

**ARTIFICIAL INTELLIGENCE AND NIGERIAN EMPLOYMENT LAW:
REGULATING ALGORITHMIC HIRING, MONITORING AND
TERMINATION OF EMPLOYMENT.**

Nancy Nzom *

Abstract

Artificial Intelligence (AI) is redefining employment relationships globally, with significant implications for how workers are recruited, monitored and terminated. In Nigeria, employers are increasingly deploying AI tools in candidate screening, productivity tracking, and decision-making processes. While these technologies promise efficiency, objectivity, and cost reduction, they raise critical concerns about fairness, privacy, and accountability. AI-driven recruitment systems risk embedding algorithmic bias; workplace surveillance threatens constitutional rights to dignity and privacy; and “robo-firing,” where automated tools drive termination decisions, jeopardises due process guarantees. Nigeria’s Labour Act 2004, the primary statute governing employment, was designed for a human-centric workplace and remains silent on these developments. The Constitution of the Federal Republic of Nigeria 1999 provides rights to dignity, fair hearing, and privacy, but these provisions have yet to be judicially tested in the context of AI-driven employment practices. The Nigerian Data Protection Act 2023 introduces safeguards on data processing but does not adequately address employment-specific vulnerabilities. This article interrogates the adequacy of Nigeria’s current legal framework in regulating AI in employment, situating the analysis within global debates and comparative regulatory frameworks such as the European Union Artificial Intelligence Act and the United States Equal Employment Opportunity Commission’s guidelines on algorithmic decision-making. It argues for a rights-based regulatory approach that integrates transparency, accountability, and human oversight. The paper concludes that unless Nigeria adapts its employment law to the realities of AI, workers will remain exposed to discrimination, undue surveillance, and arbitrary termination of employment in the digital economy.

Keywords: Artificial Intelligence; Nigerian Employment Law; Algorithmic Hiring, Monitoring and Termination of Employment.

1. Introduction

The twenty-first century world of work is being fundamentally reshaped by Artificial Intelligence (AI) and digital technologies.¹ Across jurisdictions, employers are turning to AI-driven tools to make employment decisions, ranging from recruitment and selection to performance monitoring and even termination of contracts.² This shift promises speed, efficiency, and objectivity in human resource management, but it also raises profound challenges for the traditional framework of employment law, which was designed for a human-centric workplace.³ In Nigeria, the adoption of AI technologies in employment is still at an early stage, yet the legal and regulatory gaps are already evident.⁴

Globally, the expansion of AI in the workplace has generated intense debate within labour law and human rights scholarship.⁵ Scholars and regulators have highlighted the risks of algorithmic bias, where recruitment software trained on discriminatory datasets reproduces systemic inequalities in hiring outcomes. Concerns also extend to workplace surveillance, with employers using facial recognition, keystroke logging, and productivity-tracking software to monitor employees in ways that may undermine dignity, autonomy, and privacy. Most controversially, the rise of so-called “robo-firing” where employees are dismissed through automated systems without adequate human oversight threatens fundamental guarantees of due process, fair hearing, and job security. These developments illustrate the growing disconnect between the pace of technological change and the capacity of employment law to safeguard workers’ rights.⁶

In the Nigerian context, these risks are heightened by the limitations of the Labour Act 2004, which remains the country’s principal employment statute. The Act was designed

* MCIARB UK, Notary Public nancynzom.research@gmail.com

¹ K Schwab, *The Fourth Industrial Revolution* (New York: Crown Business, 2017), 12–15.

² P. T. Kim, “Data-Driven Discrimination at Work,” *William & Mary Law Review* 58, no. 3 (2017): 857–936.

³ International Labour Organization, *The Future of Work in a Digital World* (Geneva: ILO, 2021), 45–50.

⁴ E. W. Dumbili, “The Impact of Digital Technologies on Employment in Nigeria,” *African Journal of Economic and Management Studies* 12, no. 2 (2021): 189–204.

⁵ V De Stefano, “‘Negotiating the Algorithm’: Automation, Artificial Intelligence, and Labour Protection,” *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 15–46.

⁶ International Labour Organization, *Digitalization and the Future of Work* (Geneva: ILO, 2020), 60–65.

in an analogue era, long before the rise of digitalization, and its provisions are largely silent on data protection, algorithmic decision-making, or the legality of AI-based monitoring systems. Similarly, while the 1999 Constitution of the Federal Republic of Nigeria guarantees fundamental rights such as dignity of the human person (section 34), fair hearing (section 36), and privacy (section 37) these provisions have not yet been judicially tested against AI-driven practices in employment. The National Industrial Court of Nigeria (NICN) has developed a progressive body of jurisprudence in wrongful termination and unfair labour practices, but it lacks specific guidance on AI-related employment disputes.⁷

One promising legislative development is the Nigeria Data Protection Act 2023 which codifies principles of lawful processing, consent, and data minimization in the use of personal information. However, while the NDPA provides a framework for regulating data processing, its application in the context of employment relations remains underexplored. The law does not yet impose explicit obligations on employers regarding algorithmic transparency, explainability of automated decisions, or the right of employees to human review in cases of AI-driven dismissal. This lacuna leaves Nigerian workers vulnerable in a digitalized labour market.⁸

Comparative experiences underscore the urgency of reform. The European Union Artificial Intelligence Act (2024/25) adopts a risk-based approach to AI regulation, classifying employment-related AI systems as “high risk” and mandating transparency, oversight, and accountability mechanisms. Similarly, in the United States, the Equal Employment Opportunity Commission (EEOC) has issued guidance emphasizing that AI-driven hiring and monitoring tools must comply with anti-discrimination laws. In the United Kingdom and South Africa, debates on AI in employment are increasingly linked to broader discourses on unfair dismissal, workplace privacy, and human dignity. These

⁷ *Aero Contractors Co. of Nigeria Ltd. v. National Industrial Court* [2014] 42 NCLR (Pt. 2) 555 (NICN); Babalola, “Data Protection and Employment Law in Nigeria,” 258

⁸ Dumbili, “The Impact of Digital Technologies,” 190.

comparative insights illustrate both the opportunities and dangers of AI in employment, and highlight how Nigerian law must evolve to meet global standards.⁹

This paper is therefore motivated by three central concerns. First, it seeks to critically interrogate the adequacy of Nigeria's employment law framework in addressing the challenges posed by AI in recruitment, monitoring, and termination of contract. Second, it aims to draw comparative lessons from emerging international regulatory models, particularly the EU and US, in order to contextualize Nigeria's reform needs.

Section Three interrogates the Nigerian legal framework, focusing on the Labour Act 2004, the 1999 Constitution, and the NDPA 2023, alongside relevant jurisprudence. Section Four situates Nigeria within comparative perspectives, drawing insights from the EU, US, and selected Commonwealth jurisdictions. Section Five discusses the peculiar challenges Nigeria faces in adopting AI-responsive employment law. Section Six proposes reform pathways, including statutory amendments, judicial innovation, and regulatory guidelines tailored to the workplace. Section Seven concludes by reiterating the need for a rights-based approach to AI in Nigeria's world of work.¹⁰

The central thesis advanced in this article is that Nigeria must urgently rethink its employment law framework in light of the growing integration of AI into workplace practices. Without clear legal safeguards, Nigerian workers remain exposed to algorithmic discrimination, invasive surveillance, and arbitrary termination. Conversely, by embedding fairness, accountability, and human oversight into the regulation of AI in employment, Nigeria can align with global standards, protect labour rights, and harness the benefits of digital transformation for sustainable development.¹¹

⁹ Ibid., 248–260.

¹⁰ Ibid.

¹¹ International Labour Organization, *The Future of Work in a Digital World*, 50; African Union, *Digital Transformation Strategy for Africa (2020–2030)* (Addis Ababa: AU, 2020), 10.

2. The Promise and Perils of AI in Employment

Artificial Intelligence (AI) has become one of the defining features of the fourth industrial revolution, reshaping how work is organised, evaluated, and sustained across the globe.¹² Its integration into the workplace has been especially visible in three critical areas of the employment relationship: recruitment, workplace monitoring, and termination of employment.¹³ While these innovations offer significant opportunities for efficiency and competitiveness, they also present serious risks to fairness, accountability, and worker protection.¹⁴ For a country like Nigeria, where employment relations are already governed by an outdated legal framework, the rise of AI creates a dual challenge: maximising the promise of digital innovation while guarding against its perils.¹⁵

2.1 AI in Recruitment

Recruitment has historically been plagued by human subjectivity, unconscious bias, and inefficiencies.¹⁶ AI-driven systems are increasingly deployed to address these limitations.¹⁷ Employers use algorithmic software to scan thousands of résumés within seconds, predict candidate suitability through psychometric testing, and even analyse facial expressions during video interviews.¹⁸ Proponents argue that such tools enhance efficiency, reduce human prejudice, and ensure that only the most qualified candidates progress in the selection process.

However, international experiences show that the promise of objectivity often masks the peril of embedded bias. Algorithms rely on historical data, and if those datasets reflect

¹² S Klaus, *The Fourth Industrial Revolution* (New York: Crown Business, 2017), 12–15.

¹³ T. K Pauline, “Data-Driven Discrimination at Work,” *William & Mary Law Review* 58, no. 3 (2017): 857–936.

¹⁴ International Labour Organization, *The Future of Work in a Digital World* (Geneva: ILO, 2021), 45–50.

¹⁵ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004; W. D Emeka, “The Impact of Digital Technologies on Employment in Nigeria,” *African Journal of Economic and Management Studies* 12, no. 2 (2021): 189–204.

¹⁶ A Ifeoma, “The Paradox of Automation as Anti-Bias Intervention,” *Cardozo Law Review* 41, no. 5 (2020): 1671–1742.

¹⁷ B Solon and D. S Andrew, “Big Data’s Disparate Impact,” *California Law Review* 104, no. 3 (2016): 671–732.

¹⁸ R Manish et al., “Mitigating Bias in Algorithmic Hiring: Evaluating Claims and Practices,” *Proceedings of the 2020 Conference on Fairness, Accountability, and Transparency* (2020): 469–481.

patterns of discrimination, the AI system inevitably reproduces those biases.¹⁹ Rather than correcting bias, the system entrenched it, while cloaking the discrimination under the guise of technological neutrality.

In Nigeria, the dangers may be even more acute. The country's labour market is characterised by deep regional, gender, and socio-economic inequalities.²⁰ If AI systems are trained predominantly on data from elite universities or urban applicants, they may automatically exclude qualified candidates from less privileged backgrounds. The absence of transparency compounds this problem: rejected applicants rarely receive explanations for their exclusion, leaving them without grounds to challenge unfair treatment.²¹

2.2 Workplace Monitoring and Surveillance

AI is also transforming workplace monitoring, where employers increasingly use digital technologies to track employee behaviour and productivity.²² Modern tools include keystroke logging software, facial recognition cameras, wearable devices that monitor health data, and GPS tracking for field workers. Some platforms even generate productivity scores by combining data from emails, meetings, and online activity.²³ Employers justify such practices on grounds of efficiency, security, and accountability.

Yet, the perils of AI-driven surveillance are profound. Constant monitoring risks undermining the right to dignity of labour by creating a climate of fear, stress, and reduced autonomy²⁴. Excessive surveillance may also infringe the right to privacy

¹⁹ Barocas and Selbst, "Big Data's Disparate Impact," 674–680.

²⁰ International Labour Organization, *Nigeria Country Profile: Employment and Labour Market* (Geneva: ILO, 2019), 10–12.

²¹ B Miranda and R Aaron, *Awareness in Action: Addressing Algorithmic Bias in Hiring* (Washington, DC: Upturn, 2018), 15–20.

²² A Antonio and G Elena, "Artificial Intelligence Is Watching You at Work: Digital Surveillance, Employee Monitoring, and Regulatory Issues," *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 95–122.

²³ Aloisi and Gramano, "Artificial Intelligence Is Watching You," 100–102.

²⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 34.

articularly when employers gather sensitive personal data such as biometric information or health metrics

For Nigeria, these risks are aggravated by weak institutional safeguards.²⁵ The Labour Act 2004 contains no provisions regulating digital monitoring. The Nigeria Data Protection Act 2023 (NDPA) introduces principles such as lawful processing, purpose limitation, and data minimisation. However, in employment settings where the employer–employee relationship is inherently unequal, the requirement of employee “consent” to monitoring is problematic.²⁶ Workers may feel compelled to accept invasive surveillance as a condition of employment, undermining the voluntariness of their consent.

Additionally, the Nigerian workplace culture often emphasises managerial prerogative and discipline over employee autonomy. Without explicit restrictions, AI-based monitoring may normalise intrusive practices such as constant webcam surveillance during remote work, or biometric attendance systems that collect and store sensitive data indefinitely.²⁷ In the absence of strong enforcement mechanisms under the NDPA, Nigerian employees remain vulnerable to privacy violations disguised as productivity tools.

2.3 Automated Termination (“Robo-Firing”)

Perhaps the most controversial application of AI in employment lies in termination decisions.²⁸ In some global industries, employers rely on algorithmic systems to determine redundancy, measure performance thresholds, or trigger dismissal notices

²⁵ Babalola, “Data Protection and Employment Law in Nigeria,” 250.

²⁶ Babalola, “Data Protection and Employment Law in Nigeria,” 252–255.

²⁷ Ajunwa, Crawford, and Schultz, “Limitless Worker Surveillance,” 750–755.

²⁸ T. B Matthew, “The Law of Employee Data: Privacy, Property, Governance,” *Indiana Law Journal* 97, no. 3 (2022): 707–760.

automatically.²⁹ This practice, often referred to as “robo-firing,” raises significant legal and ethical challenges.

The dangers are threefold. First, automated dismissals risk violating the right to fair hearing (section 36 of the Constitution).³⁰ Workers may be dismissed without any opportunity to contest the decision before an impartial body. Second, algorithmic opacity means that employees often do not know why they were terminated, undermining transparency and accountability. Third, errors in data input or flawed algorithmic design may lead to unjust dismissals, with employees facing difficulties in seeking redress.

Although robo-firing is not yet widespread in Nigeria, global trends indicate that it could become a reality, particularly as multinational corporations expand their operations.³¹ Nigerian courts, especially the National Industrial Court of Nigeria (NICN), have historically emphasised fairness and compliance with statutory procedures in termination cases. For instance, the NICN has held that termination must not be exercised in ways that are arbitrary or contrary to equity.

2.4 Wider Implications and Emerging Concerns

Beyond the three central areas of recruitment, monitoring, and termination, AI in employment raises broader issues.³² Automated scheduling systems, for example, may allocate shifts in ways that disrupt family life and violate principles of decent work. Predictive analytics may be used to determine which employees are “likely to resign,” prompting employers to treat such workers differently. Even workplace wellness programmes using AI to track health data could inadvertently expose employees to discrimination based on medical history.³³

²⁹ Valerio De Stefano, “‘Negotiating the Algorithm’: Automation, Artificial Intelligence, and Labour Protection,” *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 15–46.

³⁰ Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 36.

³¹ De Stefano, “‘Negotiating the Algorithm’,” 20–25.

³² International Labour Organization, *Digitalization and the Future of Work* (Geneva: ILO, 2020), 60–65.

³³ Ajunwa, Crawford, and Schultz, “Limitless Worker Surveillance,” 760–765.

2.5 Balancing Promise and Peril

The integration of AI into employment relations thus embodies a paradox.³⁴ On the one hand, AI promises unprecedented efficiency, objectivity, and modernisation of the workplace. On the other, it threatens to entrench bias,³⁵ erode privacy, and deny due process. For Nigeria, where employment regulation is already weakened by outdated statutes and enforcement challenges, the dangers of unregulated AI adoption are particularly stark.

The challenge, therefore, lies not in rejecting AI altogether but in ensuring that its deployment is aligned with fundamental rights and principles of decent work. Nigerian law must be reformed to require transparency in algorithmic decision-making, guarantee human oversight in termination processes, and limit invasive surveillance practices.³⁶ At the same time, workers must be empowered with knowledge of their rights, and courts must develop jurisprudence capable of addressing disputes arising from AI-driven employment practices.

This balancing exercise is not merely theoretical. Globally, jurisdictions are already moving to regulate AI in employment through risk-based legislation, anti-discrimination enforcement, and workplace-specific data protection rules. Nigeria cannot afford to lag behind. Unless safeguards are urgently embedded, the promises of AI will be overshadowed by its perils, leaving Nigerian workers vulnerable in the digital economy.³⁷

3. The Nigerian Legal Framework

The adequacy of Nigeria's employment law in regulating Artificial Intelligence (AI) is deeply contested³⁸. While AI is fast becoming a feature of the modern workplace, Nigeria's legal framework remains largely anchored in statutes drafted in a pre-digital

³⁴ Kim, "Data-Driven Discrimination at Work," 857.

³⁵ Barocas and Selbst, "Big Data's Disparate Impact," 671.

³⁶ Nigeria Data Protection Act, 2023, §§ 2–3; European Union Artificial Intelligence Act, Regulation (EU) 2024/1689, art. 6.

³⁷ Babalola, "Data Protection and Employment Law in Nigeria," 260.

³⁸ B Olumide, "Data Protection and Employment Law in Nigeria," *Journal of African Law* 65, no. 2 (2021): 245–260.

era.³⁹ The three principal sources of labour protection in Nigeria are the Labour Act 2004, the 1999 Constitution of the Federal Republic of Nigeria (as amended), and, more recently, the Nigeria Data Protection Act 2023 (NDPA). Alongside these, case law from the National Industrial Court of Nigeria (NICN) provides interpretive guidance.⁴⁰ However, none of these instruments was designed with AI in mind, and significant regulatory gaps persist.⁴¹

3.1 The Labour Act 2004

First, the Act was conceived in an analogue era and is silent on matters of data protection, algorithmic transparency, or digital monitoring. It assumes a human-centric employment relationship, in which disputes involve identifiable employers and employees, rather than opaque systems managed by automated decision-making tools. For example, the provisions of sections 9–20, which govern employment contracts, presume that terms are individually negotiated or imposed by human employers, leaving no framework to question automated or AI-based employment decisions.

Second, the Act contains weak protections against discrimination. While it prohibits contracts that seek to limit employee rights, it does not impose robust obligations on employers to prevent bias in hiring or promotion.⁴² In the context of AI-driven recruitment systems, which may embed algorithmic discrimination, this omission is particularly glaring. A rejected applicant who suspects that an AI tool excluded them on discriminatory grounds has no recourse under the Labour Act.

Third, the Act does not regulate employer surveillance practices. Section 7 requires employers to provide written statements of employment terms, but nothing in the Act limits the extent to which employers may monitor employees' behaviour. Thus, the use of keystroke logging, facial recognition, or productivity tracking software can proceed

³⁹ W. D Emeka, "The Impact of Digital Technologies on Employment in Nigeria," *African Journal of Economic and Management Studies* 12, no. 2 (2021): 189–204.

⁴⁰ National Industrial Court Act, Cap. N111, Laws of the Federation of Nigeria, 2006, § 7.

⁴¹ Babalola, "Data Protection and Employment Law in Nigeria," 258.

⁴² *Ibid.*; International Labour Organization, *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)* (ratified by Nigeria, 2002).

without restriction, subject only to the employer's discretion.⁴³ In the age of AI, this leaves Nigerian workers highly vulnerable to invasive surveillance.

The inadequacy of the Labour Act reflects its historical context: it was never designed to anticipate the challenges of the digital economy.⁴⁴ Without urgent reform, the Act cannot safeguard Nigerian workers against the risks posed by AI in the workplace.⁴⁵

3.2 Constitutional Protections

The 1999 Constitution provides a higher normative framework that could potentially be invoked against AI-driven employment practices.⁴⁶ Three provisions are particularly relevant:

1. **Section 34** guarantees the right to dignity of the human person. Excessive workplace surveillance through AI may erode dignity by reducing workers to data points and subjecting them to constant scrutiny. For instance, biometric monitoring or predictive analytics that track fatigue levels could be challenged as degrading treatment inconsistent with dignity.
2. **Section 36** guarantees the right to fair hearing. Automated termination or “robo-firing” raises questions about whether employees dismissed by algorithmic systems have been afforded a meaningful opportunity to contest the decision.⁴⁷ If an employee cannot interrogate the basis of an AI's decision, they are effectively denied fair hearing.
3. **Section 37** protects the right to privacy. AI-driven surveillance, especially when it involves health data, location tracking, or monitoring of private communications, directly implicates this provision. In principle, employees should have

⁴³ A Ifeoma, C Kate, and S Jason, “Limitless Worker Surveillance,” *California Law Review* 105, no. 3 (2017): 735–776.

⁴⁴ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004, preamble.

⁴⁵ Babalola, “Data Protection and Employment Law in Nigeria,” 260.

⁴⁶ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁴⁷ V De Stefano, “‘Negotiating the Algorithm’: Automation, Artificial Intelligence, and Labour Protection,” *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 15–46.

constitutional protection against intrusive monitoring, though in practice enforcement remains weak.

While these constitutional rights are potentially powerful, their effectiveness depends on judicial interpretation. Nigerian courts have yet to confront AI-related employment disputes directly.⁴⁸

3.3 The Nigeria Data Protection Act 2023

The Nigeria Data Protection Act 2023 (NDPA) represents the most contemporary attempt to regulate digital practices, including those relevant to employment.⁴⁹ The Act codifies principles of data processing such as lawfulness, fairness, transparency, purpose limitation, and data minimization. It also grants individuals rights of access, rectification, and erasure of personal data.

Despite these strengths, the NDPA has significant limitations. First, it does not contain employment-specific provisions. Issues such as coerced consent in employer–employee relationships are not directly addressed. In hierarchical settings, employees may “consent” to surveillance or data processing simply because refusal risks termination, undermining the voluntariness of consent. Second, the NDPA does not impose explicit obligations of algorithmic transparency or require employers to provide explanations for AI-driven decisions. Unlike the EU’s General Data Protection Regulation (GDPR), which grants workers a limited “right to explanation” for automated decisions, the NDPA leaves Nigerian employees without a mechanism to interrogate algorithmic outcomes.⁵⁰

Furthermore, enforcement is weak. The newly established Nigeria Data Protection Commission (NDPC) lacks resources to monitor compliance across Nigeria’s vast and

⁴⁸ Babalola, “Data Protection and Employment Law in Nigeria,” 258.

⁴⁹ Nigeria Data Protection Act, No. 4, 2023.

⁵⁰ GDPR, Regulation (EU) 2016/679, art. 22; W Sandra, M Brent, and F Luciano, “Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation,” *International Data Privacy Law* 7, no. 2 (2017): 76–99.

diverse labour market.⁵¹ Without strong institutional capacity, many AI-related abuses may go unchallenged.

3.4 The Role of the National Industrial Court (NICN)

The NICN plays a central role in interpreting and enforcing labour rights in Nigeria. Its jurisdiction under the Constitution and the National Industrial Court Act 2006 covers disputes relating to labour, employment, trade unions, and industrial relations.⁵² Over the years, the NICN has built a progressive body of jurisprudence, recognising international labour standards and prioritising fairness in termination disputes.

For instance, the Court has held that even where employers retain the right to terminate employment with notice, such power must not be exercised in a manner inconsistent with fair labour practices. In another line of cases, the NICN has affirmed that international conventions ratified by Nigeria, including ILO standards, can influence domestic interpretation of labour rights.⁵³

This judicial activism positions the NICN as a potential guardian of workers' rights in the age of AI. If presented with cases of AI-driven recruitment bias, intrusive surveillance, or algorithmic termination, the Court could interpret the Constitution, the NDPA, and international labour standards to extend protections.⁵⁴ However, such outcomes remain speculative, as no reported NICN decision has yet directly addressed AI in employment. The lack of precedents means that Nigerian workers face uncertainty when challenging algorithmic practices.

⁵¹ Babalola, "Data Protection and Employment Law in Nigeria," 257.

⁵² Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 254C; National Industrial Court Act, 2006, § 7.

⁵³ *Petroleum and Natural Gas Senior Staff Association of Nigeria v. Chevron Nigeria Ltd.* [2017] 67 NCLR (Pt. 3) 456 (NICN); International Labour Organization, Conventions and Recommendations (ratified by Nigeria).

⁵⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended), §§ 34, 36, 37; Nigeria Data Protection Act, 2023.

4. Comparative Perspectives

The regulation of Artificial Intelligence (AI) in employment is an evolving field worldwide.⁵⁵ While Nigeria's employment law remains largely silent on digitalisation, several jurisdictions have begun to experiment with statutory reform, regulatory guidance, and judicial interpretation to address the unique risks posed by AI in recruitment, monitoring, and termination. By examining comparative experiences, Nigeria can draw lessons on how to balance innovation with worker protection.⁵⁶

4.1 The European Union: The Artificial Intelligence Act

The European Union (EU) has taken the most ambitious step towards regulating AI through the Artificial Intelligence Act (AIA), adopted in 2024. The AIA adopts a risk-based approach, classifying AI systems into categories of unacceptable risk, high risk, limited risk, and minimal risk. Notably, AI systems used in employment and worker management are designated as "high risk."⁵⁷

For employment contexts, the AIA imposes stringent obligations on employers and system providers:

- **Transparency and Documentation:** Employers must inform workers when AI is used in recruitment or performance evaluation.
- **Human Oversight:** High-risk AI systems cannot be deployed without adequate human review.
- **Non-Discrimination:** Providers must demonstrate that training datasets do not reproduce unlawful bias.
- **Record-Keeping and Monitoring:** Employers must maintain logs of AI decision-making to facilitate accountability.⁵⁸

⁵⁵ Valerio De Stefano, "'Negotiating the Algorithm': Automation, Artificial Intelligence, and Labour Protection," *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 15–46.

⁵⁶ International Labour Organization, *The Future of Work in a Digital World* (Geneva: ILO, 2021), 45–50.

⁵⁷ *Ibid.*, annex III.

⁵⁸ *Ibid.*, art. 20.

By designating workplace AI as “high risk,” the EU acknowledges the profound implications of algorithmic systems for fundamental rights, including non-discrimination, privacy, and due process. While Nigeria lacks comparable legislation, the EU model illustrates the value of proactive regulation that places employment-related AI under special scrutiny.⁵⁹

4.2 The United States: EEOC and Algorithmic Bias

In the United States, there is no comprehensive federal AI law, but existing anti-discrimination frameworks have been extended to cover algorithmic practices.⁶⁰ The Equal Employment Opportunity Commission (EEOC) has issued guidance clarifying that the use of AI in hiring, monitoring, or firing must comply with Title VII of the Civil Rights Act, the Americans with Disabilities Act, and other equality statutes.⁶¹

Two developments stand out:

1. **Algorithmic Bias Enforcement:** The EEOC has warned that employers may be liable for discriminatory outcomes produced by AI tools, even if the bias arises unintentionally through training data.⁶² This shifts responsibility to employers to audit and monitor AI systems for fairness.
2. **Disability and Accommodation:** The EEOC has highlighted risks where AI tools disadvantage persons with disabilities — for example, screening software rejecting candidates with non-standard speech patterns.⁶³ Employers must ensure reasonable accommodation even when using AI.

⁵⁹ B Olumide, “Data Protection and Employment Law in Nigeria,” *Journal of African Law* 65, no. 2 (2021): 245–260.

⁶⁰ B Solon and D. S Andrew, “Big Data’s Disparate Impact,” *California Law Review* 104, no. 3 (2016): 671–732.

⁶¹ Equal Employment Opportunity Commission, *Technical Assistance Document: Use of Algorithmic Decision-Making Tools in Employment* (Washington, DC: EEOC, 2023).

⁶² *Ibid.*, 5–7.

⁶³ Equal Employment Opportunity Commission, *The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees* (Washington, DC: EEOC, 2022).

Although enforcement remains nascent, U.S. jurisprudence demonstrates that existing equality frameworks can be adapted to regulate AI without waiting for new legislation. For Nigeria, this suggests that anti-discrimination provisions in the Constitution and labour law could be interpreted by the NICN to address algorithmic bias, even before statutory reform.⁶⁴

4.3 The United Kingdom: Data Protection and Employment Law

The United Kingdom (UK) has not yet enacted a dedicated AI law but relies on the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and employment law principles. In 2020, the UK Information Commissioner's Office (ICO) issued guidance on AI, emphasizing fairness, transparency, and accountability⁶⁵.

Key principles relevant to employment include:

- **Right to Explanation:** Workers subjected to automated decision-making have a limited right to demand explanation of the logic involved.⁶⁶
- **Impact Assessments:** Employers must conduct Data Protection Impact Assessments (DPIAs) before deploying AI that significantly affects workers.
- **Fair Dismissal:** Employment tribunals remain vigilant against dismissals lacking procedural fairness, including those driven by opaque technologies.⁶⁷

The UK model illustrates the value of embedding AI regulation within existing data protection and employment law frameworks, rather than waiting for a single,

⁶⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 42; *Mr. Michael Taiwo Akinkunmi v. Cadbury Nigeria Plc* [2012] 29 NCLR (Pt. 1) 89 (NICN).

⁶⁵ Information Commissioner's Office, *Guidance on AI and Data Protection* (London: ICO, 2020).

⁶⁶ UK GDPR, art. 22; W Sandra, M Brent, and F Luciano, "Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation," *International Data Privacy Law* 7, no. 2 (2017): 76–99.

⁶⁷ *Uber BV v. Aslam* [2021] UKSC 5 (UK Supreme Court, emphasizing procedural fairness in algorithmic management).

comprehensive statute.⁶⁸ For Nigeria, where the NDPA 2023 is already in place, similar integration could be pursued through regulations or guidelines targeted at employment.⁶⁹

4.4 South Africa: A Continental Model

On the African continent, South Africa offers the most instructive example.⁷⁰ The country has not enacted a dedicated AI statute but has leveraged existing laws to regulate digitalization in employment. The Protection of Personal Information Act 2013 (POPIA) mirrors many of the GDPR's provisions, including rights of access, correction, and objection.

Additionally, South Africa's Constitutional Court has developed robust jurisprudence on dignity, privacy, and fair labour practices.⁷¹ For example, the Court has consistently emphasised that dismissals must comply with both substantive and procedural fairness. In principle, this jurisprudence could extend to algorithmic termination, requiring employers to demonstrate not only that the decision was substantively justified but also that employees had a fair opportunity to contest it.

Perhaps most significantly, South Africa's Prevention and Combating of Corrupt Activities Act 2004 explicitly criminalises match-fixing and manipulation in sports, recognising the risk of algorithmic and technological abuse. Although not employment-specific, this demonstrates South Africa's willingness to legislate proactively against digital manipulation. Nigeria could adopt a similar approach by introducing targeted offences relating to AI-driven labour discrimination or unfair dismissal.

⁶⁸ Information Commissioner's Office, *Guidance on AI and Data Protection*, 20.

⁶⁹ Nigeria Data Protection Act, No. 4, 2023; Babalola, "Data Protection and Employment Law in Nigeria," 255.

⁷⁰ Protection of Personal Information Act, No. 4, 2013 (South Africa).

⁷¹ Constitution of South Africa, 1996, §§ 10, 14, 23; *Barkhuizen v. Napier* [2007] ZACC 5 (South African Constitutional Court).

4.5 Other Jurisdictions: Canada and Singapore

Beyond the EU, US, UK, and South Africa, other jurisdictions are also experimenting with frameworks relevant to employment.⁷²

- **Canada:** The proposed Artificial Intelligence and Data Act (AIDA) adopts a risk-based approach similar to the EU AIA, imposing obligations on employers deploying “high-impact AI systems,” including those in hiring and human resource management.⁷³
- **Singapore:** The Model AI Governance Framework encourages transparency and accountability, though it remains largely voluntary. These models show that even outside the EU’s binding regulatory framework, countries are moving towards principle-based governance of AI in employment, centred on fairness, accountability, and transparency.⁷⁴

4.6 Lessons for Nigeria

The comparative review yields several key lessons for Nigeria:⁷⁵

- (b) **Risk-Based Regulation is Effective:** The EU’s designation of employment-related AI as “high risk” acknowledges the profound implications of AI for workers’ rights. Nigeria could adopt a similar model, either through statutory reform or regulations under the NDPA.
- (c) **Existing Equality Laws Can Be Extended:** The U.S. approach demonstrates that anti-discrimination frameworks can be applied to AI without waiting for new statutes. Nigeria’s Constitution and labour jurisprudence could similarly be interpreted to cover algorithmic bias.

⁷² De Stefano, “‘Negotiating the Algorithm’,” 20.

⁷³ Artificial Intelligence and Data Act (AIDA), Bill C-27, First Reading, June 16, 2022 (Canada).

⁷⁴ Ibid.; International Labour Organization, *Digitalization and the Future of Work* (Geneva: ILO, 2020), 60–65.

⁷⁵ Babalola, “Data Protection and Employment Law in Nigeria,” 260.

- (d) **Integration into Data Protection Frameworks:** The UK model highlights how data protection rules can serve as a foundation for regulating AI in employment. Nigeria's NDPA could be amended or supplemented with employment-specific guidelines.
- (e) **Judicial Activism Matters:** South Africa shows the importance of constitutional jurisprudence in extending protections to digital contexts. The NICN could play a similar role in Nigeria by interpreting dignity, privacy, and fair hearing rights in light of AI.⁷⁶
- (f) **Proactive Legislation Prevents Abuse:** From South Africa's anti-corruption legislation to Canada's AIDA, comparative models illustrate the importance of proactive, rather than reactive, legal reform. Nigeria must not wait for widespread AI-related abuses before acting.

Comparative experiences confirm that AI in employment cannot be left unregulated.⁷⁷ While the specific models differ from the EU's binding risk-based regime to the U.S. reliance on anti-discrimination enforcement the common thread is a recognition that algorithmic systems have transformative, and potentially harmful, implications for workers.⁷⁸

For Nigeria, the lesson is clear. The current legal framework the Labour Act 2004, the Constitution, and the NDPA 2023 lacks the precision and enforcement capacity to safeguard workers against algorithmic discrimination, intrusive surveillance, and arbitrary termination. By learning from comparative jurisdictions, Nigeria can craft a hybrid model that combines statutory reform, regulatory guidance, and judicial innovation.⁷⁹ This will ensure that AI in employment advances the goals of efficiency and competitiveness without undermining the fundamental rights of Nigerian workers.

⁷⁶Constitution of the Federal Republic of Nigeria, 1999 (as amended), §§ 34, 36, 37; *Mr. Michael Taiwo Akinkunmi v. Cadbury Nigeria Plc* [2012] 29 NCLR (Pt. 1) 89 (NICN).

⁷⁷ De Stefano, "Negotiating the Algorithm," 15.

⁷⁸ Kim, "Data-Driven Discrimination at Work," 857; European Union Artificial Intelligence Act, Regulation (EU) 2024/1689, preamble.

⁷⁹ International Labour Organization, *The Future of Work in a Digital World* (Geneva: ILO, 2021), 50.

5. Challenges in the Nigerian Context

While Artificial Intelligence (AI) presents transformative opportunities for employment relations, Nigeria's peculiar socio-economic and legal environment complicates its adoption and regulation.⁸⁰

5.1 Outdated Legal Framework

The most immediate challenge is Nigeria's reliance on the Labour Act 2004, a statute rooted in colonial-era regulation. As earlier analysed, the Act assumes a manual, analogue workplace and provides no guidance on digitalisation, data protection, or algorithmic management.⁸¹ This leaves Nigerian employees exposed to practices such as algorithmic discrimination in recruitment, invasive surveillance, and automated termination, without statutory remedies.

Attempts to update employment law have been piecemeal.⁸² For example, while the Nigeria Data Protection Act 2023 (NDPA) provides a more contemporary digital framework, it is not employment-specific and fails to regulate AI-driven practices directly. Similarly, the 1999 Constitution guarantees dignity, fair hearing, and privacy, but its general language has not been tested against algorithmic abuses.⁸³ The absence of a coherent digital labour law creates uncertainty for both employers and employees, discouraging investment in fair AI practices and weakening trust in workplace innovation.⁸⁴

5.2 Weak Enforcement Institutions

Even where laws exist, enforcement remains a critical weakness. Nigerian regulatory bodies are often underfunded, understaffed, and constrained by political interference. The National Industrial Court of Nigeria (NICN) has exclusive jurisdiction over employment

⁸⁰ W. D Emeka, "The Impact of Digital Technologies on Employment in Nigeria," *African Journal of Economic and Management Studies* 12, no. 2 (2021): 189–204.

⁸¹ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004.

⁸² Babalola, "Data Protection and Employment Law in Nigeria," 250.

⁸³ Constitution of the Federal Republic of Nigeria, 1999 (as amended), §§ 34, 36, 37.

⁸⁴ Dumbili, "The Impact of Digital Technologies," 190.

disputes and has shown a progressive orientation by recognising international labour standards. Yet, the Court faces serious challenges: case backlogs, limited judicial expertise on digitalisation, and difficulties enforcing judgments, particularly against powerful employers or government agencies.⁸⁵

The Nigeria Data Protection Commission (NDPC), newly established under the NDPA, lacks the capacity to monitor compliance across Nigeria's vast labour market. AI-driven violations are often subtle, involving complex algorithms and opaque decision-making processes, requiring advanced technical expertise that regulators do not yet possess.⁸⁶ Without institutional strengthening, any legal reforms addressing AI in employment may remain merely symbolic.

5.3 Informality of the Labour Market

Another significant barrier is the large informal sector, which accounts for more than 60% of Nigeria's workforce.⁸⁷ Informal employment is characterised by casual contracts, lack of social security, and absence of written terms. Employers in this sector are unlikely to adopt advanced AI systems; however, as mobile technology and digital platforms expand, informal workers are increasingly exposed to platform-based management.⁸⁸

5.4 Low Levels of Digital Literacy

The risks of AI in employment are exacerbated by low digital literacy among Nigerian workers.⁸⁹ Many employees are unfamiliar with how AI tools operate or the rights available to them under data protection law. As a result, they may fail to identify or challenge algorithmic discrimination, intrusive monitoring, or unfair dismissal.

⁸⁵ Babalola, "Data Protection and Employment Law in Nigeria," 258.

⁸⁶ Valerio De Stefano, "'Negotiating the Algorithm': Automation, Artificial Intelligence, and Labour Protection," *Comparative Labor Law & Policy Journal* 41, no. 1 (2020): 15–46.

⁸⁷ International Labour Organization, *Nigeria Country Profile: Employment and Labour Market* (Geneva: ILO, 2019), 10.

⁸⁸ Dumbili, "The Impact of Digital Technologies," 192.

⁸⁹ UNESCO, *Digital Literacy in Nigeria: A Report on Workforce Readiness* (Paris: UNESCO, 2020), 15–20.

Employers often present surveillance or monitoring tools as productivity-enhancing measures, and employees, lacking awareness, may “consent” without understanding the implications for privacy and dignity.⁹⁰ Similarly, candidates rejected by AI-driven recruitment systems may not know that they can demand explanations or contest unfair outcomes.⁹¹ Without targeted education and awareness campaigns, statutory reforms will remain ineffective, as workers cannot enforce rights they do not understand.

5.5 Employer Resistance and Cost Pressures

Employers in Nigeria frequently resist regulatory reforms, citing cost implications and global competitiveness. Many businesses already complain about the rigidity of labour law, high costs of compliance, and inefficiency of dispute resolution mechanisms.⁹² Introducing AI-specific obligations such as algorithmic audits, transparency requirements, or human oversight mandates may be viewed as an additional burden that discourages investment.

5.6 Governance Deficits and Corruption

Nigeria’s broader governance challenges also affect the regulation of AI in employment.⁹³ Corruption, weak accountability mechanisms, and political interference often compromise enforcement across sectors.

Moreover, the culture of impunity prevalent in labour relations extends into digital contexts. Employers that already disregard statutory obligations such as paying minimum wage or remitting pension contributions are unlikely to respect AI-specific protections.⁹⁴ Unless Nigeria addresses governance deficits, AI in employment risks becoming another avenue for exploitation rather than innovation.

⁹⁰ Ajunwa, Crawford, and Schultz, “Limitless Worker Surveillance,” 750–755.

⁹¹ B Miranda and R Aaron, *Awareness in Action: Addressing Algorithmic Bias in Hiring* (Washington, DC: Upturn, 2018), 15–20.

⁹² Ibid.

⁹³ Transparency International, *Corruption Perceptions Index 2024: Nigeria*, 12.

⁹⁴ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004, §§ 21, 28.

5.7 Lack of Judicial Precedent

Finally, there is the challenge of judicial uncertainty.⁹⁵ The NICN has not yet been presented with cases involving AI in employment. Judges and lawyers may lack the technical expertise to interpret algorithmic systems, assess discriminatory outcomes, or evaluate claims of unfair automated termination.

Comparative jurisdictions such as the EU and UK have developed mechanisms to demand algorithmic transparency or provide workers with a right to explanation.⁹⁶ Nigeria lacks such precedents. This creates uncertainty for employees considering litigation and for employers seeking clarity on their obligations. Without judicial development, even the strongest statutory provisions may remain dormant.⁹⁷

5.8 Synthesis of Challenges

Taken together, these challenges underscore why Nigeria cannot simply “import” regulatory models from the EU, US, or South Africa. The outdated legal framework leaves gaps, the weakness of enforcement institutions undermines accountability, and the informality of the labour market means that many workers fall outside formal protections altogether.⁹⁸ Low digital literacy prevents workers from asserting rights, while employer resistance and governance deficits discourage compliance. The absence of judicial precedent adds uncertainty.

6. Recommendations for Reform

The preceding analysis has shown that Nigeria’s legal framework is fragmented, outdated, and ill-equipped to regulate the emerging use of Artificial Intelligence (AI) in

⁹⁵ Babalola, “Data Protection and Employment Law in Nigeria,” 258.

⁹⁶ European Union General Data Protection Regulation (GDPR), Regulation (EU) 2016/679, art. 22; Information Commissioner’s Office, *Guidance on AI and Data Protection* (London: ICO, 2020).

⁹⁷ *Aero Contractors Co. of Nigeria Ltd. v. National Industrial Court* [2014] 42 NCLR (Pt. 2) 555 (NICN) (noting judicial role in labour rights enforcement).

⁹⁸ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004; Nigeria Data Protection Act, 2023; International Labour Organization, *Nigeria Country Profile: Employment and Labour Market*, 10–12

employment.⁹⁹ Comparative lessons from the European Union, United States, United Kingdom, and South Africa demonstrate that proactive reform is possible, even within diverse legal systems. For Nigeria, reform must be comprehensive and multi-dimensional, addressing legislation, regulatory institutions, judicial practice, and workplace culture.¹⁰⁰ This section proposes six interlocking reform strategies: (1) statutory innovation; (2) data protection and algorithmic transparency; (3) institutional strengthening; (4) judicial development; (5) education and awareness; and (6) multi-stakeholder collaboration.

6.1 Statutory Innovation: Updating Labour Law for the Digital Age

The most urgent reform is the modernisation of the Labour Act 2004.¹⁰¹ Nigeria's principal employment statute should be amended to explicitly address digitalisation and AI-driven practices. Specific reforms should include:

- **Anti-Discrimination in AI Recruitment:** New provisions should prohibit the use of algorithmic tools that result in unjustified discrimination based on sex, ethnicity, religion, disability, or socio-economic status.¹⁰² Employers should be required to conduct **bias audits** of AI recruitment systems.¹⁰³
- **Regulation of Workplace Surveillance:** The Act should establish limits on digital monitoring, requiring proportionality, necessity, and respect for dignity.¹⁰⁴ For example, keystroke logging and biometric tracking should only be permitted where strictly necessary and subject to oversight.
- **Termination and Human Oversight:** The law should mandate that no termination of employment may be effected solely through automated systems.

⁹⁹ B Oluhide, "Data Protection and Employment Law in Nigeria," *Journal of African Law* 65, no. 2 (2021): 245–260.

¹⁰⁰ International Labour Organization, *The Future of Work in a Digital World* (Geneva: ILO, 2021), 50–55.

¹⁰¹ Labour Act, Cap. L1, Laws of the Federation of Nigeria, 2004.

¹⁰² Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 42; T. K Pauline, "Data-Driven Discrimination at Work," *William & Mary Law Review* 58, no. 3 (2017): 857–936.

¹⁰³ European Union Artificial Intelligence Act, Regulation (EU) 2024/1689, art. 10.

¹⁰⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 34; A Ifeoma, C Kate, and S Jason, "Limitless Worker Surveillance," *California Law Review* 105, no. 3 (2017): 735–776.

Every dismissal should involve human review, with the employee given the opportunity to contest the decision.¹⁰⁵

A reformed Labour Act would thus embed digital labour rights, ensuring that technology enhances rather than undermines worker protection.¹⁰⁶

6.2 Data Protection and Algorithmic Transparency

The Nigeria Data Protection Act 2023 (NDPA) represents progress but requires employment-specific strengthening.¹⁰⁷ To address AI in employment, the following reforms are recommended:

1. **Right to Explanation:** Employees should have the right to request an explanation of AI-driven decisions that significantly affect them, such as rejection in recruitment or termination.¹⁰⁸ This aligns with global trends under the EU's GDPR and AI Act.
2. **Consent and Power Imbalances:** The NDPA should clarify that consent obtained in employer–employee relationships is presumed not to be freely given, except where genuinely voluntary alternatives exist. This would prevent coerced consent for invasive surveillance.
3. **Algorithmic Impact Assessments:** Employers intending to use AI in employment should be required to conduct and publish Algorithmic Impact Assessments (AIAs), outlining risks of bias, privacy invasion, and unfair dismissal.¹⁰⁹
4. **Obligations on AI Providers:** Vendors supplying AI tools to Nigerian employers should be held legally accountable for discriminatory or unlawful outputs, ensuring shared responsibility.

¹⁰⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 36.

¹⁰⁶ International Labour Organization, *Fundamental Principles and Rights at Work* (Geneva: ILO, 1998), 10–15.

¹⁰⁷ Nigeria Data Protection Act, No. 4, 2023.

¹⁰⁸ European Union General Data Protection Regulation (GDPR), Regulation (EU) 2016/679, art. 22.

¹⁰⁹ European Union Artificial Intelligence Act, Regulation (EU) 2024/1689, art. 15.

Such reforms would extend the NDPA from a general data protection law to a workplace governance instrument, directly applicable to AI-driven employment practices.¹¹⁰

7. Conclusion

Artificial Intelligence (AI) has emerged as a powerful force in reshaping the employment relationship. From recruitment algorithms that filter thousands of applications in seconds, to workplace surveillance systems that monitor productivity, and even to automated dismissal mechanisms that trigger terminations, AI now occupies spaces once governed exclusively by human judgment. While these innovations offer potential efficiency, objectivity, and cost reduction, they also present significant threats to fairness, dignity, and accountability in the workplace. For Nigeria, where the labour law framework remains rooted in the Labour Act 2004 and constitutional provisions drafted for a pre-digital era, the integration of AI poses profound legal and policy challenges.

This paper has argued that Nigeria's existing framework consisting of the Labour Act 2004, the 1999 Constitution, and the Nigeria Data Protection Act 2023 (NDPA) is fragmented and inadequate to address AI-driven employment practices. The Labour Act is silent on digitalization and algorithmic management. The Constitution provides broad protections for dignity, fair hearing, privacy, and equality but has not yet been judicially applied to algorithmic abuses. The NDPA, while progressive in codifying data rights, lacks employment-specific provisions such as safeguards against coerced consent or requirements for algorithmic transparency. The jurisprudence of the National Industrial Court of Nigeria (NICN) has demonstrated progressive tendencies, but no precedents yet exist on AI in employment. Collectively, these gaps expose Nigerian workers to the perils of algorithmic bias, invasive monitoring, and arbitrary termination.

Comparative experiences reinforce the urgency of reform. The European Union's Artificial Intelligence Act designates employment-related AI as "high risk," requiring transparency, human oversight, and non-discrimination. The United States, through the

¹¹⁰ Babalola, "Data Protection and Employment Law in Nigeria," 256.

Equal Employment Opportunity Commission (EEOC), has extended existing anti-discrimination statutes to AI-driven practices, holding employers accountable for algorithmic bias. The United Kingdom integrates AI regulation into its data protection and employment frameworks, emphasizing fairness and the right to explanation. On the African continent, South Africa's POPIA and constitutional jurisprudence provide a foundation for regulating workplace digitalization. Each of these jurisdictions illustrates different pathways, but the common thread is clear: AI in employment cannot be left unregulated.

For Nigeria, reform must be multi-dimensional. First, statutory innovation is necessary to update the Labour Act for the digital era, embedding provisions that prohibit algorithmic discrimination, limit invasive surveillance, and require human oversight in termination. Second, the NDPA must be strengthened with employment-specific reforms, such as algorithmic impact assessments and a right to explanation for AI-driven decisions. Third, institutions such as the NICN, NDPC, and Labour Inspectorate must be capacitated with technical expertise and resources to enforce digital labour protections effectively. Fourth, the judiciary must interpret constitutional rights expansively to protect workers against algorithmic injustice, drawing on international labour standards. Fifth, education and awareness campaigns must empower both workers and employers with knowledge of AI risks and responsibilities. Finally, multi-stakeholder collaboration involving government, unions, employers, civil society, and international partners is essential to ensure inclusiveness and accountability in AI governance.

The future of work in Nigeria depends on striking this delicate balance. Law must function not as an obstacle to innovation but as a framework that ensures innovation serves human welfare. By embedding fairness, transparency, and accountability into AI-driven employment practices, Nigeria can align with global best practices while protecting its workers. Failure to act, however, will consign Nigerian labour law to obsolescence, leaving employees defenceless in a rapidly digitalising economy.

Ultimately, the regulation of AI in employment is not merely a technical question of compliance but a broader issue of social justice, human dignity, and the role of law in the digital age. As Nigeria aspires to compete in the global economy, it must ensure that its workers are not reduced to data points in opaque algorithms. The law must affirm that behind every dataset is a human being entitled to respect, fairness, and dignity at work.