Nnamdi Azikiwe University Awka Journal of Private and Property Law, volume 3 (2) April, 2026

WHO IS AN EMPLOYEE IN NIGERIA'S PLATFORM ECONOMY? A FUNCTIONAL REAPPRAISAL OF LABOUR CLASSIFICATION

Ogechi Obiorah [1]

Abstract

The expansion of platform-mediated transport, delivery and related digital labour in Nigeria has exposed a classification problem that traditional labour doctrine can no longer treat as marginal. Platforms commonly describe drivers and riders as independent contractors, yet they set prices, control access to demand, impose rating systems, monitor performance and deactivate accounts. This article reappraises employee status in Nigeria's platform economy through doctrinal and comparative analysis. It argues that the central problem is not the absence of legal tools, but the insufficient adaptation of existing tests to digital control and economic dependence. The Labour Act's narrow definition of worker, the common law distinction between a contract of service and a contract for services, and Nigerian case law on control and economic reality remain relevant, but they require purposive application. Drawing on the United Kingdom, South Africa, Directive (EU) 2024/2831 and the contrasting United States experience, the article proposes a functional test built around personal service, platform-set terms, algorithmic control, economic dependence and practical integration. It recommends judicial recognition of algorithmic control, a statutory rebuttable presumption of employment, wider statutory definitions, and minimum standards for transparency and contestability in automated platform decisions. The article concludes that Nigerian labour law can protect platform workers without suppressing genuine entrepreneurial work, provided classification turns on legal substance rather than contractual description.

Keywords: Platform work; employment status; labour classification; algorithmic management; rebuttable presumption; Nigeria

1. Introduction

Digital labour platforms now form a visible part of urban work in Nigeria. Ride-hailing, food deli very, logistics, online freelancing, and comparable services attract workers because they lower entry barriers, allow flexible participation, and leverage workers' existing assets. Yet the same model creates a serious legal classification problem. The worker appears, in contractual form, as an independent business undertaking, while the platform often designs the terms on which work is found, priced, accepted, rated and discontinued.[2] Nigerian labour law must therefore answer a practical question: when does platform-mediated work amount to employment, notwithstanding contractual language to the contrary?

The answer matters because classification is the gate through which most labour protections pass. Minimum standards, workplace injury compensation, social insurance, unfair termination norms, collective voice and regulatory inspection depend, directly or indirectly, on whether the law treats the worker as a person in a protected labour relationship rather than as an ordinary commercial counterparty.[3] In platform work, misclassification is not simply a drafting strategy. It is a

[1] **Ogechi Obiorah**, Doctoral candidate (Universidade Nova de Lisboa), LLM (Strathclyde), LLB, BL, Head Corporate Affairs, Nigerian Economic Summit Group (NESG), gegeobiorah@gmail.com. Tel-+351920849388.

[2] O Obiorah and others, 'Beyond Profit: Navigating Fairness in Lagos Gig Work' in M Pirson and others (eds), Humanistic Management in the Gig Economy: Dignity, Fairness and Care (Springer 2024) 299.

[3] D Halliday, 'On the Misclassification of Paid Labor: When Should Gig Workers Have Employee Status?' (2021) 20(3) Politics, Philosophy and Economics 229.

distributional device. It shifts business risk to persons who often have little control over price, data, demand, disciplinary processes or continued access to work.

This article advances three claims. First, Nigerian law already contains classification tools that can respond to platform work if courts apply them functionally. The control test, the integration test and economic reality analysis do not become obsolete merely because supervision occurs through software. Second, the Labour Act's definition of worker remains too narrow to bear the full burden of modern classification, particularly because it is tied to manual and clerical work and excludes several categories of labour.[4] Third, judicial reinterpretation is necessary but insufficient. A credible reform agenda must combine purposive adjudication with statutory clarification, including a rebuttable presumption of employment where indicators of control and dependence are present.

The article uses a doctrinal and comparative method. It examines Nigerian legislation, employment classification cases and the institutional jurisdiction of the National Industrial Court. It then draws selected lessons from comparable jurisdictions rather than transplanting foreign models wholesale: the United Kingdom illustrates judicial functionalism, South Africa illustrates statutory presumptions, the European Union illustrates algorithmic management standards, and California's Proposition 22 experience illustrates the risks of bespoke deregulation.[5] The article's contribution is to translate these lessons into a Nigerian classification framework that is doctrinally conservative, but responsive to contemporary labour practice.The inquiry is deliberately confined to labour classification. It does not attempt to resolve the full range of platform regulation questions, including consumer liability, taxation, competition law or sectoral transport licensing. Those issues matter, but they do not answer the status question. A platform may be regulated as a transport or technology intermediary and still exercise labour control. Equally, it may comply with consumer or data rules while leaving workers without an effective remedy for arbitrary deactivation, loss of income or work-related injury. Classification, therefore, remains the threshold question in any serious labour-law response to platform work.

2. The Nigerian Classification Framework

2.1 Statutory foundations

The Labour Act defines a worker as a person who has entered into, or works under, a contract with an employer, whether the contract is oral or written, express or implied, and whether it is a contract of service or a contract personally to execute work or labour.[6] The same provision excludes persons exercising administrative, executive, technical or professional functions. This produces a statute that protects many vulnerable manual and clerical workers, but sits uneasily with non-standard work that is digitally organised, informally contracted and economically dependent.

That limitation does not mean that platform workers necessarily fall outside Nigerian labour law. Rather, it shows that the statutory entry point is under-inclusive. A ride-hailing driver or delivery rider may perform personal labour under tight practical control, yet the platform may still argue that the work is commercial, autonomous and outside the Labour Act. The argument gains force because platform contracts are usually standard-form agreements drafted by the platform and

[4] Labour Act, Cap L1 Laws of the Federation of Nigeria 2004, s 91(1).

[5] For comparative method in labour classification, see M Freedland and N Kountouris, The Legal Construction of Personal Work Relations (Oxford University Press 2011) 31-60.

[6] Labour Act (n 3) s 91(1).

accepted by the worker as a condition of accessing the app. In that setting, consent is a weak indicator of genuine independence.

The Employee's Compensation Act 2010 supplies a broader protective signal. It repealed the Workmen's Compensation Act and provided compensation for employees who suffer occupational disease or injury arising out of, or during, employment.[7] The Act does not resolve platform classification because a platform may still deny employment status. It is nevertheless important because it shows that Nigerian labour protection is not confined to the old manual and clerical categories. The difficulty lies in the relationship between statutory definitions, judicial tests and institutional enforcement.

Statutory under-inclusion has material consequences. Workers in low-margin platform sectors absorb fuel costs, vehicle maintenance, phone and data expenses, accident risk and income volatility. If the law treats them as entrepreneurs, those costs remain individualised. If it treats them as employees or protected workers, some risks become matters for minimum standards, insurance, fair process and collective representation. Classification therefore determines both legal status and the allocation of economic risk.

The Constitution strengthens this purposive reading. The National Industrial Court has jurisdiction over labour, employment, trade union, workplace and industrial relations matters, including disputes connected with unfair labour practice and international best practices in labour.[8] These provisions do not create a complete platform-work code. They do, however, support a purposive approach to classification where contractual form would defeat the protective objectives of labour law.

A final statutory concern is evidential asymmetry. In ordinary employment litigation, a worker may be able to produce rosters, payslips, written instructions and disciplinary letters. In platform work, the most probative evidence often sits within the platform's systems: matching logic, acceptance-rate calculations, rating thresholds, deactivation triggers, dynamic pricing rules, and internal complaint outcomes. A doctrine that places the entire burden on the worker without meaningful disclosure rewards opacity and weakens the protective function of classification.

2.2 Judicial tests and their platform-work limits

Nigerian courts inherited the common law distinction between a contract of service and a contract for services. The former generally denotes employment, while the latter denotes independent contracting. Courts have traditionally considered control, wage payment, disciplinary authority, integration into the employer's undertaking, provision of tools, tax arrangements and the parties' description of the relationship.[9] These factors remain useful, but their relative weight must change when the alleged employer is a digital platform rather than a conventional firm.

The control test asks whether the putative employer has the right to direct not merely the result, but the manner in which the work is done. In Shena Security Co Ltd v Afropak (Nig) Ltd, the Supreme Court treated the nature of the employment relationship, remuneration and control as

[7] Employee's Compensation Act 2010, explanatory memorandum and s 72. The Act repealed the Workmen's Compensation Act Cap W6 LFN 2004.

[8] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 254C(1)(f), (h) and (2). See also National Industrial Court Act 2006, s 7(6).

[9] See generally Yewens v Noakes (1880) 6 QBD 530; Cassidy v Ministry of Health [1951] 2 KB 343; Ready Mixed Concrete (South East) Ltd v Minister of Pensions and National Insurance [1968] 2 QB 497.

central to the distinction between employment and independent contracting.[10] Platform work complicates this inquiry because control rarely takes the form of a supervisor's instruction. It appears through algorithmic ranking, fare setting, acceptance-rate incentives, route nudges, customer ratings, and automated deactivation. If courts look only for human direction, platforms can control work while appearing not to supervise it.

The integration test asks whether the worker is part of the employer's organisation or merely an accessory to it. Platform companies often deny integration by describing themselves as technology intermediaries. Yet drivers and riders may be the functional means through which the platform's core service is delivered. A ride-hailing platform without drivers is not merely a neutral marketplace. It is an enterprise whose commercial promise depends on a managed labour supply. Functional integration should therefore examine the worker's contribution to the platform's business model, not the platform's preferred drafting formula.

Recent NICN practice supports this movement from form to substance. In a review of significant 2024 labour decisions, Folabi Kuti SAN described the Court's growing elasticity in addressing uncodified questions of unfair labour practice and practices falling below the threshold of workplace decency.[11] The platform-work question has also reached the NICN in Oladipo Olatunji & Anor v Uber Technologies System Nigeria Ltd, where the court was invited to consider whether Uber's control over drivers could support employee status under section 91 of the Labour Act.[12] The point is not that the NICN has conclusively settled platform-worker status. It is that its constitutional mandate to apply international best practice and address unfair labour practice gives it doctrinal room to examine algorithmic control as a modern form of subordination.[13]

The economic reality test focuses on whether the worker is genuinely in business on his or her own account. Nigerian courts have not always treated this as a separate test, but the idea appears in cases in which courts look beyond labels to the actual structure of the relationship.[14] The test matters in platform work because a worker may own a car or motorcycle and still lack meaningful business autonomy if the platform controls price, customer access, dispute processes and account survival.

Mutuality of obligation is less developed in Nigerian classification cases than in English law, but it remains relevant. Platforms usually argue that they need not offer work and that the worker need not accept it. That argument is incomplete where refusal rates affect ranking, incentives, task allocation or deactivation. In such cases, legal obligation may be absent in form, but practical obligation may exist in fact. A modern Nigerian approach should therefore ask whether platform design creates economic compulsion equivalent to an obligation to work.

These tests point toward a more disciplined judicial inquiry. Nigerian courts should avoid two opposite errors. The first is formalism, which treats the platform's written terms as conclusive.

[10] Shena Security Co Ltd v Afropak (Nig) Ltd (2008) LPELR-3052(SC).

[11] F Kuti SAN, 'Review of Some Significant Decisions in Labour and Employment Matters - 2024' (National Industrial Court of Nigeria, 17 January 2025) <https://www.nicnadr.gov.ng/news/1862/review-of-some-significant-decisions-in-labour-and-employment-matters-2024-by-folabi-kuti-san> accessed 1 May 2026.

[12] Oladipo Olatunji & Anor v Uber Technologies System Nigeria Ltd & Ors (unreported) Suit No NICN/LA/546/2017, judgment delivered 4 December 2018.

[13] Constitution (n 7) s 254C(1)(h).

[14] Onumalobi v NNPC & Anor (2004) 1 NLLR (Pt 2) 304 (CA); Nigerian Airspace Management Agency v Oluwagbemiga (2013) 33 NLLR (Pt 94) 84.

The second is functional overreach, which assumes that every use of technology creates employment. The better approach is structured and factual. The court should identify the functions performed by the platform, compare them with traditional employer functions, and then decide whether the worker operates an independent business or personally performs labour within another's organised enterprise.

While the judiciary continues to grapple with the formalistic requirements of current statutes, the willingness to entertain these claims signals that the Court is moving away from a blind acceptance of contractual labels. By drawing on its constitutional mandate under the Third Alteration to apply "international best practices," the NIC is effectively positioning itself to develop a functional classification doctrine that recognises digital managerial authority as a form of employment control.

2.3 Why contractual labels should not decide the issue

Contractual labels have evidential value, but they should not determine classification when the agreement is standard form, and the worker lacks real bargaining power. The purpose of employment law is not to enforce labels selected by the stronger party. It is to identify relationships in which subordination, dependency and vulnerability justify minimum protective standards.[15] If platform terms are treated as conclusive, the platform can define the boundaries of labour protection by drafting them out of existence.

This position does not make every platform worker an employee. Some individuals use platforms as one channel among several, set their own prices, build independent customer bases or operate through incorporated businesses. The law must distinguish genuine enterprise from dependent labour. The error lies not in recognising independent contracting, but in allowing a platform's label to end the inquiry before the real allocation of control and risk is examined.

The Nigerian framework, therefore, requires both doctrinal continuity and interpretive adjustment. Existing tests should remain the starting point because they preserve legal stability. However, courts must apply those tests to the functional realities of digital management. The comparative materials considered next are useful for that limited purpose. They illuminate how similar legal systems have adapted familiar concepts to new forms of labour control.

3. Comparative Lessons for Nigerian Reform

3.1 United Kingdom: functional control and statutory purpose

The United Kingdom is useful because it shares common law methods while recognising an intermediate statutory category of worker. In Uber BV v Aslam, the Supreme Court held that Uber drivers were workers for the purposes of the Employment Rights Act 1996, the National Minimum Wage Act 1998 and the Working Time Regulations.[16] The Court emphasised that statutory protection could not be defeated by contractual terms that misdescribed the factual relationship. It identified Uber's control over fares, contractual terms, communication, performance management and account access as inconsistent with genuine independence.[17]

The value of Uber v Aslam for Nigeria lies not in direct importation. Nigeria has no identical intermediate category. Its value lies in the method. A court can interpret established concepts by reference to statutory purpose and factual dependence. If algorithmic systems perform the

[15] G Davidov, A Purposive Approach to Labour Law (Oxford University Press 2016) 95-134.

[16] Uber BV v Aslam [2021] UKSC 5.

[17] ibid [87]-[101]. See also Autoclenz Ltd v Belcher [2011] UKSC 41.

functions of supervision, discipline and wage-setting, they should count as control even when no human manager issues daily instructions.

3.2 South Africa: rebuttable presumptions

South Africa offers a legislative technique that is especially relevant to Nigeria. Section 200A of the Labour Relations Act presumes that a person is an employee if one or more listed indicators are present, subject to an earnings threshold and proof to the contrary.[18] The indicators include control over the manner or hours of work, integration into the organisation, economic dependence, provision of tools and regularity of work. The Code of Good Practice requires decision-makers to consider the presumption and related factors when determining employee status.[19]

The South African model is attractive because it does not abolish independent contracting. It shifts the burden where factual indicators show vulnerability. For Nigeria, that burden shift would be useful because platform workers often lack access to the internal data needed to prove control. The platform knows how the algorithm allocates tasks, how ratings affect future work, how prices are set and why accounts are suspended. A presumption would place evidential responsibility on the party with superior information.

3.3 European Union: algorithmic management as labour governance

Directive (EU) 2024/2831 is now the leading European legislative instrument on platform work. It lays down minimum rights for persons performing platform work and establishes rules on algorithmic management that apply even beyond those ultimately found to have an employment relationship.[20] It also requires Member States to provide procedures for determining correct employment status and to support the legal presumption of employment where national law provides for it.[21]

The Directive's central lesson for Nigeria is conceptual. It treats automated monitoring and decision-making systems as part of the labour relationship rather than as neutral technology. This matters because algorithmic management can determine access to work, pay, evaluation, sanctions and termination without a visible manager. Nigerian reform should therefore address both classification and process. A worker deactivated by an opaque automated system suffers a labour consequence, not merely a technical inconvenience.

3.4 United States: the risk of bespoke exclusion

The United States presents a cautionary example. California's Assembly Bill 5 codified the ABC test after Dynamex Operations West, Inc. v. Superior Court, making it harder to classify workers as independent contractors.[22] Platform companies then supported Proposition 22, which created a special regime for app-based drivers. In 2024, the California Supreme Court upheld the relevant portion of Proposition 22 against a constitutional challenge.[23] The lesson for Nigeria is that legal

[18] Labour Relations Act 66 of 1995 (South Africa), s 200A.

[19] South Africa, Code of Good Practice: Who is an Employee, Government Gazette No 29445, 1 December 2006.

[20] Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work [2024] OJ L 2024/2831, arts 1-2.

[21] ibid arts 5-6.

[22] Dynamex Operations West Inc v Superior Court (2018) 4 Cal 5th 903; Assembly Bill No 5, Chapter 296, California Statutes 2019.

[23] Castellanos v State of California (2024) 318 Cal Rptr 3d 1.

silence, or category-making under industry pressure, can entrench exclusion rather than solve misclassification.

A Nigerian third category should therefore be approached cautiously. A carefully designed intermediate status may extend protection to persons who would otherwise receive none. A weak category, however, may legitimate lower standards for workers who should have been classified as employees. The better starting point is a presumption based on control and dependence, followed by transparent rebuttal, rather than a new label that reproduces uncertainty.

The comparative materials converge on one point. Modern classification law is moving away from single-factor tests and toward factual assessment of dependence, control and institutional power. The United Kingdom shows that courts can protect statutory purpose against contractual drafting. South Africa shows that presumptions can correct evidential imbalance. The European Union shows that algorithmic management is central to employment status and labour governance. The United States shows that industry-specific exemptions may stabilise a business model while leaving the underlying labour question unresolved.

4. A Functional Test for Nigeria

4.1 Proposed indicators

Nigerian courts and lawmakers should adopt a functional classification test for platform work. The inquiry should not, as its starting point, ask whether the contract says the worker is independent. It should ask whether the relationship, viewed as a whole, contains sufficient indicators of employment. Five indicators should carry particular weight.

First, personal service. A worker is closer to employment where the platform expects the named individual to perform the work and restricts meaningful substitution. Many platform systems rely on personal accounts, identity verification, rating histories and deactivation risk. These features can make substitution practically unavailable even where the contract appears to permit independence.

Second, platform-set economic terms. A platform exercises employer-like power by setting fares, commissions, bonus conditions, cancellation charges, and customer refunds. Ownership of a car or motorcycle should not outweigh price control. A person who cannot set the price of the service, negotiate the commission or control access to customers is not fully operating an independent business.

Third, algorithmic control. The control test should include automated allocation, surveillance, rating, ranking, route direction, disciplinary warnings and deactivation. Nigerian law should treat these mechanisms as legal controls that shape the manner, timing, or economic viability of work.[24] The relevant question is not whether software is used. It is whether software performs managerial functions. Applying this functional test requires a shift in how the court treats the "black box" of platform data. Platforms frequently rely on the "neutral technology" defence to shield their internal management mechanisms from scrutiny.[25] However, the NICN has shown that it can look past form to substance; for instance, in its treatment of disguised employment

[24] O D Adekoya, C Mordi, H A Ajonbadi and W Chen, 'Implications of Algorithmic Management on Careers and Employment Relationships in the Gig Economy - A Developing Country Perspective' (2025) 38(2) Information Technology and People 686.

[25] N Nzom, M D Eyyazo and A B I Ajanwachukwu, 'Algorithmic Management and Labour Rights in Africa: Regulatory Gaps and Policy Pathways with Nigeria as a Case Study' (2025) 7(1) International Journal of Comparative Law and Legal Philosophy.

schemes (such as "fake employee loans"), the court has demonstrated its ability to pierce through misleading structures to identify unfair labour practices.[26] A functional classification test should apply this same rigor to digital platforms. Where a worker can show that their access to work is contingent upon algorithmic performance metrics, the burden of evidence regarding the "independence" of the relationship must shift to the platform. The court should be prepared to draw adverse inferences if a platform, which holds exclusive access to the algorithmic logic governing route nudging, pricing, and deactivation, refuses to provide transparent disclosures. This is not an expansion of judicial power, but a necessary application of the court's existing mandate to protect workers from evidential opacity that prevents access to justice.[27]

Fourth, economic dependence. Dependence should be measured by practical reliance, not formal exclusivity. A platform worker may use two apps and still be dependent if both operate similar pricing and disciplinary systems and if income depends on continuous platform access. The ability to switch between platforms should not automatically prove business independence, especially where switching means moving between similar structures of control.

Fifth, integration into the platform's undertaking. Integration exists where the worker performs the service through which the platform earns revenue, is subject to platform standards, uses platform branding or is presented to customers as part of the platform's service network. It is artificial to say that the platform merely sells technology when its commercial value depends on organising labour for customers.

These indicators should be applied cumulatively. No single factor should be conclusive. A worker who controls price, negotiates terms, uses the platform merely as advertising infrastructure and builds an independent client base may remain an independent contractor. Conversely, a worker who is personally tied to the app, subject to platform-set prices, disciplined through ratings and economically dependent on platform access should be presumed to be in an employment relationship.

The proposed test is also compatible with commercial certainty. Platforms require predictable rules, but predictability does not require automatic contractor status. A presumption with clear indicators can help platforms design compliant models. If a platform wishes to rely on contractor status, it can provide genuine price autonomy, meaningful substitution, transparent account rights, access to customers outside the platform and freedom from disciplinary ranking. If it chooses to centralise those functions, employment consequences should follow.

4.2 Judicial pathway

The immediate route is judicial. The National Industrial Court can recognise algorithmic control as a modern form of managerial authority when applying existing tests. This would not require the court to create a new cause of action. It would require the court to update the evidential meaning of control, integration and economic reality. The court should also be prepared to order disclosure of relevant platform data where classification turns on rating thresholds, deactivation reasons, acceptance-rate penalties or pricing rules.

Judicial reform should proceed cautiously. Courts should avoid a blanket declaration that all platform workers are employees. That approach would be factually overbroad and may undermine genuine flexible enterprise. A structured factual inquiry is preferable. Where the worker establishes personal service and two or more indicators of control, economic dependence

[26] Kuti (n 10).

[27] Constitution (n 7) s 254C(1)(h).

or integration, the evidential burden should shift to the platform to show genuine independence. That approach extends existing doctrine in a principled way. It does not reject the contract; it prevents the contract from displacing legal substance.

4.3 Legislative pathway

Legislation should follow the same logic. The Labour Act should be amended to replace or supplement the narrow definition of worker with a broader category covering persons who personally perform work under another's control or under conditions of economic dependence, whether the work is manual, clerical, technical, professional, digital or hybrid. The amendment should expressly state that the name given to the contract is not decisive.

A rebuttable presumption should also be introduced. A person performing platform work should be presumed to be an employee or protected worker where one or more statutory indicators are present, including platform control over pay, task allocation, performance standards, access to customers, disciplinary sanctions, deactivation or restrictions on substitution. The platform should be able to rebut the presumption by proving genuine business independence. Such proof should require more than a contractual clause. It should require evidence that the worker controls price, bears entrepreneurial risk, can build an independent customer base and is not subject to platform discipline.

This reform would not destroy flexibility. Flexibility concerns when work is performed. Employment classification concerns who controls the terms and who bears the risk. Nigerian law can protect flexible workers without forcing all work into a fixed-hours model. The minimum content of protection could include wage transparency, occupational safety, injury compensation, written reasons for suspension or deactivation, access to dispute resolution, protection against retaliation and collective representation.

4.4 Algorithmic fairness and procedural protection

Classification reform should be matched by algorithmic fairness standards. Platforms should disclose the key parameters that affect task allocation, pricing, rating consequences, and deactivation. Workers should have access to human review before or shortly after serious adverse decisions, including suspension, deactivation, or withholding of earnings. Platforms should also keep auditable records of automated decisions that affect access to work.

These obligations are not foreign to Nigerian law. They are consistent with fair hearing values, decent work commitments and the National Industrial Court's mandate to consider international best practice. They also recognise that control in platform work often operates through information asymmetry. A worker who does not know why an account was deactivated, how a rating threshold operates or how commissions are calculated cannot meaningfully challenge unfair treatment.

Institutional support is equally necessary. Labour inspectorates, the Nigeria Social Insurance Trust Fund, trade unions, driver associations, consumer regulators and data protection authorities should coordinate their responses rather than treat platform work as belonging to no agency. The Nigeria Data Protection Act 2023 is particularly relevant where automated decision-making depends on personal data, ratings, location histories and behavioural analytics.[28] A coherent regulatory response should link labour protection, social insurance, data governance and consumer-facing platform accountability.

[28] Nigeria Data Protection Act 2023.

Implementation should begin with cases that present strong facts. Courts should not wait for perfect legislation before recognising that deactivation, rating penalties and pricing control may amount to employer-like authority. Early decisions should identify the indicators applied, the evidence required and the reasons why contractual terms were or were not persuasive. That incremental reasoning would allow Nigerian doctrine to mature through concrete disputes rather than abstract declarations.

5. Conclusion

The question 'who is an employee in Nigeria's platform economy?' should not be answered by contractual description alone. It should be answered by examining the substance of the relationship: who controls the work, who sets the price, who owns the customer relationship, who bears the risk and who can end access to income. On that analysis, some platform workers will remain independent contractors, but many others will fall within the protective logic of employment law.

Nigerian law does not need to begin from zero. The Labour Act, common-law tests, constitutional labour jurisdiction, and National Industrial Court practice already provide the materials for a functional approach. What is missing is a coherent framework that treats algorithmic control as control, economic dependence as legally relevant, and integration into a platform business as more than a contractual illusion.

The article, therefore, recommends four reforms. First, courts should apply existing tests purposively and recognise software-based supervision as legal control. Second, the Labour Act should adopt a broader definition of worker and a rebuttable presumption of employment for platform work. Third, platforms should be subject to transparency and contestability obligations for automated decisions affecting work. Fourth, enforcement institutions should coordinate classification, compensation, data and dispute-resolution oversight. These reforms would preserve genuine flexibility while preventing the use of digital architecture to place dependent workers outside the reach of labour protection.