

This study examines the state of workers' rights and labour standards in Nigeria's banking, oil and gas, and telecommunication sectors. Particular focus is on the national and international provisions that define worker's rights and the extent to which they are complied with and enforced. Furthermore, the authors address the question of what can be done to ensure the protection of workers' rights in Nigeria. Among others, the study found that there is an appreciable level of rights awareness on the part of workers in the three sectors covered, but the level of compliance on the part of employers is low. Official enforcement is low and this is encouraged by weak institutional capacity. There is a strong belief on the part of workers that the union is in a good position to ensure the protection and enforcement of workers' rights.

The Friedrich-Ebert-Stiftung (FES) is an independent German non-profit organization committed to promoting social democracy worldwide. We believe this publication can stimulate the discussion on how to disburse the dividends of Nigerian democracy and the riches of the country to every citizen. It must not be forgotten that workers' rights are human rights. For more information on FES' work, please visit us at [www.fes-nigeria.org](http://www.fes-nigeria.org) or [twitter.com/fes\\_nigeria](https://twitter.com/fes_nigeria).

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# THE STATE OF WORKERS' RIGHTS IN NIGERIA:

## An Examination of the Banking, Oil and Gas and Telecommunication Sectors



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AN EXAMINATION OF THE BANKING, OIL AND GAS AND  
TELECOMMUNICATION SECTORS**

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## EXECUTIVE SUMMARY

This study examines the state of workers' rights and labour standards, with particular focus on the provisions and the extent to which they are complied with and enforced as well as what can be done to ensure the protection of workers' rights in Nigeria. Three sectors of the economy; banking, oil and gas and telecommunications were examined. In carrying out this research, the survey research technique was adopted using a combination of primary and secondary materials. To elicit information from respondents, an open-ended questionnaire containing 43 items was used. This was complemented by interview of key trade union officials, employers' representatives and officials of state agencies involved in labour administration. In all 850 questionnaires were given out to workers across the three sectors in Abuja (150), Lagos (500) and Port-Harcourt (200). A total of 378 questionnaires were returned representing 44.47% rate of return.

Based on analysis of empirical data and secondary materials the major findings include;

- i) There is an appreciable level of rights awareness on the part of workers in the three sectors covered. A great majority of them claimed to be aware of their rights as workers and this was confirmed by the wide range of rights identified by them. This high level of awareness was demonstrated by both male and female respondents. The problem, however, lies in the inability of workers to compel employers to comply with relevant provisions of the law. The situation is further aggravated by the prevailing economic situation in the country which makes workers very vulnerable.
- ii) The level of compliance on the part of employers is low. In actual fact it would appear that employers are deliberately avoiding compliance, taking advantage of the weak legal framework and the vulnerability of workers in an unstable economic environment
- iii) Official enforcement is low and this is encouraged by weak institutional capacity particularly in the labour administration system that is not well equipped to discharge the responsibilities placed on it.

- iv) Closely related to the above is the apparent lack of the political will on the part of government to protect its worker-citizen through the enforcement of legislation meant for that purpose.
- v) This is demonstrated in the Labour Ministry's reluctance to act with dispatch while the situation in the oil and telecommunications sectors where there is a strong anti-union posture by employers is a reflection of the government's deference to the interests of foreign investors that dominate the sectors.
- vi) The prevailing reality in respect of workers' rights is not because the unions did not try. Within the limits imposed by law and the political and economic regimes they tried to organise workers and defend them but were shortchanged by the hostility of employers and the lack of capacity of the Labour Ministry.
- vii) Lastly, the workers still strongly believe that the trade union organisation is capable of protecting and defending their rights. This is in spite of the challenges confronting the trade union movement.

From the findings of this study, our conclusion is that the provisions of labour laws and international labour standards of the ILO in, and by, themselves are not enough guarantees for the protection of workers' rights and as such there is the need to look beyond these instruments in protecting the rights of workers. Workers, their organisations and allies within the labour movement should develop and adopt extra-judicial means such as political and social actions to secure their rights at work.

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## PREFACE

International labour standards, coded in Conventions and Recommendations, as well as national legislation regulating employment relations remain the main instruments to ensure that in the course of employment, people work in dignity and humane conditions. These instruments contain minimum conditions under which workers offer their labour power while also conferring on them some basic rights.

In spite of these instruments, it does not appear that workers are getting a fair deal both from their employers and the society at large. From national and international labour and civil society organisations, reports keep emerging about the dire situation of workers' rights. The Nigerian situation is no exception. What makes things worse is that Nigeria frequently fails to submit its reports on the implementation of the International Labour Organisation's Conventions. This is why the Friedrich-Ebert-Stiftung, a German non-profit organisation rooted in the social-democratic tradition, supported this research effort. It focuses on the realities of workers' rights in Nigeria using the banking, oil and gas and the telecommunication sectors as study locations.

The findings are quite revealing. Among others, the study found that:

- i) There is an appreciable level of rights awareness on the part of workers in the three sectors covered
- ii) The level of compliance on the part of employers is low. In actual fact, employers are deliberately avoiding compliance
- iii) Official enforcement is low and this is encouraged by weak institutional capacity
- iv) There is a strong belief on the part of workers that the union is in a good position to ensure the protection and enforcement of workers' rights.

Along with the rich data generated by the study, these findings as well as the conclusions drawn from them should challenge both the labour administration system and the trade union movement to do more than they presently do to ensure the enforcement and protection of workers' rights in Nigeria.

I recommend this research report to trade unions and labour activists, relevant government officials and the academia.

Thomas Mättig  
Resident Representative  
Friedrich-Ebert-Stiftung Nigeria  
Abuja, October 2010





# CHAPTER ONE

## INTRODUCTION

Against the background of the excessive exploitation of workers, laws for the social protection of employees were developed in the second half of the 19<sup>th</sup> century. Essentially, they are meant to ensure that people work in dignity and are not unduly exploited in the course of work. International control bodies were established to ensure compliance with the new laws. The International Labour Organisation (ILO) with its unique tripartite composition stands out of all these bodies. It is the only United Nations body that brings together, on a permanent and on-going basis, representatives of workers, employers and government to discuss and reach agreements on issues of common concern.

National and international instruments have been devised to give effect to this concern and are codified in national laws and international labour conventions and recommendations of the ILO which confer certain rights on workers as workers while constitutional provisions also confer on them certain rights as citizens. The rights are to ensure safe, healthy and fair conditions at work. But many employers violate these basic rights because they value their profits more than their workers.

Since the ascendancy of neo-liberalism as the framework of economic policy formulation in the mid 1980s, international labour standards and the attendant rights conferred on workers have become the focus of intense debate among policy makers, international agencies, non-governmental organisations, the academia and the general public as well as within the trade union movement. Therefore, it has become a topical issue. This is partly on account of the fact that developments within the global economy have threatened some of the labour standards and rights enjoyed by workers. This is particularly so for developing countries where “national labour standards have often been identified by the World Bank as rigidities impeding the effectiveness of market-oriented reforms” (Plant, 1994). National governments who are desperately looking for foreign direct investments (FDI) would appear to have readily succumbed to pressures from international investors who usually insist on relaxing (lowering) labour standards and workers' rights. One interesting, if not intriguing, fact is that most of the investors/companies who seek a lowering of

standards here come from countries where standards are much higher with stiff penalties for non-compliance. The question then is: Why should they find it difficult to cope with prevailing standards in Nigeria which are much lower.

If employers are not forthcoming in respecting workers' rights, it becomes pertinent to ask what workers and their organisations are doing to address the situation. It appears that the unions have not been able to do much for their members in the face of right abuses from employers. The precarious situation in the labour market, compounded by the downturn in the economy, is not helping matters, as it makes workers very vulnerable.

What comes across from available evidence is that there is still a long road to travel in the struggle for the enforcement of workers' rights as well as ensuring compliance with labour standards, national or international. The situation is compounded by the lack of will on the part of government to protect its citizen-worker in the face of assault by the operators of the global economy who are desperate to accumulate surplus value, even at the expense of the well-being of workers. How best to address the untoward situation should be of concern to students of industrial relations and development.

Against the background of the above, this study examines the state of workers' rights and labour standards, with particular focus on the provisions and the extent to which they are complied with and enforced as well as what can be done ensure the protection of workers' rights in Nigeria. Three sectors of the economy; banking, oil and gas and telecommunications were examined. These sectors were selected based on their strategic importance to the Nigerian economy as well as their employment-generating capacity.

In carrying out this research, the survey research technique was adopted using a combination of primary and secondary materials. The sample population for this study was drawn from non-managerial employees in the three sectors, since they are the ones at the receiving end of policies and managerial directives which impact on rights at work. Since not all employees in the sectors are unionised, some respondents are not union members. A deliberate attempt was made to get respondents from both unionised and non-unionised organisations. To elicit information from respondents, an open-ended questionnaire containing 43 items was used. Respondents were mostly required to supply answers in their own words to the questions. This approach helps in

ensuring that respondents express their true feelings. In addition, interviews were held with key trade union officials, employers' representatives and officials of state agencies involved in labour administration. In all, 850 questionnaires were given out to workers across the three sectors in Abuja (150), Lagos (500) and Port-Harcourt (200). A total of 378 questionnaires were returned representing 44.47% rate of return. However, it should be noted that not all the respondents supplied answers to all the questions, as such not all the responses added up to the total number of questionnaires that were returned. In cases where respondents were allowed multiple responses, the total number of responses exceeded the number of questionnaires returned. In analyzing the responses, descriptive statistics were used, with frequency distribution indicating percentages. The demographic characteristics of respondents are presented in the tables below.

### **Demographic Characteristics of Respondents**

Out of the 378 respondents 160(42.3%) come from the banking sector, 114(30.2%) are from telecommunications while the remaining 104(27.5%) are from the oil and gas sector. We shall briefly look at the demographic characteristics of the respondents.

**Table 1: Distribution of respondents by sector**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Telecommunication	114	30.2%	30.2%	30.2%
Oil & Gas	104	27.5%	27.5%	57.7%
Banking	160	42.3%	42.3%	100.0
Total	378	100.0	100.0	

**Source: Field survey, 2009.**

### **Age Distribution**

In terms of age, the majority of our respondents fall below the age of 50. Of the 360 who volunteered information on their ages, only 5 are above 50 years of age and all the five are from the oil and gas sector. This suggests a relatively young group who are likely to be concerned about their rights and entitlements at work. The complete information is presented in Table 2a and b below.

**Table2a: Age Distribution**

	Frequency	Percent	Valid Percent	Cumulative Percent
20-29	134	35.4%	37.2%	37.28
30-39	166	43.9%	46.1%	3.39
40-49	55	14.6%	15.3%	8.6
50 and above	5	1.3%	1.4%	100.0
Total	360	95.2%	100.0	
Total	378	100.0		

**Source: Field survey, 2009.**

**Table 2b: Age Distribution by sector**

		Age Distribution				Total
		20-29	30-39	40-49	50 and above	
Name of sector	Telecommunication	52(14.44%)	38(10.55%)	12(3.33%)		102(28.33%)
	Oil & Gas	20(5.55%)	48(13.33%)	25(6.94%)	5(1.38%)	98(27.22%)
	Banking	62(17.22%)	80(22.22%)	18(5%)		160(44.44%)
Total		134(35.4%)	166(43.9%)	55(14.5%)	5(1.38%)	360

**Source: Field survey, 2009**

### Distribution by Sex

The distribution of respondents by sex shows that there are 220 male (58.2%) and 156(41.3%) female. Of the 378 respondents, 2 did not reveal their gender identity. The details are presented in tables 3a and b below.

**Table 3a: Distribution by Sex**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Male	220	58.2%	58.5%	58.5%
Female	156	41.3%	41.5%	100%
Total	376	99.5%	100.0%	
Missing System	2	.5%		
Total	378	100.0		

**Source: Field survey, 2009**

**Table 3b: Sectoral Distribution by Sex**

		Sex		Total
		Male	Female	
Name of Sector	Telecommunication	50(13.29%)	64(17.02%)	114(30.31%)
	Oil & Gas	78(20.74%)	24(6.38%)	102(27.12%)
	Banking	92(24.46%)	68(18.08%)	160(42.55%)
Total		220(58.51%)	156(41.48%)	376

**Source: Field survey, 2009**

### **Educational Qualification**

Out of the 378 respondents only 290 supplied information about their educational qualifications. This represents 76.7% of all respondents. The number of respondents with a first degree or equivalent qualification 202, representing 53.4% while 32 (8.4%) hold a master's degree. There are 16 of the respondents with a diploma certificate while 34 only possess the secondary school certificate. It can be argued from these figures that the respondents for this study have a good educational background which is a reflection of the educational requirements needed to work in the sectors covered. It also means that the respondents are likely to have a good understanding of the issues addressed by the research. Table 4 below is a graphic presentation of the academic attainment of the respondents.

**Table 4: Distribution of Respondents by Educational Qualification**

S/No	Highest Educ. Qualification	Frequency	%(of total respondents)
1	Secondary School	34	8.9
2	Diploma/Cert(OND, NCE, etc)	16	4.2
3	First Degree or Equivalent (B.Sc./B.A/HND)	202	53.4
4	Master's Degree	32	8.4
5	Others	6	1.6
6	Total	290	76.7

**Source: Field Survey, 2009**

## Length of Service

The length of service shows that the majority of the respondents, 189(56.3%), have worked for less than 4 years, which probably explains the relatively low level of rights awareness. Only 51 of the 336 who responded to this issue have worked for a period of more than 10 years. The full picture is presented in tables 5a and b below.

**Table 5a: Length of Service**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid				
0-4	189	50.0	56.3	56.3
5-9	96	25.4	28.6	84.8
10-14	45	11.9	13.4	98.2
15-19	6	1.6	1.8	100.0
Total	336	88.9	100.0	
response	42	11.1		
Total	378	100.0		

**Source: Field survey, 2009**

**Table 5b: Length of Service by Sector**

		Length of Service				Total
		0-4	5-9	10-14	15-19	
Name of Sector	Telecommunication	40(11.90%)	42(12.5%)	10(2.97%)	(97%)	92(27.38%)
	Oil & Gas	33(9.82%)	28(8.33%)	33(9.82%)	6(1.78%)	100(29.76%)
	Banking	116(34.52%)	26(7.73%)	2(0.59%)		144(42.85%)
Total		189(56.25%)	96(28.57%)	45(13.39%)	6(1.78%)	336

**Source: Field survey, 2009**

## Nature of Employment

We also sought to know from the respondents, the nature of their employment. A total of 254(67.19% of the entire sample size) of them are on permanent employment, while 50(13.2%) are on temporary appointment. The remaining 24(6.3%) are employed by their respective organisations as casual workers. A total of 328 responded to this item of the questionnaire. Tables 6a and b reflect the responses.

**Table 6a: Nature of Employment**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Permanent	254	67.2	77.4	77.4
	Temporary	50	13.2	15.2	92.7
	Casual	24	6.3	7.3	100.0
	Total	328	86.8	100.0	
Missing	System	50	13.2		
Total		378	100.0		

**Table 6b: Nature of Employment by Sector**

		Nature of Employment			Total
		Permanent	Temporary	Casual	
Name of Sector	Telecommunication	74(22.56%)	22(6.70%)		96(29.26%)
	Oil & Gas	70(21.34%)	14(4.26%)	10(3.04%)	94(28.65%)
	Banking	110(33.53%)	14(4.26%)	14(4.26%)	138(42.07%)
Total		254(67.2%)	50(13.2%)	24(6.3%)	328

**Source: Field Survey, 2009**

**Table 6c: Nature of Employment by Gender**

		Nature of Employment			Total
		Permanent	Temporary	Casual	
Sex	Male	178(85.75%)	12(5.76%)	18(8.65%)	208(63.41%)
	Female	76(63.33%)	38(31.67%)	6(5%)	120(36.58%)
Total		254(67.2%)	50(13.2%)	24(6.3%)	328

**Source: Field survey, 2009**

As shown in table 6c above, the percentage of female respondents (31.67%) in temporary employment is much higher than that of male respondents (8.65%), which is probably indicative of the fact that women are more prone to precarious employment than their male counterparts. The reality in the telecommunication and banking sectors today is that the bulk of the marketing staff are females outsourced from consultants and not on permanent employment. In the banks, there is the increasing practice of



employing national diploma holders as bulk tellers and they are essentially casuals who just earn a lump sum that is not more than what can be regarded as basic salary without additional or fringe benefits such as medical and transport allowances.

### Annual Salary

Lastly in this section respondents were asked to state their annual salaries. The returns indicate that majority of those who responded (50.7%) earn more than N1million naira per annum which translates into more than N80, 000 per month. By Nigerian standard this appears reasonable. The entire salary structure is presented in tables 7a and 7b below.

**Table 7a: Salary ((PA) Naira)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0-500,000	77	20.4	26.9	26.9
	500,001-1,000,000	64	16.9	22.4	49.3
	1,000,001-1,500,000	32	8.5	11.2	60.5
	1,500,001-2,000,000	30	7.9	10.5	71.0
	Above 2M	83	22.0	29.0	100.0
	Total	286	75.7	100.0	
Missing	System	92	24.3		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 7b: Salary ((PA) Naira) by Sector**

		Salary ((PA) Naira)					Total
		0-500,000	500,001-1,000,000	1,000,001-1,500,000	1,500,001-2,000,000	Above 2M	
Name of Sector	Telecommunication	18(6.29%)	20(6.99%)	14(4.89%)	8(2.79%)	20(6.99%)	80(27.97%)
	Oil & Gas	27(9.44%)	10(3.49%)	14(4.89%)	12(4.19%)	19(6.64%)	82(28.67%)
	Banking	32(11.18%)	34(11.88%)	4(1.39%)	10(3.49%)	44(15.38%)	124(43.35%)
Total		77(20.4%)	64(16.9%)	32(11.18%)	30(7.9%)	83(22.0%)	286

**Source: Field survey, 2009**

**Table 7c: Annual Salary (Naira) by Gender**

		Salary ((PA) Naira)					Total
		0-500,000	500,001-1,000,000	1,000,001-1,500,000	1,500,001-2,000,000	Above 2M	
Sex	Male	54(18.88%)	48(16.78%)	30(10.48%)	12(4.19%)	36(12.58%)	180(62.93%)
	Female	24(8.39%)	14(4.89%)	2(0.69%)	18(6.29%)	48(16.78%)	106(37.06%)
Total		78(27.27%)	62(21.67%)	32(11.18%)	30(10.48%)	84(29.37%)	286

**Source: Field survey, 2009**

As indicated in table 7c above the earning power of respondents is quite interesting. The percentage of women (about 23%) earning above N1.5m per annum is higher than that of men which is just about 17%. This may not be unconnected with the strong presence of women in senior positions in the banking and telecommunications sectors.



## CHAPTER TWO

### AN EXAMINATION OF THE PROVISIONS ON WORKERS' RIGHTS

Since the inception of paid/wage employment, a combination of sustained struggles and appeals to the conscience of the rest of society workers, using the platform provided by their organisations (trade unions), have been able to secure for themselves a number of rights. These rights are predicated on, and complemented by, some constitutional provisions which confer certain rights on workers as citizens of their countries. In a most general sense workers and trade union rights are those legal provisions which are meant to protect workers in the course of employment and as producers of national wealth.

According to Scherrer and Greven (2001:16) “workers' rights (or labor rights) refer to the core rights of freedom association, collective bargaining, and prohibition of forced labor, child labour and discrimination in employment”. Such rights are conferred on workers and their organisations taking into consideration their special role and the need to protect them from extreme abuse and exploitation in the hands of profit-conscious employers often backed by a collaborative state. These rights are embedded in Conventions and Recommendations of the ILO as well as national legislation.

Since its establishment in 1919, the ILO has been the major international and inter-governmental body driving the need to ensure that workers, individually and collectively, enjoy certain minimum rights. The member countries of the ILO are expected to comply with its Conventions and Recommendations while national governments are expected to take a cue from the international instruments to enact similar domestic legislation. It is also important to stress that workers' struggles, based on the need to secure certain measures of dignity for workers, have also assisted in conceding some rights to workers. The need for these rights was also reinforced by Articles 23 & 24 of the United Nations Universal Declaration of Human Rights of 1948. Article 23 says:

Everybody has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without

discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented if necessary by other means of social protection. Everyone has the right to form and join trade unions for the protection of rights (cited in CDHR 1996, Annual Report: 113).

On its part, Article 24 reads:

Everyone has the right to rest and leisure, including, reasonable limitation of working hours and periodic holidays with pay.

Although the UN declaration came much later after some of the core ILO Conventions, it has the salutary effect of reinforcing them as it addresses virtually all the major issues in the employment relationship. In actual fact, the above cited articles are enough grounds for workers and their organizations to insist on an employment relationship that respects their dignity as human beings.

With 184 Conventions and 192 Recommendations, it would appear that the ILO has done well to ensure that workers get a fair deal or that the contending interests are taken care of. The issues addressed in them range from the basic labour rights of freedom of association to more technical matters like those on occupational health and safety. To demonstrate its total commitment to the enforcement of international labour standards thereby assuring for the workers an employment relationship that recognises their humanity, the International Labour Conference in 1998 adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-up which states, in part, “all Members, even if they have not ratified the (fundamental) Conventions (...), have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions” (quoted in ILO 2002:29). Ten years after, efforts at ensuring fundamental rights and principles at work as well as implementing the decent work agenda seem not to have made appreciable impact.

Eight Conventions grouped into four categories, which incidentally address workers' rights are those labeled as fundamental. These are; Conventions 87 and 98 addressing freedom of association and collective bargaining, Conventions 29 and 105 addressing elimination of forced and compulsory labour, Conventions 100 and 111 addressing

elimination of discrimination in respect of employment and occupation, and Conventions 138 and 182 on abolition of child labour. Some other relevant Conventions are Labour Inspection Convention 81 of 1947, Maternity Protection Convention 103 of 1952 and Tripartite Consultation Convention 144 of 1976. Along with a number of local legislation and constitutional provisions, they constitute part of workers' rights. Of course all the other Conventions prescribe minimum standards which workers can lay claim to for protection and to ensure that work does not demean the workmen and women.

Two of the above mentioned instruments, Conventions 87 and 98 are of particular relevance here. This is because they constitute the foundation on which other rights are built within the employment relationship and as such, if the right to organise is circumvented it diminishes the capacity of workers and unions to defend other rights. Similarly, the collective bargaining process affords workers, through representative trade unions, an opportunity to negotiate or re-negotiate the terms and conditions of their employment. Otherwise, they are condemned to the unilateral, if not arbitrary, rule of management in the world of work.

The issue of freedom of association is addressed by Convention 87 while Convention 98 focuses on the right to organise and collective bargaining. Some specific provisions of these conventions are worth mentioning. Article 11 of Convention 87 provides that "each member of the ILO for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise".

Article 1 of Convention 98 provides that "workers shall enjoy adequate protection against acts of entire union discrimination in respect of their employment". On its part Article 4 provides that:

Measures appropriate to national conditions shall be taken where necessary to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organisations and employees with a view to the regulation of terms and conditions of employment by means of collective agreements.

Nigeria joined the ILO shortly after independence in 1960 and it has ratified 34

Conventions (including the 8 core conventions) of the ILO as of May 2008. The ratification of the core conventions is indicative of a formal commitment to the observance of workers' rights. Even before the formal declaration of the fundamental principles in 1998, member countries of the ILO are expected to reflect the provisions of ILO Conventions and Recommendations in national labour and social policies and laws. By and large, national legislation such as the Trade Union Act, Cap 437(LFN, 1990), the Labour Act, Cap 198(LFN, 1990) and the Wages Board and Industrial Councils Act, Cap 466(LFN, 1990) reflect corresponding ILO Conventions. These laws confer certain rights on Nigerian workers and variously recognise the right to organise, the right to collective bargaining as well as the right of unions to act on behalf of their members. Added to these are, the Factories Act, Cap 126(LFN, 1990), and Workmen's Compensation Act, Cap 470(LFN, 1990) which seek to protect workers from work-related hazards and diseases as well as making provisions for compensation for injuries or disabilities suffered in the course of employment.

Section 40 of the 1999 Constitution of the Federal Republic of Nigeria recognizes the freedom of association by Nigerian citizens while it also recognizes the right to life (a position that can be invoked against employers who endanger the lives of workers under their employment). Specifically, S.40 provides that "Every person shall be entitled to assembly freely and associate with other persons and in particular, he may form or belong, to any political party, trade union or any association for the protection of his interest" (<http://www.icnl.org/>).

A few specific provisions of these laws will be highlighted here for further illustration. For example, Section 9(6) of the Labour Act (Cap 198) LFN, 1990) provides that no contract shall-

- a) Make it a condition of employment that a worker shall or shall not join a trade union or shall or shall not relinquish membership of a trade union; or
- b) Cause the dismissal of, or otherwise prejudice, a worker-
  - i) by reason of trade union membership, or
  - ii) because of trade union activities outside working hours or, with the consent of the employer, within working hours, or
  - iii) by reason of the fact that he has lost or been deprived of membership of a trade union or has refused or been unable to become, or for any other reason is not, a member of a trade union

Section 24 of the Trade Union Act (Cap 437) (LFN, 1990) provides that

- i) Subject to this section, where there is a trade union of which persons in the employment of an employer are members, that trade union shall, without further assurance, on registration in accordance with the provisions of this Act, be entitled to recognition by the employer
- ii) If an employer deliberately fails to recognise any trade union registered pursuant to the provision of sub-section(1) of this section, he shall be guilty of an offence and be liable on summary to a fine of N1,000(which is less than US\$7, using an exchange rate of \$1:N151)

This provision can also be construed to mean that once there is a union recognised within the industry, individual employers are bound to recognise it and should not do anything to infringe or impinge on the right of workers to freely join such a union. This provision of the Trade Union Act should also be taken along with that of the Labour Act which provides that the membership or non-membership of a union should not be a precondition for employment. These are provisions which are breached with impunity by employers in the three sectors covered by this study, with the telecommunication sector being the most guilty followed by the banking and finance sector. How else can one explain the fact that the major players in the telecommunication sector for instance (MTN, ZAIN and GLO) do not allow their employees to unionise and no sanctions are imposed by the appropriate authorities.

The Factories Act (Cap 126, LFN, 1990) is also worth highlighting here. This is because it is the main piece of legislation that addresses the safety of workers so that s/he is not endangered while providing for the needs of others in society. The Act (S.87) defines a factory as “any premises in which or within which, or within the close or cartilage or precincts of which one person is, or more persons are, employed in any process for or incidental to any of the following purposes, namely-

- a) the making of any article or of part of any article; or
- b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or
- c) the adapting for sale of any article,

being premises in which, or within the close or cartilage or precincts of which, the work



is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control". The Act also provides for the compulsory registration of factories while the Director of Factories is expected to keep a Register of factories.

From the foregoing, it is safe to conclude that both at the international and national levels there are enough laws and standards to ensure that workers enjoy some rights and protection at work. The big question is the extent to which these plethora of rights have been secured by workers.

Reports from national and international trade union federations and the ILO indicate severe rights abuses. It is partly arising from this that the ILO made its 1998 declaration on fundamental rights and the Decent work agenda of which the issue of the denial of rights at work is one of the four components.

The "rights challenge" is one of the four major challenges similarly identified by Barrientos (2007) as confronting the decent work agenda of the ILO. According to him "the rights challenge relates to the difficulty of organisation or representation amongst such workers. Without collective power to negotiate with employers, workers are not in a position to access or secure other rights".

The threat posed by the emergent global economic order has always been there. According to Scherrer and Greven (2001:15) "in many emerging market economies, working conditions, wages, and environmental standards have deteriorated particularly in plants producing for export. Every year, the International Confederation of Free Trade Unions (ICFTU) documents widespread abuses of workers' rights".

It is interesting to note that Convention 87 on the Freedom of Association and Protection of the Right to Organise enjoys the least number of ratifications out of the entire core Conventions. While this may be an indication of the commitment of ILO members to the ideal of their organisation, it is important to note that ratification does not necessarily amount to compliance with the provisions. That explains why it is not all countries that have ratified ILO Conventions have given effect to their provisions and unfortunately the ILO appears helpless in ensuring compliance. It would appear that many member countries just pay lip service to the ideals of the body by ratifying Conventions they do not intend to implement. Scherrer and Greven(2001:15) capture

this helplessness in the following words “The problem with the ILO's conventions and very likely the reason why many interested parties have “rediscovered” the ILO-is not only that ratification is voluntary but that compliance is essentially also voluntary since the ILO has no enforcement mechanism to speak.”

The provisions of Conventions 87 and 98, the high number of ratifications and the fact of the fundamental declaration have nevertheless not stopped the denial of the right of workers to associate freely, organise and bargain collectively worldwide. This largely arises from the capitulation of national governments to the blackmail and manipulations of the agents of international finance capital who are too eager to sacrifice workers' rights for economic expediency from which only a few benefit. The situation in Nigeria reflects this. The point to note here is that worldwide it is very difficult to ensure the observance of workers' rights, a fact that is not helped by the nature and dictates of capitalist employment relations. The core Conventions referred to earlier are the primary ILO instruments which address workers' rights with particular reference to the right to freedom of association, organize, collective bargaining as well as various forms of social protection at work. The extent to which these rights are enjoyed by Nigerian workers is empirically examined in this study.



## **CHAPTER THREE**

# **AN OVERVIEW OF THE BANKING, OIL AND GAS AND THE TELECOMMUNICATION SECTORS IN NIGERIA**

### **Introduction**

The three sectors of the economy which constitute the study location for the present research remain crucial to the economic well-being of Nigeria as a nation state. The banking sector in any modern free-market economy is expected to play “an intermediation role of mobilising savings and inculcating banking habit at the household and micro enterprise levels” (Soludo, 2004). The banking sector is expected to drive economic activities across sectors.

Undoubtedly, the oil sector is the main stay of the Nigerian economy, accounting for 95% of foreign exchange earnings, 80% of GDP and 65% of total government revenue. The situation is such that once the oil sector is in trouble; the entire national economy is threatened.

Since the late 1990s when the Nigerian government fully embraced neo-liberal economic policies with the attendant liberalisation and deregulation of key sectors of the economy, the telecommunication sector assumed a new lease of life, emerging as the fastest growing sector and with a lot of foreign investment. On the following pages we shall undertake a brief excursion into these key sectors.

### **VBanking**

According to the Bureau of Public Enterprises (BPE), “the Nigerian financial system has witnessed phenomenal growth over the last decade such that the banking industry is today described as vibrant, highly competitive and the second most developed sector of the Nigerian economy”. From a modest beginning in 1894 with the licensing of what is today known as First Bank of Nigeria Plc., the banking sub-sector has come a long way. The first Nigerian legislation on the banking industry was the Banking Act 1969. In the financial sector today, there are 24 banks, which emerged out of almost 2 years of intense manoeuvrings characterised by mergers, acquisitions and outright liquidation. The neryv process was at the instance of the Central Bank of Nigeria (CBN), which insisted on a new

requirement of N25bn as the minimum capital base for all banks in Nigeria.

The banking sector reform was part of the overall economic reform agenda of the Obasanjo administration. The reform agenda are encapsulated in the National Economic Empowerment and Development Strategy (NEEDS). The need for reform was based on what was considered by the Central Bank as the problems of the banking industry. Six major problems were identified by the erstwhile CBN Governor at a Special meeting of the Bankers' Committee on 6 July, 2004. These are:

- i) Weak corporate governance, evidenced by high turnover in the Board and management staff, inaccurate reporting and non-compliance with regulatory requirements, falling ethics and de-marketing of other banks in the industry;
- ii) Late or non-publication of annual accounts that obviates the impact of market discipline in ensuring banking soundness;
- iii) Gross insider abuses, resulting in huge non-performing insider-related credits;
- iv) Insolvency, as evidenced by negative capital adequacy ratios and shareholders' funds that had been completely eroded by operating losses;
- v) Weak capital base, even for those banks that have met the minimum capital requirement, which currently stands at N1bn. or US\$7.53m for existing banks and N2.0bn. or US\$15.06m for new banks, and compared with the RM2.0bn or US\$526.4m. in Malaysia;
- vi) Overdependence on public sector deposits, and neglect of small and medium class savers (Soludo, 2004:6).

Based on the problem analysis of the banking sector, the major elements of reforms as spelt out by the Central Bank include;

- i) Requirement that the minimum capitalization for banks should be N25billion with full compliance before end-December 2005 (that is 18months notice)
  - ii) Phased withdrawal of public sector funds from banks, starting in July 2004
  - iii) Consolidation of banking institutions through mergers and acquisitions
  - iv) Adoption of a risk-focused and rule-based regulatory framework.
  - v) Adoption of zero tolerance in the regulatory framework; especially in the area of data/information rendition/reporting. All returns by banks must be signed by the MDs of the banks. The so-called 're-engineering' or manipulation of accounts especially in hiding information under 'other assets/liabilities and off balance sheets will henceforth attract serious sanctions
- vi) The automation process for rendition of returns by banks and other financial

- institutions through the electronic Financial Analysis and Surveillance System (e-FASS) will be completed expeditiously
- vii) Strict enforcement of the contingency planning framework for systemic banking distress
  - viii) Promotion of the enforcement of dormant laws, especially those relating to issuance of dud cheques, and the laws relating to the vicarious liabilities of the Board members of banks in cases of failings by the bank.
  - ix) Revision and updating of relevant laws, and drafting of new ones relating to the effective operations of the banking system
  - x) Closer collaboration with the Economic and Financial Crimes Commission (EFCC) in the establishment of the Financial Intelligence Unit (FIU), and the enforcement of the anti-money laundering and other economic crime measures. Greater transparency and accountability will be the hallmark of the system (Soludo, 2004).

At the end of the exercise, 25 banks (now 24) emerged. To meet the minimum requirement of N25bn many of them raised capital through public issues. The banking sector received approximately 400 billion naira in new capital and now constitutes approximately 70% of the market capitalisation of the Nigerian Stock Exchange (UKTI, Nigeria, 2008:4). Employment in the banking sector as at 2007 was put at 62,815 (Soludo, 2008).

The Central Bank of Nigeria (CBN) and the Nigerian Deposit Insurance Corporation (NDIC) are the primary regulators of Nigeria's financial sector. Since January 1999, the CBN has had autonomy from the Federal Ministry of Finance (Cuffe, 2008). The CBN has the power to formulate and implement monetary and exchange rate policies. The NDIC is under the direct control of the CBN to carry out the supervision, examination and liquidation of banks.

It would appear that the capitalization exercise has further put the banking sector under intense pressure particularly that of mobilizing deposits to meet the requirements of the economy for loans, instead of relying on shareholders' funds. This has led to a situation in which bank managements are setting high targets for their marketing staff. In fact, some of the unfriendly industrial relations practices are borne out of the desperation to remain competitive.

## **Oil and gas**

According to Olayiwola (2009) “oil and gas operations commenced in Nigeria effectively in 1956, with the first commercial find in that year by the then Shell D'Arcy. Before this time, that is, from November 1938, almost the entire country was covered by a concession granted to the company to explore for petroleum resources. This dominant role of Shell in the Nigerian oil industry continued for many years, until Nigeria's membership of the Organization of Petroleum Exporting Countries (OPEC) in 1971, after which the country began to take a firmer control of its oil and gas resources, in line with the practice of the other members of OPEC. This period witnessed the emergence of National Oil Companies (NOCs) across OPEC member countries, with the sole objective of monitoring the stake of the oil-producing countries in the exploitation of the resource. Whereas in some OPEC member countries the NOCs took direct control of production operations, in Nigeria, the Multinational Oil Companies (MNOCs) were allowed to continue with such operations under Joint Operating Agreements (JOA) which clearly specified the respective stakes of the companies and the Government of Nigeria in the ventures”.

“This same period also witnessed the involvement of other MNOCs such as Gulf Oil and Texaco (now ChevronTexaco), Elf Petroleum (now Total), Mobil (now ExxonMobil), and Agip, in addition to Shell, which was already playing a dominant role in the industry. These other companies were also operating under JOAs with NNPC, with varying percentages of stakes in their respective acreages. Up till present times, these companies are the major players in Nigeria's oil industry, with Shell accounting for a little less than 50% of Nigeria's total daily production, which currently stands at about 2.4 million barrels of oil per day. JOAs are also still dominant in the oil industry in Nigeria, accounting for over 90% of total oil and gas production in Nigeria today” (Olayiwola (2009), History of Nigerian Oil and Gas Industry as found in [www.pengassan.org/pdf/History of Nigerian Oil and Gas Industry.pdf](http://www.pengassan.org/pdf/History%20of%20Nigerian%20Oil%20and%20Gas%20Industry.pdf)).

According to Ogbeifun (2009), “the field of operations of the upstream sector has an array of foreign dominance both in concept and practice. These multinationals wield so much power within the Nigerian state and the communities. They have been able to exploit, explore and produce oil within the Niger region axis without a corresponding development”.

“Nigeria is one of the world's largest producers of crude oil. ... the 10<sup>th</sup> largest producer of crude oil and the 6<sup>th</sup> largest exporter among OPEC members. Production capacity

currently stands at about 3million barrels per day whilst reserve is about 35billion barrels which the government intends to increase to 40 billion barrels by 2010” (Biobaku, 2008:3). The government through Nigerian National Petroleum Corporation (NNPC) has regulatory control over the industry and major shares in all the companies involved while it is also involved in the setting of wholesale and retail prices. The upstream oil industry is the single most important sector in the country's economy, providing over 90% of its total exports (Source: Oil and Gas in Nigeria. Overview, <http://www.mbendi.com/indy/oilg/af/ng/p.0005.htm#15> ).The downstream oil industry in Nigeria is another key sector in the country's economy. The country has four oil refineries with a capacity of 445 000 bbl/d and there are eight oil companies and 750 independents all active in the marketing petroleum products (Source: Oil and Gas in Nigeria. Overview, [http://www.mbendi.com/indy/oilg/af/ng/p.0005.htm#15,](http://www.mbendi.com/indy/oilg/af/ng/p.0005.htm#15)) Problems such as fire, sabotage, poor management, lack of turnaround maintenance and corruption have made it impossible for the refineries to operate beyond 40% of their capacity, if they are not totally shut down. The end result is usually shortages of refined products and massive importation to meet domestic demand.

Operations in Nigeria's oil and gas industry have been dominated by the big and powerful transnational corporations from the start. This is the direct result of the huge capital outlay required which indigenous companies cannot afford. Policies of these companies are set at the headquarters, even though local pressure may have some influence on the way these policies are implemented. In addition to pressure from their home bases and governments, the oil companies have to address the interests of the Nigerian state, coordinate their world-wide networks and, increasingly, agitations of host communities. All these affect the industrial relations policies in the industry. Another critical issue is the near total dependence of the Nigerian state on oil revenue which makes it an ally of the oil companies, thereby informing the enactment of stringent labour control measures and policies. The control becomes necessary so that both the state and oil companies can maintain high rents and profits respectively (see Ihonvbere, 1984).

The Ministry of Petroleum Resources regulates the petroleum industry in Nigeria. The government retains close control over the industry and the activities of the NNPC, whose senior executives are appointed by the ruling government (source:[www.bpeng.org/companies/energy/temp\\_index.htm](http://www.bpeng.org/companies/energy/temp_index.htm)).



## **Telecommunications**

The installation of a cable link between Lagos and the Colonial headquarters in London in 1866 providing communications channels for administrative purposes marked the beginning of telecommunication services in Nigeria. Ten years later, the first National Telecommunications' Infrastructure was established. At independence in 1960, the total number of telephone lines was 18,724 for an estimated population of 40 million people. In 1985, the P&T Department was split into Postal and Telecommunications Divisions. The telecommunications division was later merged with the Nigerian External Telecommunications (NET) to form Nigerian Telecommunications limited (NITEL). The Postal division became the Nigerian Postal Services (NIPOST)(source: [www.nigeriafirst.org](http://www.nigeriafirst.org)[www.nigeriafirst.org](http://www.nigeriafirst.org)).

Before 1992, government had a monopoly of the telecommunications industry in Nigeria, based on the provisions of the Wireless Telegraphy Act (WTA) of 1961 and its subsequent amendments. In line with global developments and changes in the information technology and the telecommunications industry in general as well as the reform agenda, it became necessary for Nigeria to deregulate the telecommunications industry so as to allow private sector involvement in the provision of telecommunications services. To drive the process of deregulation Decree 75 of 1992 which established the Nigerian Communications Commission (NCC) was promulgated. This decree liberalised the telecommunications industry and opened the gate for private sector participation in the industry, with the Commission as the regulatory authority.

The liberalisation drive was further strengthened by the Nigerian Communications Commission (Amendment) Decree No.30 of 1998, which allowed for competition in the sector thus enhancing the expected role of private investors. A new telecom policy was released in the year 2000, the highpoint of which was the “blueprint for full liberalization of the telecom industry thereby accelerating its growth at geometric rates, thereby sustaining the market as one of the fastest growing telecoms markets globally with about 30 active fixed and mobile operators and at least 80 Internet Service Providers (ISPs) and VSAT companies across the federation” (NCC, 2005).

As of November 2009 a total number of 72,250,231 telephone lines are active in Nigeria, giving a teledensity of 51.61(NCC, 2009, [www.ncc.gov.ng/subscriberdata.html](http://www.ncc.gov.ng/subscriberdata.html)). Equally, the usage and penetration of Internet services witnessed commensurate growth.

Internet users increased from less than half a million in 2002 to about 1.6 million in 2003 to 1.8 million in 2004, representing increase in penetration rates from 0.3 in 2002 to 1.3 in 2003 to 1.4 in 2004(NCC, 2005). The NCC further says that “private investment into the Nigerian telecoms sector has grown to over US\$6 billion, from US\$50 million in 2001, with the sector now the largest generator of FDI after the Oil and Gas Industry. Operators regularly announce large multi-million dollar deals with the biggest players been the mobile operators. Nigeria also recorded a continental first when two leading private equities, ACTIS and Emerging Markets Partnership (EMP), invested USD\$43.2 million through AIG African Infrastructure Fund (AAIF) into Starcomms, one of Nigeria's leading private telecom operator. This is one of the most notable FDI in Africa in 2004” (NCC:2005).

The telecoms industry has grown to become one of the largest creators of employment within Nigeria. The industry as at 2004 directly employs about 5,500 professionals, and is responsible for another 450,000 jobs indirectly. Indirect employment within the sector includes those of the ubiquitous “umbrella people” airtime resellers found in most street corners around the country, third party site engineers, roadside recharge card hawkers, handset distributors, security personnel, etc.(NCC, 2005). In actual fact, unofficial figures available to us indicate that five major players in the sector; Glo(3,500-4000), M-Tel(800), MTN(2000), NITEL(2,500) and ZAIN(2000) have over 10,000 employees on their pay-roll(Source: field survey, 2009).

The three sectors covered in this study have at least two things in common. These are relatively high pay for workers and the adoption of union avoidance strategies by employers. They prefer to relate with employees individually, rather than as a collectivity as represented by trade unions. This is in recognition of the relative power of trade unions compared with the vulnerability of individual workers. Telecommunications and oil and gas sectors both have a heavy dose of foreign investment in common. All this has implications for the observance of workers' rights. In addition to this, it has been confirmed by ILO studies (Plant, 1994, for example) that governments have been more tolerant of workers' rights infractions by foreign companies because of their desire to attract foreign direct investment.



## CHAPTER FOUR

### PRESENTATION AND ANALYSIS OF DATA: LEVEL OF AWARENESS, COMPLIANCE AND OPTIONS FOR RIGHTS ENFORCEMENT

This chapter contains the presentation and analysis of empirical data collected to enable us to establish the reality of workers' rights in the selected sectors of the Nigerian economy. These will be complemented by information gathered from interviews with trade union officials and management representatives. This allows us to analyse both individual experiences and industry practices.

#### 4.1. AWARENESS OF RIGHTS BY RESPONDENTS

In ascertaining the extent to which respondents know their rights, the first question they were asked is if they are aware of their rights. In response to this, out of the 354 who responded, 314, representing 83.1%, claim to be aware while 40(10.6%) answered in the negative. This pattern of response suggests a high level of awareness. A further breakdown of the data by gender indicate that a higher percentage of men claim to be aware of their rights; 200 out of 220 representing about 91%. For women the figure is 116 out of 134 representing almost 87%. The difference between the two genders appears not much and as such it can be argued that both male and female respondents have a high level of awareness of their rights as workers. The responses are presented in tables 8a, b and c below.

**Table 8a: Awareness of rights as workers**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	314	83.1	88.7	88.7
	No	40	10.6	11.3	100.0
	Total	354	93.7	100.0	
Missing	System	24	6.3		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 8b: Awareness of rights as workers by sector**

		Awareness of rights as Workers		Total
		Yes	No	
Name of sector	Telecommunication	86(24.29%)	10(2.82%)	96(27.11%)
	Oil & Gas	92(25.98%)	8(2.25%)	100(28.24%)
	Banking	136(38.41%)	22(6.21%)	158(44.63%)
Total		314(88.70%)	40(11.29%)	354

**Source: Field survey, 2009**

**Table 8c: Awareness of Rights by Gender**

S/no	Awareness of Rights by Gender	Male	Female	Total
1	Yes	200(90.90%)	116(86.56%)	316(89.26%)
2	No	20(9.90%)	18(13.43%)	38(10.73%)
Total		220(62.14%)	134(37.85%)	354

**Source: Field survey, 2009**

As a follow up to the above question, respondents were asked to mention what they consider as rights, to determine how conversant they are with the regime of rights. In all, 11 categories of rights were identified with a total of 804 responses (respondents were allowed multiple responses). The right with the highest frequency is economic right (incorporating the issues of salary and welfare) at 301 responses which is 37.43% of the total. The right to associate ranks second with 114(14.17%) responses, followed by the right to participate in management/freedom of expression at work with 107 (13.30%) responses. The right to annual leave comes next with 80 responses while the right to life/personal security/safety has a frequency of 56. It is interesting to note that the right to job security was mentioned only eight times while no one mentioned maternity right, not even the female respondents. This pattern of responses does not suggest a deep appreciation of what is involved in the advocacy for workers' rights. For example, the right to associate is regarded as central to accessing other rights, but the

respondents do not accord it much importance. The same thing is true of the right to participate in management/freedom of expression which approximates to the right to organize and collective bargaining (a fundamental right declared by the ILO) and may impact positively on accessing economic benefits at work. Responses across the sectors reveal a similar trend. It is only in the oil and gas sector that the right to associate ranks second. It ranks third in telecommunication and fourth in banking.

The responses (as individually identified) are indicated in tables 9a & b below.

**Table 9a: Identified Rights**

s/no	Rights identified	Responses	%
1	Economic(salary/welfare)	301	37.43
2	Social right	30	3.73
3	Annual leave	80	9.95
4	Participation in mgt/freedom of expression	107	13.30
5	Right to promotion	22	2.73
6	Right to associate	114	14.17
7	Political right	40	4.97
8	Right to further education	40	4.97
9	Right to private life	6	0.74
10	Job security	8	0.99
11	Life/Personal security and safety	56	6.96
Total		804	

Source: Field survey, 2009

**Table 9b: Identified Rights by Sector**

S/no	Sectors/ Rights identified	Telecoms	Oil & Gas	Banking	Total	%
1	Economic(salary/welfare)	90(38.13%)	79(31.34%)	132(41.77%)	301	37.43
2	Social right	18(7.62%)	4(1.58%)	8(2.53%)	30	3.73
3	Annual leave	16(6.77%)	22(8.73%)	42(13.29%)	80	9.95
4	Participation in mgt/freedom of expression	38(16.10%)	29(11.50%)	40(12.65%)	107	13.30
5	Right to promotion	2(0.84%)	10(3.96%)	10(3.16%)	22	2.73
6	Right to associate	34(14.40%)	50(19.84%)	30(9.49%)	114	14.17
7	Political right	14(5.93%)	16(6.34%)	10(3.16%)	40	4.97
8	Right to further education	6(2.54%)	18(7.14%)	16(5.06%)	40	4.97
9	Right to private life	2(0.84%)	-	4(1.26%)	6	0.74
10	Job security	6(2.54%)	-	2(0.63%)	8	0.99
11	Life/Personal security and safety	10(4.23%)	24(9.52%)	22(6.96%)	56	6.96
Total		236(29.53%)	252(31.34%)	316(39.30%)	804	

**Source: Field survey, 2009**

This situation may not be unconnected with failure of the trade unions to embark on a rigorous campaign to educate workers on their rights in the world of work. It was when their financial base was threatened that some of the unions started picketing some major companies for their anti-union posture. The other point here has to do with the deliberate attempts of employers in the banking and telecommunication sectors to underplay the importance of trade unions in the employment relationship. Since they pay their employees relatively better than other sectors, workers easily get carried away, believing that it is a big pay packet is all there is to the employment relation. This partly explains the prominence enjoyed by economic rights, a situation which is further

boosted by the prevailing philosophy of consumerism. It is not until they run into problems that such employees come to appreciate the difference a union can make.

Respondents were also asked how they learnt of their rights. Across the three sectors, the most recurring source is the company's/employee's handbook while the second mostly mentioned source is educational fora such as the formal school system, seminars and the mass media. These are not sources that are likely to lay much emphasis on the far-reaching rights of workers. The employees' handbook, containing duties and rights of employee as well as the obligations of employers to workers is usually drawn up by management with little or no inputs from employees. In the same vein, the formal school system, most seminar programmes and the mass media have not been proponents of social change. Trade unions should sensitize workers about their rights as soon as they enter into the employment relationship. Just as management gives the "Employees' Handbook" to the new worker, the union should also give him a union manual detailing workers' rights, among other things. The responses are as indicated in Tables 10a and b below.

**Table 10a: Source of awareness**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Company's handbook	118	31.2	41.0	41.0
	Union	28	7.4	9.7	50.7
	At school/seminars/media/other workers	114	30.2	39.6	90.3
	From previous work experience	28	7.4	9.7	100.0
	Total	288	76.2	100.0	
Missing	System	90	23.8		
Total		378	100.0		

**Source: Field survey, 2009**



**Table 10b: Source of awareness by Sector**

		Source of awareness				Total
		Company's Handbook	Union	At school/seminars /media/other workers	From previous work experience	
Name of sector	Telecommunication	40(41.67%)	6(6.25%)	38(39.58%)	12(12.5%)	96(33.33%)
	Oil & Gas	24(29.26%)	16(19.51%)	38(46.34%)	4(4.87%)	82(28.47%)
	Banking	54(49.09%)	6(5.45%)	38(34.54%)	12(10.90%)	110(38.19%)
Total		118(40.97%)	28(9.72%)	114(39.58%)	28(9.72%)	288

**Source: Field survey, 2009**

**Table 10c: Source of awareness by Gender**

		Source of awareness				Total
		Company's handbook	Union	At school/seminars/media/other workers	From previous work experience	
Sex	Male	88(48.35%)	22(12.08%)	58(31.86%)	14(7.69%)	182(63.19%)
	Female	30(28.30%)	6(5.66%)	56(52.83%)	14(13.20%)	106(36.80%)
Total		118(40.92%)	28(9.72%)	114(39.58%)	28(9.72%)	288

**Source: Field survey, 2009**

Table 10c above shows that the highest single percentage of women (52.83%) became aware of their rights through fora such as schools, seminars, mass media and other workers. For men the highest single percentage (48.35%) learnt of their rights through the company's handbook in contrast with 28.30% of women who learnt of their rights through the same source. The lower percentage recorded for women is probably an indication that they work in organisations where management just refuses to give employees written terms and conditions of employment. The percentage that got awareness of their rights through the trade union is low for both men and women. It is 12.08% and 5.66% respectively which is most probably a reflection of the low level of unionisation among the respondents for this study. This is similar to the trend shown by the sectoral analysis by which only 9.72% of respondents across the three sectors became aware of their rights through the union (see table 10b above).

In addressing the issue of right awareness, it is appropriate to find out from respondents if they believe that workers deserve some rights, notwithstanding whether or not they are aware of their own rights as workers. Not unexpectedly, an overwhelming majority answered in the affirmative. Out of 246 who responded to this question 240 falls into this category and this represents 98.4%. The full picture is captured in tables 11a, b and c below.

**Table 11a: Do workers deserve rights?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	240	63.5	98.4	98.4
	No	2	.5	.8	99.2
	Can't say	2	.5	.8	100.0
	Total	244	64.6	100.0	
No response System		134	35.4		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 11b: Do workers deserve rights? Response by Sector**

		Do workers deserve rights?			Total
		Yes	No	Can't say	
Name of Sector	Telecommunication	80(97.56%)		2(0.8%)	82(32.78%)
	Oil & Gas	40(100%)			40(16.39%)
	Banking	120(98.36%)	2(0.8%)		122(50%)
Total		240(98.36%)	2(0.8%)	2(0.8%)	244

**Source: Field survey, 2009**

**Table 11c: Do workers deserve Rights? Response by Gender**

S/no	Awareness of Rights by Gender	Male	Female	Total
1	Yes	136(97.14%)	104(100%)	240(98.36%)
2	No	2(1.42%)	0	2(0.81%)
3	Can't say	2(1.42%)	0	2(0.81%)
Total		140(57.37%)	104(42.62%)	244

**Source: Field survey, 2009**

As a follow-up and to be sure that respondents are at home with the issues at stake, they were asked to mention specific rights they think workers deserve. Across the three sectors, a total of 610 responses were returned made up of 186 from telecommunications, 166 from oil and gas and 258 from banking. The right of association has the highest frequency in telecommunications followed by economic right with promotion coming third. For oil and gas, economic right has the highest frequency, followed by the right of association while the right to life, personal security and safety has the third highest frequency. The same pattern is true of the banking sector except that the right to promotion and to work under a conducive atmosphere came third. That the right to association constitutes a major issue for telecoms workers is a reflection of the near absence of unionism in the sector and a realization of the importance of trade unions to workers. The prominence enjoyed by the right to life, personal security and safety in the oil and gas sector is most probably borne out of the high risk involved in oil exploration and exploitation. Lastly for bank workers to consider working under a conducive atmosphere a rights issue is probably because of the authoritarian management style of employers in the sector. It is important to mention that for the issues listed to be mentioned by respondents is most probably an indication that they are not satisfied with the prevailing situation. Their responses are presented in table 12 below.

**Table 12: Rights Deserved by Workers**

S/no	Responses/Sector	Telecoms	Oil & gas	Banking	Total	%
1	Work under conducive atmosphere	18(9.67%)	16(9.63%)	30(11.62%)	64(10.49%)	10.49
2	Association	48(25.80%)	34(20.48%)	40(15.50%)	132(21.63%)	21.63
3	Participation in mgt/freedom of expression	18(9.67%)	18(10.84%)	14(5.42%)	50(8.19%)	8.19
4	Promotion	24(12.90%)	12(7.22%)	30(11.62%)	66(10.81%)	10.81
5	Annual leave	16(8.60%)	12(7.22%)	40(15.50%)	68(11.14%)	11.14
6	Economic(regular salary/welfare)	44(23.65%)	36(21.68%)	78(30.32%)	158(25.90%)	25.90
7	Further education	6(3.22%)	8(4.81%)	8(3.10%)	22(3.60%)	3.60
8	Political participation	4(2.15%)	5(3.01%)	2(0.77%)	11(1.80%)	1.80
9	pension	-	-	2(0.77%)	2(0.32%)	0.32
10	Life/Personal security/safety	8(4.30%)	23(13.85%)	14(5.42%)	45(7.37%)	7.37
11	Religion	-	2(1.20%)	-	2(0.32%)	0.32
Total		186(30.49%)	166(27.21%)	258(42.29%)	610	

**Source: Field survey, 2009**

#### **4.2. Observance of, and compliance with, the provisions on workers' rights**

The second major issue in this research is the extent of compliance with workers' rights. In looking at this issue we shall rely on what the respondents say as well as the results of interview with union officials. The first question in this regard was to find out from the respondents the extent to which they are accorded their rights by employers. Out of 270 respondents to this question, only 64(16.9%) respondents claim that their rights are fully observed, 118(31.2%) respondents claim that their rights are reasonably observed while 86(22.8%) are not satisfied. Table 13a and b below reflect the responses.

**Table 13a: The extent to which workers' rights are observed**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Fully observed	64	16.9	23.7	23.7
	Reasonable	118	31.2	43.7	67.4
	Not satisfied	86	22.8	31.9	99.3
	Can't say	2	.5	.7	100.0
	Total	270	71.4	100.0	
Missing	System	108	28.6		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 13b: The extent to which workers' rights are observed by sector**

		The extent of observance of workers' rights				Total
		Fully observed	Reasonable	Not satisfied	Can't say	
Name of sector	Telecommunication	22(34.37%)	44(37.28%)	8(9.30%)		74(27.47%)
	Oil & Gas	16(25%)	22(18.64%)	42(48.83%)		80(29.62%)
	Banking	26(40.62%)	52(44.06%)	36(41.86%)	2(1.72%)	116(42.96%)
Total		64(16.9%)	118(31.2%)	86(22.8%)	2(0.74%)	270

**Source: Field survey, 2009**

**Table 13c: The extent to which rights are observed by Gender**

S/no	Awareness of Rights by Gender	Male	Female	Total
1	Fully observed	42(22.82%)	22(25%)	64(23.52%)
2	Reasonably observed	78(42.39%)	40(45.45%)	118(43.38%)
3	Not satisfactory	64(34.78%)	24(27.27%)	88(32.35%)
4	Can't say	-	2(2.27%)	2(2.27%)
Total		184(67.64%)	88(32.35%)	272

**Source: Field survey:2009**

As shown in table 13b above, the highest level of dissatisfaction, 52.5% of respondents is in oil and gas sector. For banking, it is 31%. For both sectors it is a huge deficit as we are talking of more than half and almost a third of respondents respectively. However, it should be noted that the female respondents indicate a relatively higher level of satisfaction with the observance of their rights by employers (see table 13c above). This is perhaps an indication of the perception of the question of rights, and how the two groups relate to it, at work.

Respondents were also asked to mention examples or instances of non-observance of the rights they lay claim to. We got only 158 responses on this. As indicated in table 14a below, late payment of salaries and allowances is the most frequently mentioned with 58 responses, followed by arbitrariness on the part of management with 42 responses while late working hours/ forced resignation placed third jointly with 14 responses. Sexual harassment was mentioned 6 times and non-unionisation came up for mention four times.

**Table 14a: Examples of non observance**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid forced resignation	14	3.7	8.9	8.9
late working hours	14	3.7	8.9	17.7
lack of promotion	2	.5	1.3	19.0
late lunch	2	.5	1.3	20.3
sexual harassment	6	1.6	3.8	24.1
late payment of salary and allowances	58	15.3	36.7	60.8
Arbitrary management	42	11.1	26.6	87.3
Non-unionisation	4	1.1	2.5	89.9
Deny study leave	6	1.6	3.8	93.7
Threat from employers	10	2.6	6.3	100.0
Total	158	41.8	100.0	
Missing System	220	58.2		
Total	378	100.0		

**Source: Field survey, 2009**

**Table 14b: Examples of non-observance of rights by sector**

S/no	Responses/Sector	Telecoms	Oil & gas	Banking	Total	%
1	Forced resignation	8(17.39%)	2(3.44%)	4(7.40%)	14	8.86
2	Late working hours	4(8.69%)	2(3.44%)	8(14.81%)	14	8.86
3	Lack of promotion	2(4.34%)			2	1.26
4	Late lunch	2(4.34%)			2	1.26
5	Sexual harassment	4(8.69%)	2(3.44%)		6	3.79
6	Late payment of salary & allowances	14(30.43%)	26(44.82%)	18(33.33%)	58	36.70
7	Arbitrary management action	10(21.73%)	16(27.58%)	16(29.62%)	42	26.58
8	Non-unionisation	2(4.34%)	2(3.44%)		4	2.53
9	Denied study leave	-	4(6.89%)	2(3.70%)	6	3.79
10	Threat from employers		4(6.89%)	6(11.11%)	10	6.39
Total		46(29.11%)	58(36.70%)	54(34.17%)	158	

**Source: Field survey, 2009**

Closely related to the above, respondents were asked to mention the problems encountered at work as such may be indicative of rights abuses or non-compliance with relevant provisions of the law. This is to enable us to cross check their responses to the earlier question on non-observance of rights at work as well as a test of their understanding of rights issues at work. The responses are listed in table 15. The issues listed include; too much work, sexual harassment, abuse of rights, late payment of salary, late closing, job insecurity and humiliation/intimidation. The responses are similar to those in Table 14 above and they confirm non-observance of workers' rights.

**Table 15: Problems encountered at work**

S/no	Responses/Sector	Telecoms	Oil & gas	Banking	Total	%
1	Too much work	10(13.88%)	6(6.97%)	8(9.30%)	24	9.83
2	Sexual harassment	4(5.55%)	8(9.30)	10(11.62)	22	9.06
3	Abuse of rights	14(19.44%)	18(20.93%)	14(16.29%)	46	18.85
4	Distrust among workers	8(11.11%)	6(6.97%)	14(16.29%)	28	11.47
5	Late payment of salary	16(22.22%)	16(18.60%)	12(13.95%)	44	18.03
6	Transportation	2(2.77%)	2(2.35%)		4	1.63
7	Late lunch	6(8.33%)	2(2.32%)	4(4.65%)	12	4.91
8	Late closing	8(11.11%)		4(4.65%)	12	4.91
9	Non-observance of public holidays	4(5.55%)	-	2(2.32%)	6	2.45
10	Poor corporate communication		10(11.62%)	2(2.32%)	12	4.91
11	Job insecurity	-		6(6.97%)	6	2.45
12	Humiliation/threat/intimidation		20(23.25%)	6(6.97%)	26	10.65
13	Delayed approval of annual leave			2(2.32%)	2	0.81
Total		72(29.50%)	86(35.24%)	86(35.24%)	244	

**Source: Field survey, 2009**

When problems are encountered at work, it is not out of place to expect those involved to respond one way or the other. The responses of our respondents to such developments are indicated in tables 16a and b. Out of the 124 who responded to this question, 46 complained to higher authorities, another 46 remained indifferent while 26 reported to the union. The remaining 6 respondents called for a meeting to address the situation. In all only 78 out of the entire 378 respondents covered by the study deemed it necessary to respond to the non-observance of their rights at work. It is either a case of helplessness resulting from a lack of confidence in the ability of management to act in their (workers') interest or ignorance of what to do.



**Table 16a: Response to non-observance**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Complained	46	12.2	37.1	37.1
	Called a meeting	6	1.6	4.8	41.9
	Indifference	46	12.2	37.1	79.0
	Reported to union	26	6.9	21.0	100.0
	Total	124	32.8	100.0	
Missing	System	254	67.2		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 16b: Response to non-observance by Sector**

		Response to non-observance				Total
		Complained	Called a meeting	Indifference	Reported to union	
Name of sector	Telecommunication	8(50%)	2(12.5%)	6(37.5%)		16(12.90%)
	Oil & Gas	20(32.25%)		16(25.80%)	26(41.93%)	62(50%)
	Banking	18(39.13%)	4(8.69%)	24(52.17%)		46(37.09%)
Total		46(37.09%)	6(4.8%)	46(37.09%)	26(21.0%)	124

**Source: Field survey, 2009**

**Table 16c: Response to non-observance by Gender**

		Response of non-observance				Total
		Complained	Called a meeting	Indifference	Reporting to union	
Sex	Male	24(27.27%)	6(6.81%)	34(38.36%)	24(27.27%)	88(70.96%)
	Female	22(61.11%)		12(33.34%)	2(5.56%)	36(29.03%)
Total		46(37.09%)	6(4.83%)	46(37.09%)	28(22.58%)	124

**Source: Field survey, 2009**

The distribution of respondents by gender is quite interesting. As shown in table 16c above, the highest single percentage of female respondents (61.1%) complained about non-observance of their rights whereas it is only 27.27% for men. However, a higher percentage of men remained indifferent (38.36%)(which is also the highest

single percentage for men) while 33.34% of women chose to be indifferent to their situation. The high percentage of indifference, particularly among men, is probably borne out of the realization that complaining to the same people responsible for their plight may amount to an exercise in futility.

It was necessary to know what particular steps were taken by respondents over non-observance of rights at work. While 56 out of a total of 174 respondents called for union meeting, 44 opted for dialogue with management, 26 opted for patience and understanding. Only 10 decided to seek redress. The remaining 38 who took no apparent step can be taken along with those who decided to be patient and bear with the situation (understanding). It then means that 64 out of the 174 respondents (36.7%) were simply not bothered or perhaps hopeless about the non-observance of their rights. This pattern of response reinforces our earlier observation that workers may not have confidence in their employers being fair to them. As we shall show shortly, quite a number of the respondents are aware of avenues for seeking redress (see table 18 below). The full picture in respect of this issue is reflected in table 17 below.

**Table 17: Steps towards resolution of non-observance of rights**

		Steps towards resolution					Total
		Union meeting	Patience and understanding	Dialogue with management	Call for redress	None	
Name of sector	Telecommunication	10(17.85%)	4(15.38%)	8(18.18%)	2(20%)	4(10.52%)	28(16.09%)
	Oil & Gas	38(67.85%)	6(23.07%)	16(36.36%)	4(40%)	10(26.31%)	74(42.58%)
	Banking	8( 14.28%)	16(61.53%)	20(45.45%)	4(40%)	24(63.15%)	72(41.37%)
Total		56(32.18%)	26(14.94%)	44(25.28%)	10(5.74%)	38(21.83%)	174

**Source: Field survey, 2009**

Respondents were also asked if they are aware of avenues of seeking redress in case of non-observance of their rights. Only 242 of the entire 378 respondents (representing 64%) answered the question. A total of 132 respondents representing 34.9% of the entire sample size are aware of avenues for seeking redress while 110 answered in the negative (see Table 18a below). The specific avenues listed are shown in table 19 below. The responses here are quite revealing. The majority of those who responded to this question, 136 out of 210 (64.76%) pick the union as the avenue for seeking redress. Only 38 (18.09%) mention the court and other state agencies as avenues for redress while the remaining 36 (17.14%) identify management as the avenue. This pattern of

response is a further confirmation of the lack of confidence in the ability of management to protect the interests/rights of workers.

**Table 18a: Awareness of avenue to seek redress**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	132	34.9	54.5	54.5
	No	110	29.1	45.5	100.0
	Total	242	64.0	100.0	
Missing	System	136	36.0		
Total		378	100.0		

**Source: Field survey, 2009**

**18b: Awareness of avenues to seek redress**

		Awareness of avenue to seek redress		Total
		Yes	No	
Name of sector	Telecommunication	38(59.35%)	26(40.62%)	64(26.44%)
	Oil & Gas	60(73.17%)	22(26.82%)	82(33.88%)
	Banking	34(35.41%)	62(64.58%)	96(39.66%)
Total		132(54.54%)	110(45.45%)	242

**Source: Field survey, 2009**

**Table 19: Identified Avenues for Seeking Redress**

		Telecoms	Oil & Gas	Banking	Total	%
1	Union	22(64.70%)	64(62.74%)	50(67.56%)	136	64.76
2	Management	8(23.52%)	16(15.68%)	12(16.21%)	36	17.14
3	Court/State agencies	4(11.76%)	22(21.56%)	12(16.21%)	38	18.09
Total		34(16.19%)	102(48.57%)	74(35.23%)	210	

**Source: Field survey, 2009**

Respondents were also asked to assess the response of management to the problems they encounter at work. Only 48(34.3%) of 140 respondents claim to be satisfied with the response of management. The remaining 92(65.7%) were not satisfied (see tables 20a and b for details).

**Table 20a: Assessment of management response**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Adequate	48	12.7	34.3	34.3
	Not adequate	92	24.3	65.7	100.0
	Total	140	37.0	100.0	
Missing	System	238	63.0		
Total		378	100.0		

**Source: Field survey, 2009**

**Table20b: Assessment of management response by Sector**

		Assessment of management response		Total
		Adequate	Not adequate	
Name of sector	Telecommunication	12(66.67%)	6(33.33%)	18(12.85%)
	Oil & Gas	20(32.25%)	42(67.74%)	62(44.28%)
	Banking	16(26.67%)	44(73.33%)	60(42.85%)
Total		48(34.3%)	92(65.7%)	140

**Source: Field survey, 2009**

If respondents were not satisfied by management's response to their complaints or grievances, we sought to know what further steps they took to seek redress. Out of the 92 that felt management's response was not adequate, only 32(34.78%) took further steps of either complaining to the union or making suggestions to management. These are reflected in table 21a and b below.

**Table 21b: Further steps taken to seek redress by sector**

		Further steps to seek redress			Total
		Complained to union	Made suggestions	None	
Name of sector	Telecommunication	2(100%)			2(3.44%)
	Oil & Gas	18(64.28%)	8(28.57%)	2(7.14%)	28(48.27%)
	Banking	2(7.14%)	2(7.14%)	24(85.71%)	28(48.27%)
Total		22(37.9%)	10(17.2%)	26(44.8%)	58

**Source: Field survey, 2009**

Specifically, they were asked if the union could be useful in seeking redress. A total of 195 (51.58%) of the entire 378 respondents believe the union can be helpful (either fully or partially) (Table 21). Again this is a demonstration of the respondents' confidence in the trade union organisation. Apart from seeking redress on behalf of workers, other ways the respondents think that the union can be helpful are; through negotiations, strike actions, enlightenment and assisting workers through welfare schemes (see Table 22 a and b below).

**Table 22a: Can the union be helpful in seeking redress?**

		Can the union be helpful in seeking redress?			Total
		Yes	Partially	No	
Name of sector	Telecommunication	48(80%)	6(10%)	6(10%)	60(25.97%)
	Oil & Gas	65(86.67%)	6(8%)	4(5.33%)	75(32.46%)
	Banking	68(70.83%)	2(2.03%)	26(27.08%)	96(41.55%)
Total		181(78.35%)	14(6.06%)	36(15.58%)	231

**Source: Field survey, 2009**

**Table 22b: Can the union be helpful in seeking redress? Response by Gender**

		Can the union be helpful in seeking redress?			Total
		Yes	Partially	No	
Sex	Male	131(84.51%)	8(5.16%)	14(9.03%)	155(67.09%)
	Female	48(63.15%)	6(7.89%)	22(28.94%)	76(32.90%)
Total		181(78.35%)	14(6.06%)	36(15.58%)	231

**Table 23: other ways by which union can be helpful**

		How union can be helpful?				Total
		Through negotiation	Through strike	Protection of workers' right through enlightenment	Assist members thr. Welfare schemes	
Name of sector	Telecommunication	4(50%)	4(50%)			8(5.33%)
	Oil & Gas	60(81.08%)	10(13.51%)	4(5.40%)		74(49.33%)
	Banking	42(61.76%)	14(20.58%)	8(11.76%)	4(5.88%)	68(45.33%)
Total		106(70.66%)	28(18.66%)	12(8%)	4(2.66%)	150

**Source: Field survey, 2009**

In light of the role of the union in protecting the interests and rights of workers at work, we deemed it necessary to ask whether workers should unionise. Out of the 242 who responded to this question a total of 228(94.21%) are of the opinion that workers should belong to trade unions (see Table 23a). This is a further confirmation of the respondents' confidence in trade unions.

**Table 23a: Should workers unionise?**

		Should workers unionise?		Total
		Yes	No	
Name of sector	Telecommunication	58(93.54%)	4(6.45%)	62(25.61%)
	Oil & Gas	66(94.28%)	4(5.71%)	70(28.92%)
	Banking	104(94.54%)	6(5.45%)	110(45.45%)
Total		228(94.21%)	14(5.79%)	242

**Source: Field survey, 2009**

**Table 23b: Should workers unionise? Distribution by Gender**

		Should workers unionise?		Total
		Yes	No	
Sex	Male	164(97.61%)	4(2.39%)	168(69.42%)
	Female	64(86.48%)	10(13.52%)	74(30.57%)
Total		228(94.21%)	14(5.78%)	242

**Source: Field survey, 2009**

**Table 23b: Should workers unionise? Distribution by Gender**

		Should workers unionise?		Total
		Yes	No	
Sex	Male	164(97.61%)	4(2.39%)	168(69.42%)
	Female	64(86.48%)	10(13.52%)	74(30.57%)
Total		228(94.21%)	14(5.78%)	242

**Source: Field survey, 2009**

Going by table 23b above, the percentage of men (97.61%) who believe that workers should unionise is higher than that of women (86.48).

If respondents believe workers should unionise, how do they feel in the absence of unions in their organisations. We asked them this question as well as what efforts they made to ensure the existence of unions in their places of work. Broadly, majority of the respondents, 224(94.11%) are not happy about the situation insisting that it is degrading, exploitative, puts them at a disadvantage and embarrassing not to have a union in place. Out of 205 respondents, 113(55.12%) claimed to have discussed the absence of unionism with co-workers while out of 258 respondents, 132(51.16%) claimed to have initiated a move to form a union in the workplace. All these responses, as reflected in tables 24, 25 and 26 below, suggest a desire of the respondents to avail themselves of the right to associate with fellow workers in a bid to ensure that they get a better deal from work.

**Table 24: Feelings about non-unionisation**

		Telecoms	Oil & Gas	Banking	Total	%
1	Degrading	10(16.67%)	6(8.33%)	14(13.20%)	30	12.60
2	Exploitative	10(16.67%)	26(36.11%)	22(20.75%)	58	24.36
3	Disadvantaged	20(33.33%)	14(19.44%)	26(24.52%)	60	25.21
4	Embarrassed/depressed	16(26.67%)	26(36.11%)	34(32.07%)	76	31.93
5	Don't care	4(6.67%)	-	6(5.66%)	10	4.20
6	Indifference	-	-	4(3.77%)	4	1.68
Total		60(25.21%)	72(30.25%)	106(44.53%)	238	

**Source: Field survey, 2009**

**Table 25: Ever discussed non-unionisation with co-workers**

		Ever discussed non-unionisation with co-workers		Total
		Yes	No	
Name of sector	Telecommunication	28(46.67%)	32(53.33%)	60(29.26%)
	Oil & Gas	47(92.15%)	4(7.84%)	51(25%)
	Banking	38(40.42%)	56(59.57%)	94(45.85%)
Total		113(55.12%)	92(44.78%)	205

**Source: Field survey, 2009**

**Table 26: Ever initiated or supported a move to unionise?**

		Ever initiated or supported a move to unionise?		Total
		Yes	No	
Name of sector	Telecommunication	34(50%)	34(50%)	68(26.35%)
	Oil & Gas	60(81.08%)	14(18.91%)	74(28.68%)
	Banking	38(32.75%)	78(67.24%)	116(44.96%)
Total		132(51.16%)	126(48.84%)	258

**Source: Field survey, 2009**



**Table 26: Ever initiated or supported a move to unionise?**

		Ever initiated or supported a move to unionise?		Total
		Yes	No	
Name of sector	Telecommunication	34(50%)	34(50%)	68(26.35%)
	Oil & Gas	60(81.08%)	14(18.91%)	74(28.68%)
	Banking	38(32.75%)	78(67.24%)	116(44.96%)
Total		132(51.16%)	126(48.84%)	258

**Source: Field survey, 2009**

From the above table, the percentage of women (26.19%) who have ever initiated a move to unionise is much lower than that of men (63.21%) which is probably an indication of lack of enthusiasm to get involved in the rigours involved in spite of their belief in trade unionism. This means that the unions need to work more on raising workers' consciousness to develop more interest and enthusiasm in trade unionism. In addition, the unions need to adopt a more inclusive approach in their activities such that the interests and concerns of all members, particularly women can be factored in.

What we have done thus far is to ascertain the reality of workers' rights in the chosen sectors as perceived by individual respondents covered by this survey. The second source for this study is to establish what obtains generally in each of the sectors, irrespective of the perception or awareness of individual workers located in particularly work organisation. In doing this, we can limit ourselves to three of the core rights. These are the right to freedom of association, the right to organize and collective bargaining as well as the right to work. These rights are recognized by national laws, ILO standards and the UN Universal Declaration of Human Rights (Articles 23 and 24).

At a formal level, the right to freedom of association is well recognized in two of the three sectors covered by this study. These are the banking and oil and gas sectors. This is connected to the legal regime in place from 1978 to around 2005. One of the defining features of the restructuring of trade unions in Nigeria in 1978 is the automatic check-off system by which a worker is deemed to be a member of the relevant union in his/her place of work except the worker contracts out of the union in writing. A corollary of this was that employers were compelled by law to recognize the union in place. By this

arrangement the unions' drive for membership was enhanced across sectors of the economy.

However, two developments have succeeded in altering the balance of forces against unfettered union membership shortly after the return to civilian rule. The first was the privatization of public enterprises and the deregulation of key sectors of the economy that were under the full control of the Nigerian state. The second development was the Trade Union Amendment Act of 2005 which, among other provisions, made union membership voluntary. In the telecommunication sector government enjoyed a near monopoly through Nigerian Telecommunications Plc (NITEL) and its mobile telephony subsidiary (M-TEL). The entry of new players into the sector and their reluctance to comply with the provisions of Section 24(sub-sections 1 & 2) of the Trade Union Act (CAP 437(LFN, 1990) on unionisation has restricted unionism only to NITEL. As such, one can talk of a near total absence of unionism in the telecommunication sector. This is certainly a huge deficit for a sector that is advertised as the fastest growing with a lot of foreign investment. This puts workers at a disadvantage in respect of their rights as the absence of unions gives employers the unfettered opportunity to act unilaterally in managing the employer-employee relations. Terms and conditions that are unilaterally conceded and not negotiated can be withdrawn in the same manner. The situation persists in spite of the efforts of the relevant unions to organise prospective members in the new companies operating in the sector.

The level of unionisation in the other two sectors is much higher. In the banking sector, according to trade union officials, it is about two-third with 16 out of 24 banks unionised at the level of senior staff, which is a remarkable improvement over what obtained in the immediate post-consolidation period when only 6 banks allowed their workers to belong to the unions in the industry (Source: field interview with officials of NUBIFIE and ASSBIFI, 2009). The efforts of the union that yielded fruit are highlighted in Box 1 below.

### **Box 1: Efforts at Organising workers in the Banking Sector by ASSBIFI**

The Association is organised with Units in sixteen banks viz; Afribank Plc, Wema Bank Nig. Ltd, Federal Mortgage Bank of Nigeria, Bank of Industry, First Bank of Nigeria, Oceanic Bank International, Unity Bank, Skye Bank Plc, Bank PHB Nig Ltd, Zenith International Bank, Ecobank, Finbank, Sterling Bank, Intercontinental Bank, and Citibank Nig. Ltd. For a number of factors, the exact membership of the union fluctuates, more importantly, there is always the issue of the right to know and non-disclosure to third party but one can safely state that ASSBIFI has a membership strength that is not less than thirty thousand workers in a sector that has the capacity of more than a hundred thousand senior staff employees. There are two broad ways to examine the situation in our industry, the banking sector and the insurance sector. The Union leads two campaigns essential for the two sectors; (a). Unionisation campaign and (b). Campaign against unfair labour practice and violation of labour rights of employees. Two periods are worthy of note, the post-consolidation (2005) era in the banking sector when the emerging managements of banks after merger and acquisition with the active connivance of the Central Bank of Nigeria (CBN) relegated employees/labour issues to back seat and attempted to liquidate unionism in the sector. This hostile attitude was further given sinew with the Trade Union Amendment Act (2005) orchestrated by ex- President Obasanjo regime which made a rather confusing move to abolish compulsory check-off dues and universal application of the right of workers to belong to a union. Despite, this hostility from the management, the Association through a number of approaches which included stakeholders' session called at the instance of the Ministry of Labour, dragging the banks before public panels of the National Assembly and of course, meeting with the various individual managements/staff of banks, we were able to unionise Ecobank, Zenith Bank, Finbank, Bank PHB, Oceanic International Bank and Intercontinental Bank (the last two being very late arrival). The period also witnessed high level of out-sourcing of staff, unreasonable target setting and corporate pimping which the union also campaign vigorously against. The inevitable outcome of the contradictions of the neo-liberal inspired 2005 reforms was the raging financial and economic crisis leading up to the Sanusi banking sector shake-up. (Source: Assistant Secretary -General (Industrial Relations), ASSBIFI)

Paradoxically, the problem now is that the employers' association is almost in disarray with just about three active members. The practical implication is that the collective agreement which was due for re-negotiation in 2007 has been put on hold. This consequently led to a situation in which branches of the union have been left to negotiate financial issues at the domestic level which does not really augur well for workers as they are gravely disadvantaged for since many workers and their representatives are not usually bold enough to confront their management personnel directly for fear of reprisals.. The ease with which bank employers carry out the on-going down-sizing exercise is a good case in point. Most of the affected banks failed to negotiate redundancy (which is what they have declared) as well as related benefits with the unions (see Box 2 for the few exceptions. Four other banks were yet to enter into negotiations with the union as at the time of writing.

#### **Box 2: Negotiation of Terminal Benefits for Members:**

Most of the employers in our industry always prefer to unlawfully retrench employees without following the requirements of Section 20 of the Labour Act and provisions of the subsisting industry wide Collective Agreement but with the intervention of the Union, good exit package were negotiated in Afribank, Wema Bank, Ecobank, First Bank Nigeria Plc, Niger Insurance and LASACO Insurance.

**Source: Interview with Assistant Secretary-General (Industrial Relations), ASSBIFI**

The precarious situation of the Nigerian economy in general and the banking sector in particular has made workers and the unions vulnerable to unfair labour practices from employers. The fear of the unknown (being thrown into a saturated labour market) has made workers more tolerant of the excesses of management. Other untoward practices which impinge on workers in the banking sector include what some describe as unrealistic work target, particularly for those in marketing, who are largely women. There is also the issue of working far in excess of 8hrs per day without compensation, either in cash or kind. According to top ranking official of the bank workers union, other unfair labour practices engaged in by the banks, especially new generation banks include arbitrary fixing of wages without collective bargaining, non-payment of redundancy and severance benefits, casualisation, contract employment, and outsourcing. The fact that these go on in spite of union presence is an indication that the balance of power within the world of work is in favour of employers.

The situation in the oil industry is not too different from what obtains in the banking sector. There is unionisation in the sector, but collective bargaining takes place at the enterprise level. There is a predominance of non-standard forms of employment in the sector, hence there are more casual and contract workers than permanent workers. Some of these challenges are highlighted in box 3 below.

### **Box 3: Challenges confronting workers in Oil & Gas**

**Expatriate Quota-** Almost all the oil companies in Nigeria circumvent this law. This is a bit difficult to enforce because of the following reasons.

- Porous nature of our border
- Compromised immigration system
- Laxity in the issuance of work and residential permit
- Non-implementation of the clause which provides for expatriates to be supported by two Nigerians to understudy him and later take-over in the shortest possible time

From the foregoing, it is advisable that Petroleum Industry Bill (PIB) should provide for the endorsement of Ministry of Internal Affairs, State Security Service and Immigration Services before work and residential permits are issued.

**Union Organising-** This is very challenging at this point in time due to the under-listed reasons

- Trade Union Act of 2005 which makes union membership voluntary. Hence, employers capitalize on this to discourage members from joining union
- The Act also makes union to realize that the era of armchair co-ordination of union activities is over. Union has to embark on aggressive membership drive
- It must be noted that union fought for the implementation of local content policy in oil companies. Unfortunately, indigenous oil companies are notorious for not allowing their employees to unionize

**Job Losses-** The crisis in the Niger-Delta has contributed immensely to job losses in the oil industries. The fragile Amnesty Programme is being threatened due to the absence of Mr. President. The oil servicing companies are contractors to major oil companies. Hence, when the contract period elapses, they dispense with the services of their workers. Casualisation is still rife in the industry.

**Source: Interview with the Assistant General Secretary, Research & Development, PENGASSAN)**

**N.B. It should be noted that this interview was conducted during the period the late President Umar Yar'Adua was away to Saudi Arabia for medical treatment in February, 2010.**

It is only in recent years that the two unions successfully fought to unionise those non-permanent employees. Even when employers enter into agreements with the unions, they routinely renege on negotiated terms.

### 4.3. WHAT CAN BE DONE TO ENSURE COMPLIANCE

The third major issue examined in this research is what can be done to ensure compliance with, or enforcement of workers' rights. In this regard, the following questions were posed. The first question is; what can be done to ensure enforcement of workers' rights. Responses range from encourage unionism, through union vigilance to continuous dialogue (presumably with management), training and education of workplace actors, protests and sanctions and an end to intimidation of workers while allowing freedom of expression. Three of the suggestions relate directly to the union with a combined frequency of 148(66.7%) out of 222 respondents. These are the suggestions that trade unionism should be enforced, union vigilance and imposition of sanctions/protests. They are items 1, 2 and 5 on table 27 below.

**Table 27: What can be done to ensure enforcement of workers' rights?**

		Telecoms	Oil & Gas	Banking	Total	%
1	Encourage/insist on unionism	30(62.5%)	36(46.15%)	54(56.25%)	120	54.
2	Union vigilance	2(4.16%)	14(17.94%)	4(4.16%)	20	9
3	Continuous dialogue	4(8.33%)	10(12.82%)	6(6.25%)	20	9
4	Training/education	6(12.5%)	8(10.25%)	8(8.32%)	22	9.9
5	Through protests/sanctions	2(4.16%)	2(2.56%)	4(4.16%)	8	3.6
6	Constant change of bosses(management)	2(4.16%)	-	4(4.16%)	6	2.7
7	Stop intimidation/allow freedom of expression	2(4.16%)	8(10.25%)	4(4.16%)	14	6.3
8	Don't know	-	-	12(12.5%)	12	5.4
Total		48(21.62%)	78(35.13%)	96(43.24%)	222	

**Source: Field survey, 2009**

The next question specifically asked respondents if the union can help in securing workers' rights. Out of a total of 264(85.60%), 226 respondents answered in the affirmative. This contrasts with the 18 who do not think the union can help in this regard (see table 28 below). This is a further affirmation of respondents' belief in trade unions.

**Table 28: Can Union help in securing workers rights?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	226	59.8	91.9	91.9
	No	18	4.8	7.3	99.2
	No response	2	.5	.8	100.0
	Total	246	65.1	100.0	
Missing	System	132	34.9		
Total		378	100.0		

**Source: Field survey, 2009**

**Table 28b: Can Union help in securing workers rights? Distribution by Gender**

		Can Union help in securing workers rights?			Total
		Yes	No	No response	
Sex	Male	174(98.86%)	2(1.14%)		176(71.54%)
	Female	54(77.14%)	14(20%)	2(2.85%)	70(28.45%)
Total		228(92.68%)	16(6.50%)	2(0.81%)	246

**Source: Field survey, 2009**

Finally, respondents were asked to mention other ways in which the union can be helpful. Their answers are listed in table 29 below. Ensuring enforcement and protection of human rights has the highest frequency of 98 (46.22%)out of 212, followed by 38(17.92%) who suggest that social action should be encouraged while the suggestion that unions should negotiate on behalf of workers has the third highest frequency of 32(15.09%).

**Table 29: Other ways in which unions can be helpful**

		Other ways in which unions can be helpful					Total	
		Ensure enforcement/ protection	Encourage social action	Negotiate on behalf of workers	Act as link between workers and management	Secure additional/ more income		Check excesses of management
Name of sector	Telecommunication	22(36.67%)	2(3.33%)	14(23.33%)	2(3.33%)	12(20%)	8(13.33%)	60(28.30%)
	Oil & Gas	36(50%)	20(27.78%)	12(16.67%)	2(2.78%)		2(2.78%)	72(33.96%)
	Banking	40(50%)	16(20%)	6(7.5%)	12(15%)	4(5%)	2 (2.5%)	80(37.73%)
Total		98(46.22%)	38(17.92%)	32(15.09%)	16(7.54%)	16(7.54%)	12(5.66%)	212

**Source: Field survey, 2009**

From the data presented in the preceding paragraphs, the reality is not too encouraging. This poses a lot of challenges to those who are saddled with the responsibility of ensuring that rights are respected. We shall address this shortly after we briefly examine why employers are not complying with relevant provisions of the laws.





## CHAPTER FIVE

### MAIN REASONS FOR COMPLIANCE AND NON-COMPLIANCE

The relationship between employers and employees (industrial relations) is structured, mediated and regulated by general and specific laws as well as relevant public policies. As citizens, the two sides are also guided by relevant provisions of the nation's Constitution. In addition, and because of the centrality of the employment relationship to wealth creation, special legislative attention is paid to what goes on between the two sides, hence labour laws are enacted. By and large, the ensuing social relations of production, which are based on the contract of employment, are conducted within the provisions of the law and related government policies. Rights and obligations are embedded in these laws and in the ILO's Conventions.

As the so-called custodian of public good, it is imperative for government to protect all components of workers' rights. The government must take affirmative action to ensure that these rights can be exercised. Apart from showing a good example as an employer, government should also ensure that private employers are not allowed to infringe and violate workers' rights with impunity. After all, within the context of liberal democracy, government owes its citizens the duty of care and this can be done through labour legislation. In the words of Marcello Malentacchi (General Secretary of the International Metalworkers Federation), "the fundamental principle of labour legislation is to guarantee the weaker party in the labour market protection and basic rights in order to be in a fair position when negotiating salary and working conditions" (cited in ILO, 2006:v).

The agency of government charged with the responsibility of ensuring that employment relations unfold within the legal framework and without jeopardizing the production of goods and services in Nigeria is the Federal Ministry of Labour and Productivity. Within the organisational set-up of the Ministry, a system for complaints about rights violations, adjudications, remedies and punishments is put in place. There is equally a mechanism for monitoring compliance, through the inspectorate services. As such, compliance and non-compliance are partly a function of the effectiveness of the Ministry. The gravity of existing penalties or sanctions may go a long way in determining whether an employer

wants to comply. If it is cheaper not to comply, why would a cost-conscious employer want to comply with relevant provisions of the law?

Specifically, employers gave three reasons why they ignore some provisions of the law, particularly those relating to unionism (right to organize) and collective bargaining (Source: interview with officials of employers' associations, August-November 2009). The first argument is that unionism affects the productivity of the enterprise. According to them the time spent during meetings with trade union officials and in the course of negotiating with trade unions eats into production time. Similarly, they argue that the time taken off by union officials to conduct union business also slows down the business of the company.

The second argument is that management can address matters affecting the welfare of workers without the union's prompting and perhaps grant them better deals/packages than the unions can secure for them. This may be true but the problem here is that there is much more to the employment relationship than the so-called jumbo pay which is very relative, in any case. Compared to what other workers earn within the Nigerian economy, it may be tempting to agree that the workers in the three sectors covered by this study earn good salary but when compared to what accrues to the companies, what they pay their workers is just pittance. Job insecurity is increasingly becoming the order of the day while the workers suffer a lot of indignities at work, including an abuse of their persons both by superiors at work and customers.

The third argument is that they prefer the platform of the joint consultative committee to that of the union or the mechanism of collective bargaining to discuss issues with workers. The reason for this is that “conducts are more civil than what obtains during negotiations characterized by militancy”.

When reminded of the legal provisions that allow unionism, the employers' representatives were quick to also say that the same law makes union membership voluntary and that in any case; employees are made to undertake not to join the union at the point of entry. This is also a violation of the provision of the law which says that membership or non-membership of union should not be a pre-condition for employment (see Trade Union Amendment Act of 2005).

These arguments are presumptuous and self-serving to say the least. They are essentially meant to justify the ideological predilection of employers for unilateralism in

managing employment relations. Employers in Nigeria are just taking advantage of the weak institutional and regulatory frameworks to the detriment of their employees. As long as this situation persists, workers' rights would continue to be abridged. The truth is that employers do not want to share the control of employment relations with their employees. That is why they are coming up with new managerial ideologies and philosophies to justify their position. This much was admitted by an official of Nigerian Employers Consultative Association (NECA). In his words “most employers adopt the modern model of industrial relations, which discourages formation of workers' union and the use of collective bargaining to fix terms and conditions of work.... the new trend in industrial relations is employee relations, which emphasizes individualism instead of collectivism, hence the use of Joint Consultative Council instead of collective bargaining to settle industrial conflict. In employee relations, since there is no union and union leaders, opinion leaders are invited to participate in Joint Consultative Council”. Of course, the reference to “the new trend in industrial relations” is nothing other than the situation that has been promoted by the ascendancy of neo-liberalism as the framework of economic policies globally.

This is the major thrust of the human resource management (HRM) approach to industrial relations. As a labour control strategy, the major import of the HRM approach is in its “preference for individual management communication with employees, rather than relying on collective forms of information exchange through trade unions” (Rose, 2001). It is to this extent that the HRM strategy is regarded as a union-avoidance strategy and for effect most firms adopting this approach do not allow the existence of unions in spite of relevant labour laws. As confirmed by both trade union officials and employers' representatives in the course of this study, at the point of selection, employees are made to denounce participation in trade unionism and made to believe that the union is irrelevant to their career advancement. In addition they are made to believe that with skills/expertise and commitment to the organisation, the sky is their limit. However, without the union or any collective platform to address common interests, employees become more vulnerable, while management assumes an unfettered control of the labour process and employment relationship.

The adoption of this approach has been helped by the emergent new economic order packaged as globalization. It has altered industrial relations practice from the much advertised tripartite relationship into a unipolar or unitarist order. In his conception of industrial relations, Dunlop (1958) describes it as a tripartite system because of the

involvement of three parties, namely employers (represented by management), employees (represented by the trade union) and government. Removing the union (the platform on which workers stand) amounts to removing the third leg of the tripod. Associated with the new order are heightened competition, the transformation of production methods from “fordism” to “flexible specialization” and the increasing diversification of the labour market to encompass new categories of workers in new types of employment relationships such as temporary, part-time or contract workers(ILO, 1997). All these point in the direction of a more adversarial industrial relations atmosphere. Apart from institutional and procedural issues relating to freedom of association and the right to organise and collective bargaining, the effects of globalisation can be felt in terms of job security, contract labour, health, safety and environment as well as remuneration and working conditions.

This development is further compounded by the lack of political will on the part of government to ensure compliance with provisions of relevant laws and the growing weakness, if not vulnerability, of trade unions. We shall address these issues shortly.

## CHAPTER SIX

### INSTITUTIONAL CAPACITY AND PROTECTION OF WORKERS' RIGHTS

Given its disadvantaged position in the employment relationship it appears, at least on the surface that the provisions of national laws and ILO Conventions mentioned in the preceding paragraphs are to offer some respite to the worker. Having examined the provisions and the level of compliance, the next question to examine is the capacity of regulatory institutions to enforce the provisions. A related issue is whether the state has the will to protect the weaker partner in the employment relationship.

Apart from legislation, the formalised employment relationship is regulated and mediated by a number of structures and institutions which are located within the framework of the labour administration system. Article 1 of the ILO Convention 150 defines labour administration as “public administration activities in the field of national labour policy (incorporating labour, employment and vocational training) while the system of labour administration covers all public administration bodies responsible for and, or, engaged in labour administration whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any form of decentralized administration and any institutional framework for the coordination of activities of such bodies and for consultation with and participation by employers' and workers' organisations(see ILO, 1978 for details). This is the institutional framework for ensuring compliance with laws and standards as well as protecting workers' rights. It is the essential duty of labour administration to enforce labour legislation and to offer solutions to the various and complex problems that arise in the world of work.

Some of the components of the labour administration system that are of interest to us here include the Federal Ministry of Labour and Productivity, particularly the Departments of Trade Union Services and Industrial Relations Department, including the Industrial Arbitration Panel and Inspectorate, the National Industrial Court and the National Labour Advisory Council. In spite of the political allegiance of government to the ruling class whose members constitute the bulk of the employers of labour, it is still expected to protect the interests of all irrespective of class affiliation or social standing. As such within the employment relationship, government, through relevant agencies

are expected to ensure that parties involved get a fair deal.

In Nigeria, the Inspectorate Department is the focal department of the Federal Ministry of Labour and Productivity charged with “the responsibility to ensure compliance with all national and international labour legislations(sic) connected with terms and conditions of employment”, among others(FMLP, 2009). The Department carries out its functions, through “enforcement of relevant labour laws, particularly Labour Act, Cap 198, Factories Act, Cap 126 and the Workmen's Compensation Act, cap 470”.

There is no doubt that the Ministry of labour lacks the capacity to carry out its mandate. There is shortage of personnel to carry out inspection services nation-wide. This development has, in turn, reduced the capacity of the system to deliver even when there is the will. The Ministry is short staffed, even in very critical areas. For example, as at 2005 the Factory Inspectorate was made up of only 47 staff (FMELP, 2005:19). By the Ministry's own calculation a minimum of 250 inspectors are required for effective inspection. In fact, it is claimed by trade union officials (and confirmed by official records of the Federal Ministry of Labour) that there is only one factory inspector for the whole of the North-East. The situation has not improved appreciably since 2005. There are less than 1,000 labour officers in the same Ministry. Needless to say facilities such as vehicles to facilitate inspection visits to the work establishment are hard to come by. Again, by the Ministry's admission as at 2005, there was not a single vehicle for inspection yet 63 vehicles are needed (FMELP, 2005:20).

The Ministry routinely contends with low budgetary allocation. In 2009, the budgetary allocation to the Federal Ministry of Labour and Productivity was N6, 737,011,718bn (including a capital vote of N156, 746, 362mn). This compared to the sums of N20,116, 016, 504bn(including a capital vote of N200,000,000mn), N17,662,026,196bn(including a capital vote of N3,214,895,000mn), and N14,737,601,952bn(including a capital vote of N318,814,166mn) allocated to the Ministry of Information and Communication, National Sports Commission, and the Ministry of Justice respectively. In the same year, the Federal Capital Territory Administration (FCTA) alone got a capital vote of N66, 650,000,000bn (source: Budget Office, Federal Ministry of Finance, Abuja, [www.budgetoffice.gov.ng/downloads.html](http://www.budgetoffice.gov.ng/downloads.html)). In the words of the Labour Minister, “the decrease in the number of labour inspections carried out in 2008 and so far 2009, when compared with that of 2007 was a result of inadequate budgetary allocation and logistic support”(FMLP, 2009:16).

This low budgetary is in line with what obtains on the African continent where the image and effectiveness of labour administration systems, including Nigeria, have not been helped by the low priority accorded their operations as reflected in paltry budgetary allocations. This much was admitted by Mwashimba (1999) and Richtofen(1999). Mwashimba insists, "It is known that Labour Ministries all over the world, in the majority of cases in developing countries, are allocated very little money. The Labour Ministry's share of the national budget was below 1 %"( p.31). Agencies such as the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC) still have 12 and 11 members respectively. Yet it is these agencies that are charged with the task of ensuring compliance with labour standards and enforcing the rights of workers.

The reality is that government does not have the will to really protect workers from the excesses of employers. It would appear that at best government is paying lip-service to ensuring the protection of workers and this explains why it finds it difficult to deal with infringement of statutory provisions. Instead, violations are treated with kid's gloves. Even in spite of the ridiculous penalties (such as N1, 000(US\$7) for non-recognition of a duly registered trade union by an employer), provided for in the laws, imposing them has become difficult for government. The excuse given by an official of the Labour Ministry is that imposing such penalties would not serve any purpose and that it is better to wait for the on-going review of the laws(interview with a senior official of the Department of Trade Union Services & Industrial Relations, August 2009). Interestingly, the wholesale review of the laws which was initiated by the Obasanjo administration in 2004 with the technical and financial support of the ILO is yet to be completed.

Of course this disposition should not be surprising if the government is more interested in protecting the interests of the propertied class. This bias has been clearly manifested in the emerging global economic order in which the interests of international finance capital determine the fate or treatment meted out to workers. Governments in developing/dependent countries such as Nigeria easily capitulate to the arm-twisting tactics of foreign investors who virtually insists on lowering labour standards (euphemistically referred to as labour market flexibility) as one of the pre-conditions for investing locally(see Plant, 1994 for more). The telecommunication and oil and gas sectors are notorious for this. In fact they dare not try the employment practices they implement in Nigeria in their countries of origin.



On the lack of will on the part of governments of developing countries to protect their citizen-workers, Blackett (2007:5) has this to say:

While in the post WWII period into the 1980s, policies linked to embedded liberalism ensured that industrialized countries could provide social welfare systems including labour regulatory mechanisms that offered protection to the worker-citizen, the case has not been the same for developing countries. Rather, for developing countries, the “privilege of cushioning the adverse domestic effects of market exposure” was never theirs. As Ruggie observes, “[t]he majority lack the resources, institutional capacity, international support and, in some instances, the political interest on the part of their ruling elites.”

In fact, a closer look at the economic literature reveals a tendency to regard labour standards and legislation as constituting part of the “rigidities” and “distortions” that impede the smooth functioning of the labour market (see Scherrer & Greven, 2001; Plant, 1994 and Panford, 1994). As such, existing body of labour legislation guaranteeing some rights and protection for workers are considered obsolete. In Nigeria labour laws are mostly observed in the breach. A good case is the use of casual and contract labour which has been grossly abused especially by expatriate firms as well as the refusal of employers to allow their employees to freely join trade unions of their choice. A few examples suffice here.

The flagrant disregard of employers for the right of workers to form or join unions of their choice is a good case in point. It took a lot of efforts, including picketing and industrial actions for the unions in banking and oil and gas to reach the present level of unionisation. The oil workers had to resort to organizing casual and contract employees in the industry.

The refusal of employers to honour agreements reached with the unions is equally treated with levity. On many occasions when employers refuse to honour agreements signed with workers and the unions, instead of compelling them to honour the terms of agreement, the Ministry would rather persuade the unions to consider a re-negotiation of the agreements.

In essence, the problem we are faced herewith is the lack of capacity which is further aggravated by the lack of political will on the part of government to protect its worker-citizen.

## **CHAPTER SEVEN**

### **TRADE UNIONS AND PROTECTION OF WORKERS' RIGHTS**

If the agencies of the Nigerian state are not doing enough, what has been the response of the trade unions? Since the unions interact with the labour administration bodies, what have they been able to secure the rights of their members? The simple truth is that the unions, in spite of themselves, have not been able to do much. A combination of factors, internal and external, including the conspiratorial indifference of a consuming public that is quick to condemn any collective action of workers because of possible inconveniences without being commensurately bothered about the plight of the workers. A good case in point was the strike action of organised labour in June 2007 against some government policies. After less than one week of the strike action there was enough public outcry against the action with appeals to labour to consider the plight of the people. Before proceeding, one pertinent question to ask is whether the unions are in a position to make a difference. Yes, the unions can. This much has been admitted by respondents in this study. This is because in light of the weak position of the individual worker, it is only by combining with others in similar circumstance that s/he can hope to mitigate the adversities of the employment relationship. The collective strength of workers has always been helpful in their struggles with finance capital. This is where the trade union advantage comes in.

The collective platform offered by the union presents a good avenue for workers to press for, and demand for other rights. This is largely because the trade unions are officially recognised as the representatives of their members. The unions covered in this survey have made efforts to engage the situation in the sectors. The relevant unions are; National Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association(PENGASSAN) for the oil and gas sector, National Union of Banks, Insurance and Financial institutions Employees(NUBIFIE) and Association of Senior Staff of Banks, Insurance and Financial Institutions(ASSBIFI) for the banking sector and National Union of Postal and Telecommunication Employees(NUPTE) and the Senior Staff Association of Communication, Transport and Corporations(SSACTAC) for the telecommunication sector. Some of the efforts made include; dialogue with employers, lodging formal

complaints with the Ministry of Labour, organizing campaigns and rallies, political lobbying, picketing and industrial actions. Unions in both the banking and oil and gas sectors have severally undertaken these actions. In actual fact, ASSBIFI has written formally to the employers in the banking sector, the President of the country, the Central Bank Governor, the Ministers of Finance and Labour about the prevailing situation in the banks with a view to working out a fairer deal for their members affected by the ongoing rationalization in the sector. According to the Secretary-General of the Association both legal and industrial actions are being contemplated against recalcitrant employers in the banking sector.

On occasions the two labour federations in the country, the Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) have had cause to join the unions in addressing these issues. If the situation has not changed for the better, it is not for lack of trying, even though it may be necessary to consider new strategies for confronting the rights challenges. This is not to say that the unions are not without their own problems which should be addressed to ensure a better deal. These include weak organisation, inadequate resources, both human and material, lack of inclusiveness in organisation and representation on union organs, membership apathy and lack of commitment on the part of union officials.

Of course the unions are operating in a very hostile environment dominated by powerful trans-national corporations, whose examples indigenous employers follow. Let us take the oil sector as an example. Since a long time, employers in Nigeria's oil and gas sector have not been particularly well disposed towards unionism. This is reflected in refusal to recognise unions, victimization and dismissal of active workers and the use of threats, bribery and the infiltration of unions, which in the words of Ihonvbere(1984) are "definitely aimed at controlling workers". This trend has continued until present times. This is contrary to the position of the ILO that "there should be no barriers to the free association of employers and workers for the purpose of regulating their employment relationship" (ILO, 1997). Even where unions are recognised there is a reluctance to enter into negotiations with them and when agreements are reached it takes a lot of efforts to get the employers to keep to terms of agreement. Non-recognition of the right of workers to organise creates further problems for workers. The seeming helplessness of the Nigerian government to this situation is borne out of its obsession to retain and attract investors into the economy. The marginal involvement of foreign investors in the banking sector probably explains why the level of unionisation is much

better than the other two. For instance, all the five (5) major companies operating in the upstream sector of the oil industry (accounting for about 95% of total activities) are foreign owned (Royal Dutch Shell (Shell Petroleum Development Company), Chevron, Exxon-Mobil, Agip and Total). In the telecommunication sector, only one of the four (4) major players, GLO, is indigenous, while the remaining three (3), MTN, ZAIN and ETISALAT are foreign. In the banking sector, the only bank with a high level of foreign equity participation is one of the eight (8) banks that remain un-unionised (IBTC STANBIC). A total of sixteen (16) banks are unionised (see Box 1 above).

Another area in which the effect of globalisation is felt in the industry is in respect of employment generation and security. With the establishment of the Nigeria National Oil Corporation in 1971 which later became the Nigerian National Petroleum Corporation, the Nigerian state increased its stake in the industry employing a sizeable number of Nigerians. The insistence of the regulators of the global economy on less involvement of government in business has led to a situation in which the government has initiated the privatisation of its refineries with its implication for job loss (this is part of the liberalization and deregulation of the downstream sector). Already the NNPC has discharged quite a number of its personnel in the last few years as part of its re-organisation. What this simply means is that employment generation is highly circumscribed under globalisation. In the circumstance, therefore, job security becomes a critical issue in managing the employment relationship.

Related to the above is the increasing adoption in the industry of non-standard forms of employment, including casual and contract labour. Apart from resorting to these as cost saving measures, employers also use them to undermine the union. In the industry today, the bulk of employees are casuals. Available figures indicate that while Nigerian Agip Oil Company (NAOC) has 1452 permanent employees, junior and senior, 3221 are contract/casual employees. For Chevron, the figures are 562; permanent and 2,820, casual while in the case of Shell Petroleum Development Corporation there are 3625 permanent employees as against 17,000 contract/casual employees. Table 30 below is a graphic illustration of the situation.

**Table 30: Staff disposition in selected oil companies in Nigeria**

s/no	Name of Coy	No of Casual/contract staff	No of permanent Staff	No of Labour/Service contractors	Total
1	Nigerian Agip Oil Coy	3221(65.18%)	1452(29.38%)	268(5.42%)	4941
2	Chevron	2820(65.36%)	562(13.02%)	32(0.74%)	4314
3	SPDC	17,000(80.39%)	3625(17.14%)	520(2.45%)	21145
total		23041(78.10%)	5639(19.11%)	820(2.77%)	29500

**Source: Adewumi, 2006**

A related issue has to do with the abuse of expatriate quota by transnational oil companies. All sorts of foreign hands are brought in as experts under the excuse that there are not enough indigenous hands. Apart from the fact that this claim is not totally true, it underscores one of the motives of the apostles of globalisation, finding jobs for those who cannot be absorbed in the metropolitan economies. It is in response to this that people now talk of the need to address the issue of local content both in the operations and personnel policies of the oil companies. This has also become an industrial relations issue as it affects employment opportunities for Nigerians in the industry.

What all this boils down to is that the unions have found it difficult to fulfill their traditional responsibilities to their members, that is, to ensure security of tenure as well as good terms and conditions of service. This is where the gravest problem of economic depression for industrial relations lies. While employers always argue that they do not have other options than visiting the shortcomings of the system on workers and their welfare, the insistence of unions on protecting the interests of their members have resulted in an adversarial industrial relations climate. On many occasions, the insistence on minimum standards of fairness have led to various forms of industrial actions.

The trend in the telecommunication sector is similar to what obtains in oil and gas, with the near total dominance of the sector by foreign investors who are quick to adopt union avoidance strategies in managing employee relations. In actual fact between 2004 and 2006 efforts were made by SSACTAC to unionise workers in the new companies that

came up in the sector. Individual workers were approached but out of fear of being victimized by employers they directed union organizers to contact their managements. Of course letters were written but the employers were not forthcoming and when the Ministry of Labour was also written there was no reply. The union also took its case to the international level by soliciting the assistance of Union Network International (UNI) to prevail on MTN to allow its workers outside South Africa to unionise. While the efforts yielded fruits in Zambia, for instance, it did not yield any positive result in Nigeria because of jurisdictional dispute with a sister union, the Precision, Electrical and Related Equipment Senior Staff Association (PERESSA) (Source: Interview with past President-General, SSACTAC).



## CHAPTER EIGHT

### CONCLUSION

In this study we have been able to establish the following;

There is an **appreciable level of rights awareness** on the part of both male and female workers in the three sectors covered. A great majority of them claimed to be aware of their rights as workers and this was confirmed by the wide range of rights identified by them. However, this is not to overlook the fact that many of them do not accord great importance to such strategic rights such as the right to associate freely and the right to organize and collective bargaining which are addressed by ILO Conventions 87 and 98 of 1948 and 1949, respectively. A major problem, however, lies in the inability of workers to compel employers to comply with relevant provisions of the law. The situation is further aggravated by the prevailing economic situation in the country which makes workers very vulnerable.

The level of **compliance on the part of employers is low**. In actual fact employers are deliberately avoiding compliance, taking advantage of the weak legal framework and the vulnerability of workers in an unstable economic environment.

**Official enforcement is low** and this is encouraged by weak institutional capacity particularly the labour administration system that is not well equipped to discharge the responsibilities placed on it.

Closely related to the above is the apparent **lack of the political will on the part of government to protect its worker-citizen** through the enforcement of legislation meant for that purpose. This is demonstrated in the Labour Ministry's reluctance to act with dispatch while the situation in the oil and telecommunications sectors where there is a strong anti-union posture by employers is a reflection of the government to the interests of foreign investors that dominate the sectors.

The prevailing reality in respect of workers' right is not because the **unions** did not try. **Of course, the unions need to promote inclusiveness and internal democracy in order to endear themselves more to workers**. Within the limits imposed by law and the political and economic regimes they tried to organise workers and defend them but were



shortchanged by the hostility of employers and the indifference of the Labour Ministry. Lastly, the workers still strongly believe that the trade union organisation is capable of protecting and defending their rights. This is spite of the challenges confronting the trade union movement.

The pertinent question at this juncture is what is to be done? Do we need more laws or do we put in more efforts to ensure enforcement. The answer is both. Some provisions of the laws are no doubt inadequate and need to be reviewed and amended accordingly. All those involved in the long-drawn review of the labour laws and institutions, particularly the National assembly should fast-track the process. Perhaps, more important than this is the urgent need to ensure the enforcement of relevant provisions of existing laws. Laws are meant to be complied with, failing which enforcement is invoked. The relevant state agencies should also be empowered to perform their duties by way of improving their budgetary allocations so that they can employ more hands and get necessary equipment.

The task of defending workers and trade union rights cannot be left in the hands of state institutions and agencies that cannot do much alone. The best the agencies can do is to prevent extreme abuses but not to eliminate them. This means that there is a need to look beyond formal institutions if workers are to be protected in the course of employment. If it is realised that the rights being enjoyed today are the outcomes/products of popular struggles, then there is the need for renewed struggles to maintain, and expand the frontiers of rights, particularly in the face of the rampaging onslaught of the world capitalist system. It is against this background that the following options are suggested.

There is the need for the labour administration system, anchored by the Ministry of Labour and Productivity to be more alive to its responsibility of ensuring compliance with existing labour standards and ensuring that workers' rights are observed. In this regard, the inspectorate department should be strengthened with adequate human and material resources to cope with the demands of the office. Government should realize that in the final analysis, it is more rewarding to ensure compliance. This is in addition to the fact that government owes its citizens a basic duty of care.

The unions also need to continue to let their members as well as the general public know the rights of workers. This would help them to internalize these rights. Awareness

on the part of the workers is likely to reduce the likelihood of infringement, while it may reduce the hostility of the consuming public. The truth is that some of the infringements thrive on the ignorance of workers of the legal/legislative protection available to them. As such the unions should devote a lot of efforts and resources to awareness raising and advocacy. This awareness raising should also entail getting workers themselves to act as rights monitors ready and willing to report abuse of workers' rights to the union and relevant state authorities. We are suggesting this because in the final analysis those who are profiting from the status-quo do not have any strong incentive to move against it.

Even if the unions are strong, the struggle to enforce workers' rights should not rest on the shoulders of workers and their unions alone. Workers alone cannot take on the might of the capitalist state and employers, particularly the transnational corporations. Non-state actors such as NGOs that are interested in widening the scope of human rights should be involved. This is particularly necessary given the prevailing circumstances in which Nigerian workers and trade unions find themselves today. We have gone past the stage at which the state and private employers appeal to some base 'national' sentiments as justifications for abridgement of workers' rights. If the society truly values the contribution of workers to the economic development process, such should be acknowledged by according them basic human dignity and adequate compensation for their efforts in generating the commonwealth. This should be reflected in a regime of humane and fair conditions of work and terms of employment. Anything short of this amounts to begging the issue.

To complement the above, we strongly believe the human rights groups and activists should be interested in public interest litigation such that they can take up cases, on behalf of workers, against employers who routinely breach provisions of the relevant laws. The costs of litigation and negative publicity generated may also serve as a deterrent to the employers. In addition to litigation, advocacy on workers' rights should be taken as a major plank of the work of the NGOs. The trade union movement and the civil society organisations should liaise with their counterparts in other parts of the world to campaign against those foreign companies who violate the rights of their workers in Nigeria. Consumer boycott campaigns and social labeling should be considered.

Workers, their organisations and allies within the labour movement should develop appropriate strategies and means to ensure that people work in dignity. This may include inter-sectoral actions and sympathy action by workers and unions that may not

be directly affected by a particular issue at stake.

Finally, as long as the world panders to whims and caprices of operators and beneficiaries of the system, the quest for ensuring that workers' rights are respected will remain a mirage. There is no reason why transnational corporations cannot observe prevailing standards in Nigeria which in most cases are lower than what obtains in their home countries.

From the findings of this study, our conclusion is that the provisions of labour laws and international labour standards of the ILO in, and by, themselves are not enough guarantees for the protection of workers' rights and as such there is the need to look beyond these instruments in protecting the rights of workers. Workers, their organisations and allies within the labour movement may need to adopt extra-judicial means, including political and social actions to defend workers' rights.

## REFERENCES

**Adewumi, F. (2006). 'The Neo-colonial state, Globalisation and the Nigerian Working Class'. A paper presented at the How Class Works Conference, State University of New York, Stony Brook, USA, June 2006**

Alvater, E. (1997). "The Megatrend of Globalisation and the freedom of Actions Achievable through Regional Integration", In H. Dieter, (ed.), *The Rationalisation of the World Economy and Consequences for Southern Africa*, Marburg: Metropolis-vert.

Barrientos, S. (2007). *Global Production Systems and Decent Work*. ILO Working Paper Series, Geneva: International Labour Office.

Biobaku, G. (2008). *Investing in Nigeria's Oil and Gas Industry*. Client Note, Lagos: Gbenga Biobaku and Co.

Blackett, A. (2007). *Trade liberalization, labour law, and development: A contextualization*, ILS discussion paper series, Geneva: International Institute for Labour Studies.

Committee for Defence of Human Rights (1996). *Annual Reports on the Human Rights Situation in Nigeria*, Lagos: Committee for the Defence of Human Rights

Cuffe, Andrew (2008) *JPMorgan-Nigerian Banks Research Report* Federal Government of Nigeria (1990). *Trade Union Act, Cap437*, Laws of the Federation of Nigeria. Lagos: Federal Government Press.

-----, (1990). *Wages Board and Industrial Councils Act, Cap 466*, Laws of the Federation of Nigeria. Lagos: Federal Government Press

-----, (1990). *Labour Act, Cap 198*, Laws of the Federation of Nigeria. Lagos: Federal Government Press

-----, (1990). *Factories Act, Cap 126*, Laws of the Federation of Nigeria. Lagos: Federal Government Press

-----, (1990). Workmen's Compensation Act, Cap 470, Laws of the Federation of Nigeria. Lagos: Federal Government Press

.....(1999). Constitution of the Federal Republic of Nigeria. Lagos: Federal Government Press.

Federal Ministry of Employment, Labour and Productivity ,(2005). 'Consolidating Our Gains: from Industrial Harmony to Job Creation'. Text of National Ministerial

Press Briefing, Abuja: Federal Ministry of Employment, Labour and Productivity.

Federal Ministry of Labour and Productivity, (2009). Ministerial Press Briefing 2009 Text Speech, Abuja: Federal Ministry of Labour and Productivity

Haggard, S. (1995). Developing Nations and Politics of Global Integration. Washington D.C.: The Brookings Institution.

Hyman, R. (1975). Industrial Relations. A Marxist Introduction. London: The Macmillan Press Limited.

Ihonvbere, J. (1984). 'Labour, Transnational Corporations and the State in Nigeria's Oil Industry'. Unpublished Ph.D Thesis submitted to the Department of Political Science, University of Toronto, Canada.

International Labour Organisation, (1948). Convention 87, Freedom of Association and Protection of the Right to Organise. Geneva: International Labour Office.

-----, (1949). Convention 98, Right to Organise and Collective Bargaining. Geneva: International Labour Office.

----- (1978). Convention 150 on Labour Administration: Role, Functions and Organisation. Geneva: International Labour Office.

-----, (1984). The ILO and the World of Work. Geneva: International Labour Office.

-----, and United Nations Centre on Transnational Corporations (1988).

Economic and Social Effects of Multi-national Enterprises in the Export Processing Zones. Geneva: International Labour Office.

..... (1999). Decent Work. Report of the Director-General to the International Labour Conference, 89<sup>th</sup> Session 1999. Geneva: International Labour Office.

..... (2001). Reducing the Decent Work Deficit. A Global Challenge. Geneva: International Labour Office.

..... (2002). International Labour Standards. A Global Approach. Geneva: International Labour Office.

.....(2006). Labour law: Its roles, trends and potential, Labour Education, Vols. 143 & 144, 2006. Geneva: International Labour Office.

Mwashimba, M.(1999). The Labour Inspection Function in Africa: An Overview. In F. Adewumi (ed.), Towards Integrated Labour Inspection in Africa. Harare:

African Regional Labour Administration Centre.

Ogbeifun, L. B. 'Oil and Gas Industry Reforms: Issues and Challenges For Trade Unions'. Paper Delivered at the Warri Zonal Workshop of NUPENG, Held at the Labour House Asaba Delta State; 11th September, 2009

Ohmae, K. (1995). The End of the Nation State. The Rise of Regional Economies. New York: The Free Press.

Panford, K. (1994). African Labour Relations and Workers Rights. Assessing the Role of the International Labour Organisation. Connecticut & London: Greenwood Press.

Plant, R. (1994). Structural Adjustment and Labour Standards. Geneva: International Labour Office.

Richtofen, W.(1999).Towards Integrated Labour Inspection in Africa". In F. Adewumi (ed.), Towards Integrated Labour Inspection in Africa. Harare:

African Regional Labour Administration Centre. Rose, Ed. (2001). *Employment Relations*. Essex England: Pearson Education Limited.

Scherrer, C. and Greven, T. (2001). *Global Rules for Trade. Codes of Conduct, Social Labeling, Workers' Rights Clauses*. Munster: Westfalisches Dampfboot.

**Soludo, C. (2008). *The Unfinished Revolution in the Banking System, A Presentation at the University of Agriculture, Abeokuta, Ogun State 18th March 2008***

Soludo, C. (2004). 'Consolidating the Nigerian Banking Industry to Meet the Development Challenges of the 21<sup>st</sup> Century', Address delivered to the Special Meeting of the Bankers Committee, July 6, 2004.

National Communications Commission (NCC). (2005). *Trends in Telecommunications Markets in Nigeria, 2003-2004*. Abuja: Nigerian Communications Commission

**United Kingdom Trade and Investment. (2008). *Opportunities for UK Companies in the Nigerian Financial Services Industry, Sector Report*, Produced by: UKTI Nigeria.**

## **Internet Sources**

Budget Office, Federal Ministry of Finance, Abuja, [www.budgetoffice.gov.ng/downloads.html](http://www.budgetoffice.gov.ng/downloads.html)).

Bureau of Public Enterprises (services- background) 2003-2009  
[www.bpeng.org/companies/Services/Background.htm](http://www.bpeng.org/companies/Services/Background.htm)

Olayiwola, Allen (2009) History of Nigerian Oil and Gas Industry as  
found in [www.pengassan.org/pdf/History of Nigerian Oil and Gas Industry.pdf](http://www.pengassan.org/pdf/History%20of%20Nigerian%20Oil%20and%20Gas%20Industry.pdf)

National Communications Commission(NCC), (2009), Subscriber Data,  
[www.ncc.gov.ng/subscriberdata.html](http://www.ncc.gov.ng/subscriberdata.html))



# Appendix I- Questionnaire for Workers

## Questionnaire on Workers' rights and Labour Standards

Dear Sir/Ma,

This research is being conducted to get information on the state of workers' rights and labour standards with particular focus on the provisions and the extent to which they are complied with and enforced as well as what can be done to ensure the protection of workers' rights. For this reason we expect that the questionnaire will be filled with all sincerity. The anonymity of the respondent is ensured as by omission of name or any form of identification.

We will appreciate your cooperation.

Thank you.

**Please Mark (x) in the appropriate box or fill in the gap as appropriate.**

### Part A: Personal Details:

Name (optional):

Age: .....yrs

Sex:

Name of your organisation.....

Job Designation: .....

Educational Qualification(state your highest educational qualification).....

**STATE OF ORIGIN:**.....

**LOCAL GOVERNMENT AREA:** .....

How long have you been with the organisation?:.....yrs

NATURE OF EMPLOYMENT: PERMANENT ( ) TEMPORARY ( ) CASUAL ( )

SALARY PER ANNUM: .....

HOURS OF WORK: .....

**PART B: KNOWLEDGE OF THE SUBJECT MATTER**

Are you aware of your rights as a worker? Yes ( ) No ( )

If yes, list them (list as many as you know)

.....  
.....  
.....  
.....  
.....  
.....

How did you learn of them?.....

.....

If No, do you think workers deserve some rights? Yes ( ) No ( )

If Yes, can you mention some of these?.....

.....  
.....  
.....

If No, can you give reason(s) for your answer?.....

.....  
.....  
.....

In respect of the rights identified above, to what extent are they observed by your employer (are you satisfied with the level of observance/compliance?)(Explain your answer).....

.....  
.....

If you have experienced non-observance/compliance of workers' rights in your place of work, can you mention some instances?.....

.....  
.....  
.....

What was your response to such development?

Did you seek redress? Yes ( ) No ( )

If Yes, how? .....  
.....  
.....

Were you satisfied with the reaction of management? Yes ( ) No ( )

If No what further steps did you take?.....  
.....  
.....

Are you aware of avenues you can use in seeking redress? Yes ( ) No ( )

If Yes, mention them(list as many as you know).....  
.....  
.....  
.....

If you have a trade union in your place of work, was the union helpful in any way?

Yes ( ) No ( )

Explain your answer.....  
.....  
.....  
.....  
.....

If there is no trade union in your place of work, do you think workers have a right to belong to a trade union? Yes ( ) No ( )

If yes, how do you feel about the absence of a trade union?.....  
.....  
.....  
.....

Have you ever discussed this(non-unionisation) with fellow workers or representatives of management?

Have you ever initiated or supported a move to form a trade union in your workplace?

What was the outcome of such a move?

Do you think the union can help in securing other rights for workers?

In what other ways do you think the unions can be helpful to workers?

What are the problems you encounter at work?(list as many as you can).....  
.....

How often do you encounter such problems?

What steps do you normally take to resolve such problems?

Are you satisfied with the results you get? Yes ( ) No ( )

If No, what do you do?

What do you think can be done to ensure workers' rights are enforced in the workplace?  
.....  
.....  
.....  
.....  
.....

Comment freely on the subject-matter of this research

## Appendix II-Questionnaire for Trade Union Officials

### Questionnaire on Workers' rights and Labour Standards

Dear Respondent.

This research is been conducted to provide information on the state of workers' rights and labour standards with particular focus on the provisions and the extent to which they are complied with and enforced as well as what can be done to ensure the protection of workers' rights. For this reason we expect that the questionnaire will be filled with all sincerity. The anonymity of the respondent is ensured as by omission of name or any form of identification.

We will appreciate your cooperation.

Thank you.

**Part A: Personal Details: Please Mark (x) in the appropriate box or fill in the gap as appropriate.**

1. Age:..... yrs

2. Sex: Male ( ) Female ( )

3. Educational Qualification: (highest) .....

4. State of origin: .....

5. Local Government Area: .....

6. Name of your union .....

7. Status: .....

8. How long have you been with your union? 0-9yrs ( ) 10-19yrs ( ) 20 29 ( ) 30 35 yrs ( )

**PART B: KNOWLEDGE OF THE SUBJECT MATTER**

9. What is your understanding of Worker's Rights and Labour Standards?

.....  
.....

10. Can you list the CORE labour standards or workers' rights?

.....  
.....  
.....  
.....  
.....  
.....

**PART C: THE RIGHT TO ORGANIZE**

11. Which industry does your union represent?: .....

12. Are all the organizations in the industry fully represented? Yes ( ) No ( )

13. If no, can you list those who are not? .....

.....  
.....  
.....  
.....  
.....  
.....  
.....

14. If no, can you tell us why they are not represented? .....

.....  
.....  
.....

15. If no, can you tell us the efforts made by your union to ensure the presence of unions in such organization(s)?.....

.....  
.....  
.....  
.....  
.....

16. Can you mention some of your achievements?.....

.....  
.....  
.....  
.....

17. Have you had reasons to invite Labour officials to intervene where in non complaint organization? Yes ( ) No ( )

18. If yes, can you give some instances.....

.....  
.....  
.....

19. Have you had reasons to go and seek redress in courts where all efforts to organize have been difficult? Yes ( ) No ( )

20. If yes, can you give some instances or examples.....

.....  
.....  
.....  
.....

**PART D: THE RIGHT TO COLLECTIVE BARGAINING**

21. Is Collective Bargaining allowed in all the organizations in your industry? Yes ( ) No ( )



22. If yes, who does the bargaining?.....

23. How often is collective Bargaining done in your organization? .....

24. Can you tell us some of the issues for which collective bargaining is done?

.....  
.....  
.....

25. How successful has the collective bargaining process been in your organization?....

.....  
.....  
.....

26. If no, to question 21, why? .....

.....  
.....

27. Can you tell us how are agreement on wages and conditions of service are reached/determined without collective bargaining?.....

.....

28. Is this acceptable to your union? Yes ( ) No ( )

29. Why?.....

.....

30. If no, to question 28, what steps has your union taken to ensure compliance?

.....  
.....  
.....  
.....

**PART E: RIGHT TO SAFETY AT WORK**

31. Can you define Occupational Hazard? .....

.....  
.....

32. Can you mention some common health hazards in your industry?

.....  
.....  
.....

33. Are organizations in your industry aware of the right to safety at work? Yes ( ) No ( )

34. If no, what role has the union played in ensuring safety at work?.....

.....  
.....  
.....

35. Are you aware of government's provisions on health and safety? Yes ( ) No ( )

36. Can you mention some of them?

.....  
.....  
.....

37. Are the organizations in your industry aware of these provisions? Yes ( ) No ( )

38. If yes, do they reflect in the handbook?.....

.....  
.....

39. If no, why?.....

.....  
.....

40. What has your union done to ensure compliance?.....

.....  
.....

37. In case of accident what happens to the victims where there are no provisions in the

handbook?

.....  
.....  
.....

38. Do you think the compensation is sufficient? Yes ( ) No ( )

39. If no, why? .....

.....

**PART F: DISCRIMINATION / HARASSMENT AT WORK / EMPLOYMENT**

40. Are you aware of discrimination/harassment at work? Yes ( ) No ( )

41. If yes, in what form?.....

.....  
.....

42. Has the union dealt with reported cases of discrimination/ harassment in organizations in your industry?.....

.....  
.....

43. How did you deal with the situation? .....

.....  
.....

**PART G: FORCED OR COMPULSORY LABOUR**

44. Have you had reported cases of forced or compulsory? Yes ( ) No ( )

45. If yes, can you give details? .....

.....  
.....

46. How did you handle the situation?

.....  
.....  
.....

47. Do you think workers have rights in the workplace? Yes ( ) No ( )

48. What do you think can be done to ensure workers' rights are enforced in the workplace?.....  
.....  
.....  
.....

Once again, thank you for your cooperation.