

# MATERNAL PROTECTION FOR WOMEN IN THE WORKSPACE

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**M**aternity protection rights are essential privileges granted to pregnant or breastfeeding employees to ensure a safe and supportive work environment, catering to their unique needs. These rights are an extension of women's rights to better working conditions and are crucial for their health, well-being, and productivity.

In Nigeria, the Labour Act and other laws modelled after the International Labour Organization (ILO) conventions provides a framework for maternity protection to advance the interest of pregnant women and nursing mothers.

This article is to enlighten the public on these rights and how to take advantage of them.

## 1. MATERNITY PROTECTION UNDER THE INTERNATIONAL LABOUR ORGANIZATION (ILO)

The ILO C183-Maternity Protection Convention, 2000<sup>i</sup> recognizes the following rights;

1. Health Protection for mother and child.
2. Maternity Leave.
3. Leave in cases of Illness and complications during pregnancy or while caring for a child as a breastfeeding mother.
4. Employment Protection and Non-discrimination
5. Breastfeeding Breaks.

## 2. MATERNITY PROTECTION PRIVILEGES IN NIGERIA

Section 54 of the Nigerian Labour Act provides that in any private, public or commercial or agricultural undertaking, a woman shall have the following rights;

- A. Six (6) weeks paid leave from work upon production of a medical certificate that her confinement would probably take place within six weeks.<sup>ii</sup>
- B. Six (6) weeks paid leave after her confinement (delivery).
- C. Half Salary where the maternity leave extends to 6 months after the initial leave, arising from medical complications occasioned by childbirth.
- D. Job Security for the period under the Maternal Protection.<sup>iii</sup>
- E. A minimum of half an hour, twice every day, during her work time to breastfeed her child as a nursing mother.

On the issue of Job Security outlined above, an employee cannot be placed in a disadvantaged position as a result of exercising the rights provided under the Act. A practical example was witnessed in the case of **STANDARD CHARTERED BANK V. ADEGBITE**<sup>iv</sup>, where an employee took the 12 weeks paid leave provided. She however applied for a month extension because of the health of her newborn. One year after, the Management dismissed her on the grounds that her appraisal rating was too low, occasioned by the one month leave extension she took in the year under review. The Court held that the dismissal is wrongful and discriminatory in contravention of the Labour Act and her fundamental right guaranteed under the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

**THE NEPLUS BRIEF — ARTICLES & LEGAL ANALYSIS****ARE SINGLE MOTHERS ELIGIBLE TO THE RIGHTS PROVIDED UNDER THE MATERNITY PROTECTION**

As already pointed out in the earlier part of this work, Maternity Protection is an extension of women's rights in the workplace. It is irrelevant to say whether the pregnancy was conceived out of wedlock or that the child is illegitimate.<sup>v</sup> As long as she provides a medical certificate as required by law to show her entitlement to the

**MATERNAL RIGHTS FOR UNMARRIED EMPLOYEES IN THE EMPLOY OF SECURITY AGENCIES**

Regulations 126 and 127 of the Police Act<sup>vii</sup> stipulates a discharge from the service for Female Officers who become pregnant out of wedlock while in the service. However in recent case of **INCORPORATED TRUSTEES, NIGERIA BAR ASSOCIATION V AGF AND 2 ORS**<sup>viii</sup> where Corporal Omolola Olajide was discharged from the Nigerian Police Force, the Court of Appeal held the provisions of Regulations to be discriminatory, illegal and in contravention with the provisions of the Nigerian Constitution, hence a nullity. This goes to mean by extension that the same job security and privileges extended to women in all

**CAN THE TERMS OF A CONTRACT OF EMPLOYMENT SUPERCEDE THE MATERNITY RIGHTS**

Due to the risk of exploitation from the hands of employers, States often intervene to regulate issues bothering on labour and the welfare of workers.<sup>ix</sup> Where the terms of a contract of employment conflicts with the maternal rights recognized under the Labour Act, the provisions of the Labour Act would

In essence these maternal privileges cannot be overridden by the employer under any guise whatsoever. See the Incorporated Trustees, Nigeria Bar Association v AGF and 2 Ors referred to

**CONCLUSION**

In conclusion, it is important for pregnant or nursing mothers to be aware of their rights and privileges under the Maternity Protection laws in Nigeria. Employers should also be aware of these laws and ensure that they provide a conducive work environment for pregnant and nursing mothers. Any form of discrimination or dismissal based on exercising these rights is unlawful and can be challenged in a court of law. Maternity Protection is crucial in promoting gender equality in the workplace and ensuring the well-being of women and their children. Let us all work towards creating a supportive and inclusive work environment for women in

**REFERENCES**

<sup>i</sup> ILO C183-Maternity Protection Convention, 2000 C183.

<sup>ii</sup> Estimated time of Delivery.

<sup>iii</sup> Section 54 of the Labour Act. See the case of Standard Chartered Bank v. Adegbite (2019) 1 NWLR (Pt. 1653) 348

<sup>iv</sup> (2019) 1 NWLR (Pt. 1653) 348

<sup>v</sup> Section 54(5) of the Labour Act, article 1 of the ILO C183-Maternity Protection Convention, 2000 C183.

<sup>vi</sup> Section 54(1) of the Labour Act.

<sup>vii</sup> Nigerian Police Force Regulation

<sup>viii</sup> Unreported CA/ABJ/CV/454/2022: Incorporated Trustees, Nigeria Bar Association v AGF and 2 Ors

<sup>ix</sup> This is the reason countries are signatories to the International Labour

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