



Regulating Casual Employment in Nigeria: Lessons from other Countries

¹Yunusa Abdullahi (PhD), ²Ejalonibu Ganiyu Layi (PhD) & ³Ndanusa Mohammed Manzuma(PhD)

^{1, 2 & 3} Department of Democracy and Governance (DDG), National Institute for Legislative and Democratic Studies, National Assembly, Abuja, Nigeria

Corresponding Author: yunusaabdullahi@Ymail.com

Abstract

Casual and contract employment with poor working conditions has continued to increase at an alarming rate in Nigeria. This study reviews the casualization of employment in Nigeria within the context of existing labour legislation in the country. The study is a desk research study that reviewed existing/proposed legislation and previous research findings to achieve its objective. The study adopted the neo-liberal theory and the social action theory as a theoretical guide to explain the casualization of employment. The study found that existing labour laws in Nigeria did not contemplate the existence of casual workers and therefore did not provide for its regulation. The study further found that three Bills to regulate casual employment in Nigeria are currently under consideration in the 9th National Assembly. Based on the identified weaknesses in the on-going proposed legislation, the study recommended options to regulate casual employment in Nigeria based on lessons from the European Union, China, and Ghana.

Keywords: Casual work, casual employment, labour laws, casualization of employment, Nigeria Labour Congress

Introduction

Casual and contract employment with poor working conditions has continued to increase in Nigeria at an alarming rate. The practice knows no bounds as employers now employ both skilled and unskilled casual workers in the private and public sectors, including some state governments in Nigeria. This is because casual employment, employment agency, and labour outsourcing are unregulated in Nigeria. Consequently, the casualization of employment has become a scourge in the

country. Labour brokers recruit, exploit, and freely recycle casual workers among their numerous client companies (Atilola, 2014).

The rise of casualization of employment in Nigeria began in the 1980s in the private sector of the economy, especially in the oil and gas companies, banking industries, and multinational corporations (Alozie, 2009). It is difficult to give accurate statistics of the number of casual workers in Nigeria because no official statistics show the extent and trends of casualization (Fajana, 2005).

Regardless, according to Animashaun (2007), some organizations have about 60 to 90 percent of their employees as casuals. In fact, in some companies, one can get workers as many as 2000 out of which about 1500 are casual workers (Okafor, 2010).

While in some local industries in the informal sector, it is possible to get a situation whereby virtually all the workers are casual (Okafor, 2010).

Indeed, in 2018, the Nigerian Labour Congress (NLC) reported that 45 percent of the entire working population in Nigeria are casual workers (The Nation, 2018). Similarly, earlier in 2014 the organized private sector unions released alarming data indicating that over 70 percent of Nigeria's workforces in the private sector are casual workers (Editorial of Blueprint, 2014). While in the month of August 2021, the President of the Association of Senior Staff of Banks, Insurance, and Financial Institution (ASSBIFI) decried the increasing level of casualization in Nigerian banks. That 80 percent of workers in Nigerian banks are casual workers (Ojizel, 2021).

From 2018, casualization of employment has also become a common practice at the state government level in Nigeria. Reports have it that state governments are resorting to the casualization of workers and other non-pensionable employment as part of strategies to cut down overhead costs. The level of casualization of workers varies from one state to the other. However, it is more prevalent in states like Kwara, Bauchi, Ondo, Lagos, Osun, Jigawa, Adamawa, Katsina, Delta, Cross River, Bayelsa, and Yobe with some having up to 5000 casual workers (Special Report, Vanguard, 2018).

The rise of casualization of employment in Nigeria is due to attempts to reduce operational costs and remain competitive in an environment of continuous increase in the cost of operation (Danesi, 201). While this practice has favoured employers, casual employment presents a range of problems for casual workers. These problems include unequal pay for the same value of work as their regularly employed counterpart, denial of employees' benefits, exclusion from the protection of labour legislation and trade union affiliation, lack of job security, workplace discrimination, and exposure to other forms of unfair labour practice.

Based on the above background, this study seeks to review the casualization of employment in Nigeria within the context of existing labour legislation in the country. In the hope that the recommendations will present the best alternative to regulating casual employment in Nigeria based on lessons from other countries.

Literature Review

Casualization of Employment

Scholars have argued that defining casualization in a labour market is problematic (Bhorat & Hinks, 2006). Some of the factors that compound this problem are "issues of hours of work, type of employment contract, who pays the employee, non-pecuniary benefits and whether working in the formal or informal sector; this simply means several definitions can be adopted" (Rasak, 2011, p. 4). In a nutshell, casualization captures the phenomenal growth of nonstandard employment globally. Many labels have been used to define and explain the increase of irregular employment contracts. Theron

(2005), for instance, asserts that the ILO used various labels such as disguised employment or triangular employment relationship to define the emergence of independent contractors, sub-contractors, home-based workers, and all manner of ‘informalized’ work.

According to Collins English Dictionary (2014), casualization of employment is a 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 (Rojot, 1998). Kalleberg (2000) observes that in places like Europe and United States of America casualization of employment is referred to as ‘Nonstandard Work Arrangements’ (NSWAs); and “*these work arrangements refer to fixed contract, contract work, on-call work, part-time and temporary work*” (Ibekwe, 2016, p. 79). Other categories include “day work, outsourcing, sub-contracting, homework, self-employment, zero-hour employment and so forth” (Okafor, 2012, p. 93). Based on the above, Ibekwe (2016) observed that casual employment has the common characteristics of being different from the traditional full-time permanent employment in terms of hours worked, job security, payment system, and even location of work. He further noted that the dominant feature of industrial relations in most economies for much of the twentieth century is casualization of employment. Consequently, the traditional employment of permanent full-time employment with one employer until retirement has given way to less stable and often vulnerable forms of employment. In addition, casual employees are often

denied the traditional protections afforded to permanent employees.

Some scholars argue further that casualization may be linked to under-employment. This is so because international literature often uses it loosely refer to the spread of bad working conditions such as employment insecurity, irregular work hours, intermittent employment, low wages, and absence of standard employment benefits (Rasak, 2011; Bodibe, 2007; Basso, 2003). Casualization is increasingly becoming a usual and constant language of labour relations. Though the meanings may vary but there exists a common feature as may be used in different occasions. According to Bodibe (2007), casual labour means work carried out within a defined period, especially during peak business periods. That during these periods workers are employed to supplement full-time employees, particularly in the retail business, however, the situation is different now. Today, casualization of labour steals the sanctity and the dignity of labour because workers who engage in such casual are treated as sub-humans at their place of work; in most times the working environment may be deplorable but they are expected to produce maximum results (Odiase, 2021).

Odiase (2021) thus asserted that casualization of labour is a form of modern-day slavery binding on all who engage in it. Unfortunately, more and more of the workforce are employed in casual jobs. It is now a corporate trend to hire and keep workers on temporary employment rather than permanent employment, even for years, as a cost reduction measure.

Casualization in Nigeria has come to mean work arrangements that have bad working conditions such as job insecurity, low wages, and lack of employment benefits that accrue to permanent employees as well as the right to unionize. In addition, casual workers can be dismissed at the will of their employer without notice and redundancy pay or severance benefit. It is an unprotected form of employment that does not have the statutory protection available to permanent employees. Nevertheless, the expression “casual worker” is considered derogatory, therefore the practice in Nigeria is for casual workers to be labelled contract staff. Thus Nigerian banks and oil and gas companies that use casual workers refer to them as contract staff (Lala, 2020).

Casual workers

The term “casuals” has been described as workers who have an explicit or implicit contract of employment which is not expected to continue for more than a short period, whose duration is to be determined by national circumstances (International Labour Organization, 2007). This ambiguous definition has led to varying definitions of casual and contract workers and their rights with different legal implications. Casual workers are deprived of employment benefits such as sick leave, gratuity and pension. In addition, when a casual worker falls sick or falls short of his target he or she can be replaced by the employer. What this means is that casual workers are reduced to mere tools of production. O'Donnell (2004) asserts that from a legal perspective a casual employee is a worker that is engaged for a period of

fewer than six months and is paid at the end of each day's work. From this perspective, therefore, a casual worker may be seen as an employee that works in the informal sector, either as an employee of an employer or self-employed, or a formal sector employee with a temporary or seasonal employment contract or a part-time employee in the formal sector.

It is therefore expected that casual workers are those engaged in piece work or short-term construction work or seasonal work, among others. However, this is not the practice because casual works are today commonly understood as works that attract an hourly rate pay with very few of the other rights and benefits, such as the right to notice, the right to severance pay, and most forms of paid leave, such as annual leave, public holidays, sick leave, maternity leave, among others. According to Okafor (2007) some losses suffered by casual employees are lack of promotion at workplace, low

wages, absence of job security, no gratuity, lack of medical care allowances, and other severance benefits, no freedom of association, no leave and leave allowances, the lack of power for collective bargaining agreement, and lack of death benefits and accident insurance at work.

Theoretical Framework

Two views have emerged in recent times as serious explanations of casualization of labour which we have identified as the Neo-liberal theory and the Social Action theory. These theories were selected because no one single theory will be adequate to explain in totality the reasons casualization of

employment is on the rise and is more preferred now than standard employment.

Neo-Liberal Theory: This theory is an offshoot of Economic Liberalism coined in 1938 and came into use in the 1960s (Razak, 2011). The theory redefines classical liberalism influenced by the Neo-classical theory of economies. The neo-liberal theory argues for minimal government regulations and interventions in the economy but supports greater participation of the private sector. The theory is associated with economic liberalization. Crotty (2000) observes that the arguments for economic liberation include greater efficiency and effectiveness that would translate to more benefits for everybody. This theory argues that for most countries to remain globally competitive, they should pursue a development driven by economic liberalization. The theory recommends partial or full privatization of government institutions and assets, greater labour-market flexibility, lower tax for businesses, less restriction on domestics and foreign capital, open market, among others, as a remedy to underdevelopment.

According to Blair (2007), only companies and countries that adapt swiftly, are slow to complain but open and willing to change will succeed. Neo-liberalism to the developing countries is more of economic liberalization or further “opening up” of their economies to direct foreign capital investments. Dumenil & Levy (2002) asserted that neo-liberalism brought about a modern financial transformation that occurred at the turn of the century. They argued that a wave of mergers followed when the new financial framework was

developed that was closely related to the economy, this established a new framework of capitalist institutions. According to Chandler (1977), the term used to account for the above transformation was ‘managerial revolution. These new procedures of management, as observed by Berle (1960), are related to the Taylorist and Fordist Organization on the shop floor; “the distance between the workers and their means of production widened, their tasks being defined by other salaried personnel”; however, the managerial revolution was also responsible for new more favourable technological trends.

From the Neo-liberal theory, employment policy has taken a Neo-liberal turn, especially in metropolitan planning strategies (Crotty, 2002). Governments at both Federal and State levels have responded to the twin imperatives of globalization. These are competitiveness in globalizing markets and the need for greater ‘flexibility’ in the labour market. Mc Guirk and O’Neill (2002) argued that due to Neo-liberalism, suburban employment policy was viewed from two lenses. Firstly, there was little attempt to coordinate urban infrastructure provision or commercial land development with employment targets. And secondly, market forces were allowed to locate new business development. More importantly, however, attention turned towards encouraging local entrepreneurship to attract the right kinds of business investment that will increase local jobs. This emphasis on business investment has manifested itself in a commitment to continuous suburbanization of employment opportunities. This was necessary so that the stock of jobs keeps pace with the rapid growth of the residential labour force and

also improves relative employment 'self-sufficiency'. In addition, Neo-liberals are committed to reducing over-dependence on jobs in the transport, construction, and manufacturing sectors that are vulnerable to long-term job retrenchment, instability, and casualization (Fagan, 1994).

An important point to note here is that Neo-liberals believe that state intervention has been the main reason for the retarding economic development in the developing countries. Therefore, there is the need to unleash the market forces to address these economic problems. Consequently, Neo-liberalism is against state intervention or relative to the above, Watson (1980:49) added that despite the early interest shown by industrialist in the societal 'moral order' and overall division of labour their interest have subsequently shifted from state regulation and state economy policy making. According to Korten as quoted by Isamah (2002:128), the following are the main elements of economic neo-liberalism:

- i. Economic Globalization- This means moving towards a single integrated world Market in which goods and capital flow freely across natural borders and brings about competition, increase economic efficiency and growth, and is generally beneficiary to everyone; sustained economic growth as measured by Gross National Product is the foundation of human progress and is essential to alleviate poverty and protect the environment;”
- ii. “Localities achieve economic success by abandoning goals of self-sufficiency and aspiring to become internationally competitive in providing conditions that attract outside investors;”
- iii. “Free markets, free from governmental interference or regulation, resulting in the most efficient and socially optimal allocation of resources.”

Social Action Theory: According to Razak (2011), this theory holds out great promise to seeking sociological approach and explanation to industrial casual workers attitude and behaviour. This is so because it considers the meaningful activity of the individual, the work environment and the large scale of society. Watson (1980:49) thus added that notwithstanding the interest of the industrialist in societal 'moral order' and overall division of labour, their interest have been proved to be confined to the group or occupational levels. Watson further expressed that they have no successful related meanings at the micro levels; a concern with such relationship is basic to Max Weber (1864-1920). According to Weber (1968) sociology is the study of social action. For him, the discipline examines the ways in which people, through the attribution and influence of subjective meanings, would be influenced by each other and thereby oriented in their action. That social meanings in the wider society should be viewed through the concept of a 'legitimate order'. Weber asserted that this is a pattern in social life in which the individual actor believes to exist and which

he may confirm in his final submission. He further argued that to understand how the legitimate order becomes valid to actors it has to be seen within the human meaning, such as creating processes that have to be related to the conflicts and power struggles that take place in a world where there is a variety of material interests.

Silverman (1970) reviewed Weber's Social Action Theory and observed that through social interaction, people could modify and possibly transform social meanings, which those involved assigned to other actions. That is, the meaning people read to the situation(s) before them will determine their actions. Silvia (2003) brought the focus of social action theory closer to the casualization of employment and to what he considered as "the structurally determined imperatives of managerial control, the dynamic and the imminent process of deskilling and expectations".

Connecting the Two Theories

The Neo-liberalism ideology is visible in the behaviour of the individual, the society, and in employment. Neo-liberals perceive the world through the lenses of market metaphors. They have answers to stereotypical philosophic questions such as "why are we here?" Their answer to this is, "we are here for the market hence you should compete". These scholars further believe that humans exist for the market, and not the other way round. Thus, it is good to participate in the market because those who do not participate are failures.

From a personal ethics perspective, the neo-liberal views every human being as an entrepreneur managing their own life. Thus,

individuals choose the type of job that will maximize their potential with future employers. In addition, the concept of employability is a neo-liberal idea that is seen as a moral duty of human beings to develop themselves to maximize their advantages in the labour market. 'Workfare' neo-liberals further believe that people are categorized into two different groups; those who can participate fully in the market and those who cannot. People that cannot participate fully in the market are condemned to a service function for those people who are fully market compatible. Thus, the participation of the casual workers in the labour market is limited to accepting any work they are offered.

In essence, relating factors that surround workers beyond the work, what obtains in the place of work will allow understanding the nuanced meanings of casual workers' perception, socio-demographic status, attitude, and behaviour, and why they still engage in this Social Action. The implication from the theories of Weber, Silverman, and Sylvia relative to this study is that social relations between management staff and casual workers, the work environment, organizational processes, individual personality, and his socio-economic background are likely to affect the workers' orientation, perception and this automatically transforms into attitude and behaviour of the worker in the place of work.

Methodology

This study is a desk research study that reviews existing/proposed legislation and previous research findings to achieve the objective of the study.

Discussion/Findings**The Absence of Legislation on Casual Employment in Nigeria**

According to Ibekwe (2016) a review of existing labour laws in Nigeria reveals that the labour law did not contemplate the existence of casual workers and therefore did not provide for its regulation. Similarly, Eyongndi (2017) also noted that no legislation expressly mentioned casual workers in its definition of an employee except the Employee's Compensation Act, 2010, which interpreted an employee to include a person employed on a casual basis. Fapohunda (2012) thus asserted that the lack of a legal framework regulating the terms and conditions of casual workers and their protection probably explains the scourge of casualization of employment in Nigeria.

The implication of the absence of legislation to regulate casual employment in Nigeria is the continuous increase in the casualization of employment. On the other hand, the high level of unemployment in Nigeria will make it difficult to stop the casualization of employment. Moreover, jobs are hard to find hence casual workers prefer staying in casual employment to be able to pay for their daily needs (Kalejaiye, 2014). Given these circumstances, therefore, the Nigerian government is caught between the economic necessity to support business investments to create job opportunities and the need for legislation to regulate casual employment in Nigeria.

On-going Legislative Efforts to Regulate Casual Employment in Nigeria

Legislative efforts to address the casualization of employment in Nigeria have been on-going from the 8th National Assembly up to the current 9th Assembly. However, efforts to address it are more intensive in the 9th Assembly. While only one Bill was introduced to address casualization of employment in the 8th Assembly, three Bills are currently under consideration in the 9th Assembly.

In 2017, a Bill was introduced in the 8th Senate to address casual employment in Nigeria. The Bill is cited as 'Casualization Prohibition Bill 2017'. The long title of the Bill is "A Bill for an Act to provide for the prohibition of casualization in all employment in Nigeria and other connected purposes, 2017". The Bill sought to prevent casual employment of persons in Nigeria exceeding a period of three months, except seasonal workers in the agricultural sector. And that after three months casual workers shall be granted full and permanent employment by their employer. However, the Bill was not passed before the end of the 8th Assembly (PLAC 'SB 493', 2021).

In 2019, a Bill was introduced in the 9th House of Representatives to amend the Labour Act to address casualization of employment in Nigeria, cited as 'Labour Act (Amendment) Bill 2019'. The long title of the Bill is, "*a Bill for an Act to amend the Labour Act to prohibit and criminalize casualization of workers after six months of engagement by employers in Nigeria, outsourcing employment in core areas of operation and for related matters*". The Bill aims to enforce the regularization of casual workers as permanent workers after six months of engagement. It states that, if an employer

decides to disengage casual workers after a period of six months from the date of first engagement without regularizing them, the casual workers shall be paid full salary, and all allowances and entitlements due to a permanent worker for six months as if the worker has been permanent in the employment of the employer. The Bill also prohibits outsourcing within the core aims and objectives of the operation of the employer. And that it is an offense for an employer to pay another person, whether a corporate or natural person for services rendered to it by its casual worker. The Bill went through Second Reading on 3 March 2020 and was referred to the House Committee on Labour, Employment, and Productivity. It is currently awaiting the Committee report (PLAC 'HB 494', 2021).

In March 2020, the 'Casualization Prohibition Bill' was reintroduced into the 9th Senate. The long title of the Bill is "*a Bill for an Act to provide for the prohibition of casualization in all forms of employment in the private and public sector in Nigeria and related matters*" (PLAC 'SB 239', 2021). The objective of the Bill is to compel employers of labour in the private and public sector to convert casual workers to permanent workers after three months. The Bill went through Second Reading on 18 February 2021 and was referred to the Senate Committee on Employment, Labour, and Productivity. It is currently awaiting the Committee report (Umoru, 2021).

In December 2020, another Bill was introduced in the 9th House of Representatives cited as 'Casual Workers Rights Protection Bill, 2020'. The long title of the Bill is "*a Bill for an Act to protect casual*

workers from exploitation by employers of labour and for related matters". The objective of the Bill is to define the rights and privileges of casual workers, and the permissible salary payable to casual workers. The Bill's First Reading was on 1 December 2020 and is currently awaiting Second Reading (PLAC 'HB 1106', 2020).

Weaknesses of the On-going Proposed Legislation to Regulate Casual Employment in Nigeria

There are some weaknesses noted in the on-going proposed legislation to regulate casual employment in Nigeria. Some of the noted weaknesses are as follows:

- i. Inconsistency in the number of month casual workers will work before being regularized as permanent workers. Some of the Bills proposed three months, while others proposed six months. However, the Casual Workers Rights Protection Bill proposed ten years, three years, and seven years for casual workers in the banking industry, oil servicing company, and manufacturing or petroleum industry, respectively. This inconsistency in the period casual workers will work before regularization to a permanent worker is neither justified nor in tune with best labour practices.
- ii. The Casual Workers Rights Protection Bill proposed permissible salary payable to a casual worker is nothing less than fifty percent of the monthly salary of a permanent worker of

the same employment, the same qualifications, or both. This is in variance with the provisions of Section 17 (3) (e) of the 1999 Constitution of Nigeria, which guarantees equal pay for equal work without discrimination on any other ground whatsoever (Constitution of the Federal Republic of Nigeria 1999). Furthermore, Convention 111 of the International Labour Organization (ILO), which Nigeria is a signatory, does not support any form of discrimination in the workplace (ILO Convention, 1958). In addition, Article 15 of the African Charter on Human and People's Rights, ratified by Nigeria, stipulates that every individual shall receive equal pay for work (Organization of African Unity, 1979). Besides, it undermines the United Nations Sustainable Development Goal 8 that hopes that by 2030 there will be productive employment and decent work for all persons, and equal pay for work of equal value (Decent work and the 2030 Agenda for Sustainable Development, n.d).

- iii. The penalties of offenses in the Casual Workers Rights Protection Bill are too stringent. The Bill proposed imprisonment for three years without an option of a fine. And that any company or organization that acts against the provision of the proposed

law, may be liable to be wound up and the persons behind the infraction shall be prohibited for life from setting up a corporate body for any business whatsoever in Nigeria.

- iv. The proposed legislation gave jurisdiction of trial on cases of violation of the proposed law to State or Federal High Court, without listing the National Industrial Court of Nigeria. However, the National Industrial Court Act 2006 established the Industrial Court as a superior court of record and confers jurisdiction on the court concerning labour and industrial relations matters (The National Industrial Court Act 2006).
- v. Only one of the proposed legislation interpreted casualization to mean temporary employment. Notwithstanding, this interpretation is too narrow given the dimension of casualization in Nigeria, where we have full-time casual workers, often referred to as contract workers. Also, in interpreting seasonal employment, manufacturing in the agricultural sector was listed as seasonal. However, most manufacturers are not seasonal.
- vi. None of the proposed legislation considered periodical work that is continuous for a short period, such as in the construction industry. The proposed legislation did not provide terms

and conditions of engagement for casual workers in the construction industry whose remuneration is calculated on a daily basis.

Regulating Casual Employment: Lessons from other Countries

Many countries have a good legal framework for regulating casual employment, however, only three case studies that offer the best alternative for Nigeria are in focus. In the opinion of this study, the best case studies that offer practical lessons for Nigeria are the European Union model, the China model, and the Ghana model. Nigeria's legal system is based on the English Common Law legal tradition due to colonization and through the process of legal transplant (Dina *et al*, 2005), hence the European Union model. China offers an effective alternative and a growth mentor for developing countries. While Ghana is a developing country in West Africa with a similar economy to Nigeria's. The two countries have a bulk of their workforce in the informal sector and also share the same history of British colonization and became independent at about the same time.

Lessons from the European Union

The European Union Member States supported the European Council's common position on casual workers adopted in June 2008 and approved the Directive on Temporary Agency Work (Ibekwe, 2016). The Directive on Temporary Agency Work (2008/104/EC) defines a general framework applicable to the working conditions of casual workers in the European Union. The

Directive aims to guarantee a minimum level of protection for casual workers and to contribute to the development of the temporary work sector as a flexible option for employers and workers (European Commission' n.d). The Directive ensures the following: equal treatment for casual workers compared to permanent workers in terms of basic working and employment conditions (including pay, holidays, working time, rest periods, and maternity leave); equal access to collective facilities (such as canteens, child care facilities, or transport services); equal access to training opportunities for casual workers similar to their permanent worker counterpart; that employers should keep casual workers informed of any permanent vacancies; and casual workers should not be charged any recruitment fees by an employment agency or labour contractor (European Commission, n.d).

The adoption of the Directive on Temporary Agency Work by the European Union Member States has created greater equality among workers in the region. It improved legal protection for casual workers, ensured greater transparency, and increased confidence in the temporary work sector while giving greater flexibility to companies (Danesi, 2010).

Lessons from China

The Chinese government provided regulation to protect casual workers' rights and entitlements through the Labour Contract Law of 2008. Section 2 of the Law focused on Labour Dispatch because the use of labour contracting has expanded rapidly in China since the 1990s. Thus, employers use it as a new way to increase

employment flexibility and avoid some of the legal obligations due to regular employees (Gallagher *et al*, 2013). Consequently, casual workers are hired for user firms through labour dispatch firms and are engaged under fixed-term contracts for duration of not less than two years.

Article 57 to 61 of the Labour Contract Law of 2008 provides guidelines for operating a labour dispatch in China. It spelled out the requirements for establishing labour dispatch, the definition of labour dispatch, and guidelines on when dispatching casual workers. The Law stipulates that labour-dispatching units shall not pocket remuneration paid to casual workers. In addition, the labour dispatch and user firm may not charge any fees from the casual workers dispatched. And that the remuneration and working conditions to be enjoyed by the casual workers shall be provided in conformity with the rates and standards of the place where the user firm is located (Labour Contract Law No. 65 of the People's Republic of China, 2008).

Article 62 of the Labour Contract Law of 2008 stipulate the obligations of the user firm to include providing the necessary working conditions and occupational protection; to give overtime pay; performance bonuses and provide welfare benefits related to specific posts; provide training that is necessitated by the type of job the casual worker is on; to apply a regular wage adjustment mechanism in case of continued employment (Labour Contract Law No. 65 of the People's Republic of China, 2008).

Article 63 of the Labour Contract Law of 2008 provides that casual workers shall

enjoy the right of equal pay for equal work as the permanent workers of the user firm. However, if a user firm has no worker holding a similar job role, the remuneration shall be determined based on what is paid to the workers holding the same or similar job role at the place where the user firm is located. While Article 64 of the same law gives casual workers the right to join or to organize a trade union, to protect their legitimate rights and interests (Labour Contract Law No. 65 of the People's Republic of China, 2008).

The 2008 Labour Contract Law of China has protected casual workers in the workplace against discrimination as well as stopped their exploitation. Gradually, casual employment is becoming less attractive for employers who have before the Law of 2008 used casual workers as a substitute for permanent workers. This may eventually phase out or curb the growth of casual employment in China (Ibekwe, 2016).

Lessons from Ghana

All laws in Ghana relating to labour, employers, trade unions, and industrial relations were consolidated into one Act known as the Labour Act 2003. The Act is applicable to all workers and employers with the exception of the Armed Forces, the Police Service, and the Security and Intelligence Agencies (Ghana Labour Act, 2003).

Part X of the Labour Act 2003 provides a legal framework for the regulation and protection of casual employment and temporary workers in Ghana. Part X Sections 73 to 78 of the Act contain details that include the right to employ and

application of Part X of the Act; the rights of casual and temporary workers; remuneration of casual and temporary workers; payment of remuneration during public holidays; and interpretation of casual and temporary worker (Ghana Labour Act, 2003).

The Labour Act 2003 stipulates the following: casual workers shall be given equal pay for work of equal value; have access to any necessary medical facility made available to permanent workers; entitled to be paid for overtime work, and be paid full minimum remuneration for each day on which the worker attends work. The Act further provides that every employer shall pay each temporary or casual worker in respect of every public holiday the full remuneration which would have been payable to them on a regular day. Finally, the Act interpreted temporary worker to mean a worker who is employed for a continuous period of not less than one month and is not a permanent worker or employed for a work that is seasonal in nature. While casual worker means a worker engaged in a work that is seasonal or intermittent and not for a continuous period of more than six months and whose remuneration is calculated daily (Ghana Labour Act, 2003).

It is important to note that the Ghana Labour Act 2003 stipulates that a temporary worker who is employed by the same employer for a continuous period of six months and more automatically becomes a permanent worker of that employer in the eyes of the Act.

Conclusion

The study examined the casualization of employment in Nigeria within the context of existing labour legislation in the country. The study reviewed the ongoing proposed legislation to regulate casual employment in Nigeria with the Nigeria Constitution of 1999 and other international statutes. They are several weaknesses in the ongoing proposed legislation to regulate casual employment in Nigeria. Consequently, the study highlighted examples of casual employment legislation in the European Union, China, and Ghana in the hope that they will present the best alternative to regulating casual employment in Nigeria based on lessons from these countries.

Recommendations

The following options are recommended to regulate casual employment in Nigeria based on lessons from the European Union, China, and Ghana:

- i. The weaknesses noted in the proposed legislation to regulate casual employment should be corrected, borrowing from the strengths in the labour laws of the European Union, China, and Ghana.
- ii. The various Bills before the 9th National Assembly on regulating casual employment in Nigeria should be consolidated into one comprehensive Bill and passed into legislation.
- iii. The proposed legislation on casual employment in Nigeria should apply to all workers and employers in the private and public sector except the Armed Forces, the Police Force, the Paramilitary Service, and the Security and Intelligence Agencies.

References

- Alozie, C. (2009). "Recession: Temporary Employment the New Toast for Employers". NEXT, Lagos
- Animashaun, O. (2007). Casualization and Casual Employment in Nigeria: Beyond Contract. *Labour Law Review*, .1(4), 14-34.
- Atilola, B. (2014). Federal Ministry of Labour Guidelines on Contract Staffing and Outsourcing in the Oil and Gas Sector. *Labour Law Review (NJLIR)*, 8 (4), 1-21
- Berle, A. (1960). *Power without Property*. Harcourt, Brace, New York.
- Bhorat, H. and Hinks, T.J. (2006). Changing Patterns of Employment and Employer-Employee Relations in Post-Apartheid South Africa. *Research Report for the Danish Federation of Workers*, National Labour and Economic Development Institute.
- Blair, T. (2007). *Europe is Falling Behind*. (HTML). Newsweek 12 March, 2007.
- Bodibe, O. (2006). The extent and Effects of Casualisation in Southern Africa: Analysis of Lesotho, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe: *Research Report for the Danish Federation of Workers*, November, 2006.
- Chandler, A. D. (1977). *The Visible Hand: The Managerial Revolution in American Business*. Harvard University Press.
- Collins English Dictionary (2014). *Complete and Unabridged*, (12th Ed., Glasgow: Harper Collins Publishers, p. 366.
- Constitution of the Federal Republic of Nigeria 1999. Retrieved from <https://edojudiciary.gov.ng/wp-content/uploads/2016/10/1999-Nigerian-Constitution.pdf>
- Crotty, J. (2000). *Neo-liberal regime has failed, need to change course*. Third World Network.
- Danesi, R. A. (2010). Casualization and labour standards: the role of Trade Unions in Nigeria. *US/China Law Review*, 7(2), 33-44
- Danesi, R.A. (2011). *Non-standard Work Arrangements and the Right to Freedom of Association in Nigeria*. IIRA Regional Conference, Lagos.
- Decent work and the 2030 Agenda for Sustainable Development. (n.d). Retrieved from https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-lisbon/documents/event/wcms_667247.pdf
- Dina, Y., Akintayo, J., & Ekundayo, F. (2005). Guide to Nigerian legal information. Hauser Global Law School Program. Retrieved from <https://www.nyulawglobal.org/globalex/Nigeria.html>
- Dumenil, G. and Levy, D. (2002). The Nature and Contradictions of Neo-liberalism, A Paraitre Clans Socialist Register 2002, pp. 165-195.
- Editorial (2014, 23 October). Casualization of Nigerian workers. *Blueprint*. Retrieved from <https://www.blueprint.ng/casualisation-of-nigerian-workers/>

European Commission. (n.d). Employment, Social Affairs & Inclusion. Retrieved from <https://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=207>

Eyongndi, D. T. (2017). Casual employees under Nigerian labor law: Matters arising. *Academia*. Retrieved from https://www.academia.edu/33313972/CASUAL_EMPLOYEES_UNDER_NIGERIAN_LAW_MATTERS ARISING 2 0 F 0

Fagan, R. (1994). Working Nation and the outer suburbs: the example of Western Sydney. *Australia Geographer*, 25, 115-2

Fajana, S. (2005). *Industrial Relations in the oil Industry in Nigeria. Sectorial Activities*.

Fapohunda, T.M. (2012). Employment casualization and degradation of work in Nigeria. *International Journal of Business and Social Science*, 3(9), 257-267

Françoise 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' (High level Conference organised jointly by the Organisation for Economic Co-operation and Development (OECD), the Ministry of Children and Family Affairs and the Ministry of Labour and Government Administration, Oslo, Norway, 12 and 13 October 1998) p. 3

Gallagher, Mary & Giles, John & Park, Albert & Wang, Meiyang, (2013). China's 2008 Labour Contract Law: implementation and implications. Policy Research Working Paper Series 6542, The World Bank. Retrieved from <https://openknowledge.worldbank.org/bitstream/handle/10986/15902/WPS6542.pdf?sequence=1&isAllowed=y>

Ghana Labour Act, 2003. The Six Hundred and Fifty-First Act of the Parliament of the Republic of Ghana entitled Labour Act, 2003. Retrieved from <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>

Ibekwe, C. S. (2016). Legal implications of employment casualization in Nigeria: A cross-national comparison. *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 7, 79-89.

ILO Convention (1958). Convention 111: Discrimination (Employment and Occupation) Convention, 1958. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/genericdocument/wcms_114189.pdf

Isamah, A.N. (2007). *New Directions in Sociology of Development in Current and Perspective in Sociology* (eds) Abanihe, U., Isamah, A.N., and Adesina, J.O. Malthouse Press.

Kalejaiye, P. O. (2014). The rise of casual work in Nigeria: who loses, who benefits? *African Research Review*, 8(1), 156-176.

Kalleberg, A.L. (2000). Nonstandard Employment Relations: Part-time, Temporary and Contract Work. *Annual Review of Sociology*. 26(2): 341.

Labour Contract Law No. 65 of the People's Republic of China. Retrieved from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/76384/108021/F755819546/CHN76384%20Eng.pdf>

Lala, S. (2020). Casual work in Nigeria: The shortcomings of the current legal framework. Mondaq.

<https://www.mondaq.com/nigeria/employment-rights-labour-relations/968122/casual-work-in-nigeria-the-shortcomings-of-the-current-legal-framework>

Mc Guirk, P. and O'Neill, P. (2002). Planning a Prosperous Sydney: The challenges of Planning Urban Context. *Australian Geographer* 7(2): 301-316.

Odiase, L. (2021). Casualisation of Labour under the Nigerian Labour Relations. Available at SSRN: <https://ssrn.com/abstract=3986413> or <http://dx.doi.org/10.2139/ssrn.3986413>

Ojielez, A. (2021, 15 August). 80% workers in Nigeria banks casual – ASSBIFI. *Leadership*. Retrieved from <https://leadership.ng/80-workers-in-nigeria-banks-casual-assbifi/>

Okafor, E. E. (2012). Nonstandard Employment Relations and Implications for Decent Work Deficits in Nigeria. *African Research Review*, 6(3): 93.

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*. 8(1), 49-64.

Organization of African Unity. (1979). African Charter on Human and People's Rights. Retrieved from https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf

PLAC 'HB 1106'. (2020). Casual Workers Right Protection Bill. Retrieved from <https://placbillstrack.org/upload/HB1106.pdf>

PLAC 'HB 494'. (2021). Labour Act (Amendment) Bill, 2019. Retrieved from

<https://placbillstrack.org/view.php?getid=6903>

PLAC 'SB 239'. (2021). Casualization Prohibition Bill, 2020. Retrieved from <https://placbillstrack.org/view.php?getid=7281>

PLAC 'SB 493'. (2021). Casualization Prohibition Bill, 2017. Retrieved from <https://placbillstrack.org/8th/view.php?getid=2864>

Rasak, B. (2011). Casualization and Labour Utilization in Nigeria. *Journal of International Labour Organization (ILO)*. 6(5): 1-35. www.ilo.org.

Rojot, A. (1998). Statistics for growth in contract and casual labour in working time in industrialised countries: the recent evolution. *Comparative Labour Law and Industrial Relations in Industrialised Market Economies*, (7th ed), p. 452.

Silverman, D. (1970). *The theory of Organizations*. Heinemann.

Silvia, B. (2003). *Productivity and Social Organization*. Tavistock.

Special Report (2018, 13 May). Casual work begets casual pay? 'Our monthly take-home pay is N2, 500!'. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2018/05/casual-work-begets-casual-pay-monthly-take-home-pay-n2-500-1/>

The Nation (2018, 18 July). 45 percent of Nigerians workers are casual workers. *The Nation*. Retrieved from <https://thenationonlineng.net/45-percent-of-nigerian-workers-are-casual-workers/>

The National Industrial Court Act 2006. Retrieved from <https://nicn.gov.ng/officialGazette/act.pdf>

Theron, J. (2005). Employment is not what it used to be: The Nature and Impact of Work Restructuring in South Africa, Webster, E. and Von Holdt, K. (eds). *Beyond the Apartheid*.

Umoru, H. (2021, February 18). Bill for the prohibition of casualization of employment passes second reading in Senate. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2021/02/bill-for-prohibition-of-casualisation-of-employment-passes-second-reading-in-senate/>

Watson, T. J. (1980). *Sociology, Work and Industry*. Routledge and Kegan Paul: London.

Weber, M. (1968). *The Nature of Social Action*. Citadel Press: New York