



AN APPRAISAL OF CHILD APPRENTICESHIP UNDER NIGERIAN LAW

by

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ABSTRACT

Apprenticeship is a system of training of persons in any industry or enterprise under a contract of apprenticeship for the purpose of skill acquisition. Any person above the age of twelve years can be an apprentice under Nigerian law. This article analyses the apprenticeship of persons below the age of 16 years. The doctrinal method of research was adopted in this research and it was found that the Labour Act regulates apprenticeship in Nigeria. However, the offences in section 53 relate to luring an apprentice away from his employer and moving a child apprentice out of Nigeria without the consent of the Minister and the penalties of five hundred naira and two hundred naira as posited therein are inadequate. Secondly, majority of the apprenticeships in Nigeria are informal in nature and are commonly practiced in the informal economy. Thirdly, apprenticeships are not monitored. It was recommended that an Apprenticeship Act should be enacted to regulate the contract of apprenticeship in Nigeria wherein adequate offences and sanctions will be provided for violations of the law or the Labour Act should be amended to provide adequate offences and sanctions for non-compliance with the provisions on apprenticeships especially on subjecting an apprentice to any work that can endanger the apprentice's life or his development. In addition, contracts of apprenticeships should be written, attested to and registered in the Ministry of Labour and Employment. Lastly, there should be monitoring of apprentices in all sectors in Nigeria to curb child labour.

Keywords: *Apprenticeship, Contract of Apprenticeship, Child, Child Labour, Young Persons*

INTRODUCTION

Prior to colonialization in Nigeria, the practice was for the older generation to train the younger generation in a particular trade and this enabled families or lineages to be well known for a specific trade.² This was done traditionally and regulated by the customs and traditions of the society with the aim of maintaining and monopolizing the skill in their lineage. Skill learning was the main form of education before the introduction of western education in Nigeria.³ These days, persons learn the skills mostly from the informal sector beyond the family setting.⁴

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² SJ Atuwokiki 'Nature and Funding of the informal Apprenticeship Scheme in Port Harcourt, Rivers State' *European Scientific Journal* (2013) (2) <https://ejournal.org/index.php/esj/article/download/2371/2244> accessed 28 August 2023.

³ G Adekola 'Traditional Apprenticeship in the Old Africa and its Relevance to Contemporary Work Practices in Modern Nigerian Communities' (2013) (3)(4) *British Journal of Education, Society and Behavioural Science*

<https://www.google.com/url?sa=t&source=web&rct=j&url=https://journaljesbs.com/index.php/JESBS/article/download/17120/31894> accessed 13 July 2022.

⁴ *Ibid.*



From time immemorial, males dominated skill acquisition as women learnt how to cook instead,⁵ and the reason is stated to be that women have less access to skill acquisition trainings.⁶ Though it may be agreed that women do not dominate skill acquisition trainings, it is however not the case in all trades. Women tend to go for less tedious vocations such as hair dressing, interior decorations and so on. Other occupations such as carpentry, plumbing work, iron bending are less occupied by women. Their counterparts are also hardly seen in trades women engage in such as catering and home decorations.

Apprenticeship is relevant. Globally, youth unemployment and skills mismatch are the reasons many nations are opting for apprenticeship.⁷ It is no wonder, many countries have contemplated reverting to apprenticeship to tackle unemployment and labour related imbalances.⁸ Apprenticeship provide an on- the- job training which means a person will be exposed to the practical aspect of a particular trade or profession to learn the skill or trade or profession in the workplace.⁹ It is stated that engaging most young persons in apprenticeship is for the purpose of rehabilitation, skill acquisition, creating a means of livelihood and provision of an income to manage the apprentice' s life.¹⁰

Apprenticeship schemes have been adopted by the government of Nigeria to curb unemployment by equipping persons in Nigeria with skills in various trades. An instance of such schemes is the National Open Apprenticeship Scheme (NOAS). The scheme is implemented by the National Directorate of Employment (NDE) which was established in 1986 for the purpose of training young persons in vocational and technical skill.¹¹ The rationale for establishing the NDE is to curb unemployment by training young persons to acquire skills to enable them to be self- employed.¹² To achieve its aim, the NDE launched the scheme in Ondo State, by engaging five hundred and eight (508) youths wherein the

⁵ (n 3).

⁶ *Ibid.*

⁷ A Molz ' Delivering TVET through Quality Apprenticeship' <https://www.google.com/url?sa=t&source=web&rct=j&url=https://unevoc.unesco.org/e-forum/BackgroundNote-VC-Apprenticeship-Molz.pdf> accessed 28 August 2023.

⁸ *Ibid.*

⁹ M Gessler ' Concepts of Apprenticeship: Strengths, Weaknesses and Pitfalls' https://www.researchgate.net/publication/325660500_Concepts_of_Apprenticeship_Strengths_Weaknesses_and_Pitfalls accessed 28 August 2023.

¹⁰ CC Ofodum ' Legal Assessment of Apprenticeship in Nigeria' *JUSIMPERATOR* (2017) (1)(2) <https://journal.jusimperator.org/wp-content/uploads/2017/12/Ofdum-Chukwunso.pdf> accessed 28 August 2023.

¹¹ AH Yusuf ' Examining the Adequacy of National Open Apprenticeship Scheme in Training Youth for Economic Empowerment in Nigeria' https://www.researchgate.net/publication/269401516_Examining_the_Adequacy_of_National_Open_Apprenticeship_Scheme_in_Training_Youth_for_Economic_Empowerment_in_Nigeria accessed 28 August 2023.

¹² *Ibid.*



participants would be trained and start up kits/ equipment would be given to them.¹³ The decision to train youths in Nigeria to curb unemployment is commendable. This is because, young persons who have acquired skills and also have the tools and equipment for the trade/ occupation can put the skill learnt into practice to earn a living.

At the end of contract of apprenticeship, an apprentice is equipped with commitment; the drive to tackle any challenging situation, time management skills, communication skills, and the ability to take responsibility for his actions and achieve set goals.¹⁴ The skills as stated can only be acquired by an apprentice who is dedicated and has completed a contract of apprenticeship.

Although apprenticeship is practiced by persons of all ages, this article will be restricted to apprenticeship of children below sixteen years under Nigerian law. This is with the aim of ascertaining the adequacies or otherwise of the law in regulating contracts of apprenticeship in Nigeria.

CONCEPT OF CHILD APPRENTICESHIP

Apprenticeship applies to children who have been enrolled to learn a trade or skill. In many jurisdictions, it has been incorporated into the curriculum of technical/ vocational schools. For instance, in Benue State, there are technical schools and precisely in the Benue State University Technical College, practical skill acquisition classes commence from the senior classes and they are attached to industries or workplaces to acquire employable skills. At the end of the day, they graduate with a school certificate and a skill.

Apprenticeship is divided into two types. They are formal and informal apprenticeship. The formal apprenticeship is rooted in legislation.¹⁵ It is a product of government intervention to promote skills acquisition. The common one is skill acquisition through technical schools through school curriculum.¹⁶ This involves inclusion of technical and vocational skills in the school curriculum wherein the students are taught by skilled teachers of the trades and occupations. The vocational and technical courses are in trades/ vocations such as welding, carpentry, electrical and mechanical work. Upon graduation, the

¹³ D Johnson ' NDE Launches Advanced National Open Apprenticeship Scheme for 508 Youths in Ondo' *Vanguard* (Akure, 19 December 2021) <https://www.google.com/amp/s/www.vanguardngr.com/2021/12/nde-launches-advanced-national-open-apprenticeship-scheme-for-508-youths-in-ondo/amp/> accessed on 28 August 2023.

¹⁴ Tate ' 5 Skills You' ll Learn Doing An Apprenticeship' <https://www.tate.co.uk/-/media/tate/tate-candidate-guides/apprenticeships/5-skills-you-will-learn-doing-an-apprenticeship.pdf> accessed 26 August 2023.

¹⁵ A Molz' Delivering TVET Through quality apprenticeships' (n 6).

¹⁶ *Ibid.*



students are awarded the National Technical Certificate (NTC) and Advance National Technical Certificate.¹⁷ The importance of formal apprenticeship cannot be underestimated as they acquire practical knowledge and experience in trades and vocations of their choice under the teaching and guidance of skilled teachers in addition to the basic knowledge obtainable in secondary schools.

The informal apprenticeship on the other hand, evolved from the traditional apprenticeship.¹⁸ The traditional apprenticeship refers to an arrangement which involves transmitting skills from a father or mother to their children, family friends or persons in their clan.¹⁹ Gradually, it evolved to engaging persons other than the relatives of the craftsman or the employer which today is referred to as informal apprenticeship.²⁰ Informal apprenticeships are found in the informal economy.

The informal economy is unregulated under the Nigerian law.²¹ The business in the informal economy is typically a sole proprietorship; self-employed business.²² The self-employed business dominates an average of 82.6% of the Nigerian workforce.²³ The reason for its dominance is the inability of the government to provide work for people in Nigeria.²⁴ Many issues are associated with the informal economy. The issues include: poor work conditions, lack of social protection and no guarantee of occupational safety and health at work.²⁵ The informal economy is dominated by family members who work in such firms as a family business without payment, apprentice and few other workers.²⁶ The problems in the

¹⁷ A Goyol and G Sunday ‘ Bridging the Skills Gap of Graduates of Technical Colleges and the Industries in Nigeria’ <https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.eajournals.org/wp-content/uploads/Bridging-the-Skills-Gap-of-Graduates-of-Technical-Colleges-and-the-Industries-in-Nigeria.pdf> accessed 28 August 2023.

¹⁸ A Molz’ Delivering TVET Through quality apprenticeships (n 6).

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ LA Abiola ‘ The Informal Economy and Economic Growth of Nigeria: A Time Varying Parameter Approach’ https://www.researchgate.net/publication/348389342_THE_INFORMAL_ECONOMY_AAND_ECONOMIC_GROWTH_OF_NIGERIA_A_TIME_VARYING_PARAMETER_APPROACH_ARTICLE_INFO_Review_Scientific_Paper/link/61b786d063bbd932428e2319/download accessed 28 August 2028.

²² *Ibid.*

²³ World Bank 2018 Report cited in LA Abiola ‘ The Informal Economy and Economic Growth of Nigeria: A Time Varying Parameter Approach’ .

²⁴ U Onokala and A Banwo ‘ Informal Sector Through the Lens of Apprenticeship, Education and Unemployment’ (2015) (1)(1) *American Advanced Research in Management* https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.researchgate.net/publication/307545859_Informal_Sector_in_Nigeria_through_the_lens_of_Apprenticeship_Education_and_Unemployment 28 August 2023.

²⁵ ILO ‘ ILO Terms of Reference: A Rapid Diagnostics Assessing the Impact of COVID- 19 on Enterprises and Workers in the Informal Economy in Nigeria’ https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan---ilo-abuja/documents/genericdocument/wcms_749091.pdf accessed 28 August 2023.

²⁶ *Ibid.*



informal economy extends to informal apprenticeship and children are most affected. Informal apprenticeship is characterised by extensive work hours, poor work conditions, inadequate or no wages, absence of social protection and prevalent gender related issues.²⁷ An example of an informal apprenticeship is the ‘nwaboi’ apprenticeship system that was developed by the Igbos in eastern Nigeria.²⁸ The ‘nwaboi’ apprenticeship system involves a child or young person learning from a craftsman or an experienced businessman.²⁹ The apprenticeship system to the employer is a source of cheap labour while to the apprentice, it is an on the job training to acquire the skills of the trade. It is worthy of note that, informal apprenticeship is common in Nigeria.³⁰

LAWS REGULATING APPRENTICESHIP IN NIGERIA

The Labour Act,³¹ is the principal legislation that governs employment in Nigeria. The contract of apprenticeship is regulated by part III (Special Workers and Miscellaneous Special Provisions) of the law. The provisions govern the relationship between an apprentice and an employer. The provisions in the Labour Act shall be discussed hereunder.

Formation of a Contract of Apprenticeship

The age of the child is material in a contract of apprenticeship. The law provides that where no birth certificate is available, the authorized labour officer must enquire of the age.³² The law requires that a parent or a guardian in the case of an orphan or an authorized labour officer, where no parent or guardian is known must authorize the contract of apprenticeship.³³ The approval or consent is done by a written contract of apprenticeship.³⁴ This provision of the Labour Act is based on the rule that a child lacks the capacity to contract.

Despite the requirement of the Act that a contract of apprenticeship must be in writing, there are still cases of oral contracts of apprenticeship in the informal sector.³⁵ The

²⁷ (n 25).

²⁸ H Ejo- Oruso and D Lloyd ‘ Reinventing the Nwaboi Apprenticeship System: A Platform for Entrepreneurship Promotion in Nigeria’ (2019) (8)(9) *International Journal of Advanced Research in Management and Social Sciences* 101
https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.researchgate.net/publication/336086957_REINVENTING_THE_%27NWABOI%27APPRENTICESHIP_SYSTEM_A_PLATFORM_FOR_ENTERPRENEURSHIP_PROMOTION_IN_NIGERIA, accessed 28 August 2023.

²⁹ *Ibid*.

³⁰ SJ Atuwokiki ‘ Nature and Funding of the Informal Apprenticeship Scheme in Port Harcourt, Rivers State’ (n 1).

³¹ Labour Act Cap L1 LFN 2004.

³² Labour Act s 49 (4).

³³ Labour Act s 49 (1)& (2).

³⁴ Labour Act s 49 (1)& (2).

³⁵ *Nwarata v Egboka* [2005] *JELR* 51384 (CA).



law is however silent on the legal effect of oral contracts of apprenticeship. To curb the issue of unwritten contract of apprenticeship, the requirement of registering a contract with a designated officer or body in the Ministry of Labour and Employment will become necessary. Moreso, a parent or guardian authorizing the apprenticeship entails that the parent/ guardians are bound by the terms of the contract of apprenticeship. Thus, the contract shall be enforceable only with regards to matters stated therein.

Like any other contract, there can also be a dispute in a contract of apprenticeship. For instance, an employer neglecting to teach the child apprentice the skill of a particular trade and has rather turned him to his errand boy for his domestic affairs or where an employer has retained the child apprentice beyond the period of apprenticeship without pay. In situations where disputes arise, the Labour Act provides that the Magistrate Court or any District court (where the magistrate court does not have jurisdiction in civil matters) shall have the jurisdiction to determine the matters arising from the contract of apprenticeship or dispute between the parties to the contract.³⁶

The resolution of dispute by the Magistrate Court without any provision for administrative resolution can have negative effects on parents who cannot afford the cost of litigation. In this case, the poor parents may leave the matter and manage the situation as it is or take the child away from the employer.

Although the Labour Act, provides that a Magistrate Court or a District Court has jurisdiction pertaining to the contract of apprenticeship, the jurisdiction is exercised by the National Industrial Court of Nigeria (NICN). The NICN has exercised the jurisdiction in a plethora of cases. For example in the case of *Andrew Ugo v Livinus Ogualiri & Tynalives Nig. Ltd*,³⁷ the court determined a matter pertaining to an apprenticeship.

The basis of the NICN exercising jurisdiction despite the specific provisions of the Labour Act vesting jurisdiction to the Magistrate court or the District Court is that the jurisdiction of the NICN emanates from the Constitution. The Constitution is the *grundnorm* in Nigeria which supersedes all other laws in Nigeria. Thus, where there is a conflict between a constitutional provision and an enactment in Nigeria, the provisions of the Constitution prevails.³⁸

A due consideration of the Labour Act' s provision on the formation of a contract of apprenticeship discloses that the law is silent on protection of a child apprentice. No

³⁶ Labour Act s 49(6).

³⁷ (National Industrial Court, Abuja, 14 May 2021) Source 2022.

³⁸ CFRN 1999 s 1 (3); *Anakpe & Anor v AG Federation* (2018) JELR 38900 (CA).



measures are provided therein where a child suffers a damage or injury in the workplace in the course of the contract of apprenticeship. This is worrisome as the apprentices are the most vulnerable to injuries in a workplace. The apprentices are most vulnerable because they are novice in the trade and lack the knowledge of use of dangerous equipment and machineries. These injuries will be common where the employer does not comply with the law on safety in a workplace. It is however, clear that an employer has a duty to ensure that the workplace is safe and healthy for work. Workers and apprentice have a right to a safe workplace. The question then is whether an apprentice is entitled to compensation where he suffers a temporary or permanent injury or death in a workplace?

From the angle of the Employee Compensation Act, an apprentice does fall within the definition of an employee. The ECA defines an employee as a person employed by an employer under oral or written contract of employment whether on a continuous, part time, temporal, 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 and local governments and any of the government agencies and in the formal sectors of the economy.³⁹ The definition covers an apprenticeship. In this light, an apprentice who suffers an injury or death in the workplace of the employer will have a right to the compensation as provided in the ECA. It is worthy of note that the definition of employee as provided in ECA is broad, capturing any person who works under the control of the employer in the employer's premises. The definition does not extend to independent contractors.

The Factories Act⁴⁰ which relates to the safety of workers is applicable to an apprentice who works in a factory. Thus, where an apprentice is engaged to learn a trade or skill which involves use of a machine, the Factories Act, s23 will apply. The section requires a person who is employed to work with a machine or where a machine is operated to be fully instructed of the likely dangers that may arise from the use of the machine and precautions to be taken, he has to be trained at work on how to use the machine and its operation and such a worker must work under adequate supervision of a skilled person who is vast in knowledge of the use of the machine. Other laws such as the Nuclear Safety and Radiation Protection Act,⁴¹ and the Nigerian Minerals and Mining Act⁴² will apply where the apprentice is to learn a skill in a workplace where such law applies.

³⁹ ECA 2010 s 54.

⁴⁰ Factories Act Cap F1 LFN 2004.

⁴¹ Nuclear Safety and Radiation Protection Act Cap N142 LFN 2004.

⁴² Nigerian Minerals and Mining Regulations, 2007.



Still on the issue of protection of an apprentice in a workplace, the Labour Act has failed to restrict trades or professions that children below the age of 16 years may learn. For instance, a child apprentice (below sixteen years) should not be permitted to learn a trade where extreme caution is required or where a dangerous equipment is used in the ordinary course of business. On the part of apprentice above sixteen years, it can be permitted but with supervision. In addition, there is no provision prohibiting child apprentices from night work. These are areas which the law ought to regulate.

In addition, the law is silent in a situation where an apprentice is unable to learn or the performance of the apprentice is unsatisfactory. This implies that the employer will treat the apprentice as he pleases. There ought to have been a provision in the Act mandating an employer to report such development to an authority, be it the Minister of Labour and Employment or any other authorised body. This would then be a matter to be examined to ascertain through supervision, the causes of the lapse and how to help the child to learn. At times, a child may not have an interest in a skill and a parent may force the child into it. With close monitoring, this can be discovered and the parents/ guardian would be advised on the necessary steps to take which could include transfer to another trade of the child's choice.

Form of a contract of apprenticeship

The requirement of the law is that a contract of apprenticeship must be in writing and the written contract must be attested to by the labour officer who must have given his approval.⁴³ The approval must be in writing and certified.⁴⁴ The labour officer has a duty to ascertain certain matters before an attestation to ensure that the apprentice consented to the apprenticeship arrangement.⁴⁵ The labour officer must be satisfied that the apprentice is medically fit to be engaged in a contract of apprenticeship,⁴⁶ the parties to the contract of apprenticeship understand the terms of the contract before endorsing same,⁴⁷ the contract of apprenticeship contains a provision on remuneration or otherwise, the mode of payment of the remuneration to the apprentice and scale of increment of the remuneration, provision for remuneration in case of sickness and holidays,⁴⁸ welfare of the apprentice in terms of basic needs such as food, accommodation and clothing where the apprentice cannot return home

⁴³ Labour Act s 50.

⁴⁴ Labour Act s 50.

⁴⁵ Labour Act s 50(2)(a).

⁴⁶ Labour Act s 50(2)(b)(i).

⁴⁷ Labour Act s 50(2)(b)(ii).

⁴⁸ Labour Act s 50(2)(b)(iv).



every day in the course of the apprenticeship⁴⁹ and that there is due compliance with section 52 of the Labour Act.⁵⁰

Payment of Remuneration after the Expiration of the Contract of Apprenticeship

An employer is obligated by the Act to pay an apprentice where he retains the apprentice beyond the agreed term and the agreement is silent on payment of wages.⁵¹ The apprentice is entitled to same amount payable to a worker doing same work in the trade or profession.⁵² The provision vests a right in an apprentice to claim the wages before the NICN.

Regulations

The minister is empowered by the Act to make regulations governing contract of apprenticeship in Nigeria. The matters specified for regulation are:

1. Form of contracts of apprenticeship.⁵³
2. Registration of contracts of apprenticeship.⁵⁴
3. The specified number of apprentices to be trained at a particular time and trade.⁵⁵
4. Qualification an employer must have to be qualified to train an apprentice.⁵⁶
5. Criteria for entry of apprentices of twelve years and below sixteen years.⁵⁷
6. Rights and obligations of the employer and the apprentice.⁵⁸
7. Supervision to ensure there is compliance with the regulations.⁵⁹
8. Examination of apprentice.⁶⁰

The regulations in this regard are unknown thus indicating that the Minister is yet to carry out the task or there is no awareness of their existence. If the regulations are made, implemented and enforced, an apprentice will be adequately protected in the areas covered by the regulation. The regulations therefore, will go a long way in regulating a contract of apprenticeship in Nigeria.

⁴⁹ Labour Act s 50(2)(b)(v).

⁵⁰ Labour Act s 50(2)(b)(vi).

⁵¹ Labour Act s 51.

⁵² Labour Act s 51.

⁵³ Labour Act s 53(a).

⁵⁴ Labour Act s 53(b).

⁵⁵ Labour Act s 53(c).

⁵⁶ Labour Act s 53(d).

⁵⁷ Labour Act s 53(e).

⁵⁸ Labour Act s 53(f).

⁵⁹ Labour Act s 53(g).

⁶⁰ Labour Act s 53(h).



Offences

The law makes it an offence for any person to remove or attempt to take an apprentice of between the ages of twelve to sixteen years from Nigeria except it is done with the consent in writing of the minister. The penalty for the offence is a fine of not less than five hundred naira or imprisonment for a period not exceeding one year or both.⁶¹

Also, an employer shall be guilty of an offence if he employs an apprentice for a period of more than six months on a contract of apprenticeship without attestation as provided in section 50 of the Act.⁶² The Act further makes it an offence for a person who lures or attempts to lure the apprentice to leave the services of an employer.⁶³ The penalty for non- attestation and luring or attempting to lure the apprentice to leave the services of the employer is same. The penalty is a fine not exceeding two hundred naira or imprisonment for a period not exceeding six months or both.⁶⁴

The penalties for the offences are inadequate. The essence of penalties is to punish and deter erring employers. However, from the provisions of section 53 of the Act, the underlying justification for the sanction is defeated. The penalties are not substantial enough. The fines are meagre. The fines appear as part of the cost of the day to day running of the business other than for deterrence.

It is worth noting that section 53 is penal in nature. An apprentice who wants to seek the relief of section 53 of the Act must invoke the criminal jurisdiction of the court. An aggrieved apprentice who files a civil suit seeking the relief in section 53 will be at a loss. The proper thing to do is to bring the matter under the criminal jurisdiction of the court wherein the standard of proof in criminal matters will be applied.⁶⁵

CHILD LABOUR AND CHILD APPRENTICESHIP IN NIGERIA

Child labour is defined as any work that deprives a child of his childhood, his potential, and dignity and is harmful to his/ her physical and mental development.⁶⁶ It must be noted that not all work constitute child labour. What constitutes child labour include work in hazardous or dangerous environment, work that have life threatening effects on a child, activities that can cause bodily injuries or tasks that exhaust his strength and any work that prevents a child

⁶¹ Labour Act s 53(1).

⁶² Labour Act s 53(2).

⁶³ Labour Act s 53(2).

⁶⁴ Labour Act s 53(2).

⁶⁵ *Andrew Ugo v Livinus Oguiliri & Tynalives Nig. Ltd* (n 39).

⁶⁶ O O' Donnell, E Van Doorslaer and FC Rosati ' Child Labour and Health: Evidence and Research Issues' <http://documents1.worldbank.org/curated/en/832621468337828094/pdf> accessed 28 August 2023.



from going to school to study like other children.⁶⁷ The leading cause of child labour is poverty.⁶⁸ The determinants in ascertaining if the work done by the child is child labour are: the age of the child, the type of work to be performed, hours of work, conditions of work and a person's aim of indulging in such work.⁶⁹ There are age specifications for trades and employments in Nigeria. The Labour Act prohibits the employment of a person below the age of twelve (12) by a family member for agricultural, horticultural or domestic character approved by the minister.⁷⁰ It further prohibits employment of young persons below the age of fifteen (15) years in industrial undertaking except it is for the purpose of the education of the children in technical school or in a similar institution.⁷¹ For apprenticeship, the specified age is twelve years (12) years and above.⁷²

The International Labour Organisation (ILO), in a bid to curb child labour, has specified ages for specified work. The Minimum Age (Underground) Convention⁷³ and Minimum Age convention⁷⁴ were ratified in Nigeria in 1974 and 2002 respectively. The first Convention specifies (16) sixteen years and the second Convention provides for 15 years as the minimum age for employment of young persons.

A critical look at apprenticeship in the informal economy wherein the terms of the contract are verbally agreed upon, without regulations of work hours, general conditions of work or the nature of work done, there is a likelihood of apprenticeship being a link to child labour in Nigeria. For instance, child A is thirteen (13) years and is attached to mason K to learn how to build houses. Mason K on a mission to cut cost does not employ labourers again to serve him burnt bricks and cement. Day by day service in such case has the effect of affecting the physical, mental and psychological development of child A. These two scenarios are in the informal economy which are unchecked. To aptly capture the situation, it is stated that poor parents send their children as apprentices in order that they can cater for themselves from the meager allowances given.⁷⁵

⁶⁷ JN Ozoh ' Child Labour and its Determinants in Informal Sector of Onitsha, Anambra State, Nigeria' (2017) (7) (20) *Research on Humanities and Social Sciences*
https://www.researchgate.net/publication/325718671_Child_Labour_and_Its_Determinants_in_informal_Sector_of_Onitsha_Anambra_State_Nigeria Accessed 28 August 2023.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ Labour Act s 9(3).

⁷¹ Labour Act s.59 (1).

⁷² Labour Act s 49(1).

⁷³ The Minimum Age (Underground) Convention No. 123, 1965.

⁷⁴ Minimum Age Convention No. 190, 1973.

⁷⁵ H Ejo- Oruso and D Lloyd ' Reinventing the Nwaboi Apprenticeship System: A Platform for Entrepreneurship Promotion in Nigeria' (n 27).



While it may be agreed that apprenticeship can curb child labour, it can also lead to child labour where there is no regulation of the contract of apprenticeship in the informal economy. Without the regulation on the type of trade/ occupation, the hours of work and conditions of work, the physical, psychological and mental health of the child will be hampered.

CONCLUSION

The Labour Act is the principal law regulating apprenticeship in Nigeria. Apprenticeship in Nigeria is divided into two types, formal and informal apprenticeship. The formal apprenticeship is done officially by the government and backed up by the law. The informal apprenticeship is a flexible mode of acquiring skills in the informal economy. The type of contract of apprenticeship that dominates in Nigeria is the informal apprenticeship. The informal economy is not regulated in Nigeria and a worker or an apprentice in this sector faces poor work conditions without protection of the law.

While workers and young persons may cope, children (below sixteen years) may suffer most and the effects of the child labour could range from grievous bodily harm, poor development to death. Thus, the essence of child rights protection against child labour. The Labour Act which ought to protect the child in a contract of apprenticeship does not contain adequate provisions to protect the child. The important aspects which ought to have protected an apprentice in a workplace are left to be regulated by the Minister of Labour and Employment. The Regulations are unknown. Also, the regulation of the contract of apprenticeship by the Labour Act is unknown. The contracts of apprenticeship are done without compliance with the Labour Act.

RECOMMENDATIONS

It is hereby recommended that:

- a. There should be established an Apprenticeship Act to regulate all aspects of apprenticeship and provide adequate protection to child apprentices in Nigeria. The Act should set a limit to the nature of work to be done by a child below sixteen (16) years. Also, the Act should contain stringent penalties for violations of the provisions of the Act. There should be an awareness of the law to enlighten people.
- b. All contracts of apprenticeship should be registered in Nigeria at no fee in the Ministry of Labour and Employment.



- c. Determination of a contract of apprenticeship should be with the approval of the minister to ensure that an apprentice who stays beyond the agreed time is not owed wages or is settled in accordance with the terms of the contract of apprenticeship.
- d. There should be monitoring of contracts of apprenticeships in Nigeria to ensure the work done by child apprentices do not have the likelihood of negatively affecting the health, wellbeing and development of the child.

