommendations:

1. Review and amend the Nigerian Labour Act to explicitly recognize and regulate casual employment.
2. Strengthen enforcement mechanisms for existing constitutional and statutory provisions.
3. Adopt elements of the Australian model, particularly conversion pathways for long-term casual workers.
4. Enhance judicial activism in protecting informal workers' rights through the National Industrial Court.
5. Promote unionization and collective bargaining for casual workers to ensure fair representation.

REFERENCES

1. Chioma, N. (2015). Casualization of Employment in Nigeria: Implications for Labour Rights. *Nigerian Journal of Labour Studies*, 7(2), 45–62.
2. Nigerian Labour Congress (2018). Report on Casualization in the Private Sector. Abuja: NLC Press.
3. Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021 (Australia).
4. Aturu, B. (2010). *Law and Practice of Labour Rights in Nigeria*. Lagos: SERAP Publishers.
5. Central Bank of Nigeria (2020). *Annual Statistical Bulletin*. Abuja: CBN.
6. Aborisade, F. (2019). Casual Labour and Precarious Employment in Nigeria: A Legal Critique. *Labour Law Review*, 15(3), 122–139.
7. Ukangwa Jane Uchechi (Ph.D), Ikechi Victor Iheukwumere (Ph.D), Ben M. Ogbonna (Ph.D), *Impact of Petroleum Product Pricing On Nigerian Economy*.
8. Australian Bureau of Statistics (2023). *Labour Force Survey*. Canberra: ABS.
9. International Labour Organization (2015). *Transition from the Informal to the Formal Economy Recommendation (No. 204)*. Geneva: ILO.
10. World Bank (2021). *Nigeria Economic Update: Navigating the Pandemic*. Washington, D.C.: World Bank.
11. *Afolayan Aderonke v. Skye Bank Plc* (NICN/LA/23/2015).
12. Biletta, I. (2016). *Casual Work: Characteristics and Implications*. European Foundation for the Improvement of Living and Working Conditions.
13. Labour Act, Cap L1, Laws of the Federation of Nigeria 2004.
14. O W Onemola, 'Employment Casualisation and Workplace Violation as in Nigeria'
15. NICN/LA/189/2016
16. National Minimum Wage Act (Amendment) 2011
17. NIC/12/89
18. Fair Work Act 2009 (Australia).
19. <www.fairwork.gov.au> accessed on 23rd day of June, 2023
20. International Labour Organization (1960). *Ratifications for Nigeria*. Geneva: ILO.
21. Employee Compensation Act 2010 (Nigeria).

22. NICN/ABJ/312/2020
23. (2004) 2FWLR (PT 194) 668
24. NIC/LA/262/2012
25. (2016) JELR 41345 (CA)
26. Employee Compensation Act 2010
27. NICN/PHC/55/2013
28. Patovilki Industrial Planners Ltd v. NUHPSW (2009) 12 NLLR (Pt. 33) 59.
29. Section 15A (1)(b) Fair Work Act, 2009
30. Section 576 Fair Work Act, 2009
31. Section 563 of the Fair Work Act, 2009