

**HUMAN AND TRADE UNION RIGHTS IN NIGERIA; EXPERIENCES, CHALLENGES,
ACHIEVEMENTS & CAMPAIGNS IN THE OIL & GAS SECTOR.**

A paper presented on the occasion of the National Consultative forum between members of the Nigerian Labour and Trade Union Parley with INDUSTRI'ALL GLOBAL UNION AT THE SWISS SPIRIT HOTEL, STADIUM ROAD PORT HARCOURT, RIVERS STATE OF NIGERIA.

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ABSTRACT:

We are asked to deliver a paper on the experiences, challenges and achievements and campaigns in the oil and gas sector, Human and Trade Union Rights in Nigeria that should allow space for more engagements. We have chosen to adopt this topic- "Human and Trade Union Rights in Nigeria, experiences, challenges, achievements and Campaigns in the oil and gas sector"

This presentation is meant to be interactive and shall dwell on the historical perspectives of the subject of discourse, introduction, the concept of Trade Unionism in Nigeria, the functions Trade Unions, Trade Union Movements in Nigeria, Right of workers, Trade Union Rights, experiences and campaigns in the oil and gas sector, its achievements and conclusions.

HISTORICAL PERSPECTIVE:

The major issue of interest in the presentation is the observed current unstable nature of labour management relations in Nigeria resulting in continuous labour disputes. The focus of this paper is on the experiences, challenges, achievements and campaigns of labour in the oil and gas in Nigeria. The penetration of the third world societies and their integration into the organic unity structure of the western capitalism via globalization had the greatest impact upon the working class and its organizations- trade unions rights and the welfare of workmen; the Nigerian oil and gas sector is not left out. Trade unions are often in contestation with the spirit of capitalism currently globalized even within the ambit of available legal frameworks in Nigeria. The consequences and challenges for the trade union movement in Nigeria that results from the various strategies that are adopted and applied must be properly examined and analyzed. Evidently, the rights of trade unions in the oil and gas subsector vis-à-vis the working class and its organization has being a subject of critical debate before now and especially with the present pace of a "feeding bottle" economy in the country; the negative effect of these has led to total dis-regard for the rights of workers as enshrined in our various labour laws, agreements and pacts, redefining work, skills obsolescence and deskilling of

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workers, re-engineering, contracting and sub-contracting and casualization of labour, increased job insecurity and unemployment. Similarly, it has led to pauperization of the working class, withdrawal of social provisioning and commodification of basic services by government, increased cost of living, declined in workers' welfarism, consolidation of inequality and erosion of industrial democracy, with their attendant consequences on the organization of trade unionism in Nigeria. The paper shall amongst other things consider the experiences, challenges, achievement and campaigns in the oil and gas sector. The paper concludes that, the challenges for the trade union movement in Nigeria results from the various strategies that are adopted and applied by agents/driving forces of globalization. It is considered imperative for workers and various union members and its various leaderships to be united in confronting the enormous power of capitalist driven policy of every government administration whose sole aim is to flaunt and relegate the power of workers and trade unions to a dysfunctional state. This can be done through the collective effort that required both socio-political and economic responses from the trade union movement in Nigeria.

INTRODUCTION:

The socio economic conditions in Nigeria have had some rapid changes since its independence in 1960. Such changes were in response to the dynamic nature of the global economic environment. Additionally, the Nigeria economy has undergone a process of transition from government ownership of the production and distribution process to an open and market driven process. In response to the emerging trends in globalization, new approaches and responses to labour management relatives have began to emerge as employees and other stakeholder in the oil and gas sector seek to find appropriate responses to the shocks from technological advancement and foreign competitions. The search for such responses often led to what we referred to as industrial disputes.

In additions to the changing economic conditions the political and industrial relations environment in Nigeria has experienced rapid changes in recent decades. Observed implications of such changes have been continuous labour disputes leading to employees strikes and work stoppages.

This presentation therefore examines the emerging issues in labour management relations in general and in particular, in the Nigeria oil and gas industry. To achieve this, the rest of the paper is organized as follows; the Concepts of Trade Union, The functions of Trade Union, Trade Union Movement in Nigeria, Rights of Workers, Experiences and Campaigns in the Nigeria oil and gas sector and campaigns and achievements and finally conclusions.

THE CONCEPTS OF TRADE UNION

Trade unionism is now a universal phenomenon operating in almost every organization-public and private industry, institution, profession, and trade. Product of industrial revolution, it was designed as an instrument mainly to put up a united and collective fight against exploitation of workers by employees in factories. It has since proliferated to all sorts of work place, including office, establishments, banks, educational institutions, et cetera. It was also intended to be used for securing reasonable wage and salaries, favorable conditions of services commensurate with the nature of work, facilities of housing, medical care, education, travel, recreation et cetera. Trade union has attracted variety of definitions from scholars. Definitions depend on the perception of workers and the definition imposed by legal framework of a particular country. Akpala said (1982) the exact definitions of trade union may vary from one situation to another depending on the economic and political situation encompassing the worker – management relations. According to Sydney and Beatrice Webb (1897), trade Union is *a continuous association of wage earners for the purpose of maintaining and improving the condition of their working lives*. The Nigerian Labour law Section 1 of Sub section 1 Trade Union Act No 31 of 1973 defines Trade Union as *any combination of workers or employers whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers* (Davison, 1977). In the words of Otobo (2000) a trade union is a continuous organization of employees that seeks to maintain and improve the terms and conditions of employment through collective bargaining representation with the employer (from which it remains autonomous) and through other means. Trade labor union can be described as organized grouping of wage and salary earners with the purpose of bringing to bear economic, social and political interest of their members in labour relations. Another definition is *an association of wage or salary earners formed with the object of safe guarding and improving the wage and employment conditions of its members and to raise members' social status and standards of living in the community* (Fajana, 2000). It is an organized association of workers of an industry for the protection of common interests. These interests include: job protection, and maintaining or improving reasonable conditions of work, health and safety, and rates of pay.

THE FUNCTIONS OF TRADE UNION

Trade union is an outcome of a factory system. It is based on the labour philosophy “United we stand, divided we fall”. A trade union functions to achieve its goals in a number of different ways (Fashoyin, 2002; and Ahiauzu, 1984).

- a. Trade union must be recognized by its members“ employer as an organization with which the employer is prepared to negotiate must recognize a trade union.
- b. Functions which are directly concerned with the achievement of the objective of the trade union are:

- i. Negotiating with management to improve the level of pay and conditions of work of its members.
 - ii. Negotiating with management to protect the jobs of its members and to secure a good prospect of a prosperous future for them.
 - iii. Negotiating to improve physical conditions at work.
- c. Other functions according to Purcell, 1998; and Akpala, 1984 which are not directly connected to the achievement of goals are:
- i. Lobbying politicians to obtain legislation to improve conditions of work.
 - ii. Encouraging political and social consciousness amongst members.
 - iii. Developing political affiliations with other trade unions for achieving political influence over government
- d. A trade union should also provide assistance for individual members who need support.

TRADE UNION MOVEMENT IN NIGERIA

The origin of trade union movement in Nigeria could be traced to the pre-colonial period. At this time, there existed guilds, mutual aid groups and professional or occupational craft unions all of which function to play the role of trade union. However, these associations are not in the modern sense of its full-fledged trade union. Rather, most of them are merely workers association (Otobo, 1987:12). The inception of modern trade unions in Nigeria could be said to coincide with colonialism. Consequently, the first set of trade unions were modeled after British unions. Unlike the situation in most developed countries, trade union preceded industrialization in Nigeria. The organized trade union movement in Nigeria dates back to 1912 when the workers in the Southern Nigerian Civil Service under the then colonial administration organized themselves into workers representatives. This then became known as the Nigeria Civil Service Union (NCSU) in 1914. This became a pivot with which workers in other sectors began the agitation for the formation of Trade Unions before and after independence in 1960. At this period, trade union could not take the pattern of radical organization because of the paternalistic nature of colonial government which is the largest employer of public labour. Other unions which emerged during this period were the Nigeria Native Staff Union (NNSU), Nigerian Union of Railway men, Nigerian Mechanics Union and the Nigerian Union of Teachers (NUT). It was in 1938 that the Trade Unions Ordinance was enacted which provided legal backing for trade unions. By 1975 during the military regime of General Murtala Mohammed, Trade Union in the country had risen to over 1,000 which include Mushroom Unions. In 1976, the Federal Government established a commission of inquiry into the activities of the various unions and appointed an administrator to administer the unions and come up with a structure for the proper administration of the unions. This became necessary as the Unions were polarized into ideological divide which was creating

problems in the country. Towards the end of 1977, these Unions were restructured into 42 along industrial line. The government also insisted on the formation of a labour centre as there were various multiple centers. In February 1978, the Nigeria Labour Congress was formed and inaugurated. The then 42 Industrial Unions became affiliates of the Nigeria Labour Congress with a legal backing of Trade Union (Amendment) Decree 22 of 1978. Several reasons have been given to explain the apparent late arrival of trade unionism in Nigeria.

- i. Limited wage employment: Since the largest proportions of the citizens are engaged in the informal work sector, the few wage earners are colonial employers and these are restricted to the colonial officers as well as related parastatals.
- ii. Low level of economic activities which limited the recruitment into the formal economy and hence membership of trade union.
- iii. The repressive colonial labour policy also contributed to the late entry of effective trade unionism in Nigeria. The colonial administration regarded trade unions as destabilizing activities. Consequently, it took measures to discourage its employees from membership of these groups.
- iv. Low consciousness of the worker as to the need of unionism.
- v. Absence of legal backing also impeded the early realization of Trade Union in Nigeria.

However, with time these obstacles were overcome and this paved the way for the emergence of trade unionism in the country. For instance, the emergence of small indigenous and large multi-national companies broke the monopoly of public sector employment in the country. The influence of neighboring countries like Sierra Leone and Ghana also helped to boost the tempo of trade unionism in Nigeria. This factor for instance led to the enactment of Trade Union Ordinance in 1938 which gave legal backing to trade unions in the country. The Second World War also played important role in the growth of trade union in Nigeria. The war brought untold hardship to the workers and the general public in form of acute shortage of essential commodities, rise in prices, stagnant wage structure (Otobo 1987:21). These problems pushed many workers into joining trade unions which was seen as the only forum for improving their bad economic condition. Union agitation during the period led to the introduction of Cost Of Living Allowance (COLA) as well as the first general strike in the country in 1945 with the participation of about 42,000 workers (Fajana, 1995:146). The war heightened the socio-political consciousness of the workers.

The Nigeria Labour Congress [NLC] was formally constituted as the only national federation of trade unions in the country in 1978. Before then, four labour centres existed. These are Nigeria Trade Union Congress [NTUC], Labour Unity Front [LUF], United Labour Congress

[ULC] and Nigeria Workers Council [NWC]. The emergence of the NLC ended decades of rivalry and rancor involving the four centres and unions affiliated to them. The unions, numbering over 1,000 were also restructured into 42 industrial unions. The organization has had a chequered history, surviving two instances of dissolution of its national organs and consequent appointment of state administrators. The first was in 1988 under the military regime of General Ibrahim Babangida. Congress' opposition to the anti-people Structural Adjustment Programme incensed the military administration to take over the NLC. The second military intervention was in 1994 during the regime of General Sani Abacha, whose government also became fed up with the labour movement's agitation for the restoration of democracy. Like the initial case, the military government dissolved NLC's National Executive Council and appointed a Sole Administrator. The same treatment was meted to the two unions in the oil and gas industry National Union of Petroleum and Natural Gas Workers [NUPENG] and Petroleum and Natural Gas Senior Staff Association of Nigeria [PENGASSAN]. However, the administrators apparently added a further brief which plundered the finances of Congress and the two unions. The dissolution exemplified the travails of Congress, its leadership, affiliates and state councils, under military rule. Arbitration, prolonged and unlawful detention of labour leaders, invasion and disruption of union meetings, seminars and other activities of Congress and its components by security forces and a vicious anti-labour campaign by the state generally marked the period. The military also invoked its legislative prerogatives to unleash all manner of legislation to check the activities of unions. For instance, under General Abacha, a decree that banned a section of the movement from holding leadership position in Congress came into effect. However, with the death of General Abacha, the unions reclaimed Congress, culminating in a National Delegates Conference held on January 29, 1999. The leadership led the NLC from 1999 - February 2007 with another delegate conference was held on February 2007, the current leadership was elected - Abdulwahed Ibrahim Omar – President.

The Nigerian Labour Act² is the primary legislation which deals with the relationship between an employer and its employees. It contains quite a number of provisions which govern this relationship dynamic, and also all the regulatory processes applicable for employers. The crucifix of this chapter is to analyze the position and provisions of Nigerian workers viz a viz their rights and privileges under the relevant legal framework and highlight a few of which we believe every Nigerian workers should be aware of.

Firstly, and most importantly, it appears that the Labour Act is not applicable to all classes of employees in Nigeria. The Act uses the word 'workers' in describing employees, and defines

² Labour Act Laws of the Federation 2004

workers as not including persons exercising administrative, executive, technical or professional functions as public officers or otherwise. This means if the nature of your role is administrative, executive, technical or professional, then you are not covered by the Act. The Labour Act only covers employees engaged under a contract of manual labour or clerical work in private and public sector. Forced Labour is illegal. The first (and in our opinion, most important) thing every Nigerian should know is that it is illegal to force anyone to work for you. It is every Nigerian's right to be free from forced labour.³ Apart from existing in the constitution, it is also restated in the Labour Act. Therefore, if you or someone you know is being forced to work against your will, you can report to the police as it is a crime. However, the Labour Act gives the government the ability to be able to requisition people to work during an emergency or a calamity, and this will not be classed as 'forced labour' All employees must have a written contract. The Labour Act states that an employer must give an employee a written contract within three (3) months of the commencement of the employment. The contract must have the certain key terms – name of employer/employee, nature of employment, duration, wages etc. The key thing here is to ensure that the employee is protected by all the relevant terms being reduced to writing so the employee knows what is expected of him/her. Also important is that if there is any change in the terms of the employment, it should be made known in writing to the employee within one (1) month, Payment of wages. Any contract where the whole or part of the worker's wages is made payable in any other manner apart from legal tender shall be illegal, null and void. Therefore, it is illegal for your employer to attempt to pay you with things other than money. A few other key things to note around wages is: It is illegal for any contract to be for the payment of wages at intervals exceeding one month unless with the written consent of the State Authority. This means if your employer makes you sign an employment contract where the employee is to be paid every quarter or every 6 weeks etc., such a contract is illegal. No employer can impose any restrictions as to the place and manner in which the employee can spend his/her wages. So your employer can't insist that you only buy lunch from the office canteen. Employers are not allowed to provide an advance of wages in excess of 1month wages Salary Deductions. Employers are not allowed to deduct an employee's wages for any reason, unless reasonable deduction for injury/loss caused to the employer by the employee, but only with prior written consent of an authorized labour officer. Also, if you are lucky enough to have your employer mistakenly overpay you, then you should know that the money which was overpaid can only be deducted within 3 months from the date of the overpayment. Any attempt by your employer to deduct the overpayment from your future salary after the expiration of this 3-month period is illegal. It is Illegal to prevent employees

³ This right is guaranteed under section the 1999 constitution.

from joining trade unions and other labour associations. No employment contract can prevent workers from joining trade unions, and any contract which makes it a condition of employment that the worker should relinquish membership of a trade union or prejudices workers by reason of trade union membership is illegal. Rest Hours, Sick Leave, and Holidays for Employees. If a worker is at work for more than 6 hours a day, he/she must be given at least 1 hour of rest-interval in that day. Further, in every period of 7 days, a worker is entitled to at least 1 day of rest which must not be less than 24 consecutive hours. So for instance if you work Sunday all through Saturday, you must have the whole of the following Sunday as a mandatory day off. Every worker is also entitled to 12 days' sick leave for temporary illness certified by a registered medical practitioner. Every employee after 12 months of continuous service is entitled to a holiday with full pay of at least 6 working days (this is exclusive of all the public holidays) Maternity and Paternity leave. All female employees are entitled to at least 12 weeks' maternity leave with full pay. Unfortunately, the Nigerian Labour Act does not recognize paternity leave and makes no such provisions. However, in Lagos State civil servants are entitled to 10 days' paternity leave within the first 2 months of the birth of the baby.

Transfer of employment. An employee must consent to the transfer of his/her employment from one employer to another for it to be valid, and the transfer must be endorsed by an authorized Labour officer. So if for instance your company is taken over by another company, your employment will not automatically move to this new company (employer) without first consulting you and getting your agreement to transfer your employment. Termination of employment. With respect to the termination of an employment contract, the Labour Act provides for minimum notice periods: Where the employee has been employed for a period of 3 months or less, either party may terminate the contract with a minimum of 1-day notice. Where the employee has been employed for a period of 3 months but less than 2 years, either party may terminate the contract with a minimum of 1-week notice where the employee has been employed for a period of 2 years but less than 5 years, either party may terminate the contract with a minimum of 2-weeks' notice. Where the employee has been employed for a period of 5 years or more, either party may terminate the contract with a minimum of 1-month notice. When giving notice of termination of employment contract where the notice is 1 week or more, the notice must be in writing. The Labour Act is not the only piece of legislation which protects employee rights, worker whose existence is neither contemplated nor regulated by law. Casual workers are not given the same benefits (such as compensation for injuries arising in the course of employment, right to belong to trade unions and bargain collectively and various social security benefits) that accrue to permanent

employees.⁴ In addition, they are paid less and often subjected to unfair labour practices. Through content analysis and literature review this article undertakes an examination of the peculiar issues that have escalated the severity of casualisation on the Nigerian workforce.⁵ The work conducts a succinct cross-national comparison of legal frameworks regulating non-standard work in other jurisdictions and pinpoints apposite provisions for judicial and legislative emulation. It is made apparent from empirical survey that Government is caught between the economic necessity to support business investments and the agitation by organized labour to protect the workforce from exploitation. The work contends that casualization is not bad in itself. By making equitable laws and policies, ensuring their vigilant enforcement, regulating labour-outsourcing companies and ensuring access to justice for aggrieved workers, it is possible to palliate its cruel impact on the workforce.

Employment casualization is the process by which employment shifts from a preponderance of full-time and permanent positions to casual and contract positions; the altering of working practices so that regular workers are re-employed on a casual or short-term basis. Casualisation is referred to in Europe and United States as Nonstandard Work Arrangements (NSWAs), and these work arrangements refer to fixed contract, contract work, on-call work, part-time and temporary work. Other categories include day work, outsourcing, sub-contracting, homework, self-employment, zero-hour employment and so forth. The common characteristic of nonstandard jobs are that they differ in terms of hours worked, job security, payment system and even location of work from the traditional full-time, permanent employment which has been a dominant feature of industrial relations in many developed economies and developing ones for much of the twentieth century. The traditional model of employment (permanent full time employment with one employer until retirement) is steadily giving way to less stable (and often vulnerable) forms of employment. Little wonder the traditional protections afforded to permanent employees are often waived for casual labour.

On the global scene, the increase in capital mobility and the deregulation of the labour market are some of the major causes of casualisation. In response to these challenges, employers tend to adopt cost-cutting measures, including downsizing/cutting back on employment and use of permanent employees; the offshoot being the current predominance of casual workers. On their own part, employers argue that this growth in the rate of casualisation is influenced by demographic changes in the composition of the labour force. Many women (and a handful of men) want to work part-time in order to combine family care and work; this is the flexibility that NSW gives them. Also there is the feeling that labour laws

⁴ *Collins English Dictionary – Complete and Unabridged*, (12th Ed, Glasgow: Harper Collins Publishers. 2014), p 366.

make excessive demands to pay terminal benefits to employees. Many employers thus decide that they simply cannot afford to hire workers on permanent bases because they will have to pay huge pension benefits. However, the growth in irregular work has changed the nature of employment from a labour relationship to a commercial relationship, with the worker taking all the risks. There is now a sharp rise in the gap between wages and benefits of permanent and casual workers. In the African region, the absence of substantial infrastructure and enabling environment for businesses to successfully operate cannot be distanced from the cause, as organisations are forced to fend for such essential infrastructures as power, efficient transport system and a litany of others which ordinarily should not be the case. All these have an overbearing effect on an organisations' overhead cost, thus leading to harsh cost reduction approaches of which the welfare status of the workforce becomes unfortunately a prey. Outsourcing provides an easier way to cut costs and run off competition. Where an employer outsources labour or production components, less numbers of permanent employees are needed. The popular practice is to cut the number of permanent employees and replace them with casuals. The high level of unemployment and abundance or excess supply of labour also plays a major role in fueling casualisation as it aggravates the exploitative treatment meted to employees, as employers believe that they will always have people willing to work for them irrespective of the conditions.

In the past, casual labour was mainly unskilled and required for seasonal work or short-term periodical jobs predominantly in the construction industry and the agricultural sector. But today both the skilled and the unskilled are engaged as casual workers in the informal sector, the organized private sector and even the public sector. The prevailing arrangement in most organizations' in Nigeria is a situation where people are employed as casual and contract workers for many years and are paid less than their permanent counterparts in terms of wages and benefits even though they possess the same skills, work the same hours and perform the same tasks as permanent employees. Cases abound in some enterprises in Nigeria where workers have worked for six years and more as casual or contract workers without being given permanent status. This is discriminatory and contrary to section 17⁶ of the Constitution which provides among other things that every citizen shall have equality of rights, obligations and opportunities before the law; that exploitation of human or natural resources in any form whatsoever for reasons other than for the good of the community, shall be prevented and most importantly, that there should be equal pay for equal work without discrimination on account of sex or on any other ground whatsoever (such as status of employment).

⁶ section 17 of the 1999 Constitution

Casualisation abounds in the construction, manufacturing, banking and the oil and gas industries. The new development is that the term ‘casual’ worker has been replaced by ‘contract staff.’ For instance, in the oil and gas industry, they no longer refer to them as casuals but as contract staff, because most of them are now supplied by labour contractors to the User Company which makes them employees of the labour contractor and not the oil company. In some companies, it is possible for one to get as many as over one thousand five hundred workers on contract appointment out of a total of two thousand workers in the industry.⁷ The main object of the Act is to enhance job creation and the development of indigenous human and technical expertise. It is in my opinion a flagrant contravention of that law to seek to meet that minimum percentage quota with casual staff.

It is contended that with the exclusion of a few long-term benefits such as gratuity, pension and loan advance, workers in NSWAs should be entitled to the same rights as permanent employees after a reasonable duration in their employment provided that they do the same work and have the same qualifications and responsibilities as full-time employees. Of course, the flip side of this argument is that casual staff should not be paid higher salaries than their full-time counterparts. As a result of the precarious nature of their jobs, casual workers in many jurisdictions, like independent contractors, are often paid more than their full-time counterparts but in Nigeria, casuals have it bad at both ends – lower pay and less job-security. The traditional industrial relations system based on the concept of full-time employees working within an enterprise is increasingly being challenged by the use of nonstandard work arrangements (NSWA) by employers. This changing nature of work has taken a new dimension with the adoption of flexible work arrangements by many firms globally. The theme running through many of the new approaches to management in today’s globalized economy is the development of a more flexible workforce which has become employers’ new frontier in the management of human resources. However, these changing patterns of work (e.g. casual, contract, temporary, part-time employments, subcontracting etc.) occasioned by Structural Adjustment Programmes (SAP), have created concerns for workers and trade unions alike, especially in Nigeria. Job security, social security, terminal benefits and minimum conditions of work are some of the issues of concern. The new forms of work arrangements have led to the prospects of a “race to the bottom” in labour standards, particularly in the developing nations. Labour standards are often compromised by firms involved in casualization. Casualization as a form of labour practice is the process by which employment shifts from a preponderance of full time and permanent positions to higher levels of casual positions. It involves employment of an irregular or intermittent nature. Casualization is

⁷ Section 7 of the Nigerian Content Development Act 2010 which applies to the Oil and Gas Industry provides for a mandatory minimum percentage of local employees which must be hired by Oil Companies.

gradually becoming a cankerworm in the flesh of the workforce in both developed and developing economies. In Nigeria the scourge of casualization of employment is gaining grounds in an unprecedented proportion, intensity and scale. The increase in the spread and gradual acceptance of this labour practice in the Nigerian labour market has become an issue of great concern to stakeholders. Employers of labour are increasingly filling positions in their organisations that are supposed to be permanent with casual employees. The trend has been largely attributed to the increasing desperation of employers to cut down organisational costs. Casualization of employment is seen as an appropriate strategy for cost reduction. Casualization may on the periphery seem to be justifiable since reduced cost means higher profit which is the ultimate goal of every organisation. However casualization ultimately presents lots of challenges for the employees and organizations alike. Also behind this issue of casualization in the country is the high level of unemployment and accompanying poverty. These two issues have bred a dangerous work environment and have given much aid to the prevalence of employment casualization, as many desperate job seekers in the labour force are willing to take any job no matter how dirty or degrading it is. Casual workers occupy a precarious position in the workplace and society, and are effectively a new set of „slaves“ and „underclass“ in the modern capitalist economy.

The rise of casual employment is a global trend in the larger global picture where decent work a path to broad based development is rejected and more jobs are created through outsourcing or labour agencies. Casual work is often temporary, with uncertain wages, long hours, and no job security. Nigerian workers are under pressure from corporate practices that seek to undercut their hard-fought victories at the bargaining table and replace good jobs (i.e.jobs with benefits, training, and security) with various forms of insecure and lower paid contract, short-term, and temporary work. This practice is called “casualization” and is an alarming trend, considering that working was once a hope for raising working and living standards in the country. In nearly every economic sector, good jobs are falling prey to corporate cost-cutting moves at the expense of working families. Too many jobs are being outsourced, contracted out, or reclassified under a barrage of legal definitions designed to keep pay down, benefits low, and unions out. Like workers all over the world, Nigerian workers are trying to hold the line. They are countering casualization with activism and strength, pushing back against the degradation of their work and organizing casual workers into unions to fight for their rights. Casualization however goes beyond trade union rights because it is enabled by the widespread poverty, joblessness, and the devastated natural resources of the country. It is just one manifestation of the “degradation of work” from formal to informal employment and from permanent to temporary and precarious forms of work. The growth in irregular work has changed the nature of employment from a labour

relationship to a commercial relationship, with the worker taking all the risks. There is now a sharp worldwide rise in casual employment and a parallel rise in the gap between wages and benefits of permanent and casual workers. The use of casualization as a business model, involves the strategic substitution of fulltime workers with contract and/or agency labour. The number of casual workers in Nigeria is hard to pin down. Some unions posit that for every full-time worker there are four casual workers. Some workers put the ratio at an alarming one to nine.⁸ According to the International Labour Organization (ILO) (using trade union figures), the estimated ratio was about three to one.⁹ Formal workers, called “regular” company employees, are hired directly by the company. They receive contracts that explain work conditions, wages, hours, and benefits. They have the right to form unions and bargain collectively to extend their voice in the workplace. In contrast, casual workers are often employed by third-party contractors under various types of part-time and/or short-term work arrangements. They perform many of the same technical and professional duties as regulars, but with no job security. They face frequent layoffs and long periods of revolving short-term contracts under a never-ending probation. Though they work at the facilities of the companies and their work is a large part of these companies’ productivity, they are legally the direct hires of smaller outside firms and their contributions are too often ignored. Most casual workers are not part of any union structure. They earn lower wages than the regular workers, receive fewer benefits, and can be fired at will. The ILO (2004) reports that companies in Nigeria,¹⁰

“tend to fire contract workers just before the expiration of their three, six or twelve month contracts, when they are about to become permanent workers...”

Casualization of employment is growing at an alarming rate. More and more workers in permanent employment are losing their jobs and are being re-employed as or replaced by casual or contract workers. Casual work which is supposed to be a form of temporary employment has acquired the status of permanent employment in many organizations in Nigeria without the statutory benefits associated with permanent employment status. Casual workers are subject to lower pay, barred from their right to join a union, and denied medical and other benefits. Companies will often hire several part-time workers instead of one or two full-time workers to avoid their obligation to provide benefits, to divide the workforce, and to dissuade unionizing efforts.

RIGHTS OF WORKERS

⁸ These estimates suggest a rapid growth in casualization especially between 1999-2009.

⁹ International Labour Organization ILO (2004) Working Paper No. 237. Freedom of Association and Protection of the Right to Organise Convention (No. 87) International Labour Office Geneva.

¹⁰ Aladekomo, F.O., 2004. Casual Labour in a Nigeria Urban Centre. *Journal of Social Science*, 9, pp. 207-213

Worker's right is a very broad issue; however, it can be brought down to the protection and respects of human life in the work place and the right to work itself.¹¹ Some components of workers' rights are the right to job safety, collective bargaining and equal pay for equal work and employee's welfare.¹² Workers are denied the right to organize and benefit from collective agreements. They are mostly not protected from exploitation by their employers. Casualization of labour is against the campaign of full employment. Casualization is detrimental to employees and has grave consequences on the employer and the national economy, casualization must be seriously checked and if possible expunged completely from being practiced in the employment system. The rights of workers for the purpose of this work will be discussed under a few sub-headings.

- i. Minimum Wage:** The National minimum wage is 18,000 naira, about 50 United States dollars per month. Due to inflationary trends and high cost of living, wage increases have been demanded by Labour Unions.
- ii. Minimum Requirements in Employment Contract:** The principal statement encapsulated in the contract of employment entered into between you and your employer must contain specified details including: The name of the employer, Your name and address and the place and date of your engagement, The nature of the employment, If the contract is for a fixed term, the date when the contract expires, The period of notice to be given within which to terminate the contract, The rates of wages and method of calculation thereof and the manner and periodicity of payment of wages, Terms and conditions relating to (i) hours of work; or (ii) holidays and holiday pay; or (iii) incapacity for work due to sickness or injury, including any provisions for sick pay; and any special conditions of the contract.
- iii. Working Hours, Rest Hours and Annual Holiday:** Normal hours of work can be fixed by mutual agreement, or by collective bargaining, or by an industrial wages board where there is no machinery for collective bargaining. If you are required to work outside the normal hours agreed upon in the terms of contract, the extra hours shall be considered an overtime. Where you work for 6 hours or more a day, you are entitled to rest-interval of not less than 1 hour on the aggregate. Furthermore, in every period of 7 days, you are entitled to one day of rest which shall not be less than 24 consecutive hours. Where you put in a 12-month continuous service at work, you shall be entitled to at least 6 working days as holidays with full pay. The holidays may be deferred by agreement between the employer and you, provided that the holiday-earning period shall not be increased beyond 24 months' continuous service.
- iv. Sick Leave:** You are entitled to wages up to 12 working days in a year during your

¹¹ (Seidman, 2007)

¹²(Laura et al. 1996).

absence from work caused by temporary illness certified by a registered medical practitioner, subject to the Workmen's Compensation Act.

- v. Maternity Protection:** If you are a pregnant woman, you are entitled to take up to 12 weeks of maternity leave with full pay. Of this period, six weeks must be taken after the birth. You may start leave at any time from six weeks before the expected date of birth on producing a medical certificate issued by a registered medical practitioner stating that confinement will probably take place within six weeks. Where you have been continuously employed for a minimum period of 6 months preceding your absence, you are entitled to not less than 50% of the wages you would have earned if you were not absent. If you are nursing a baby, you are entitled to half an hour twice a day during working hours for that purpose. Paternity leave is not recognized under federal law.
- vi. Discrimination Protection:** There is no legislation that specifically regulates equal opportunities and discrimination in employment. The 1999 Constitution of Nigeria, as amended, contains a general prohibition of discrimination on the grounds of: ethnic group; place of origin; community; sex; religion; political opinion; and circumstances of birth.
- vii. Safety and Welfare:** The Factories Act places an obligation upon employers/owners or occupiers of a factory to ensure the health, safety and welfare of workers within the factory. Thus, it is the duty of your employer to ensure that the provisions of the Factories Act relating to cleanliness, overcrowding, ventilation, lighting, drainage and sanitary conveniences are complied with. Furthermore, the Act makes it the duty of the employer to provide a safe means of access and safe place of employment. It is mandatory by law that you be provided with protective clothing and appliances, where you are employed in any process involving excessive exposure to wet or to injurious or offensive substance. Similarly, where necessary, suitable gloves, footwear, goggles and head coverings should also be provided and maintained by the employer for use.
- viii. Redundancy:** The Labour Act defines redundancy as an involuntary and permanent loss of employment caused by excess manpower. The employer can terminate your contract of employment on ground of redundancy. However, in the event of redundancy:
- The employer is to inform the trade union or the worker's representative concerned.
 - The principle of "last in, first out" shall be adopted in the discharge of the category of workers affected, subject to all factors of relative merit, including skill, ability and reliability.
 - The employer is to use his best endeavours to negotiate redundancy payments to any discharged workers who are not protected under the Labour Act.

ix. Termination of Employment: The Labour Act provides the following as minimum notice periods for the termination of an employment contract:

- Where you have been employed for a period of 3 months or less, you or the employer may terminate the contract with a minimum of 1-day notice
- Where you have been employed for a period of 3 months but less than 2 years, you or the employer may terminate the contract with a minimum of 1-week notice.
- Where you have been employed for a period of 2 years but less than 5 years, either party may terminate the contract with a minimum of a 2-week notice.
- Where you have been employed for a period of 5 years or more, either party may terminate the contract with a minimum of 1-month notice. When giving notice of termination of employment contract where the notice is 1 week or more, the notice must be in writing.

x. Remedies for breach of contract by employer: If you suffer discrimination at work place; or unreasonable variation of the terms of the employment contract; or unlawful dismissal, or unfair termination of your contract of employment; you can sue your employer for breach and obtain the following remedies:

- Reinstatement or reengagement (subject to the mutual consent of you and the employer); or
- Award of terminal payments; or
- Award of monetary compensation.

xi. What are terminal payments: Terminal payments are the statutory entitlements under the law which you are entitled to but have not yet been paid upon dismissal or termination of contract. Terminal payments may include salary/wages, arrears of payment, salary in lieu of notice, end of the year payment; maternity leave pay; severance payment; or long service payment, sickness allowance, holiday pay, annual leave pay, etc. Put differently, terminal payments are entitlements that you might reasonably be expected to be entitled to under the law if the contract of employment had been allowed to continue.

xii. Employee's welfare is also referred to as better work opportunities for employees, which also relates to taking care of the well-being of workers by Employers of labour, Trade Unions, Government and Non-Governmental Agencies.¹³ International Labour Organization (ILO) at its Asian Regional Conference, defined employee's welfare as a term which is understood to include accessibility to

¹³ (Goldman, 1999)

services such as facilities and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in organisations to perform their work in a healthy, congenial environments conducive to good health and high morale.

- xiii. Employee's welfare has two aspects, negative and positive.¹⁴ On the negative side, the employee's welfare is concerned with counteracting the beneficial effects of the large scale industrial system of production. On the positive side, it deals with the provision of opportunities for the worker and his/her family for a good life as understood in its most comprehensive sense.¹⁵ A further argument in favour of employee's welfare is that it gives a reputation that shows care and concern on the part of the employee and helps improve the local image of the Company as a good employer.¹⁶ Good reputation assists the organisation's recruitment processes and productivity in the long run. Welfare may not directly increase productivity,¹⁷ but it may add to the general feelings of satisfaction with the company, improves the self-worth of the employee and cut down on employee turnover.¹⁸

TRADE UNION RIGHTS IN NIGERIA; EXPERINCES & CAMPAIGNS IN THE OIL & GAS SECTOR

The Nigeria Labour Congress, NLC was the umbrella movement with the sole mandate of protecting workers from exploitation in the hands of employers until some years ago when the Trade Union Congress, TUC was formed to protect the interests of senior workers with the NLC left to manage the interests of junior workers. The NLC was founded by the late Pa Michael Imoudu, who led the union from inception till he handed over to another veteran; Alhaji Hassan Sunmonu. These two men led a virile and healthy union in between them and after their exit, so many others came around but none can be compared to the indefatigable Comrade Adams Oshiomhole, now an executive comrade.

He piloted the affairs with knowledgeable mien, belligerent stance and diplomatic posture. He knew when to advance and when to retreat. He was indeed, a general of the congress, the workers' worker and the employers' nightmare. Small wonder most employers of labor prefer to avoid a collision with him. He has since taken his talents into politics and is now the executive governor of Edo State, South-South, Nigeria.

Ever since the Comrade left, it has been one issue or the other from administrative flip flops to internal power squabbles that culminated in the election of two presidents for one office. This column hopes they have been able to settle their differences and put their various

¹⁴ (Osterman, 2000).

¹⁵ (Gaikwad, 2013) (Murugan, 2013).¹⁵

¹⁶ Cohen and Prusak, 2001

¹⁷ Armstrong, 2003)

¹⁸ (Grigore and Stancu 2011).

houses in order down to the respective chapters, for a lot of employers will rather they have their houses in chaos.

It is the season of unjust and premature disengagement without reasonable pay-offs and also attracting picketing of companies for one labour issue or the other, examples being SAPETROL and CHEVRON. More are likely to follow in these ugly times of bad business! Most employers do not want their workers to be unionized to enable them hire and fire as they wish. It is the inalienable right of every employer to hire and fire but it is not the right of employers to abuse human beings in the name of slave labour with little or no benefits attached.

Several cases of unresolved labor issues are pending in the National Industrial Court, NIC for upwards of two years! It is on record that a greater number of workers in the industry are not unionized because their employers either don't want them to or they themselves are not interested. This is where both unions, the TUC and the NLC comes into play through relevant affiliates like the Petroleum, Energy and Natural Gas Senior Staff Association of Nigeria, PENGASSAN and the Nigerian Union of Petroleum, Energy and Natural Gas workers, NUPENG respectively.

The labor unions derive their financial strength from check-off dues paid by every member through their company chapters to the state branches and finally, to the headquarters. A lower membership therefore, weakens the unions in contrast to a higher membership that strengthens them. This is why chapters with larger memberships are treated more with all the support, solidarity and arsenal the unions can muster than chapters with lesser memberships. It is therefore not a surprise, that the challenges facing members in ExxonMobil will be fought by the unions with clinical precision to the best interest of members than those facing members in Sterling Global Oil Company for instance.

What then happens to a company, with less than a hundred staff strength, whose owner does not want the workers to unionize or the workers themselves, are not ready to unionize perhaps, in allegiance to their rules of engagement? An example will suffice.

Company A is owned by a Nigerian who insists his workers must not unionize. Several attempts by some of the workers at unionizing were frustrated by the company owner. Seeing this development, the workers decided to take their destiny in their own hands by fighting for their survival their own way not minding the presence of fifth columnists in their midst. To this end, they shut down their operations on the oil drilling rigs and refused to work while drilling was going on. The owner of Company A quickly replaced the workers with a new set of workers and terminated their appointments with an injunction secured to ensure the workers never returned for anything. The workers mobilized and got their own injunction joining the oil companies servicing as co-defendants.

The owner of company A promptly called the dismissed workers through series of appeals by members of PENGASSAN and NUPENG, for a truce. The matter eventually ended in a round table dialogue with all parties' interests protected.

It is clear from the above example that the labor unions exist to protect the workers, particularly their members and members exist to protect the unions. Apart from the administrative issues the unions are grappling with, in-fighting among their executives makes nonsense of their spirit of solidarity. Nigerian labor laws need to be overhauled to protect workers from inhuman treatment. The NIC needs to adjudicate expeditiously.

It is the opinion of DrillBytes that better-working conditions empower workers to indirectly develop small scale businesses which, in turn, helps in moving the economy further by creating additional revenue base for the government. The labor unions need to work their talk, the national assembly needs to pass needed bills and the federal ministry of labor needs to act their name. If change is here, this is the time to get cracking.

Recall that on the 7th September 2018, the Nigeria Union of Petroleum and Natural Gas Workers (NUPENG) has accused two foreign oil firms, Sterling Energy Exploration Company (SEEPCO) and its drilling arm, British Oil and Gas Limited (BOGEL), of frustrating the legitimate demand of their workers to join the union. NUPENG argued that five drilling oil-rigs operated by SEEPCO and its drilling arm in Kwale and Warri, Delta State, had been in operation for several years but the management denied the workers their rights to unionise. President of NUPENG, Williams Akporeha, who spoke at a press conference yesterday, said the union had directed its members in Delta State to withdraw services in protest of the unfortunate situation, adding that if the oil firms refuse to be called to order, they will embark on a nationwide strike. Besides, NUPENG has given the Nigerian Army a 24-hour ultimatum to withdraw its officers from the premises of the foreign oil firms, over forceful evacuation and abrupt termination of workers' appointment. Akporeha, who expressed disappointment at the military for succumbing to the level of frustrating workers who identified with the law of belonging to the union, said the union had written to the Chief of Army Staff, Gen. Tukur Buratai, for his officers to be immediately removed from the oil firms, as the issue on ground is an industrial relation matter and a terrorist situation. He accused the heavily armed soldiers of distributing new employment forms of non-identification with union to the oil workers if they must remain on the job.

The NUPENG president said rather that follow the path of decency and global best practices, management of the firms resulted to high-handedness and violence through the use of military officers and armed militias to forcibly evacuate no fewer than 2,500 employees from five drilling rigs. The union, which called on Governor Ifeanyi Okowa to immediately intervene to avoid turning the state into an industrial crisis zone, said it is also seeking the intervention

of the Ministry of Labour and Employment, Group Managing Director, Nigerian National Petroleum Corporation (NNPC), security agencies and other stakeholders in the oil and gas industry to arrest the imminent industrial crisis.

On assumption of office in May, 2015, President Buhari had vowed that his administration would undertake far-reaching reforms to ensure accountability and transparency in Nigeria's oil and gas industry. He had promised to expedite the passage of the much-delayed Petroleum Industry Bill (PIB) to shore up oil production and boost national income from oil sales. This commitment had been reiterated in the federal government's short and medium-term priorities to grow Nigeria's oil & gas industry 2015–2019, meaning that the bill ought to have been passed in the first quarter of 2017. The Senate had to split the PIB, which has been in the works for about 12 years into four parts for expeditious consideration and passage.

The Petroleum Industry Governance Bill (PIGB) is first in a series of the proposed bills that constitute the legal framework for the petroleum sector reform of the federal government. The three other bills that are currently undergoing various legislative processes at the National Assembly are the Petroleum Industry Administrative Bill (PIAB), the Petroleum Industry Fiscal Bill (PIFB) and the Petroleum Host Community Bill (PHCB).

Activities in the oil and gas sector had been at very low ebb owing to the delay in the PIB passage. So, Nigerians had hoped that assenting to the bill would substantially address the uncertainties that had resulted in loss of revenues, absence of investment and monumental corruption in the industry.

But the president has reneged on this promise as he recently withheld his assent to the PIGB, months after it was transmitted to him by the Senate, citing certain provisions he was not comfortable with. President Buhari's refusal to sign the bill into law has continued to attract criticisms from different quarters, with many positing that his action was capable of bringing his administration "to its knees" since oil is still the mainstay of the economy.

Buhari had also vowed to revamp Nigeria's four refineries to optimum capacity in order to scale down the rate of importation of refined petroleum products. But to this day, the refineries are still comatose and Nigeria still imports almost all her petroleum products from other countries, with attendant huge costs.

In June, NNPC's Chief Operating Officer (COO), Upstream, Alhaji Bello Rabiou had disclosed that Nigeria "is the only member country in the Organisation of Petroleum Exporting Countries (OPEC) that still imports petrol". He described as shameful, a situation where Nigeria, Africa's top oil producer, depends on petrol imports to meet daily needs.

Rabiou said that Nigeria imports as much as one million tonnes of PMS every month, ranking it the largest importer of PMS in the world. President Buhari had also promised to modernise the corrupt-ridden Nigerian National Petroleum Corporation (NNPC) and make it 'the national

energy champion'. But for the removal of Dr. Ibe Kachikwu (now Minister of State for Petroleum) and his replacement with Buhari's man, Maikanti Baru, no meaningful achievement had taken place in the corporation since Buhari came into power. The only thing Baru knows how to do best is to set unrealistic sundry targets.

Besides, Buhari had pledged to make the oil industry and Nigeria one of the world's leading/cutting edge centres for clean oil and gas technology; to fully develop the oil sector's capacity to absorb more Nigerian new graduates in the labour market; enforce the master plan for oil companies to end gas flaring and put an end to air pollution and damages the communities and people's health. Nigerians are witnesses that these ambitious promises have not been fulfilled till date.

It is also worthy of note that the Buhari-led government failed to conduct oil licensing round to raise revenue for the country and grow oil production and reserve. Also, marginal oil field bid rounds was delayed because Buhari, being the substantive petroleum minister, needed to give approval for the exercise before it could take place. The uncertainties in the oil and gas industry owing to the delay in the passage of the PIB and the lack of incentives from the federal government, led to the unprecedented drop in investment in oil and gas projects in recent years. Also, no new oil finds have been recorded since Buhari assumed office, reflecting a slowdown in exploration activities by oil firms. Consequently, Nigeria's oil reserves have continued to decline.

CAMPAIGNS AND ACHIEVEMENTS

It is right to affirm that trade unions in Nigeria have succeeded carving a unique spot in the country's history. Unarguably, the trade unions in Nigeria have consistently been one of the largest and organised people force who has always presented a fighting force against the government and their policies. But their fight hasn't gone well with the government who through constitutional acts, have tried to limit the scope and purpose of trade unions. As a matter of fact, stories have it that they took part in the anti-colonial struggle. They also did their best to fight against military dictatorship. And since the beginning of democracy in 1999, the labour movement has to some extent, acted as the guardian of the poor by protecting their interest. Though opinions remain divided as to what the NLC has achieved in the last 40 years, even the worst critic of the labour movement support the fact that the NLC has been a rallying point for Nigerians who feel oppressed over the years.

From its first president, Hassan Adebayo Sunmonu, to the current president, Wabba, the NLC has been fighting a series of battles to protect and defend workers' rights. There has never been anything that labour got on a platter of gold since the history of the labour movement in Nigeria. The history of the movement in Nigeria in the last 40 years has been written in blood and sweat of those now regarded as "veterans." Without a doubt, the road has been rough

for Nigerian workers. Over the years, government and employers have loathed the NLC for its dogged defence of the constitutional rights of workers and Nigerians. In view of the difficult task of negotiating and getting the best deals and packages for its members, approaches by NLC from employers of labour in Nigeria are most times construed to be confrontational or antagonistic, to say the least. Yet it is a job that has to be done, if unwarranted exploitation of workers must be curtailed or avoided completely.

In the industrial relations sphere, the early NLC caused the enactment for the first time of national minimum wage legislation. That move represented unprecedented progress in the development of wage administration and efforts to develop a living wage and living pension. The anti-SAP campaigns of the 1980s spearheaded by the congress helped to galvanise a mass movement in the nation, resulting in the formation of a broad alliance with the Students' Union movement and the Academic Staff of Nigerian Universities, among other things. In the period, the NLC's slogan was "Nigeria Not for Sale." This became the battle cry of the working class and the progressive movement as they resisted attempts to sell off all national assets.

Worthy of note was the long-drawn struggle over petroleum products pricing. Before its first proscription, the NLC had started to lead opposition to petroleum products price increases. The history of the present democracy would also be incomplete without a mention of the role of the NLC and some of its vibrant affiliates. Probably more than anything else, this struggle has come to define the public perception of and identification with the NLC.

Over the years, the NLC has remained the biggest labour centre in Nigeria and indeed in Africa, with over seven million organised and potential 40 million members! Indeed, the Nigeria Labour Congress, with seven million worker-members from more than 40 affiliate industrial unions, is the biggest independent free trade union movement in Africa, followed by COSATU. A mega labour centre in Africa, NLC is only rivaled in terms of independence and self-assertion by South Africa's labour federation, Council of South Africa Trade Unions, (COSATU) with which it maintains robust bilateral engagement on organising, collective bargaining and international solidarity campaigns. The congress is an activist affiliate of the Accra-based Organisation of Africa Trade Unions (OATUU) and Geneva-based International Trade Union Confederation (ITUC), representing 176 million workers in 156 countries and national territories, with 311 other affiliate unions worldwide. The NLC, therefore, is national and global.

At the 2017 ILO conference, NLC's president, Wabba, was re-elected back to the ILO governing council as a key player in the organisation. Oshiomhole, the fourth NLC president, also served on the governing council of the ILO. Stakeholders have expressed opinions that the 40th anniversary offers a platform for a critical but constructive engagement among comrades for a better-repositioned NLC. The incumbent president, Wabba, has said that the

40th anniversary celebrations will afford the congress the opportunity to reflect on past achievements and set the agenda for the future.

“The theme of the anniversary: ‘NLC, Yesterday, Today and Tomorrow,’ is to enable us reflect on where we are coming from, what we have been able to achieve, looking forward, what do we do to take things abreast of the future,” he said. Wabba noted that all leaders of the NLC have been up and doing, but responses to issues depend on the system of government that labour is operating under. He opined that government as well as employers around the world are now more oppressive towards organised labour.

“The trends are changing in the world of work. Employers no longer see workers as partners in progress; today, you see very more recalcitrant employers. Before, there were no casuals, but through globalisation and all sorts (we now have the trend), though ILO is looking at new commitment to the world of work,” he said.

The NLC president affirmed that the future of the organised labour movement would entail efforts to build cadre that would enable workers to be conscious of their rights.

He stated that, “If we have to return to the basics, the standard of the NLC must be strengthened, like in the 1970s. The strength of the union has dwindled and this consciousness has to be built from the local government. The informal workers not covered by social security must be given consideration. Only strong unions can fight for workers’ rights.”

Adeyemi, chairman of the anniversary organising committee, who is also the deputy president of the NLC, equally listed the broad objectives of commemorating the anniversary as celebrating 40 years of struggle and perseverance as a working class organisation; highlighting congress’s history and its accomplishments; reflecting on the challenges facing the NLC and the wider labour movement; and identifying ways these challenges can be addressed, as well as articulating an agenda for congress in the next 10 years as it marches towards its golden jubilee.

CONCLUSION:

In concluding this paper, permit me to x-ray some very profound mission statements from key actors of NUPENG & PENGASSAN that in facing the challenges of the oil and gas sector.

Comrade Williams Akporeha the President of the Nigeria Union of Natural Gas Workers (NUPENG) in a recent interview with Michael Oche in Geneva, he said as follows; in answer to the question – How would you describe the workers in the oil and gas sector?

“The status of NUPENG as trade Union in terms of membership, financial capacity and ability to organize and represent Nigeria oil and gas workers has been adversely

affected by the expressive activities of multi-national oil companies in Nigeria. The struggle against this form of repression and workers exploration is almost 3 decades old and has been a hercules an task. Membership of this Union has been seriously depleted with indecent work entrenched resulting in response in crime and social dislocation and defiant behaviour. The International oil companies (IOC's), through various policies and practices entrenches anti-union and labour practices in the Nigeria oil and gas industries. These include refusal to allow unionization of contract and staff workers in Nigeria fragmentation of contract into thousands to frustrate the efforts of the unions in organising workers which they have entrenched in the system, making workers to sign pre-engagement non membership of Union which makes them dread association with the Union. They treat labour issues with contempt and disdain refusing to implement Rulings of the Industrial Arbitration Panel whenever it goes against them. The wages of IOC's pay the Nigeria workers are very ridiculous. An average Nigeria worker is paid less than 200 dollars per month. As a result of the employment policy of these multi nationals, workers are denied collective bargaining powers and in some cases, where such are signed, the IOC's through their contractors refuse to implement such despite entreaties. More worrisome is the wicked elopement of workers severance benefit by the contractors engaged by IOC's. A Nigerian will work under harsh condition for several years receiving peanuts and yet when the contracts ends, his severance benefits are withheld by the contractors hired by the IOC's . In most cases, when confronted they claim ignorance of the where about of the contractors. The health and safety of these workers is disheartening and they are currently exposed to dangerous chemicals because there are no personal protective equipment, no access to medical facilities, no causal vacations, long hours of work without break. The repressive activities of these IOC's has accentuated the activities in the Niger Delta resulting in organized attacks on installations, hostage taking and community insurgency are prevalent in the Niger Delta today and other parts of the country where there is mass unemployment and underemployment. This is one challenge that we face all the time. Sometime when we give ultimatum or threat to action, interventions are made. Immediately that is done and action suspended, what we see is bulk passing and at the end of the day not much is achieved. You see these issues continue to arise and are reoccurring. In the real sense, the real issues are not resolved. What we have continued to observe is that the multi national have continued with their anti union activities unabated.

He continued;

“...as a union and workers, the only tool before us is to shout. That is the essence of being a union. We will continue to bring issues to public glare. This is also one approach to it by bringing it to global stage. For instance before we came to Geneva, we gave 21 day ultimatum which is running. We also feel that it is necessary to engage the global community on some of these issues...”

Therefore part of the issues stimulated by these engagements include the following but not limited to;

- (a) How do we encourage the expeditious passage of PIGB
- (b) The issue of casualisation which has been with us for more than 30 years
- (c) The relationship between Trade Union, Labour, and IOC's , can it ever be cordial.
- (d) Why the Nigerian Workers are treated this way and what is the role of labour and government.
- (e) Are there roles that ILo's can play to achieve desired result.

Gentlemen, in trying to posit answers to these challenges of the oil and gas sector with particular reference to the NNPC and the oil industry, Comrade Brown Ogbeifun former President of PENGASSAN, former first Deputy President General TUC of Nigeria and today who is the President of Mediation and Conciliation Nigeria in a recent interview had this to say;

“... Generally the oil and gas industry in Nigeria has faced its most difficult time in the last decade, NNPC for instance one of the key player in the sector has unfortunately become one of the most brutalized and maligned by the Nigeria State. When one takes a cursory and reflective appraisal of the spate of criticisms against the NNPC against these backdrop of the fact that oil and gas have used as a potent tool or the socio- economic advancement of countries like Norway, Brazil, Saudi Arabia, Kuwait, Qater, Malaysia but to name a few, one cannot but empathize with the informed, who falsely accused NNPC of ills perpetrated by the same government that should protect her and the uninformed who innocently castigate the workers for no fault of their. Whereas other oil producing nations of the world have efficient, effective reliable and enviable infrastructure, health, educational and agricultural system with sustainable industrial growth...” Read more on this <https://www.vanguardngr.com>.

In my conclusion, I submit that in all these issues, Nigeria's case reflect a paradox of these ideals. The desire of the country to increase the National oil serve base from 36.22 billion

barrels to 40 billion barrels with a daily production of 4.5 billion barrels by the year 2010 has remained a pipe dream many years after the timeline.

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