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# Occupational Accident and Protection of Temporary Workers' Rights in Nigerian Manufacturing Companies: A Study of Selected Manufacturing Companies in Lagos State, Nigeria

Dawodu, Adeyemi Akinkunmi \*

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**Abstract.** The Nigerian Factories Act of 1987, 2004 and 2010 required every work organisations in Nigeria to put in place adequate health and safety measures for protection of factory workers against any occupational accidents. However, these factory Acts in reality are still very far from achieving the expected results due to high rate of occupational related injuries and accidents recording daily in most manufacturing companies which oftentimes lead to either physical dishabilles or death. Arising from this, it could be inferred that occupational accident and protection of temporary workers' rights' based on the provisions of Nigerian Factories Act is a subject of controversies due to poor penalty and compensational provisions offered the affected victims. In line with the foregoing, this study adopts a qualitative method to investigate occupational accident and protection of temporary workers' rights in Nigerian manufacturing companies with aim of proffering working solutions.

**Keywords:** *Occupational accident; temporary workers' rights, manufacturing companies; and vulnerability.*

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## 1. Introduction

Manufacturing companies in Nigeria today are still striving to ensure safety of their workforce in the course of their daily work activities despite the existence of health and safety provisions in the Nigerian Factories act even before the country's independence. Despite several preventive measures put in place, occupational accident remains a major occurrence in some manufacturing companies in Nigeria<sup>1</sup>.

According to<sup>2</sup>, occupational accident is any physical injury condition sustained on a worker in connection with the performance of his or her job in the work place, and it poses a major threat to health and safety of such workers resulting into serious health, social, and economic consequences on workers and their employers.

<sup>3</sup>, gives a broader dimension to occupational accident and thus defines occupational accident as an unexpected and unplanned, including acts of violence, arising out of or in connection with work which result in one or more workers incurring a personal injury, disease or death. In line with the International Labour Organisation definition of occupational accidents, it becomes clear evidence that work-place accident in any forms may remain a permanent occurrence in the workplace as long as production system involves exchange system between human and material resources.

<sup>4</sup>, observes that physical environment of the workplace is an important concern to the stakeholders' but in most cases the impact of such physical environment on health and safety of employees in the workplace is almost non-existent<sup>5</sup>. In view of Price (2002) and Fisher, (2003), it may therefore imply that more concerted efforts are still needed from the stakeholders' in employment relations to reduce or if possible prevent occupational accidents among the workforce.

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<sup>1</sup> Y. Ahn, J. Bena, & A. Bailer, A, Comparison of unintentional fatal occupational injury in the Republic of Korea and the United States. *Injury Prevention*, 2004, vol, 10, n. 4, 199–205.

<sup>2</sup> A, Zewdie, E, Dagneu, T, Takele, Determinants of Occupational Injury: A Case Control Study among Textile Factory Workers in Amhara Regional State, Ethiopia, 2011, *Journal of Tropical Medicine*, vol, 11, n.19-27.

<sup>3</sup> International Labour Organisation Reports on Statistics of occupational injuries- (Report iii), Sixteenth International Conference of Labour Statisticians, Geneva, October 1998.

<sup>4</sup> I, Price, The complex adaptive workplace: a theoretical link between office design and productivity, 2002, [Http://www.FMKx.co.uk/download/files/FM\\_Library\\_reports/Cambridge\\_2003.Pdf](http://www.FMKx.co.uk/download/files/FM_Library_reports/Cambridge_2003.Pdf). Retrieved May 18, 2016.

<sup>5</sup> L, Fisher, Shaping the millennium: a history of child and home injury prevention with application of leadership system, 2003, [Http://www.alpha.org](http://www.alpha.org). Retrieved, May 18, 2016.

The use of temporary worker is increasingly becoming a prominent feature in today's world of work<sup>6</sup>. According to<sup>7</sup>, the temporary workers account for a substantial percentage of the U.S workforce, and nearly four out of five employees of all sizes and industries use some form non-traditional/formal staff. <sup>8</sup>In the same line of argument stresses that temporary-help industry provides in excess of three million workers today, a three hundred (300) percent increase since 1991. In Nigeria, accurate statistic of temporary workers is very hard to ascertain due to several factors including the lack of accurate information on the activities of the companies involved.

<sup>9</sup>, has described a temporary employee as any persons hired directly by organisation that uses his or her service and such person(s) is legal employee of the firm for a specific fixed period of time specified in the employment contract and such employee's is easily dismissed when the contract period is expired. The nature of employment contracts offered to most temporary workers' expose them to many severe challenges especially where such persons sustain injuries in course of discharging his or her daily work activities in the workplace<sup>10</sup>. Mostly, the hired organisations often time deny these categories of people their compensation and or benefits thereby leaving them in a perpetual terrible conditions with many ended-up in total paralyses or death.

This study, therefore, uses a qualitative method to investigate occupational accident and protection of temporary workers' rights in Nigerian manufacturing companies.

### *1.2. Contextual Issue on Occupational Accidents in Nigeria.*

The Nigerian Factories Act of 1987, 2004 and 2010 require that every work organisations in Nigeria, particularly, the manufacturing companies to put in place adequate health and safety measures to forestall any form occupational accidents but in reality this is may be far true considering the number of injuries workers sustain as a result of occupational accidents

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<sup>6</sup> R.M, Ongera, D, Juma, D, Influence of temporary employment on employee performance: a case study of Sararicon Ltd, Kenya, 2014, Business and Commerce, vol,4 n.4, 1-37.

<sup>7</sup> United States Bureau of Statistics (Department of Labor), Washington, D.C, 2012.

<sup>8</sup> G, Deseler, Human resource management (11th edition), New Jersey: Pearson Education, 2008.

<sup>9</sup> S.N, Houseman, Temporary agency work is not generally a stepping-stone to regular employment, 2014, IZA World of Labour, vol, 27, n. 1-10.

<sup>10</sup> Ibid

recorded daily in some of the manufacturing companies operating in Lagos State, Nigeria.

Due to the nature of manufacturing companies' activities, exposure to risks in form of offensive odds, poor ventilation, heat and noise occasioned by the use of heavy machineries, plants and equipment have become more pronounced. Without any doubt, this posse a major threat to health and safety of the workforce; and has accounts for several injuries sustained by the workers whether a minor or major one with little or nothing done by the hired organisations to bring relieves to the affected employees.

According to<sup>11</sup>, physical environment of the workplace is an important concern to the stakeholders' but the impact of physical environment on health and safety of employees in the workplace is almost non-existent. In Nigerian, Many factors can be attributed to the negative impact of physical environment on employees' performance in manufacturing companies including poor and untidy factory site, non-compliance to various factories Act as stipulated in the Nigerian labour laws and non-enforcement of penalties on defaulting organisations.

Due to poor enforcement of penalties on defaulting organisations, compliance rate to the provisions of the Nigerian factories Act is presently at the alarming rate and calls for a thorough research. Several cases of occupational accidents resulting into minor or major injuries including permanent disabilities and or sometimes deaths are on the increasing with no solution at sight. <sup>12</sup>, says that temporary work has long been viewed as exploitative or suitable only for those marginal attached to the work place.

In line with <sup>13</sup> and in view of the current situations in many manufacturing companies in Lagos State, Nigeria it is a case of an ugly scenario. Unofficial reports obtained from some of the employees in few of these manufacturing companies surveyed especially those owned by the Indians, Chinese and Lebanese indicate that the working condition is more of exploitative; the disturbing news also is that more that 80 percent of these workers are either temporary or contract employees with low pay and poor working conditions.

Apart from the exploitative nature, the rate of occupational accident in some of the manufacturing companies investigated in this study showed a higher incidence which could be attributed to non-compliance with the

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<sup>11</sup> Price 2002, Op. sit.

<sup>12</sup> Houseman (2014), Op. sit.

<sup>13</sup> Ibid

provisions of the Nigerian factories Act. The question therefore, is that 'should this ugly trend continues?' Arising from the problem analysis, this study investigates occupational accident and protection of temporary workers' rights in Nigerian manufacturing companies.

### ***1.3 Objective of the Study***

The aim of this study is to investigate occupational accidents and temporary workers rights in Nigerian manufacturing companies in Lagos State.

### ***1.4 Research Question***

Arising from the objective of the study stated above, this study raises a research question: are temporary workers' rights in manufacturing companies protected in the event of occupational accidents?

### ***1.5 The Scope and Delimitation of the Study***

The scope of this study is occupational accident and protection of temporary workers' rights in Nigerian manufacturing companies in Lagos State. The rationale behind the choice of Lagos State stems from the fact that it is the commercial capital of the country as well as Nigeria's economic nerve centre. In addition to this, most commercial activities take place in Lagos State, Nigeria<sup>14</sup>. The study focused on selected manufacturing companies in Lagos State.

### ***1.6 Significance of the Study***

The study is expected to produce results that would assist policy makers, industrial relations practitioners, human resource management professionals and the relevant government agencies concern with ensuring compliance to the provisions of Nigerian Factories Act, particularly the 1987, 2004 and 2010 on the needs to make sure that the provisions Act(s) are enforceable in all manufacturing companies operating in Lagos State, Nigeria without compromise.

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<sup>14</sup> U. Eze, E-business development in Nigeria financial firms: An empirical analysis of key factors, 2008, International Journal of E-business Research, vol, 4, n. 2, 19-47.

## 2.1 Literature Review

### 2.1.1 Occupational Accident

<sup>15</sup>, describes an accident as “an unplanned and unanticipated event”. In other words, accident is an unfortunate incident that happens unexpectedly and unintentionally, typically resulting in damage or injury. Similarly,<sup>16</sup> defines occupational accident as an unexpected and unplanned, including acts of violence, arising out of or in connection with work which result in one or more workers incurring a personal injury, disease or death.

In a different dimension,<sup>17</sup> describe occupational accidents as unplanned events that cause damage. Despite implementing safety measures in the workplaces, occupational injuries and incidents have been on the increase in industries especially in the developing countries and consequently the consequences are unpleasant<sup>18</sup>. The socio-economic impacts and human costs of occupational and industrial accidents are tremendous around the world. However, there is no enough or accessible information about these events from one country to another globally due inaccurate data.

According to <sup>19</sup> over 264 million industrial accidents happen every year globally, with over 350,000 mortalities and more than half of these mortalities occur in developing countries, the estimation of accident costs is difficult to ascertain <sup>20</sup>, <sup>21</sup>.

### 2.1.2 The Concept of Temporary Worker

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<sup>15</sup> World Health Organization Statistical Information System. 2008 [cited 2016 April 11] Available from: <http://www.who.int/whosis/whostat>.

<sup>16</sup> International Labour Organisation (1998), Op sit.

<sup>17</sup> B.N, Gulhana, M, Ilhanb, E.F, Civilc, Occupational accidents and affecting factors of metal industry in a factory in Ankara. Turkey J Public Health, vol, 10, n. 76–83.

<sup>18</sup> L, Song, X, He, & C, Li, Longitudinal relationship between economic development and occupational accidents in China, 2007, Accident Anal Prevention, vol, 43, n. 82–86.

<sup>19</sup> P, Hämäläinen, The effect of globalization on occupational accidents, 2012, South Africa Science, vol, 47, n.733–742.

<sup>20</sup> World Health Organization Statistical Information System. 2008, Op sit.

<sup>21</sup> I, Mohammadfam, A, Moghimbeigi, Evaluation of injuries among a manufacturing industry staff in Iran, 2009, Health Science, vol, 9,n. 7–12.

The use of temporary worker is increasingly becoming a permanent feature of the modern day world of work<sup>22</sup>. According to<sup>23</sup>, temporary workers account for a substantial percentage of the U.S workforce, and nearly four out of five employees in organisation of all sizes and industries use some form of non-traditional staff. Similarly, <sup>24</sup> stresses that temporary help industries provide in excess of three million workers to United State economy in 2007, a three hundred percent increase since 1991 and also accounts for about twenty percent new jobs in the United States.

<sup>25</sup>, say that understanding the consequences of workers in temporary employment contracts is complex and there is need to distinguish between high and low skill workers including those who are and are not on their contract of choice.

A further line of analysis presented by writers such as <sup>26</sup> and <sup>27</sup> is that the changing nature of employment is rendering even permanent jobs at risk. This possibility has been explored in the literature on job insecurity<sup>28</sup>, <sup>29</sup>. Based on the studies of <sup>30</sup> and <sup>31</sup>, temporary employment is receiving increasing supports in the world of work.

<sup>32</sup>, categorise employment into three types, namely: regular employment, temporary agency employment and fixed-term contract or direct-hire employment. Temporary workers as defined by <sup>33</sup> as those workers hired directly by the firm that uses their services and are legal employees of such firm. They are hired for a fixed term or period of time after which the contract is renewed or terminated with or without benefits.

The major distinction between a regular employee and temporary one is that while the regular staff contract of employment is governed by written

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<sup>22</sup> Ongera & Juma, 2015, Op sit.

<sup>23</sup> United States Bureau of Statistics (Department of Labor), Washington, D.C, 2012, Op sit.

<sup>24</sup> Dessler (2008), Op sit.

<sup>25</sup> J, Marler, M, Barringer, G, Milkovich, Boundary less and traditional contingent workers: Worlds apart, 2002, Journal of Organizational Behavior, vol, 23, n. 425-453.

<sup>26</sup> P, Capelli, The new deal at work, Boston, MA: Harvard Business School Press, 1999.

<sup>27</sup> V, Smith, The Fractured World of the Temporary Worker: Power, Participation and Fragmentation in the Contemporary Workplace, 1998, Social Problems, Vol, 45, n. 4, 411-430.

<sup>28</sup> E, Heery, J, Salmon, The insecure workforce, Ed, London: Rutledge, 2012.

<sup>29</sup> B, Burchell, D, Lapido, F, Wilkinson, Job Insecurity and Work Intensification London: Rutledge 2002.

<sup>30</sup> Capelli (1999), op sit.

<sup>31</sup> Smith (2001), Op sit.

<sup>32</sup> Houseman (2014), Op sit.

<sup>33</sup> Houseman (2014), Op sit.

rules and follow the details of relevant employment laws of a country, temporary employees may not and this has expose many of them into severe situations especially when it comes occupational accidents and or hazard. An investigation by the researcher reveals that most of the manufacturing companies in Lagos State, Nigeria show little or no concern to the plight of the temporary workforce in the event of occupational accidents.

### *2.1.3 Occupational Accident and Temporary Workers Rights' in Nigeria*

According to<sup>34</sup>, precarious work is a means for employers to shift risks and responsibilities onto workers. It is a work performed in the formal and informal economy, and is characterised by variable levels and degrees of objective (legal status) and subjective (feeling) characteristics of uncertainty and insecurity.

Similarly,<sup>35</sup> describes precarious work as a combination of a low level of certainty over job continuity, poor individual control over work (notably working hours), a low level of protection (against unemployment or discrimination), and little opportunity for training and career progression. This has also been referred to as employment with 'low quality'<sup>36</sup>. The low quality jobs include, for example, 'dead-end jobs' and 'low pay/low productivity jobs'<sup>37</sup>. It includes temporary, seasonal, part-time, on-call, day hire, casual or short term contracts; as well as self-employment, home working and multiple jobs<sup>38</sup>.

Due to precarious nature of work activities in some of the workplaces especially in the developing world, occupational accidents have become

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<sup>34</sup> International Labour Organisation, 'From precarious work to decent work: outcome document to the workers' symposium on policies and regulations to combat precarious employment'. International Labour Organization, Geneva: Switzerland, 2012.

<sup>35</sup> European Agency for Safety and Health at Work, 'Priorities for occupational safety and health research in Europe: (2013-2020) 2012, Office for Official Publications of the European Communities, Luxembourg, EU-OSHA.

<sup>36</sup> European Agency for Safety and Health at Work, 'Expert forecast on emerging psychosocial risks related to occupational safety and health'2007, Office for Official Publications of the European Communities, Luxembourg.

<sup>37</sup> Duell, E., 'Defining and assessing precarious employment in Europe: a review of main studies and surveys', Discussion paper - ESOPE Project. Economix, Munich, 2004.

<sup>38</sup> M, Sergeant, M, Giovannone, Vulnerable workers – health, safety and well-being, England: Gower Publishing, 2009.

more expedient and the most unfortunate thing is that while workers in regular employment may have been covered and protected under the employment laws of their respective countries, the same cannot be said of the temporary workers. However, the case of manufacturing companies operating in Lagos State, Nigeria requires an urgent attention as result of the risks most of the work-force in these companies is exposed to daily.

The Nigerian Factories Act(s) 1987, 2004 and 2010<sup>39</sup> contain several parts and provisions. Part one is on “registration of factories”; part two is on “health (general provisions) under which issues such as cleanliness, overcrowding, lighting, ventilations, drainage of floors and sanitary convinces. Part three is on safety (general provisions) under which issues such as prime-mover, transmission machinery, powered-machinery, other machinery and provisions for unfenced machinery. Part four is on welfare (general provisions with issues like supply of drinking water, washing facilities, accommodation for clothing, first aid and exemption if ambulance room is provided. Part five is on health, safety and welfare (special provisions and regulations); it outlines various health, safety and welfare provisions that workplace must provide for the protection of its workers. Lastly, part six is on notification and investigation of accidents and industrial diseases.

A critical examination of the Nigerian factories Act(s) from 1987, 2004 and 2010 indicate that these Act(s) have the same contents with little modifications. The interesting thing is that despite the richness of the provisions of all the three Act(s), occupational injuries occasioned by occupational accident are still on the increase daily in some of the manufacturing companies investigated by this researcher. Quoting<sup>40</sup> of Nigerian Labour Congress: “Statistics from ILO showed that ‘one worker dies every 15 seconds worldwide, 6,000 die daily and more than two million die annually from work-related accidents and diseases’”, The Nations Newspaper, 2015.

In line with<sup>41</sup> position,<sup>42</sup> statistics had earlier reports that more people die at work than at wars and natural disasters. The statistic report affirms that beyond job-related deaths each year, there are some 268 million non-fatal workplace accidents as well as 160 million new cases of work-related illnesses. The International Labour Organisation (2000) statistic reports

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<sup>39</sup> The Law of Federal Republic of Nigeria (Factories Act 1987, 2004 and 2010).

<sup>40</sup>J. Ajaero, Occupational accidents and diseases in Nigerian Firms. The Nations Newspaper, 2015, p. 6.

<sup>41</sup> Ibid.

<sup>42</sup> International Labour Organisation, 2012 Op sit.

estimated that occupational accidents and diseases result in annual four per cent loss in global Gross Domestic Product (GDP) or about \$2.8 trillion in direct and indirect cost of injuries and diseases. In Nigeria, several cases of occupational accidents or injuries are recorded daily<sup>43</sup>.

<sup>44</sup>In a study 'Individual characteristics in occupational accidents due to imbalance: a case-control study of the employees of a railway company' found that some job categories were more affected by a specific release mechanism of work related accidents. <sup>45</sup>Posit further that certain individual characteristics such as smoking, alcohol consumption, inactivity, sleep disorders, and request for a job change were correlated with the occurrence of occupational accidents.

Occupational accident remains one of the permanent features in today's world of work due to exchange relationship between human and material resources. However, many OECD and ILO member countries in compliance with some of the International Labour Organisation conventions on occupational health and safety; while several other nations are striving to ensure that occupational accidents in the workplace are non-existence <sup>46</sup>, <sup>47</sup>, <sup>48</sup>, <sup>49</sup>.

The situation in third world countries at present is worrisome due to increasing number of precariousness in the workplace. For instance, the current trends in Nigeria manufacturing companies as regard occupational accidents and protection of temporary workers' rights remain a disturbing issue. In the recent time, there have been several safety disasters in Nigeria companies. The case of Boiler explosion in a Distillery company in Otta, Ogun State, Nigeria in which claim two lives and Ikorodu, Lagos State factory fire incident that claimed more twenty lives are few of such cases. Quoting a union leader in one of the companies investigated:

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<sup>43</sup> Ajaero, 2015 Op sit.

<sup>44</sup> G.C, Gauchard, N, Chau, L, Touron, D, Benamghar, P.H, Dehaene, J, Perrin, J.M, Mur, Individual characteristics in occupational accidents due to imbalance: a case-control study of the employees of a railway company, 2003, Occupational Environment Medical, vol, 60, n. 330-335.

<sup>45</sup> Ibid.

<sup>46</sup> European Agency for Safety and Health at Work, 2013 Op sit.

<sup>47</sup> European Agency for Safety and Health at Work, 2007 op sit.

<sup>48</sup> Sergeant & Giovannone, 2009 Op sit.

<sup>49</sup> A, Belin, T, Zamparutti, K, Tull, G, Hernandez, R, Graveling, R. 'Occupational health and safety risks for the most vulnerable workers'. European Parliament, 2011, Available at:[[www.europarl.europa.eu/document/activities/cont/201108/20110829ATT25418EN.pdf](http://www.europarl.europa.eu/document/activities/cont/201108/20110829ATT25418EN.pdf)].

There are several cases of bodily injuries with some reported to the Union and several others happening in non-unionised workplace with very little support and compensation for the affected workers. Just recently, a staff of Dura Pack, a Chinese-owned Lagos-based company that produces nylon bags, died, as result of electric shock while carrying out a repair work in the company (Vanguard Newspaper, June 6, 2013; Workplace in Nigeria unsafe)

These are few instances of occupational accidents, as many were recorded daily in some manufacturing companies operating in Lagos State that are neither mentioned nor reported to the relevant regulatory agencies. Nigeria, as a signatory to some of the International Labour Organisation (ILO) treaties, especially, those treaties that related to workers' health and safety, is still grappling with the implementation of some of these treaties going by the reported cases of daily occurrences of occupational accidents and occupational hazard Nigerian workers are made to expose themselves to in the discharge of their daily work activities and despite the robustness of the provisions of 1987, 2004 and 2010 Nigerian Factories Act(s).

### ***3.1 Methodology***

The research setting for this study is Lagos State situated in South-Western part of Nigeria.

### ***3.2. Research Design***

In this study, the researcher adopts a qualitative research design using oral interview and documented evidences<sup>50</sup>. In other to achieve this, the researcher interviewed one hundred and ten workers of some of the manufacturing companies based in Lagos State, Nigeria to get the true position of occupational accident occurrence and compensation pattern in their respective organisations. In addition to this, information from printed documents including Newspapers, News Magazine, company's safety hand-book and the company's annual reports.

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<sup>50</sup> N, Azika, Research methods for behavioural science, MacMillan Publisher, Lagos, 1991.

### ***4.1 Summary of Findings***

Several findings emerge from this study despite its qualitative nature. The major findings, however, include the following:

- The study found out that despite the richness of the provisions of Nigerian factories Act, occupational accidents still remain a daily occurrence in Nigerian manufacturing companies with little or no solution at sight.
- The study also found that most manufacturing companies operating in Lagos State, Nigeria only comply with the provisions of the Nigerian factories Act 1987, 2004 and 2010 on papers but failed in its application when situations demand. Unabated cases of occupational injuries arising from various occupational accidents in some of the companies investigated is an evidence to this and as exemplified from the reports obtained from some of the workers working in these companies.
- The study, in addition, also found that most of the workers in some of the manufacturing companies studied were temporary or contract staff. Thus, many of the employers through the use of phony contract agreements show little or no concerns to their plight in case of any occupational injuries sustained from their daily work activities accidents.

### ***4.2 Conclusion***

The main conclusion drawn from this study is that the rights of temporary workers in Nigerian manufacturing companies are currently under serious abuse

### ***4.3 Recommendations***

Based on the conclusion above, the following recommendations are raised for this current study.

The study recommends that relevant regulatory agencies charge with the responsibilities of monitoring and enforcement of implementation of the various provisions in the Nigerian factories Act(s) especially; the 1987,

2004 and 2010 among the manufacturing companies operating in Nigeria should perform their duties effectively. Through this, occupational accidents are likely to reduce marginally and compensation awards in case of any injuries will be strictly adhere to by the various actors concerned whether such injuries are minor or major one.

The study also recommends that Nigerian government should ensure that all the International Labour Organisation treaties on occupational health and safety signed into as member state is not only seen as government policy on papers but rather concerted efforts should be made to operationalise their contents for easy understanding and clarity to all public and private enterprises in the country. With this in place, any organisations found culpable of breaching any of these provisions can be dealt with severely.

Lastly, safety consciousness among manufacturing companies in Lagos State, Nigeria should be given more priority attention. To do this end, the labour inspectorate unit of the federal ministry of labour and productivity should wake-up from their slumber and develop a new work attitude of being consistency in their monitoring functions; as this is the only one way the level of safety consciousness in Nigerian companies can be improved and equally help to reduce injuries among workforce to a conservative level.



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