

**A REVIEW OF THE STATE OF WORKERS' RIGHTS IN NIGERIA: AN
EXAMINATION OF THE BANKING, OIL AND GAS AND
TELECOMMUNICATIONS SECTORS**

Title of Book: The State of Workers' Rights in Nigeria: An Examination of
the Banking, Oil and Gas and Telecommunications Sectors

Authors: Funmi Adewumi and Adebimpe Adenugba

Publisher: Friederich Ebert Stiftung

Number of pages: 91 pages

Year of Publication: 2010

By

Otive Igbuzor, PhD

Executive Director,

African Centre for Leadership, Strategy & Development

(Centre LSD), Suite 27, Second Floor, Tolse Plaza,

4, Franca Afegbua Crescent, Off J. S. Mariere Road,

Near Apo Legislative Quarters, Abuja, Nigeria.

E-mail: info@centrelsd.org

or otiveigbuzor@yahoo.co.uk

**A REVIEW PRESENTED AT THE PUBLIC LAUNCH AT LAGOS
AIRPORT HOTEL, IKEJA, LAGOS ON 15TH NOVEMBER, 2010**

1. INTRODUCTION

The importance of a dedicated, healthy, knowledgeable and motivated workforce to the development of a nation cannot be overemphasized. Among other things, the quality of a workforce affects the productivity and development indices of the country. This is why in the second half of the 19th century, standards were developed to ensure that “people work in dignity and are not unduly exploited in the course of work.” ¹(P.1). This is why this book focusing on the State of Workers rights in Nigeria is not only timely but commendable.

The launch of this publication at this point in the history of Nigeria is unique in at least three respects. First and foremost, the study is supported by Friederich Ebert Stiftung, a German non-profit organization rooted in the social-democratic tradition. This is important because many foundations from Western Europe and United States of America promote unbridled neo-liberalism which is injurious to workers rights in developing countries. Secondly, the launch is taking place just after a one day strike by workers in Nigeria to push for a minimum wage of eighteen thousand naira per month. It is however interesting that over 50 percent of the sample in the book receives more than eighty thousand naira per month. We shall return to this later. Thirdly, the launch of the publication is unique because the country is approaching a general election. It is unfortunate that issue of workers right, appropriate strategy and development approach has not been the major issues in the election but zoning and whose turn it is to rule the country.

2. THE CONTENT OF THE BOOK

The book examined 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. The focus was on three sectors of the economy namely banking, oil and gas and telecommunications. Survey method of research was used to collect data. 850 questionnaire was administered and a total of 378 was returned representing 44.47 percent return rate.

The 91 paged book is made up of eight chapters. Chapter one introduces the book and describes the research methodology used in collecting data for the book. It points out that national and international instruments have been devised to protect workers’ rights which have been codified in national laws and international labour conventions and recommendations of the International Labour Organisation (ILO) in addition to constitutional provisions which also confer on them certain rights as citizens. Unfortunately, these instruments are observed in the breach because employers of labour value their profits more than the workers.

Chapter two analysed the provisions on workers’ rights defined as the core rights of freedom association, collective bargaining, and prohibition of forced labor, child labour and discrimination in employment. Several conventions of the International Labour Organisation (ILO), the United Nations Declaration of Human Rights (1948) as well as

national legislations including 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) , the Factories Act, Cap 126(LFN, 1990), and Workmen's Compensation Act, Cap 470(LFN, 1990) and the 1999 Constitution of the Federal Republic of Nigeria were analysed in relation to their protection of workers' rights. These instruments and legislations protect the right to work, to free choice of employment, to just and favourable conditions of work, protection against unemployment, the right to equal pay for equal work, the right to just and favourable remuneration, the right to social protection, the right to form and join trade unions for the protection of rights, right to rest and leisure, including, reasonable limitation of working hours and periodic holidays with pay, freedom of association and collective bargaining, elimination of discrimination in respect of employment and occupation, maternity protection, and protection against acts of entire union discrimination in respect of their employment. The chapter concluded that there are enough international instruments and national legislations to protect workers' rights. The challenge is that the instruments and laws are not respected and enforced.

Chapter three gave an overview of the banking, oil and gas, and telecommunications sectors in Nigeria. It argued that the three sectors are crucial to the economic well-being of Nigeria as a nation state. For instance, the oil sector accounts for 95% of foreign exchange earnings, 80% of GDP and 65% of total government revenue. The chapter reviewed the banking sector reform and the history of oil and gas in Nigeria underlining the dominant role of multinational corporations and Joint Operation Agreements between the companies and the Government of Nigeria. It also traced the phenomenal growth in the telecommunications sector from a total number of 18,720 telephone lines in 1960 to 72,250, 231 active lines in 2009.

In chapter four, the empirical data collected for the study was presented and analysed. The study showed that there is an appreciable level of rights awareness on the part of workers in the three sectors covered. The respondents were not just aware that they have rights as workers but were able to list them. 83.1 percent of the respondents were aware of their rights. The rights they identified include economic right, social right, right to annual leave, right to participation, right to freedom of expression, right to promotion, right to association, political right, right to further education, right to private life, job security, right to life, and personal security and safety. It is important to note that the most recurring source of education of the workers about their rights is the company/employee handbook. This underscores the need for workers education organized by workers unions. Despite the high level of awareness, the rights are not respected and observed. Only 16.9 percent of the respondents agreed that their rights are fully observed. The respondents complained of too much work, sexual harassment, abuse of rights, late payment of salary, late closing, non-observance of public holiday, job insecurity and humiliation/intimidation. It is however instructive that majority of the respondents believe that workers union can be helpful in addressing these challenges and 97.61 percent believe that workers should unionise. But there are various constraints to unionization in the three sectors including privatization, Trade Union Amendment Act of 2005 which made union membership voluntary; collapse of

employers association in the banking sector which makes collective bargaining impossible and the precarious situation of the Nigerian economy which makes workers vulnerable.

Chapter five focused on the main reasons for compliance and non-compliance. According to the employers, the reason why they failed to comply include among other things the need to increase the time workers spend in production (so that they will not spend time in union meetings). Chapter six looked at the challenge of institutional capacity and protection of workers' rights. The study found out that there is weak institutional capacity. The Ministry of labour lacks the capacity to carry out its mandate especially in terms of staff and budgetary allocation. Chapter seven examined trade unions and the protection of workers and chapter eight is the concluding chapter.

3. CONTRIBUTIONS OF THE BOOK

This book has made important contributions to the advancement of knowledge and workers rights in Nigeria. First and foremost, there is excessive exploitation of workers in Nigeria. Meanwhile, there are very few scholars, donor agencies and organizations that bother to study the conditions of workers and how to transform them.

Secondly, this work is unique because it is a departure from the dominant and status quo preserving discourse that dominates the academic space. The world today is generating the greatest amount of wealth ever know in human history. Yet, poverty and deprivation has increased to unprecedented proportions at the same time. It has been documented that more than 1.2 billion people, one in every five on earth survive on less than US \$1 per day.² Wealth is concentrated in the hand of a few people while the majority wallows in abject poverty. The UNDP in its 1998 report documented that the three richest people in the world have assets that exceed the combined Gross Domestic Product (GDP) of the 48 least developed countries. Similarly, the 1000 richest people in the world have personal wealth greater than 500 million people in the least developed countries.³ Every minute of every day, somewhere in the developing world, a woman dies needlessly in childbirth or pregnancy, and 20 children are killed by avoidable diseases such as diarrhea or malaria.⁴ Robert Chambers aptly captured it when he wrote:

I am so angry at what has been done, and continues to be done, in our world. It is hard to believe that the nightmare is real. We seem trapped in grotesquely unjust systems, more and more dominated by power, greed, delusion, denial, ignorance and stupidity, fuelled by symmetries of terrorism and fundamentalisms.⁵

In a similar vein, Amartya Sen pointed out that:

We live in a world of unprecedented opulence, of a kind that would have been hard even to imagine a century or two ago...And yet we also live in a world with remarkable deprivation, destitution and oppression. There are many new problems as well as old ones, including persistence of poverty and unfulfilled elementary needs, occurrence of famines and widespread hunger, violation of elementary political freedoms as well as of basic liberties, extensive neglect of the interests

and agency of women, and worsening threats to our environment and to the sustainability of our economic and social lives.⁶

There is a great need to carry out research to understand and expose how existing systems, policies and practices violate workers rights and perpetuate poverty and injustice.

An important aspect of the study is the active participation of women in the survey and gender analysis throughout the entire work. 41.3 percent of the respondents to the questionnaire were women. The data presentation and analysis were disaggregated by sex.

4. CRITIQUE OF THE BOOK

There is no doubt that this work is very timely and relevant not only for workers in Nigeria but for the development of the country. However, there are two areas that need improvement in future studies. First is the sample size for the study which we consider to be too small. Although the empirical work was complemented with secondary sources, it is extremely difficult to generalize from a sample of 378 to a workforce from a population of over 140 million people. Secondly, the methodology used in the study is conventional survey research which is not participatory. The workers and their organizations did not participate in the design of the research. They are therefore just studied as mere statistics and are unlikely to contribute to transforming the reality of the research subject unless concrete steps are taken after this public launch. Participatory approach has as its point of departure the idea that both the researcher and the researched must be transformed, and that the researcher should identify completely with those extremely exploited who are usually the objects of study, helping transform them into researchers of their own reality and making them more independent and more able to engage in struggle by seeking to resolve their own problems, in turn contributing to the transformation of the social structures responsible for their situation.⁷

5. CONCLUSION: TOWARDS PROTECTING WORKER'S RIGHTS IN NIGERIA

In conclusion, the study has shown that there is a high level of rights awareness by the workers in the three sectors studied but compliance on the part of employers is low. Official enforcement is low and this is encouraged by weak institutional capacity. Meanwhile, there is a strong belief on the part of the workers that the union can protect their rights.

We have argued elsewhere that for people that are oppressed and experiencing powerlessness, the first step towards empowerment and ultimate liberation is gaining awareness.⁸ Awareness will generate anger and make them respond to the new information which will compel them to organise, connect with others and take action that will lead to ultimate liberation.

Anger is very important in fighting for change. As Nelson Mandela noted:

"I had no epiphany, no singular revelation, no moment of truth, but a steady accumulation of a thousand slights, a thousand indignities and a

thousand unremembered moments produced in me an anger, a rebelliousness, a desire to fight the system that imprisoned my people. There was no particular day on which I said, Henceforth I will devote myself to the liberation of my people; instead, I simply found myself doing so, and could not do otherwise."

According to Martin Luther King, Jr (1968), the harnessing of anger is the greatest of tasks:

"The supreme task is to organize and unite people so that their anger becomes a transforming force."

Gandhi (1929) also talks about the harnessing of anger as a powerful force for justice:

"I have learned through bitter experience the one supreme lesson to conserve my anger, and as heat conserved is transmuted into energy, even so, our anger controlled can be transmuted into a power which can move the world."

There is no doubt that many people are angry about the situation of workers in Nigeria. But the level of consciousness has not been developed to the level of taking action. Workers education should help to build that level of consciousness.

In our view, it must be recognized that the responsibility for the protection of worker's rights lies with workers. The motivation and interest of employees (improved condition of living) is quite different from that of employers (profit). This is why trade unions have great roles to play not just in protection of worker's rights but in the development of society. We have argued elsewhere that trade unions have great roles to play in the development and transformation of society.⁹ The working class constitutes the most organized and major force that can bring about the required development and social transformation that will be favourable to the working class. We hold the view that trade union should engage in issues beyond collective bargaining. We agree with Lenin when he argued that the trade unions are educational organisations that enlist, that train; they are schools, schools of administration, schools of management, schools of communism.¹⁰ In fact, trade unions must go beyond training and organizing members to "take up a central position in politics and in a certain sense, they must even become the main political organization and become the founder of the new society."¹¹

Unfortunately, this role is being undermined in the past few years. The end of the cold war occasioned by the "collapse" of socialist regimes in the former Soviet Union and Eastern Europe has changed the face of international Relations and has also affected trade unionism, workers struggle and world movement for human centred development and transformation of society. The Leninist argument that the workers should be educated so that they can transform beyond trade Union consciousness and pass from *a class in itself* to *a class for itself* and be in position to transform production relations in favour of the working people is being jettisoned. The dominant position now is that

“trade Unions should neither take over the role of management nor seek political power to overthrow the capitalist State, but concentrate on areas compatible with their proper function, the lobbying of legislators and government to pass protective legislation, the undertaking of strikes in a “responsible” fashion and above all, the practice of collective bargaining, where this represents the union role in setting terms and conditions of work and problems arising out of employment”¹²¹³

In the last decade, there is ascendancy of neo-liberalism and globalism with the consequence of erosion of the right of workers despite several international conventions and national legislations. It has been documented that governments in Nigeria have not only interfered with the management of workers organizations but have consistently undermined the institution of collective bargaining and workers rights.¹⁴¹⁵ Meanwhile, the response by working people’s organization to the assault by neo-liberalism, globalism and Nigerian Government has been less than satisfactory. It is against this background that the idea of workers education is imperative.

The protection of worker’s rights can only be guaranteed by the working people themselves through their organizations especially trade unions and working people’s political party. There is the need to transform the trade union regime in Nigeria. It is only when they transform into proper working class movement that they can contribute to social transformation and development. While specific trade issues are relevant to workers struggles, it is always important to note that these issues are reflections of the larger framework of governance or superstructure. Transforming trade unions will entails democratization, radicalization and the development of workers consciousness to effectively respond to social, political and economic issues locally and internationally.

ENDNOTES

¹ Adewumi, F and Adenugba, A (2010), *The State of Wokers’ Rights in Nigeria: An Examination of the Banking, Oil and Gas and Communication Sectors*. Abuja, Fredrich Ebert Stiftung.

² United Nations Development Report (UNDP) (2003), *Millennium Development Goals: A Compact among Nations to end Human Poverty*. Oxford University Press.

³ Shetty, Salil (2005), *Millennium Declaration and Development Goals: Opportunities for Human Rights in International Journal on Human Rights*, Year 2, Number 2.

⁴ Green, D.(2008), *From Poverty to Power: How Active Citizens and Effective States can Change the World*. Oxford, Oxfam International.

⁵ Chambers, R. (2005), *Ideas for Development*. London, Institute for Development Studies.

⁶ Sen, A. (2008), *Op cit*

⁷ Ochoa, M. A. U. (2001) “Poverty and Human Rights in the Light of the Philosophy and Contributions of Father Joseph Wresinski” in Genugten W and Perez-Bustillo, C. (Eds), *Poverty of Rights: Human Rights and the Eradication of Poverty*. London, Zed Books.

⁸ Igbuzor, O (2010), *Popular Participation and Mandate Protection: Need for Grassroot Mobilisation and Action*.

⁹ Igbuzor, O (2009) “Trade Union and Social Transformation” in *Challenges of Development in Nigeria*. Lagos, Robitos Alliance Publishers.

¹⁰ Lenin V.I.; quoted in Sorensen, J. B. (1969), *Life and Death of Soviet Trade Unionism*. P.54

¹¹ ILO Report, 1929, p.51

¹³ Otodo, D (1987), *The Role of Trade Unions in Nigerian Industrial Relations*. Oxford, Malthouse Press.

¹⁴ Ananaba, W (1969), Trade Union Movement in Nigeria. Benin City, Ethiope Publishing Corporation.

¹⁵ Abudu, F. (1984), "Collective Bargaining and Public Policy" in Ejiofor, P.N. O. and Aniagoh, V.A. (Eds), Managing the Nigerian Worker. Ikeja, Longman Nigeria Ltd.