



Global Employment Law Decisions Reshaping Workforce Management In Nigeria

www.strenandblan.com
contact@strenandblan.com
[@strenandblan](https://twitter.com/strenandblan)

+234 (0)702 558 0053
3 Theophilus Orji Street, Off Fola
Osibo Road, Lekki Phase 1, Lagos,
Nigeria

9th
June, 2026



Introduction

The world of work is changing rapidly, often outpacing the ability of organizations to keep up. Courts across Africa and beyond are issuing rulings that redefine who qualifies as an employee, determine

which country's court has jurisdiction for disputes, and assess whether AI-driven hiring or termination could expose companies to liability. For organizations operating in Nigeria or managing

cross-border operations, these decisions have significant implications for their employee management and relationships.

Defamation, Employment, and Forum Selection: The Supreme Court Delineates

The Decision

The Supreme Court of Nigeria's decision in **Emma Elegbe v. HP International Schools Ltd, (2026) LPELR-83245(SC)**, provides important clarification on the jurisdictional limits of the National Industrial Court of Nigeria (NICN), particularly where workplace disputes overlap with tort claims such as defamation.

The judgment settles a long-standing uncertainty in Nigerian appellate jurisprudence by confirming that a mere factual connection to employment is insufficient to confer jurisdiction on the NICN. The Supreme Court unanimously held that defamation claims remain within the jurisdiction of State High Courts unless they are ancillary to a substantive employment dispute properly before the NICN and so intrinsically connected to that dispute that separate adjudication would be impracticable.

The facts of this case are as follows: the 1st appellant was the Head of School at the 1st respondent's school, while the 2nd appellant was her husband, and they had

their children enrolled at the school. The employment relationship between the 1st appellant and the 1st respondent deteriorated, leading to the 1st appellant's resignation. In a letter to parents of students at the school announcing the 1st appellant's resignation, the 1st respondent stated that she resigned due to an ongoing investigation. The 1st appellant found this damaging to her character and then emailed the parents to clarify her resignation. In response to inquiries from parents, the 2nd appellant also sent a WhatsApp message to the parents.

The respondents were upset by the content of both the email and the WhatsApp message and subsequently filed a lawsuit in the High Court of Lagos State, claiming defamation. The appellants contested the court's jurisdiction, asserting that the matter concerned employment issues and should fall under the exclusive jurisdiction of the National Industrial Court of Nigeria as provided in section 254C of the Constitution. The trial court rejected the objection and assumed jurisdiction.

The appellants appealed to the Court of Appeal. However, due to conflicting judicial authorities on the issue, the Court of Appeal referred the questions of jurisdiction that arose to the Supreme Court for definitive resolution. In a unanimous decision, the Supreme Court held that the jurisdictional question in cases of defamation alleged to arise in an employment context must be resolved upon careful examination of the pleadings to ascertain the true nature of the dispute. Where, upon such examination, the cause of action and principal claims are found to be fundamentally rooted in employment within the purview of Section 254C of the Constitution, jurisdiction lies with the National Industrial Court. Where it is not, such as in the instant case, where the dispute involves purely a cause of action rooted in defamation, jurisdiction lies with the State High Court.

Implications of the Judgement on Employment Dispute Resolution in Nigeria

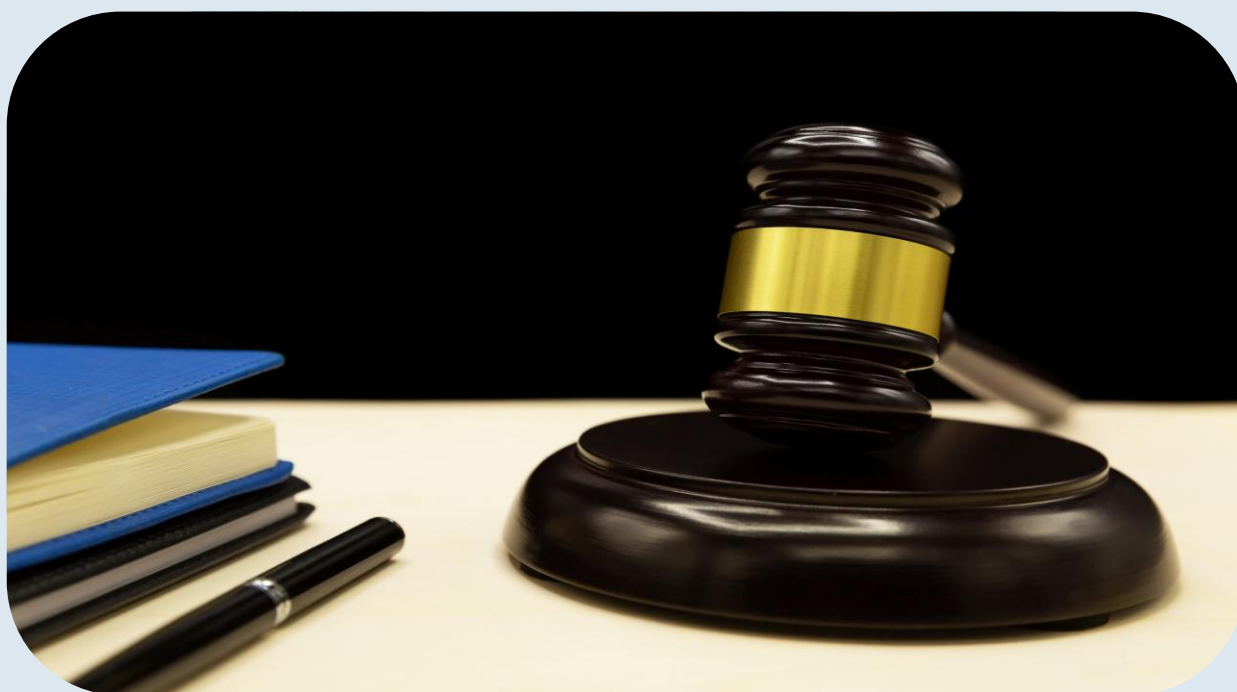
The judgment has immediate implications for employers, employees, and legal advisers involved in workplace disputes in Nigeria, as discussed below.

For employers and employees, the decision reinforces the importance of correctly characterising claims before commencing proceedings. Parties can no longer assume that every dispute connected to the workplace belongs before the NICN. Where the essence of the complaint is reputational

harm, the proper forum will generally be the State High Court.

The judgement is also significant, especially for employers, from a risk management perspective. Employers dealing with post-termination communications, internal investigations, disciplinary announcements, or statements made to stakeholders or regulators must recognise that such disputes may expose them to tortious liability outside the NICN's specialised framework.

The decision additionally discourages forum-shopping, where litigants attempt to select courts perceived as strategically advantageous. By clarifying jurisdictional boundaries, the Supreme Court has promoted greater procedural certainty and predictability in employment-related litigation.



Discrimination based on Health Status: The NICN Draws a Firm Line

The Decision

In a 2025 NICN ruling in **Obiorah Emeka v Jaya Confectionaries Ltd & Q Med Diagnostic Ltd** (Unreported Suit No. NICN/LA/348/2021, judgement delivered on 15th May 2025; per Hon. Justice Ikechi J. Nwaneka), the NICN addressed the treatment of a job applicant based on his HIV status. In this case, a prospective employee was offered the job of customer service representative, following which he resigned from his former employment and accepted the offer. Subsequently, the employee was required by the 1st defendant (the new employer) to undergo a food handlers' test, including an HIV/AIDS test at the 2nd defendant's facility. His result was communicated without his knowledge or consent to the prospective employer, who then orally revoked the offer of employment.

The court held that requiring an HIV/AIDS test without informed consent was unlawful and that revoking the offer of employment based on the applicant's real or perceived HIV status amounted to discrimination, and violated Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as

amended) and the HIV and AIDS (Anti-Discrimination) Act 2014. Also, the communication of the applicant's HIV test result to the employer and a third party also violated the constitutional right to privacy under Section 37 of the Constitution.

What this Means for Businesses

This ruling reflects a broader pattern in NICN jurisprudence expanding the scope of unlawful workplace discrimination to cover health status, disability, and discriminatory hiring practices. For businesses in Nigeria and multinationals hiring locally, the implications are direct: pre-employment medical screening programmes should be reviewed immediately. Any test relating to an employee's health status must have a lawful basis, documented informed consent, and strict confidentiality safeguards. The absence of a written consent protocol is not a technical defect. The NICN has shown it may treat it as a constitutional violation.

The practical response is straightforward: create written purpose-specific consent forms for health-related employment tests, restrict access to results on a strict need-to-know

basis, and, significantly, ensure these tests are conducted before making a conclusive offer of employment to a prospective employee.

Businesses should equally audit employee handbooks and hiring protocols against the HIV/AIDS (Anti-Discrimination) Act and the Nigeria Data Protection Act (NDPA) 2023, which governs the procedure and requirements for handling health data, as well as other sensitive personal data.

The Platform Worker Problem: Two Courts, Two Jurisdictions, One Urgent Question.



The Decisions

Two 2025 rulings, one from France and one from South Africa, crystallise the legal dilemma confronting businesses deploying gig or platform workers across borders.

In July 2025, France’s highest appellate court, Court of Cassation: Civil Division, Social Chamber, in Appeal 24-13.513 (unpublished), rejected an Uber driver’s attempt to have his engagement reclassified as employment. The court found that Uber had restructured its platform to eliminate the hallmarks of “legal subordination”, the French legal test for employment. Drivers could set their own hours, reject trips, work for competing platforms, and

choose their routes. The court upheld independent contractor status.

The decision may, however, be temporary as France must implement the EU Platform Work Directive that introduces a rebuttable presumption of employment where a platform exercises control over working conditions by December 2026.

In March 2025, the Johannesburg Labour Court in **Naidoo v Khosa** NO JR1346/22, [2025] ZALCJHB 131 addressed a different issue: not which law applied to a cross-border worker, but which court could hear the dispute. Ms. Reena Naidoo had worked for South Africa’s Department of International Relations and Cooperation (DIRCO)

for 26 years, posted to the South African Permanent Mission to the United Nations in New York. When her post was abolished, she referred an unfair dismissal dispute to a South African bargaining council. DIRCO argued that because she lived and worked in the United States, no South African forum had jurisdiction. The Labour Court disagreed. It held that jurisdiction depends on the legal character of the employment relationship, and not where an employee works. Because the employee worked for a branch of South Africa’s DIRCO and her contract did not reference US law, South African law and forums retained jurisdiction.

Implications of the Decisions for Businesses and Nigerian Courts

Taken together, these decisions highlight two major risks in cross-border and platform workforce management. The French ruling confirms that worker classification depends on the degree of control a business exercises, including through technology. The South African ruling confirms that jurisdiction cannot be avoided simply by pointing to where an employee physically works.

For Nigerian businesses, the relevance is immediate. The gig economy continues to grow, and Nigerian courts have not yet issued a definitive classification

ruling on platform workers. However, given that the NICN is constitutionally empowered to adopt and apply international best practices and ILO standards, the French and South African Courts' decisions will have serious persuasive impacts on the NICN when faced with similar cases in the future. Moreso, courts globally are increasingly looking beyond contractual labels to the substance of control. A company that sets pricing, controls access to clients, monitors performance algorithmically, and can deactivate accounts should not assume that classifying workers as independent contractors will automatically withstand scrutiny.

Importantly, Nigerian companies posting employees abroad or hiring foreign nationals under Nigerian law contracts should be wary that Nigerian courts may still retain jurisdiction over resulting disputes. Equally, Nigerian subsidiaries of foreign companies may find themselves subject to foreign labour court jurisdiction where foreign law governs the employment relationship. The lesson from Naidoo is clear: substance, not geography, determines forum. Corporate structures and governing law clauses should therefore be drafted with precision.



Artificial Intelligence in Hiring: The Algorithm in the Dock

The Decision

On 6 March 2026, a judge of the United States District Court for the Northern District of California gave an updated ruling in the nationwide collective action in **Mobley v. Workday, Inc. No. 3:23-cv-00770-RFL**, one of the most significant judicial developments in AI employment law to date.

The case concerns Workday's AI-powered applicant screening tools used by thousands of companies globally. Derek Mobley, a Black applicant, aged over 40 years, who identified as having anxiety and depression, alleged that he was repeatedly rejected through Workday's platform, sometimes within minutes of applying. He argued that the system discriminated against applicants based on age, race, and disability.

The court rejected Workday's argument that it was merely a tool rather than a decision-maker. It held that AI-driven decision-making could not be artificially

separated from human decision-making for anti-discrimination law. The court also held that AI vendors, not only employers, may be directly liable where their systems actively participate in employment decisions.

What this Means for Businesses

This decision has implications far beyond the United States. The NICN applies international best practices in matters before it, and Nigeria's existing legal framework already captures many forms of algorithmic discrimination under the Constitution, the NICN Rules, and the NDPA 2023.

The business implications are significant. Organisations using AI or automated tools to screen or rank candidates cannot assume liability rests solely with the vendor. Due diligence on AI HR tools should include bias testing, diversity impact assessments, and contractual protections requiring vendors to indemnify businesses for discriminatory outcomes.

Near-instant automated rejection decisions are also becoming a litigation risk. Organisations should implement review protocols ensuring human oversight in hiring decisions, particularly for shortlisting and rejection processes.

Finally, the data trail matters. Under the NDPA 2023, candidates whose applications are processed through automated systems have rights regarding the use of their personal data. Having a transparent and documented hiring process is no longer just good HR practice; it is a core legal safeguard.



Conclusion

Taken together, these decisions show that courts in Nigeria and globally are increasingly unwilling to allow legal form to override substantive justice in the face of workplace realities.

We have noted in this article that the existence of an employment relationship does not automatically bring every connected dispute within the NICN's jurisdiction. What matters is the legal nature of the claim and whether the dispute requires the adjudication of employment rights and obligations. Also, health

data used as a basis for discrimination may amount to a violation of employees' rights. Platform (gig) workers labelled as contractors will be examined closely and may be entitled to some employee benefits depending on the facts of each case. Organizations using algorithms that produce discriminatory outcomes will not escape liability simply because no human signed the rejection letter.

For executives and counsel, the immediate priorities are clear: audit pre-employment

screening and medical testing protocols, review the contractual and structural basis of all platform and cross-border worker arrangements, and conduct governance reviews of every AI or automated tool used in hiring. Proactive compliance today is far less costly than the litigation, reputational damage, and regulatory exposure that may follow subsequently.

For further enquiries, reach out to contact@strenandblan.com

About Stren & Blan Partners

Stren & Blan Partners is an innovative and dynamic Law Firm with a compelling blend of experienced lawyers and energetic talents. We are focused on providing solutions to our client's business problems and adding value to their businesses and commercial endeavours. This underpins our ethos as

everything we do flows from these underlying principles.

Stren & Blan Partners is a full-service commercial Law Firm that provides legal services to diverse local and multinational corporations.

We have developed a clear vision for anticipating our client's

business needs and surpassing their expectations, and we do this with an uncompromising commitment to Client service and legal excellence.

The Authors



**Marvis
Oduogu**

Team Lead



**Ifeanyi
Ezechukwu**

Senior Associate






**Ayomipo
Adelakun**

Associate



+234 (0)702 558 0053
3 Theophilus Orji Street, Off Fola Osibo Road,
Lekki Phase 1, Lagos, Nigeria

www.strenandblan.com
contact@strenandblan.com

   @strenandblan