



A LEGAL ANALYSIS OF OUTSOURCING AND CASUALIZATION OF WORKERS AND THE ROLE OF THE TRADE UNIONS IN REDUCING CASUALIZATION IN NIGERIA*

Abstract

The article examines the causes and implication of outsourcing and casualization in Nigeria. This article reviews the literature, the Constitution of the Federal Republic of Nigeria, 1999 and other statutes such as the Labour Act and the Trade Union Act. The article also discusses the practices with regards to casualization and outsourcing in other jurisdictions with the view of learning some relevant lessons. The article found that the plight of the casual and outsourced employees is precarious and that Nigerian laws offer little protection for this specie of worker. Further, the article argued that the trade unions must be at the fore to fight against all forms of Non-Standard Work Arrangements, as their strength is gradually and continually being reduced due to these precarious work arrangements. The article concludes that the extant laws must be amended and reformed in order to reduce the number and the impact of casual and outsourced employment.

Keywords: Casualization, outsourcing, non-standard work arrangements, union, employee (worker) and workplace.

1. Introduction

Non-Standard Work Arrangements (NSWA) or what the International Labour Organization (ILO) described as precarious work¹ is generally used to describe work arrangements which do not fall within the traditional definition of employment. ILO stated further that precarious work leads to precarious lives and precarious societies.² The term -NSWA- may also refer to fixed contract, casual work, outsourced work, contract work, on-call work, part-time, and temporary work. Casual employment and outsourced labour have been increasing globally and especially in Nigeria in recent years.³ Professionals with high skills are not precluded from the precariousness of outsourced or casual employment.⁴ The prominence of NSWA is observed in both the public and private sectors and in extreme cases some Nigerian organizations are operating with as much as 98 percent of their workforce on casual labour.⁵ Multinational companies (MNCs) which enjoy extraordinary tax

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¹ ILO *A Trade Union Agenda on Precarious Work at the ILO From Precarious Work to Decent Work Outcome Document to the Workers' Symposium on Policies and Regulations to Combat Precarious Employment* (ILO Report 2012) 1-2.

² Ibid, 53.

³ Princewill Lekara Bayo, 'The Negative Effects of Labour Casualization In Nigeria: A Conceptual Review' [2019] 7(2) *International Journal of Innovative Social Sciences & Humanities Research*, 69; Miebaka D Tamunomiebi and Karibo B Bagshaw, 'Managing Casualization and Redundancy of Workers: Its Effect and Implication to Sustainable Development in Nigeria Business Environment' [2018] 4(1) *Hard International Journal of Economics and Business Management* 72; Adebimpe Adetutu Adenugba, and Jubril Olayiwola Jawando, 'Assessing the Patterns of Temporary Employment in the Food Processing Industry in Lagos, Nigeria' [2014] 50(6) *Journal of Asian and African Studies*, 732-749; Ifedapo Adeleye, 'The Impact of Outsourcing on Business Performance: Insights for Employers [2011] 3(1) *Human Resource Management Journal* 26-44; Tinuke M Fapohunda, 'Employment Casualization and Degradation of Work in Nigeria' [2012] 3(9) *International Journal of Business and Social Science* 257; Oyesola Animashaun, 'Casualization and Casual Employment in Nigeria: Beyond Contract' [2007] 1 (4) *Labour Law Review* 14-34; Adriana Vanden Heuvel and Mark Woode, 'Casualisation and Outsourcing: Trends and Implications for Work- Related Training' National Institute of Labour Studies Flinders University of South Australia 1999, 1.

⁴ Olivia Mason and Nick Megoran, 'Precarity and Dehumanisation in Higher Education' (2021) 14(1) *Learning and Teaching* 35-59; Adeleye (n3) 26-44.

⁵ Philip A Oyadiran, Daniel Dare, Aisha Ahmad Faskari and Tosin Success Ademeso 'Casualization and Labour Utilization: A Global Perspective' [2018] 6(2) *International Journal of Advanced Studies in Economics and Public Sector Management* 245; Emeka Okafor, 'Non-Standard Employment Relations and Implications for Decent Work Deficit in Nigeria' [2012] 6(3)



incentives and duty waivers used to be the Nigerian workers' haven, where every worker hitherto dreamt of working, have gone outsourcing thereby declaring fat profits annually on the sweat of the casual workers.⁶ The Oil and Gas industry consisting of MNCs such as Shell, ExxonMobil, TotalFinaElf, Chevron; and the NNPC Limited (formerly Nigeria National Petroleum Corporation)- a fully owned federal government enterprise- are pre-eminent in the utilization of casual and outsourced workers.⁷

Casual work is increasingly becoming the norm of a global economy as statutory, private and public companies undergo restructuring, privatization, concentration on core activities and modifications in work organization and technology.⁸ These factors certainly affect traditional employment relations and the exercise of freedom of association and collective bargaining rights inherent therein.⁹ Proponents of continued use and extension of casual work and outsourcing such as Campbell and Burgess argued that the disadvantages of the scheme for individual workers could be tackled through the welfare system and not through the intervention in the sphere of employment by the government.¹⁰ The article posits that in a country like Nigeria, casual labour may be justified in organizations with seasonal demand but in sectors where demand for the organization's products and services is high throughout the year there is little justification, given that most of these companies overwork the remaining few staff and declare huge profits at the end of the accounting period. Moreover, as there is no welfare system in Nigeria, it is the few gainfully employed who carry the burden of the unemployed and under-employed persons like the casuals and outsourced workers.

COVID-19 which is both an economic and health catastrophe which has led to COVID-19 induced loss of job has led to the extension of NSWA.¹¹ The hitherto high unemployment situation in Nigeria became worse with the advent of COVID-19. For instance, between 2021 and 2022, Standard Chartered Bank closed 30 percent of its branches in Nigeria.¹² Similarly, in 2020, the management of Access Bank donated ₦1 billion and other materials like ambulances, medical equipment and consumables to the Federal Government of Nigeria, as its COVID-19 related Corporate Social Responsibility. Access Bank's management however decided to downsize staff by 75 percent shortly thereafter.¹³ The author suggests that the donations to the Federal Government of Nigeria and state governments' COVID-19 relief effort by Nigerian corporations may not be

An International Multidisciplinary Journal, 93-108; Arne Kalleberg, 'Precarious Work, Insecure Workers: Employment Relations in Transition' (2009) 74(1) *American Sociological Review* 1-22; Susan Houseman, Arne Kalleberg, and George Erickcek, 'The Role of Temporary Agency Work in Tight Labour Markets' [2003] 57(1) *Industrial and Labour Relations Review* 105-127; Julian Teicher, Bernadine Gramberg and Peter Holland, P 'Trade Union Responses to Outsourcing in a Neo-liberal Environment: A Case Study Analysis of the Australian Public Sector' [2006] 12(2) *Asia Pacific Business Review* 243-256; Andrea Baumann and Jennifer Blythe, 'Nursing Human Resources: Human Cost versus Human Capital in the Restructured Health Care System' [2003] 3(1) *Health Perspective* 27-34.

⁶ Akido Agenro 'Outsourcing: The Source of Modern Day Slavery' *The Guardian* (Lagos, 21 June 2017) <<https://guardian.ng/opinion/outsourcing-the-source-of-modern-day-slavery/>> accessed on 12 April 2023.

⁷ Joan Omone Iteboje 'The Growth of Agency Labour in the Nigerian Oil Industry and its Challenges for Trade Union Organisation' (PhD Thesis, University of Salford 2018) 24.

⁸ Razaq Bamidele and Micheal Babatunde, 'Casual Employment and the Globalized Market: A Case of Selected Countries' [2017] 2(1) *Uyo Journal of Sustainable Development* 18-34.

⁹ Rasak Bamidele, Modupe Ake, Festus Femi Asamu & Razaq O Ganiyu 'Casual Work Arrangements (CWAs) and Its Effect on Right to Freedom of Association in Nigeria' [2019] 7(1) *International Journal of Innovative Legal & Political Studies* 1.

¹⁰ Iain Campbell and John Burgess 'Casual Employment in Australia and Temporary Working Europe: Developing and Cross Cultural Comparison' [2001] 15(1) *Work, Employment and Society* 177-184.

¹¹ OECD 'The rise of domestic outsourcing and its implications for low-pay occupations' <<https://www.oecdilibrary.org/sites/937ad5bcen/index.html?itemId=/content/component/937ad5bc-en#chapter-d1e24700>> accessed on 12 January 2023.

¹² N Chukwu, 'Standard Chartered Bank's 50% Branches Closure: Losses, Lessons, Future of Banking' *Nigerian Tribune* (Ibadan January 18 2022) 12.

¹³ Etim Etim 'Access Bank: The Bigger it grows, the Kinder it Becomes' *This Day* (Lagos 5 May 2021) <<https://www.thisdaylive.com>> accessed 4 March 2023.



altruistic after all as the donations are tax deductible by virtue of sections 25 and 27 of the Companies Income Tax Act.¹⁴ Casual and outsourced jobs are thus characterized by abysmal low wages; absence of medical care and allowances; reduced job security or lack of skill and age related increment, gratuity and other severance benefits. Other detriments of being a casual include lack of leave and leave allowance; lack of representation and freedom of association; no death benefit or accident insurance at work; and no negotiation or collective bargaining agreement.¹⁵

2. Casualization, Outsourcing and Related Terms

Industrial adjuncts known by different names such as casuals, outsourced staff are subject to varied definitions due to the different definitions adopted in the different jurisdictions. Casualization of employment may be considered as an appropriate strategy for cost reduction, it is often temporary and characterized by uncertain wages, long hours, and a lack of job security. Casualization is any employment characterized by a lack of stability of tenure, uncertainty, restriction of employees from leave entitlements and the adoption of all manners of unfair labour practices.¹⁶ A casual employee is defined by a Nigerian court as a worker engaged for a period of less than 6 months and who is paid at the end of each day.¹⁷ This definition is however defective as there are casual workers who has been on the same status for more than ten years.¹⁸ The term- casualization- is used interchangeably with contingent, atypical, flexible and alternative work arrangements and includes temporary work, part-time work, subcontracting, outsourcing, labour hire, zero-hour employment, dependent self-employment and disguised employment relationships.¹⁹ The different types of NSWA are depicted graphically in Figure I below. The figure equates casualization with outsourcing and vice versa showing that casualization is just a subset of outsourcing. Thus, casualization is tactical outsourcing. Similarly, strategic or business process outsourcing refers to IT and operations outsourcing and offshoring.

¹⁴ Chapter C21 LFN 2004.

¹⁵ Animashaun (n3).

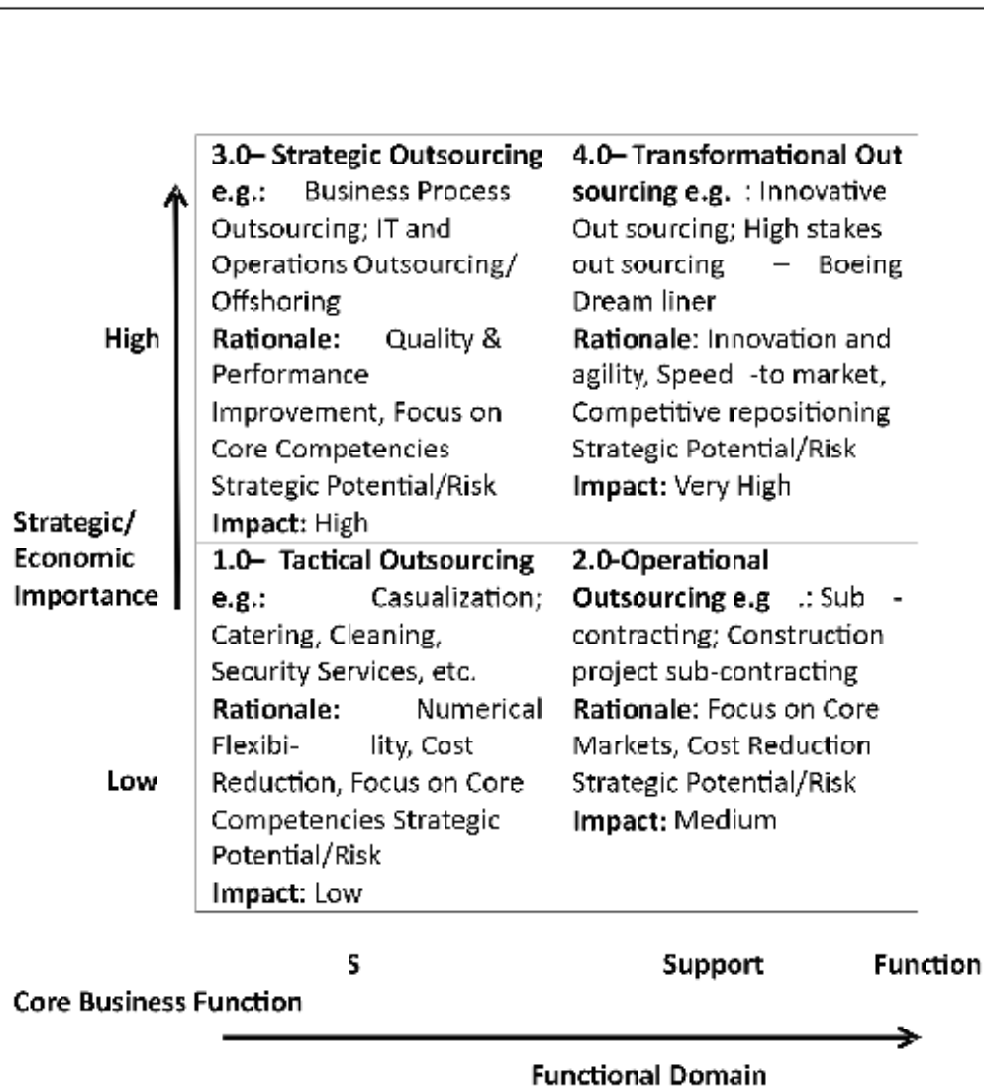
¹⁶ Ibid.

¹⁷ *Owena Mass Transportation Co. Ltd v Okonogbo* (2018) LPELR-45221 (CA).

¹⁸ Animashaun (n3).

¹⁹ Gogo George Otuturu 'Casualization of Labour: Implications of the Triangular Employment Relationship in Nigeria' [2021] 12 *Beijing Law Review* 679; Elmarie Fourie, 'Nonstandard Workers: The South African Context' [2008] 11 *International Law and Regulation by the European Union Journal/ Potchefstroomse Elektroniese Regsblad*, 109. <<https://doi.org/10.4314/pej.v11i4.42242>> accessed on 2 March 2022; ILO, Nonstandard Employment around the World: Understanding Challenges, Shaping Prospects (2016) 20-32.

Figure 1 – Strategies for Outsourcing



Source: Adapted from J Baron and D Kreps, (When and How to Outsource Activities: A Diagnostic) ‘Strategic Human Resources: Frameworks for General Managers’ (New York: Wiley & Sons, 1999) 461.

Operational outsourcing includes sub-contracting and construction project sub-contracting while transformational or innovative outsourcing refers to high-stake outsourcing such as outsourcing of innovative high level technology projects such as the Boeing Dreamliner. For Forde and Slater, agency work can be viewed as either a bridge to secure employment or a trap in which workers are caught.²⁰ Outsourcing is a management strategy by which a company assigns an experienced and efficient service provider to perform their non-core functions, by doing so they can

²⁰ Chris Forde and Gary Slater, ‘Agency Working in Britain: Character, Consequences and Regulation’ G. [2005] 43(2) *British Journal of Industrial Relations* 249–271.



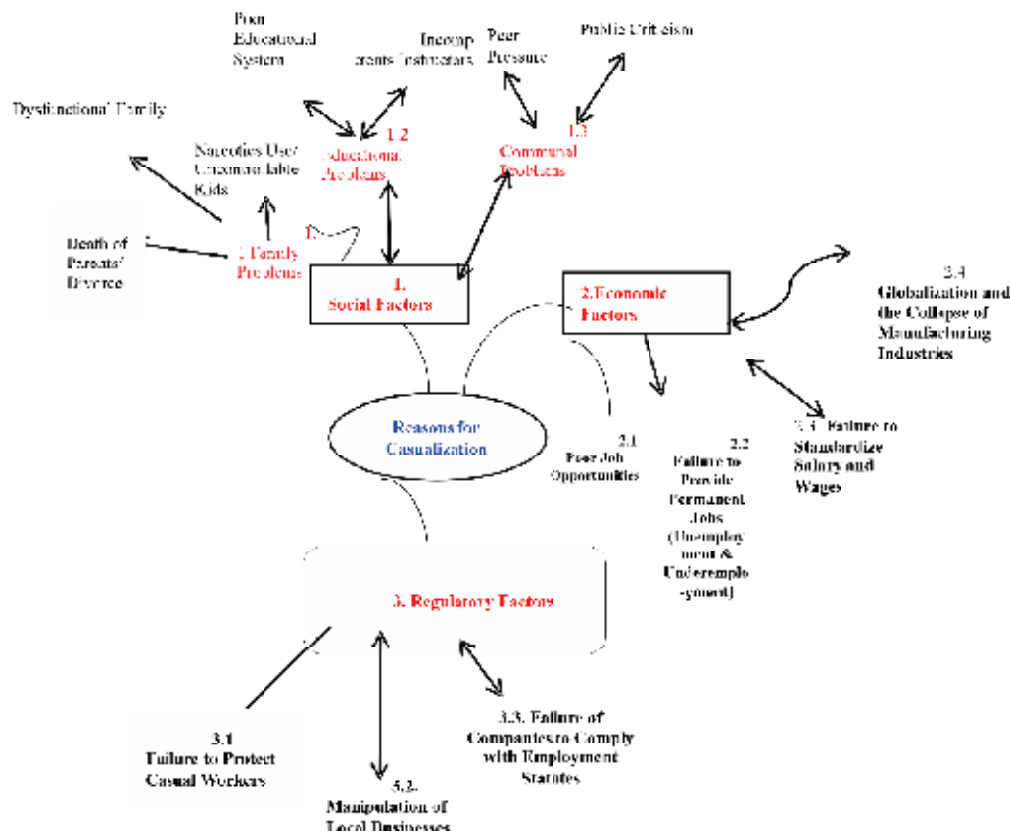
save time and money.²¹ Gilley and Rasheed consider outsourcing as acquiring services by external means and adjusting this acquisition to the organizational needs.²² The outsourcing contract of employment is a tripartite arrangement consisting of the labour contractor who essentially employs a worker and supplies the worker as a sort of merchandise to the secondary employer (the company requiring the services of the casual worker). The labour contractor's item of trade is the worker who is supplied to the secondary employer at a fee unknown to the worker. In some cases, the worker may not even know the primary employer. Thus, the terms of employment are never negotiated as the employee or worker is faced with -a take it or leave it situation. The implication is that the labour contractor exploits the worker by negotiating for his/her pay at a price for which he must make a profit.²³ NSWA consists of employees categorized as peripheral workers. These categories of workers lack the opportunity for training, career progression and social security benefits, and are classified as secondary employees in most instances.²⁴ The work conditions of casual workers are usually not at par with permanent employees, which are fundamentally responsible for workplace diseases, industrial accidents, and many psychological problems encountered by this category of employees. Again, the nonchalant attitude of the organization (employer) in both the development and well-being of casual workers engenders several workplace problems. This leads to the question what are the causes of casualization and outsourcing of employment? The cause of casualization and outsourcing is mainly traced to the desire of the employer to cut cost thus reducing labour cost by withholding certain benefits from casual staff which are mandated by the law or convention for permanent staff. There are other causes which are stated hereunder.

²¹ Linda K Stroh and Deborah Treehuboff, 'Outsourcing HR functions: When—and When not— to go Outside' [2003] 10(1) *Journal of Leadership and Organizational Studies* 24; Biswajit Nag, 'Business Process Outsourcing: Impact and Implications' (2004) 5 *Bulletin on Asia Pacific Perspectives* 121.

²² K Matthew Gilley and Abdul Rasheed, 'Making More By Doing Less: An Analysis of Outsourcing and its Effects on Firm Performance' [2000] 26 (4) *Journal of Management* 763-790

²³ Bamidele, et al. (n9) 2.

²⁴ Nele De Cuyper, Jeroen De Jong, Hans De Witte, Kerstin Isaksson, Thomas Rigotti and Rene Schalk, 'Literature Review of Theory and Research on the Psychological Impact of Temporary Employment: Towards a Conceptual Model' [2008] 10(1) *International Journal of Management Reviews* 25-51.

**FIGURE II Causes of Casualization**

Source: Adapted by the author to suit the Nigerian Situation from Mollo & Emuze, (2018) (n 25 below).

The causes of outsourcing and casual employment could be attributed to in a large part to globalization and unemployment.²⁵ Other causes include social, economic and regulatory factors as depicted in figure II above. Social factors include poor and outdated educational system which in turn produces unemployable recruits. Other social factors include dysfunctional family structures and the use of drugs which may affect the development of the workers' potential, hence rendering them uneducated and suitable for daily paid jobs and other forms of NSW. Similarly, there are regulatory factors, whereby the law is silent or failed to protect against casualization and other forms of NSW or where the extant laws are not enforced. In Nigeria, there is a dearth of law protecting the workers against NSW. However, the few provisions that could have been used to protect the casual workers such as the provisions of section 7 of the Labour Act is unenforceable due to the poor drafting, the lack of manpower in the Ministry of Employment to enforce the provision and widespread corruption of the officials. Section 7 of the Labour Act provides that an employee must be given a letter of employment within 90 days of engagement. The Labour Act is however defective

²⁵ Lesiba Mollo and Fidelis Emuze 'Casualisation of Work in Construction, and the Plight of Workers in Bloemfontein' (2018) <<https://www.researchgate.net/publication/324389294>> accessed on 3 March 2023.



because it restricted those qualified as workers to junior staff in clerical and manual work only.²⁶ Therefore, common law principles are used to deal with employment issues concerning majority of employees in Nigeria.

The practice of casualization and all forms NSWA affect trade union membership, its mobilizing capacity and check off dues from the large number of workers in the system that cannot be unionized. Section 1(1) of the Nigerian Trade Union Act²⁷ defined a 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, whether the combination would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes in restraint of trade, and whether its purposes do or do not include the benefits for its members.” Trade unions in recent times has been described as weak institutions dwindling in relevance, and decreasing in numerical strength for ensuring improved working life for the working people, thus the trade unions must devise survival strategies in order to remain relevant. The impotence of the central trade unions such as the Nigeria Labour Congress and Trade Union is revealed by its debilitating silence during the recent abuse of the citizenry by the absence of and the high price of fuel and the Naira redesign which caused undue hardship, thereby crippling the economy.²⁸ Thus, the survival strategies in this context is for the trade union movement to be active and responsive to the perturbing and escalating trend of anti-people and anti-labour practices orchestrated by the government and corporations. It includes strategies marshalled against the snag of atypical work arrangements, as it is evident within the global labour market and the Nigerian labour market in particular. Issues relating to the significantly increased practice of employment casualization are not new. In fact, it is a common household name in Nigeria’s employment relations environment and has since been relegating the relevance of the trade unions to the background.

3. Instances of the Plight of Casuals and Outsourced Employees

This article argues that the employment and recruitment industry has facilitated the commodification of labour power, thereby driving wages, human dignity and union membership down. The predicament of casuals and outsourced workers in Nigeria is unenviable as depicted by the following instances. In November 18, 2007, for instance, the Nigerian military’s Joint Task Force (JTF) attacked (outsourced) contract workers demonstrating peacefully at the Nigeria Liquefied Natural Gas (NLNG) Bonny Island Terminal. The JTF fired tear gas directly at the contract workers, attacking them with batons.²⁹ According to the International Federation of Chemical, Energy, Mine and General Workers (ICEM) the incident “blinded one worker in his right eye and injured 28 others.”³⁰ Similarly, a 2007 study of 8,000 contract workers hired by 45 ExxonMobil contractors throughout Nigeria found physicians, nurses, pharmacists, and engineers working for years as “temporary contract staff” at the state-run Nigerian National Petroleum Corporation/ ExxonMobil joint projects. Many earned wages so low that they could barely support themselves or their families.³¹ The precariousness of the life of a casual worker is better imagined in the decided case of *Ifere v Truffods Nig. Ltd.*³² The respondent company hired the appellant as a casual worker in 1992

²⁶ Section 91 Labour Act, Cap L1 LFN 2004; *Evans Brothers (Nig.) Publishing Ltd. v Falaiye* (2003) 13 NWLR (pt. 838) 564.

²⁷ Chapter T14 LFN 2004.

²⁸ Editorial ‘The Economy and Naira Redesign Policy’ *The Sun* (Lagos, 14 February 2023) <<https://sunnewsonline.com/the-economy-and-naira-redesign-policy/>> accessed 4 April 2023 Muawiya Shuaibu ‘2023: Fuel scarcity, naira redesign, other factors that may affect elections’ *Daily Trust* (4 February 2023) <<https://dailytrust.com/2023-fuel-scarcity-naira-redesign-other-factors-that-may-affect-elections/>> accessed 4 April 2023.

²⁹ USAID ‘The Degradation of Work Oil and Casualization of Labor in the Niger Delta’ (Solidarity Centre 2010) 4.

³⁰ *Ibid* 4.

³¹ USAID (n29) 18.

³² 2008 WLR 30.



and whose remuneration is calculated on a daily basis.⁶⁷ The Act also provides that the contract of a casual worker need not be in writing,⁶⁸ and the casual worker must be given equal pay for work of equal value with permanent staff.⁶⁹ However, a temporary worker is defined as someone who works continuously for 6 months per year, but if the employee works for a continuous period of more than 6 months for the same employer such an employee shall be treated as a permanent worker.⁷⁰ In the event that an employer breaches these provisions, the temporary or casual worker may present a written complaint to the Commission for determination and its decision shall be binding on both parties.⁷¹ Part XI of the Labour Act provides for freedom of association of both employers and employees and the right to form or join an association or union respectively.⁷² In contradistinction with the Nigerian Trade Unions Act which provides that a minimum of 50 workers are required to form a trade union, the Ghanaian Labour Act provides that two or more workers employed in the same undertaking may form a union.⁷³ Notwithstanding these provisions, the plight of casual and other NSW workers under the Ghanaian law are not different from their Nigerian counterparts.⁷⁴ Many of these categories of workers have been in employment for many years without their status being regularized as permanent employees as provided by the law.⁷⁵ Most of those engaged in NSW in Ghana rarely complain because the need to remain in employment and earn a living supersedes the need to make a complaint to the Commission for fear of losing the job completely.⁷⁶

France's legislation is perhaps more restrictive, as temporary workers can only be used to (i) replace absent employees; (ii) meet the needs of a temporary increase of activity; and (iii) fill intrinsically time-limited posts. The duration of temporary work is also limited to 18-24 months, after which the contract must become permanent.⁷⁷ This is an improvement compared to most other European countries, such as in Poland, Romania and Italy where the limit is set between 24-36 months.⁷⁸ Similarly, in most European Union (EU) countries, the legal framework of the outsourced employment relationships is between the agency workers and employment agency, and the job relations is between the agency worker and organization.⁷⁹ However, in the United Kingdom, due to the ambiguity of the legislation, the agency worker has, through case law, been refused the status of employee. Likewise, in some EU nations, including those that have currently reformed their labour laws especially as it concerned NSW (such as the Netherlands), the official legal employer is the employment agency. Although, in France, this shared responsibility is not explicit, there is a strong protective regulation in place, and health and safety responsibilities are borne by the organization

⁶⁷ Section 77 of Ghana Labour Act (GLA) 2003.

⁶⁸ Section 74 (1) GLA.

⁶⁹ Section 74 (2) (a) GLA.

⁷⁰ Section 75 (1 GLA)).

⁷¹ Sections 138,139, and 152 GLA.

⁷² Section 79 (1) GLA.

⁷³ Contrast section 3 (1)(a) of the Trade Unions Act Cap T14 LFN 2004 (Nigeria) and section 80 of Labour Act, 2003 (Ghana).

⁷⁴ Chineze Sophia Ibekwe, *Casualisation in Nigeria: A Cross-National Comparison* 2016 *NAUIJL* 87.

⁷⁵ Ibekwe (n 74) 87; J Barrientos *et al*, 'Social Protection for Migrant Labour in the Ghanaian Pineapple Sector', Working Paper T-30, September 2009, 5 and 31.

⁷⁶ Ibekwe (n72).

⁷⁷ Article 2, Law No. 72-1, 1972; see also Luc Cortebeek, *A Trade Union Agenda on Precarious Work at the ILO From Precarious Work to Decent Work Outcome Document to the Workers' Symposium on Policies and Regulations to combat Precarious Employment* (ILO 2012) 52; Paul Brook and Christina Purcell 'The Rise of the Temporary Employment Industry in France' [2020] 41(1) *Economic and Industrial Democracy* 121-144.

⁷⁸ Cortebeek (n 77); See also (Croatia) Labour Act 2009, Articles 29(5) and 30(1); (Brazil) Labour Code, Article 455; (Chile) Labour Code, Article 63; ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations: Protection against Unjustified Dismissal. Report III (Part 4B), International Labour Conference, 82nd Session, Geneva, 1995, para. 52. <<http://www.ilo.org/ilolex/english/>> accessed 3 March 2023.

⁷⁹ Adeleye (n3) 26 - 44.



(secondary employer). However, where there is ambiguity over responsibilities, as in the United Kingdom, the risk leans towards the shoulders of the employment firm.

7. Conclusion

The field of industrial relations recognize that flexible work arrangements work best, and are of benefits to both parties (employers and workers) when it runs alongside a fair and effective framework of employment rights. It is argued, that effective enforcement mechanisms underpin a well-functioning labour market by upholding the employment rights of workers and protecting organizations from operating on an uneven playing field. For example, for effective enforcement of the extant labour laws, there is a need for the Nigerian authority to create an office akin to a director of labour market enforcement saddled with setting the strategic direction of the enforcement bodies. This enforcement policy is what is particularly lacking in most of the developing nations including Nigeria.⁸⁰

8. Recommendations

In a bid to reduce NSWAs and improve the prospect of the trade unions the following measures are recommended. The unions must engage the NSWAs oriented employers in litigation and showcase their activities in the public realm. The costs of litigation and negative publicity generated may also serve as a deterrent to such employers. In addition to litigation, advocacy on workers' rights should be taken as a major plank of the work of the NGOs. The trade union movement and the civil society organizations should liaise with their counterparts in other parts of the world to campaign against those foreign companies who violate the rights of their workers in Nigeria. Consumer boycott campaigns and social labeling should be considered.⁸¹ Second, the trade unions should put their houses in order. Many of the trade union leaders' activities have been greatly marred with inconsistencies, corruption and rivalry amongst rank-and-file members, plagued with intra and inter union rivalry and poor handling of the collective bargaining process. Third, the unions should sensitize the government to reform the Labour Act especially Section 7 to criminalize casualization, introduce timeous conditions and provide stiffer penalties for any employer that indulges in casualization of work or outsourcing of employment. The French Labour Law may be used as a model. Fourthly, the federal government should be incentivized to strengthen the Labour Inspectorate Division of the Federal Ministry of Labour and Employment to ensure regular visits to corporate entities to ascertain their compliance with employment regulations in the labour laws. Legal frameworks must also be updated to ensure that precarious workers benefit from at least the same protection as all other workers. For instance, President Obasanjo's regime promoted neo-liberal policies and generous incentives which included the lowering of labour standard to attract Foreign Direct Investment. The Obasanjo's administration created an enabling business environment by entering into both bilateral and multilateral contracts on investment security, by creating the Nigerian Investment Promotion Commission (NIPC), and giving incentives such as prohibiting the activities of labour for ten years in Export Processing Zones. Such laws should be amended as recommended.

⁸⁰ USAID (n 29) 18.

⁸¹ Adewumi and Adenugba (n59) 73.