

# CASUAL WORKERS AND MANAGEMENT ADHERENCE TO LABOUR REGULATIONS: A CASE OF SOME SELECTED CONSTRUCTION FIRMS IN LAGOS STATE, NIGERIA

## Introduction

Casual work arrangement (CWAs), are widely used to describe work arrangements which do not fall within the traditional understanding or definition of employment. This term is used globally but because of the variations in national law and practice there is no internationally agreed definition of CWAs. But it will adequate to say here that they are employment not permanent in nature. The employment contract is usually fixed or predetermined and short-term. Such labour is usually required for seasonal work or work that arises periodically and continues for a relatively short period (Rojot, 1998).

Casual employment is a significant part of that group of employment arrangements that are collectively known as nonstandard, contingent, atypical, precarious and alternative work arrangements in international labour law (Kalleberg, 2000). In developed economies, casual work is used to refer to fixed contract, contract work, on-call work, part-time and temporary work (Francoise, 1998).

The common characteristic of casual 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 (Kalleberg, 2000). Hence the traditional work arrangements were the basis of the framework within which labour law, collective bargaining and social security systems developed.

In Nigeria this form of employment is not usually part-time or temporary; it is usually a long-term employment (Danesi, 2011). CWAs in Nigeria differs from standard or permanent traditional form of employment only in the sense that it does not confer on the employee benefits such as pension, gratuity benefits, medical care, job security, and the right to freedom of association. There is no direct statutory provision covering or defining CWAs in Nigeria. This form of work arrangements are referred to as casual work under the general term, “casualization”.

Casual work has always existed for particular jobs therefore it is not a new development. However, it is the form that it has taken in the last two decades that is different and problematic. In the past, such labour was required for seasonal work or work that arises periodically and continues for a relatively short period. This work arrangement was predominant in the construction industry and it was mainly for the unskilled in Nigeria. However, today both the skilled and the unskilled are engaged as casual workers in the informal sector, the organized private and public sectors of the economy. The practice of engaging casual workers in Nigeria for permanent positions has been referred to as “casualization”. It remains a practical option as well as a socio-economic necessity to cut costs and remain competitive in an environment of increasing competition, cost minimization and flexibility.

The ILO convention concerning fee-charging employment agencies came into force on the 8<sup>th</sup> of July 1951 (ILO, 2001). Article 3 of the convention states that all fee-charging employment agencies conducted with a view to profit shall be abolished with a limited period of time determined by a competent authority. Article 1 of the same convention on “fee-charging employment agencies” means employment conducted with a view to profit, that is any agency or organization which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker.

It is important to note that Nigeria did not ratify this convention or the Private Employment Agencies Convention of 1997 (No.181).

The second type of casual, although employed directly by the company requiring his/her services has, salaries fixed solely by the “benevolent” employer. As observed in the first case, the worker does not negotiate his salary, and consequently is not entitled to benefits like leave period, pension and sick pay, even though he/she is affected directly by convention No\96. Closely associated with the above is the ILO convention concerning freedom of association and protection of the rights to organize. Article 5 states that “workers organization shall have the right to establish and join federations and confederations and any such organization; federation and confederation shall have the right to affiliate with international organizations of workers” (ILO, 2000).

By Article 11, it is imperative for member countries to “take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize”. This right is enshrined in the provisions of section 40 of the 1999 Constitution of the Federal Republic of Nigeria. The fact remains that casual workers are not allowed the freedom of association and protection, and the right to organize themselves (Rasak, 2011).

Clearly associated with the above is the convention No. 98 concerning the application of the principles of the right to organize and bargain collectively, which came into force on 18<sup>th</sup> July 1951 (ILO, 2000). Article 1, it states that “workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment”. Such protection shall apply more particularly in respect of acts calculated at the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership, dismissal of or other wide prejudice a worker by reason of union membership or because of participation in union activities outside working hours or with the concern of the employer within hours.

By Article 2, workers organizations shall enjoy adequate protection against acts of interference by each other or each other’s agents or members in their establishment, functioning or administration. Convention No. 96 of the international labour conference declares that all members, even if they have not ratified the convention have an obligation, arising from the very fact of membership in the organization, to respect, to promote and to realize in good faith and in accordance with the constitution, the principle concerning the functional rights which are the subject of these conventions.

The ILO conventions have been consistent with the use of the word “worker”. In other words, there is no distinction between a temporary, casual, contract or permanent worker (Okafor and Rasak, 2015). It follows, therefore, that the classifications or divisions made so far are for the purpose of stripping the worker of his rights. A primary employer paid a fee determined by both parties. A close observation revealed that individual who retired from the service of the secondary employers usually set up labour contracting companies. It is very sad, however, to note that a practice (casualization) embraced by the construction industry in Nigeria today has been condemned by the ILO since 1951.

## Regulations Guiding Recruitment of Casual Workers and Challenges faced by Nigerian Labour Congress (NLC)

The fundamental aims and objectives of the NLCs are to protect defend and promote the rights, well-being and the interests of all workers, pensioners and the trade unions; to promote and defend a Nigerian nation that would be just, democratic, transparent and prosperous and to advance the cause of the working class generally (NLC, 2002). The Nigerian Labour Congress, as the umbrella body representing all workers in Nigeria, has been involved in the struggle against casualization. The congress acknowledges that casual employment cuts across all industries and institutions (private and public) which are against the provision of the law. It notes that it is however more prominent among multinational companies.

The practice of casualization affects union membership, its mobilizing capacity and check off dues from the large number of workers in the system that cannot be unionized. The NLC started the campaign for de-casualization late 1999 owing to their proscription by the military juntas (Rasak, 2011). However, in 2001 the NLC set up committees on casualization and, at a summit, the following year, all employers agreed to implement the law on casualization and to liberalize their employment policy. Some of the strategies that the NLC used includes, industry-wide picketing in order to sensitize the public; presentation of papers at seminars and conferences and through various publications from the Congress (NLC, 2002).

With support from the Solidarity Centre, the NLC created a multi-union anti-casualization task force to combat the flagrant anti-union practices. Through this task force, the NLC and its affiliate unions have organized more than eight thousand workers, many of whom have received increased benefits as permanent workers. However, Owoseye and Onwe (2009) opine that picketing has not yielded the desired result, as the incidence of casual staffing continues.

Some employers misunderstood the reasons for the labour action against casual employment and before the commencement of the picketing activities; meetings were held with the employers through their central organization: the Nigeria Employers' Consultative Association (NECA), to clarify and share opinions on the illegality of casual labour and why they must regularize the employment status of such workers.

Casual workers are not entitled to be part of any trade unions as they are not fully employed. This has been affecting the way the employers treat their staff and the struggles for a decent workplace by the trade unions (Owoseye and Onwe, 2009). Nigeria Employers' Association (NECA) according to Owoseye and Onwe (2009) claimed that "the organization perceives the use of casual staff by most companies as illegal, as it is against the labour law in the country". They were of the opinion that casual staff can be employed by a company if the contract will not exceed the three-month agreement. The employer is expected to give a contract letter to the individual, stipulating the terms of employment. Although the organization is aware that some employers engage in the act, the organization try as much as possible to dissuade their members pleading morality, as they know it is an illegal act.

The organization tries to work hand in hand with the union to dissuade their members from engaging human capital for more than three months as casual staff; and is aware that casual employment is taking place in the country but most of the companies perpetrating the offence are not members of the organization, so this has limited what the organization can do about it. The organization has always advised their members to make permanent their casual staff by giving them a contract letter if they feel their services are still required or let them go if they cannot engage them. However, it is argued that picketing of companies by the unions to dissuade the use of casual workers in the country is not the solution to the problem, as this has not stopped the act, Although it is the responsibility of the union to watch out for the workers, they can only get a concrete achievement with the support of the government.

The non-coverage of casual workers in the Nigeria Labour Law implies that workers are not within the formal regulatory framework of government. As a result, many construction firms operating in the country have used the opportunity to perpetrate inhuman practices with regards to their indigenous workers. Casualization as a practice in the construction sector has grown into a level in which employers tend to justify it with a lot of economic assumption backed up with statistics primarily for profit maximization.

The desire of the labour union, however, has been that a worker should be given decent jobs with good pay to enhance the dignity of human labour (Okafor, 2005). Employers in Nigeria try to

increase profits and cut labour costs by getting around a 90-day hiring limit for casual workers through casualization. They may fire (and then immediately rehire) a worker just before the 90 days run out, or they may ignore the law altogether, knowing that enforcement will be feeble or non-existent (Okafor, 2005).

Once employed, casual workers are made to sign the “yellow dog” contract, which is a compulsory undertaking not to join labour unions while in employment. This practice violates the ILO conventions and the principle of business ethics concerning the right of association as stated in the Nigerian labour law. The subsection shows the casual workers’ reaction towards management adherence to regulations guiding the recruitment of casual workers.

## Theoretical framework

In this study the prevalence of casualization of workers in construction firms is anchored on Labour Market Segmentation Theory; while workers’ perception of their working conditions is anchored on Rational Choice Theory. Conceptually, labour market segmentation theory argues that political and economic forces encourage the division of the labour market into separate submarkets, or segments, distinguished by different labour market characteristics and behavioural rules. Segmented labour markets are thus the outcome of a segmentation process (Reich, Gordon and Edward, 1973).

Segments may cut horizontally across the occupational hierarchy as well as vertically. The present labour market conditions can most usefully be understood as the outcome of two segmentation processes-primary and secondary segments. The primary and secondary segments are differentiated mainly by stability characteristics. In primary segment, jobs require and develop stable working habits, skills are often acquired on the job, wages are relatively high, and job ladders exist; while, in the secondary segment, jobs do not require and often discourage stable working habits; wages are low, turnover is high, and job ladders are few (Reich, Gordon and Edward, 1973).

Moreover, primary jobs are rationed, that is, not all workers who are qualified for primary sector jobs and desire one can obtain one. Also, the sector of the labour market in which an individual

is employed directly influences his or her tastes, behaviour patterns and cognitive abilities (Gordon, 1998).

On the other hand, rational choice theory focus is on actors. Actors are seen as being purposive, or as having intentionality. That is, actors have ends or goals toward which their actions are aimed. Actors also are seen as having preferences. Rational choice theory is concerned with the fact that action is undertaken to achieve objectives that are consistent with an actors' preference hierarchy (Ritzer, 2008).

Rational action theory takes into consideration at least two major constraints on action. The first is the scarcity of resources. Actors have different resources as well as differential access to other resources. For those with lots of resources, the achievement of ends may be relatively easy. However, for those with few, if any, resources, the attainment of ends may be difficult or impossible.

Related to scarcity of resources is the idea of opportunity cost (Friedman, 1988). In pursuing a given end, actors must keep an eye on the costs of forgoing their next-most-attractive action. An actor may choose not to pursue the most highly valued end if his/her resources are negligible, if as a result the chances of achieving that end are slim, and if in striving to achieve that end he/she jeopardises his/her chances of achieving his/her next-most-valued end. Actors are seen as trying to maximise their benefits, and that goal may involve assessing the relationship between the chances of achieving a primary end and what that achievement does for the chances of attaining the second-most-valuable objective.

In the case of casual workers, their actions can be expressed from the context of whether they will prefer to work as casuals or to remain unemployed. For some individuals, casual work may be the means of entering or re-entering the workforce, a stepping stone to more stable employment or a desired short-term employment opportunity.

To gain adequate understanding of the current state of casual workers in the construction industry in Nigeria, focus should be on the aggregate of casual workers' perception which gives construction firms in Nigeria its true character. This refers to casual workers' perceptions and

reactions to the quality of services they receive from construction industry operators; the utilisation, benefits and challenges of casual workers will determine whether or not the sector will be adjudged to be efficient. It is obvious that rational choice theory provides the clear picture of labour segmentation in terms of micro analysis of the macro level of the use of casual workers in construction firms in Nigeria.

## Research design

Their search designs for the study were both survey and exploratory in nature. The study was conducted in Lagos, Nigeria. Lagos State was created on May 27, 1967 by virtue of State (Creation and Transitional Provisions) Decree No. 14 of 1967, which restructured Nigeria's federation into 12 states. Prior to this, Lagos Municipality had been administered by the Federal Government through the Federal Ministry of Lagos Affairs as the regional authority, while the Lagos City Council (LCC) governed the City of Lagos. Equally, the metropolitan areas (Colony Province) of Ikeja, Agege, Mushin, Ikorodu, Epe and Badagry were administered by the Western Region.

The state took off as an administrative entity on April 11, 1968, with Lagos Island serving the dual role of being the State and Federal Capital. However, with the creation of the Federal Capital Territory of Abuja in 1976, Lagos ceased to be the capital of the State, which was moved to Ikeja. Equally, with the formal relocation of the seat of the Federal Government to Abuja on 12th December, 1991, Lagos ceased to be Nigeria's political capital. Nevertheless, Lagos remains the nation's economic and commercial capital. Lagos being the commercial nerve centre of Nigeria, houses a lot of construction firms. Lagos State was, therefore, purposively selected because of the high concentration of construction firms in the state.

Using such criteria as length of involvement in the sector; national visibility, number of permanent workers, average number of contracts per annum and capacity measured by possession of equipment, technical know-how and networking (NIPC, 2015), the following firms were selected using a scale of 10 in terms of capacity.

Table 1: Distribution of selected Firms by scale and capacity

FIRMS	SCALE	CAPACITY	Nationality
A	Large	8 Point	Multinational / Foreign
B	Medium	6 Point	Multinational / Foreign



C	Small	4 point	National / Indigenous
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Source: (NIPC, 2015)

The choice of the construction firms is a product of the fact that the major firms in this sector are multinational concerns or foreign firms and are likely to have casual workers. Thus, one should expect to see the impact of casualization on casual workers as they are either expectedly run on dictates of their headquarters or on some global template. In addition to the multinational firms, one indigenous construction firm was selected in order to achieve some form of balance in opinion and establish validity.

In order to gather the information required, the study targeted workers employed as casuals, the management staff in the selected construction firms (representing management); middle cadre workers (representing supervisors and foremen in the selected firms); officials of the National Union of Construction Workers (NUCW) (workers representatives) and Ministry of Labour and Productivity in Nigeria.

In this research work the researcher studied the above three firms engaged in road construction in Lagos, Nigeria. The respondents chosen were purposively selected using the staff records at the personnel office. Records from the administrative and personnel departments of the firms showed that Firm “A” in Lagos had staff strength of 694 casual workers on all sites; Firm “B” had 346 casual workers on all sites; while Firm “C” had 60 casual workers on all sites as at the time of this research. The approximate sample size used for the study was 1076. The distribution of the sample size was based on the proportion of casual workers in each of the selected construction firms; hence, the distribution of selected sample of 679 for Firm “A”, 338 for Firm “B” and 59 for Firm “C”, respectively.

To address the specific objectives of the study, copies of the questionnaire were administered to 1076 casual workers in the selected construction firms and 29 in-depth interviews. Out of the 1076 copies of the questionnaire, 1060 copies were returned, which translates to 98.5% response rate. Out of the 1060 copies returned, 107 copies were not duly completed and so could not be used for analysis. A total of 953 copies which were duly completed, were analysed for this study. Quantitative data were analysed using descriptive analysis, while qualitative data were content analysed.

## Result of findings

### Socio-economic and demographic characteristics of the respondents

The result for the study, as presented in Table 2 below showed that 79.4% of the casuals were males, while 20.6% were females. This may be due to the fact that men are expected to be breadwinners in the family, also the type of work done in these firms require working with equipment that are heavy, hence the preference for male over female casuals by the management of the selected firms. This finding supports the existing literature and statistics on male dominance in most firms where casuals are employed, as observed by Okafor (2010), in his study on casual workers in three Asian firms in Lagos, Nigeria.

Furthermore, majority of the sampled population were Yoruba (65.5%) despite the fact that Lagos State is a cosmopolitan city and a settlement for all ethnic groups in Nigeria. This could be attributed to the fact that it is within their territory these firms were located.

However, the Igbo, another dominant and highly-migrant ethnic group in Nigeria, constituted 16.3%; the Hausa constituted 15.6%, while others, like the Ijaw, Edo, Efik and Urhobo constituted the remaining 2.6%. Also, very few of the respondents 12.4% possessed university degrees. This confirms the observations of Okougbo (2004) and Adenugba (2006) that some casual workers in Nigeria had university degrees and other higher qualifications that would have enabled them to get permanent jobs. This trend in the country could be as a result of the global economic and employment crisis that have continued to threaten the future of workers all over the world, particularly in developing nations, like Nigeria.

The result further showed that sizeable amount of casuals 46.4% were earning a monthly income of N18, 000 and above, while the minority 2.8% earned less than N13, 000. This shows that the salary structure in the construction firms is poor and this may likely be as a result of the construction firms having to cut operational cost, especially salary and allowances of the casual workers in order to remain in business. By every standard, this amount is meagre, considering the cost of living in Nigeria.

Variables	Firms (F= 556)	Frequency (F= 338)	Frequency (F=59)	Total (F= 953)
Sex	A	B	C	
Male	432 (77.7%)	298 (88.2%)	27 (45.8%)	757 (79.4%)
Female	124 (22.3%)	40 (11.8%)	32 (54.2%)	196 (20.6%)
Age	A	B	C	
18-24	105 (18.9%)	70 (20.7%)	10 (17%)	185 (19.4%)
25-31	275 (49.5%)	193 (57.1%)	38 (64.4%)	506 (53.1%)

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<sup>2</sup> Pseudonyms (A, B, C) have been assigned to these three firms to conceal their real identities and maintain confidentiality of information obtained as required by the ethical consideration.

Table 2 Distribution of the Casuals' Socio-economic and Demographic Characteristics by Firms

32-38	138 (24.8%)	72 (21.3%)	11 (18.6%)	221 (23.2%)
39-above	38 (6.8%)	3 (0.9%)	0 (0%)	41 (4.3%)
Marital status	A	B	C	
Single	210 (37.8%)	163 (48.2%)	29 (49.1%)	402 (42.2%)
Married	319 (57.4%)	148 (43.8%)	24 (40.7%)	491 (51.5%)
Divorced/Separated	27 (4.8%)	27 (8.0%)	6 (10.2%)	60 (6.3%)
Ethnic Group	A	B	C	
Yoruba	328 (59%)	250 (74%)	46 (77.9%)	624 (65.5%)
Igbo	111 (20%)	39 (11.5%)	5 (8.5%)	155 (16.3%)
Hausa	92 (16.5%)	49 (14.5%)	8 (13.6%)	149 (15.6%)
Others	25 (4.5%)	0 (0%)	0 (0%)	25 (2.6%)
Religion	A	B	C	
Christianity	434 (78.1%)	307 (90.8%)	53 (89.8%)	794 (83.3%)
Islam	122 (21.9%)	31 (9.2%)	6 (10.2%)	159 (16.75)
Educational Qualification	A	B	C	
Secondary	355 (63.8%)	240 (71.0%)	45 (76.2%)	640 (67.2%)
OND/NCE	90 (16.2%)	47 (13.9%)	9 (15.3%)	146 (15.3%)
BSC/HND	84 (15.1%)	31 (9.2%)	3 (5.1%)	118 (12.45)
Others	27 (4.9%)	20 (5.9%)	2 (3.4%)	49 (5.1%)
Length of Service	A	B	C	
Less than 3 years	305 (54.9%)	199 (58.9%)	34 (57.6%)	538 (56.5%)
3 years and above	251 (45.1%)	139 (41.1%)	25 (42.4%)	415 (43.5%)
Month Income	A	B	C	
Less-than N13,000	6 (1.1%)	18 (5.3%)	3 (5.1%)	27 (2.8%)
N13,001-N16,000	155 (27.9%)	117 (34.6%)	23 (39%)	295 (31%)
N16,001-N18,000	113 (20.3%)	65 (19.2%)	11 (18.6%)	189 (19.8%)
N18,000 and above	282 (50.7%)	138 (40.9%)	22 (37.3%)	442 (46.4%)

Source: Field Survey (2015)

## Casual workers' perception of working conditions

Table 3 below captures the casual workers' perception of their working conditions in the selected construction firms. The result showed that, in terms of wages, 65.4% described it as "good", 28.8% described it as "poor", while 5.8% were undecided. For job security, 58.4% described their condition as "good", 34% described it as "poor", and 7.6% were undecided. The result showed that 31.3% of the respondents described their overtime bonus as "poor", 64.4% described it as "good" while 4.3% were undecided. This implied that majority of the respondents view overtime bonus as one of the major coping strategies against challenges faced at the workplace.

In terms of freedom of association, 49.8% described it as good, 37.6% described it as "poor", while 12.6% were undecided on their conditions of work. Also, 33.1% of the respondents' described their present condition of work in terms of paid leave as "good", 31.3% described it as "poor", while 35.6% were undecided to describe their condition of work. Regarding relationship of the respondents with their supervisors, 34.2% described it as "poor", 59.4% described it as

“good”, while 6.4% were undecided. This means that there were cordial relationship between the casual workers and their supervisor, except for firm ‘B’ where 60.9% of the respondents were of the view that their relationship with their supervisors was “poor”.

Medical care assistance was jointly perceived by the casual workers in firm ‘A’, 52.9%; ‘B’, 47.0% and ‘C’, 29.2% as “good”. Respondents from ‘A’, 15.8%; ‘B’, 6.0% and ‘C’, perceived it as “fair”, while those from ‘A’, 31.3%; ‘B’, 47% and ‘C’, 56.3% perceived it as “poor”. This result was contrary to the observations of Okougbo (2004) and Adegboro (1992) that the working conditions of casual workers in the construction industry were “poor”.

Table 3: Casual workers’ views on working conditions

Firms	A	B	C	Frequency (%)
As a casual worker, how would you describe your present conditions of work? In relation to the following:				
Wages and salary				
Response	Frequency (F= 556)	Frequency (F=338)	Frequency (F=59)	Total %

Poor	119 (21.4%)	115 (34%)	41 (69.5%)	275 (28.8%)
Good	406 (73%)	202 (59.8%)	15 (25.4%)	623(65.4%)
Undecided	31(5.6%)	21 (6.2%)	3(5.1%)	55(5.8%)
Job security				
Poor	115 (20.7%)	182(53.8%)	27(45.8%)	324(34%)
Good	412 (74.1%)	129(38.2%)	16(27.1%)	557(58.4%)
Undecided	29 (5.2%)	27(8.0%)	16(27.1%)	72(7.6%)
Overtime bonus				
Poor	145 (26.1%)	135(39.9%)	18(30.5%)	298(31.3%)
Good	399 (71.7%)	181(53.6%)	34(57.6%)	614(64.4%)
Undecided	12 (2.2%)	22(6.5%)	7(11.9%)	41(4.3%)
Freedom to join work based association				
Poor	142(25.5%)	189(55.9%)	27(45.8%)	358(37.6%)
Good	319(57.4%)	142(42.0%)	14(23.7%)	475(49.85)
Undecided	95(17.1%)	7(2.1%)	18(30.55)	120(12.6%)
Paid leave (annual leave, public holiday, sick leave, etc.)				
Poor	220(39.6%)	66(19.5%)	12(20.3%)	298(31.3%)
Good	167(30.0%)	128(37.9%)	21(35.6%)	316(33.1%)
Undecided	169(30.4%)	144(42.6%)	26(44.1%)	339(35.65)
Relationship with Supervisor				
Poor	113(20.3%)	206(60.9%)	7(11.9%)	326(34.2%)
Good	415(74.6%)	106(31.4%)	45(76.2%)	566(59.4%)
Undecided	28(5.1%)	26(7.7%)	7(11.9%)	61(6.4%)
Considering all the aspects of working condition described above how would you evaluate your Medical assistance				
Poor	189(31.3%)	142(47%)	27(56.3%)	358(37.6%)
Good	319(52.9%)	142(47%)	14(29.2%)	475(49.8%)
Fair	95(15.8%)	18(6.0%)	7(14.5%)	120(12.6%)

Source: Field survey (2015)

In the course of In-depth interview (IDIs) with a management staff from firm ‘A’, she described the working conditions of the casual workers as “good”, For instance she said:

We don’t consider our workers as casual workers. Every worker is treated well, and that is why we have made impact for the past 43years. The working hour is between 7am to 4pm. If there is need to work overtime, i.e. during holiday period or work up to 6pm, the worker will be remunerated appropriately (IDI/Female/Public Relations Manager/Firm A/2015)

From the above submission by the manager, it is evident that this manager had put up effort in her attempt to justify the position of her firm, in relation to working conditions of the casual workers. Reaffirming this, a 35-year old casual worker from Julius Berger said:

Our condition of work here is Ok. We are paid as at when due, at every 27<sup>th</sup> of every month the alert comes to you. We choose the hospital we want; there is a scheme for casual workers health and children below 18 years enjoy such health benefit and also we have union, Whenever there are issues concerning the workers and management, the first point of call is Personnel Manager, and if the worker is not satisfied, he/she will have to bring the union leaders in (IDI/Male/Casual/Firm A/2015)

The responses above, reveals that most casual workers in this firm considered their working condition as decent and saw themselves as belonging to work-based association or union, since they paid their union dues.

There is a great diversity in labour standards in the selected firms, especially between the multinational construction firms in terms of the kind of incentives offered to workers. Size variation and duration of existence of the firms may determine the kind of incentives and working conditions offered to casual workers. That is, though casualization may be said to have existed in principle, it is limited in practice. The finding here was not consistent with the findings of Hampton, (1988), Buckley and Endewuik, (1989), Hallenbradth and Cannon (1989), Okougbo, (2004), Bhorat and Hinks (2006), Cheadle (2006) and Fapohunda, (2012). They observed that casual workers did not belong to union or work-based associations and considered their working conditions as poor.

Table 4: Casual workers' reaction towards management adherence to regulations guiding the recruitment of casual workers in the construction firms

Response	Firm (A)	Firm (B)	Firm (C)	Frequency %
<b>Whether the Management is aware of the regulations guiding hiring of casual workers in Nigeria?</b>				
Response	Frequency (F=556)	Frequency (F=338)	Frequency (59)	Total (953)
<b>No</b>	541 (97.3)	331 (97.9)	48 (81.4)	920 (96.5)
<b>Yes</b>	6 (1.1)	4 (1.2)	7 (11.9)	17 (1.8)
<b>Undecided</b>	9 (1.6)	3 (0.9)	4 (6.7)	16 (1.7)
<b>Are there reforms put in place by Management to address the issue of casual employment in the construction firms?</b>				

The table above shows that majority (96.5%) of the respondents indicated that they were not aware of regulations guiding recruitment of casual workers in Nigeria; 1.8% indicated that they were aware of them, and 1.7% were undecided. This suggests that the casual workers were not aware of their rights concerning recruitment and so could not, by any mean, determine what their conditions of service should be.



A 28 year old female casual who worked for Firm C Limited buttressed this finding during an IDI session. She averred that;

Sincerely I have not heard about any regulation concerning hiring of worker. All I know is that I was unemployed and I came here for a job and they offer me the job of a time keeper. They also told me how much I will be paid, when to resume duty and when to close for the day (IDI/Female/Casual/Firm C/2015)

The implication of this is that the casual workers were not aware of the regulations guiding recruitment of workers, so, were not in a better position to bargain for better conditions of work. This is corroborated by the fact that, a total of 97.2% of the respondents indicated that they were not aware of any reform put in place by the management to address the issue of casual employment in the firm, while only 0.73% indicated otherwise. Furthermore, most of the respondents, 93.6% described the management position toward the application of labour law during recruitment of casual workers as “poor”; while 0.7% described it as “good”. On whether the firms used employment agencies for workers recruitment, 89.3% of the respondents indicated that they were not aware, while 2.2% indicated that the firms used employment agencies only for recruitment of management staff.

The respondents were also asked if the firm is governed by the International Labour Organization (ILO) employment procedures which took effect in 1998 and state that: “Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work”. The study revealed that 93.8 % of the respondents were of the opinion that the firms did not support the International Labour Organization (ILO) recruitment procedures, while 4.1% thought otherwise. This is in line with the opinion of 96.5% of the respondents who indicated that they were not aware of regulations guiding recruitment of casual workers in Nigeria.

This implies that the respondents were not able to differentiate between the International Labour Organization (ILO) recruitment procedure and that of regulations guiding recruitment of casual workers in Nigeria, which enjoin the state parties to ensure that its citizens have the right to work, and are entitled to equal pay for equal work, that there should not be any form of discrimination in employment between permanent and casual workers. In addition, 97.3% of the

respondents were of the view that the management did not see adoption and application of ILO employment procedures as compulsory and therefore were not bothered by the legal implication of using casual workers in their firms, while only 2.3% indicated otherwise.

Also, the study revealed 81.1% of the respondents indicated that management makes provision for better medical assistance and safety standard, 10.1% were of the view that medical assistance were not readily available, while 8.8% were undecided. The implication of this is that most of these casual workers could be described as working in a safe and hygienic environment. This contradicts Okougbo (2004), who argues that some casual workers in Nigeria work under the conditions that are not safe and hygienic.

The finding revealed that 61.9% of the respondents were of the opinion that the management of the firms comply with the regulations guiding recruitment of casual workers, so they rated them “High”, 26.9% rated the management “moderate”; while 11.2% rated them “low”. This is further supported by the opinion of one of the management staff, who asserted that;

The ILO standard is adhered to in this firm. We are careful not to violate the labour law by the way we engaged the service of our workers, if a worker is employed, the conditions of work are spelt out in their letter of contract. We use casuals because of the nature of our job. As an indigenous firm, I can tell you that we are doing better than those foreign firms in terms of conditions of work for casual workers. We usually have visitors from the Ministry of Labour, who visit from time to time; we are also on our toes in terms of decent standard of work. We have to sometime instil discipline into the workers in order to achieve our aim. These sometime do not go down well with the casual workers. The management will continue to do it best to improve the workers working conditions (IDI/Male/Manager/Firm C/2015)

Reacting to this, a union representative from Firm A said:

The union usually engages the management and it has successfully got the management to build clinics on all sites which offers first aid to injured workers (IDI/ Male/Union Member/Firm A/2015)

Therefore, it is evident that most construction firms need to work together with the workers’ representatives to seek ways to regularize casual workers’ employment. In regularizing their employment, the rates to be paid will be in accordance with the prevailing procedural and substantive collective agreements. This will protect the rights of the workers.

## Conclusion and Recommendations

It is concluded that most casuals were employed into the firms through a direct mode of recruitment. What this implies is that casual workers who were employed directly by the firms are most likely to enjoy some kind of incentive. There were no direct employments letters from the management of the firms. This is contrary to section 7(10) of the labour Act, Cap 198, laws of the Federation of Nigeria 1990, which provides that: “Not later than three month after the beginning of a worker’s period of employment with an employer, the employer shall give to the worker a written statement specifying: the terms and conditions of employment, which include the nature of the employment and if the contract is for a fixed-term, and the date when the contract expires”.

Also in spite of the provision in section 17(e) of the Constitution, which guarantees “equal pay for equal work without discrimination on account of sex, or any other ground whatsoever,” the discrimination in pay between permanent and casual employees still persisted. That these firms recruit all the time is a clear indication of the seasonal nature of the construction industry, which determines the kind of working conditions enjoyed by the casual workers. The casual workers’ perception of their working conditions as well as their levels of job satisfaction and work commitment may differ from one person to another, but they all rest on the prevailing objective and the social and economic conditions in which the casual workers find themselves.

## Policy recommendations for the government

The study has revealed that generally, the laws governing employment and rights of workers are inadequate. The prevailing labour practices in construction sites in Lagos State, Nigeria are humiliating to the casual workers. In view of this, the government should:

- a. Visit the sites regularly and ensure the enforcement of all laws governing employment Procedures and rights of workers on construction sites.
- b. Create awareness among construction workers of the laws governing their employment rights.
- c. Ensure that contractors allow the creation of trade union branches and workers’ associations at construction sites and support their activities in line with the relevant laws.

- d. Ensure that clauses on health and safety, welfare facilities, working duration and remuneration packages are incorporated in the Conditions of Contracts for Work and enforced for the well-being of the casual workers.

### Policy recommendations for the management

- a. The management should implement proper human asset management practices to reduce high rates of unscheduled turnover, for example by integrating casual workers into the firm.
- b. The management should offer induction and investment in skills of casual workers by training them in order to increase their productivity in the firm and increase their motivational levels. This would enhance the casual workers' commitment to their work.
- c. Given the increasing tendency by managements to use casual workers to reduce labour costs, opportunities for abusing them abound. To curb this, there is a need to organize casual workers, make sure they are represented by workers' representatives and included in the collective bargaining process and agreements.

## References

1. Adegboro, T.A. (1992), Construction industry in Nigeria. *The Nigerian Quantity Surveyor* (Journal of the Nigerian Institute of Quantity Surveyors), Volume 14:4
2. Adenugba, A.A. (2006). Economic Globalization and trade unionism in Nigeria: A case study of the Nigerian Labour Congress (NLC), A *Ph.D. Thesis submitted to the Department of Sociology*, University of Ibadan.
3. Buckley, P.J. and Enderwick, P., (1989), Manpower Management. In Hillwebrandth, P.M. and Cannon, J. (eds), *The Management of Construction Firms: Aspects of theory*. London: The Macmillan Press Limited.
4. Cheadle, H. (2006). Regulated flexibility: Revisiting the LRA and BCEA concept. *Paper Unpublished* Mimeo: University of Cape Town.
5. Danesi, R. A. (2011). Nonstandard Work Arrangements and the Right to Freedom of Association in Nigeria. *IIRA Regional Conference Lagos 2011*.
6. Fapohunda, T. M. (2012). Employment Casualization and Degradation of Work in Nigeria. *International Journal of Business and Social Science*, Vol. 3 No. 9, pp. 257-267.
7. Francoise, J.C. (1998). "Temporary and Contracted Work in the United States: Policy Issues and Innovative Responses" in Changing Labour Market and Gender Equality: The Role of Policy. *Economic Co-operation and Development (OECD)*, the Ministry of Children and Family Affairs and the Ministry of Labour and Government Administration held in Oslo, Norway.
8. Friedman, D. (1988). *The Misunderstood Miracle: Industrial Development and Political change in Japan*. New York: Cornell University Press.
9. Gordon, M. (1998). *Labour Market Segmentation*. Dictionary of Sociology.
10. Hallenbrandth, P.M & Cannon, J. (1989). *The Management of Construction Firms: Aspects of Theory*. London: Macmillan Press Limited.
11. Hampton, D.R. (1988), *Inside Management: A selection of Readings from Business Week*. New York: McGraw-Hill Book Company.

12. International labour organization (2000). *Decent work in global economy*. Discussion paper No 1 Geneva: international labour office.
13. International labour organization (ILO) 2001. *World employment*: Geneva
14. Kalleberg, A. L. (2000). "Nonstandard Employment Relations: Part-time, Temporary and Contract work", *Annual Review of Sociology* 26: 341-65.
15. Nigerian Investment Promotion Commission (NIPC) (2012). Corporate Guides International Ltd.
16. Nigerian Labour Congress (NLC) (2002). Labour facts sheet. March-April 2002 vol.7:1
17. Okafor, E.E. (2005). "Globalization and Work: The Nigerian Experience", *Journal of Society, Development and Public Health* 2(1):21-47.
18. Okafor, E.E. (2010). Sociological Investigation of the Use of Casual Workers in Selected Asian Firms in Lagos, Nigeria. *Ibadan Journal of the Social Sciences*. Vol. 8.No. 1 pp. 49- 64.
19. Okafor, E.E. and Rasak, B. (2015). Casual Employment – A Nostrum to Unemployment in Nigeria. *Fountain Journal of Management and Social Sciences*, Vol. 4(2), 100– 112. [www.fountainjournal.com](http://www.fountainjournal.com)
20. Okougbo, E. (2004). *Strategic issue on the dynamic of industrial relations: theory and practice*. Lagos: Wepoapo Enterprises.
21. Owoseye, A. and Onwe, C. (2009). Recession: Temporary employment the toast for employer. 234 *NEXT*, Lagos.
22. Rasak, B. (2011). Casualization and Labour Utilization in Nigeria. *Journal of International Labour Organization (ILO)*. Vol. 6:5, pp 1-35. [www.ilo.org](http://www.ilo.org).
23. Reich, M. Gordon, D.M., and Edward, R.C. (1973). A Theory of Labour Market Segmentation. *The American Economic Review*, Vol. 63, No 2, pp.359 - 365.
24. Ritzer, G., 2008. *Sociological theory*. 7<sup>th</sup> edition, McGraw-Hill.
25. Rojot, S. (1998). Statistics for Growth in Contract and Casual Labour in "Working Time in Industrialized Countries: The Recent Evolution" Comparative Labour Law and Industrial Relations in *Industrialized Market Economies* 7th edition p. 452