



UNIVERSIDADE ESTADUAL DE CAMPINAS
INSTITUTO DE ECONOMIA

AISHAT OLUWAFUNKE AJIBOLA

A STUDY ON THE WELL-BEING AND WORKER'S RIGHT WITH FOCUS
ON NURSES IN OLABISI ONABANJO UNIVERSITY TEACHING
HOSPITAL (OOUTH), SAGAMU, OGUN STATE, NIGERIA.

UM ESTUDO SOBRE O BEM-ESTAR E O DIREITO DO TRABALHADOR
COM FOCO NO ENFERMEIRO EM OLABISI HOSPITAL
UNIVERSITÁRIO DE ENSINO ONABANJO (OOUTH), SAGAMU,
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DEDICATION

I want to dedicate this work piece to Allah foremost for seeing me through successfully, His divine protections and care in this academic journey. Furthermore, I dedicate it to my late father who gave me sound educational and spiritual foundations. Lastly, to all my family members for their prayers and support.

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ABSTRACT

Habitually, in Olabisi Onabanjo University Teaching Hospital (OOUTH) Nurses' rights are being violated and welfare being neglected and union leaders not able to act. It is said that institutions without a Collective Agreement and with weak union executives automatically subject the rights and well-being of workers in the institution to exploitation and to perpetual violations at will. These have created a lot of gaps which have allowed acts of injustice to be committed without questioning or sanction. The methodology adopted to carry out this research effectively is a qualitative method using snowball techniques. Sample size, 283 of Nurses was the focus group and 25 questionnaires were developed and distributed to achieve the set objectives. A total of Eleven (11) respondents were contacted but only ten (10) responded through the WhatsApp social network media. Questionnaires were issued to them to further search for additional potential candidates to help complete the 25 questionnaires from the relevant sections such as rank and file (staff), union officials (union executives) and management with a follow-up interview. The Union leadership accepted the fact that human rights of the Nurse workers are seriously breached by management because of the activities and situations members found themselves in. there is a weak nature of their industrial relation and communication with management to better the welfare of their members.

Key words: well-being; employee rights; trade-unions - officials and employees; human rights; labor contract, violation; freedom of association.

RESUMO

Os direitos e o bem-estar dos enfermeiros do Hospital Universitário Olabisi Onabanjo (OOUTH) têm sido constantemente violados e negligenciados, tendo os seus dirigentes sindicais demonstrado incapacidade para agir em sua defesa. Deste modo, instituições sem Acordos Coletivos e com liderança sindical débil, facilitam a submissão dos trabalhadores à exploração e à violação constante dos seus direitos. Esta situação criou uma série de lacunas que permitiram que atos de injustiça fossem cometidos sem questionamento ou sanção. Adotou-se uma metodologia qualitativa para a realização da presente pesquisa. De uma população de 283 enfermeiros, distribuiu-se um questionário a 25 pessoas, utilizando uma técnica de bola de neve. Um total de onze (11) inquiridos foi contactado, mas apenas dez (10) responderam através da rede social WhatsApp. Foram-lhes enviados os questionários para procurar potenciais candidatos adicionais com vista a completar os 25 respondentes procurando incluir trabalhadores, dirigentes sindicais e administração do Hospital. A direção do sindicato reconheceu a violação, por parte da Administração do Hospital, dos direitos humanos dos trabalhadores, e a necessidade de maior atuação e comunicação com a Administração de forma a melhorar o bem-estar dos seus membros.

Palavras-chave: bem-estar; direitos dos trabalhadores; sindicatos - dirigentes e empregados; direitos humanos; contratos de trabalho - violação; liberdade de associação.

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LIST OF ABBREVIATIONS

ACT	Article
ACNO	Assistant Chief Nursing Officer
ADR	Alternative Dispute Resolution
CAS	Committee on Application of Standard
CNF	Commonwealth Nurse Federation
CNO	Chief Nursing Officer
ADNS	Assistant Director of Nursing Services
DDNS	Deputy Director of Nursing Services
DNS	Director of Nursing Services
ECOWAS	Economic Community of West African State
ER	Emergency Room
GDP	Gross Domestic Product
GNAN	Graduates Nurses Association of Nigeria
HMOs	Health Maintenance Organization
IC&CSD	Information Communication and Corporate Department
ICM	International Council for Midwives
ICN	International Council for Nurse
IMF	International Monetary Fund
ILC	International Labour Conference
ILO	International Labour Organization
JOHESU	Joint Health Sector Union
LUF	Labour Unity Front
MAHWU	Medical and Health Workers Union
NANNM	National Association of Nigeria Nurses
NASU	Non-Academic Staff Union
NGOs	Non-governmental Organizations
NHFR	Nigeria Health Facility Registry
NLC	Nigeria Labour Congress
NO	Nursing Officer

NTUC	Nigeria Trade Union Congress
NWC	Nigeria Workers Congress
OOUTH	Olabisi Onabanjo University Teaching Hospital
PSI	Public Service International
RM	Registered Midwife
RN	Registered Nurse
RPHN	Registered Public Health Nurse
SMOHs	State Ministries of Health
SNO	Senior Nursing Officer
UDHR	Universal Declaration of Human Rights
UGONSA	University Graduates of Nursing Science Association
UN	United Nation
ULC	United Labour Congress
WHO	World Health Organization

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1 CHAPTER ONE: Introduction and Methodology Introduction

Over the years and now, agitations for good welfare and workers' rights have been the bone of contention between unions and capitalists who are the employers of labour all over the World. On many occasions the situation results in uproars and hostile outcomes if not well managed by the responsible authority (management). The question is why are workers in Olabisi Onabanjo University Teaching Hospital (OOUTH) mainly Nurses' rights being violated and welfare being neglected and union leaders not able to act? One will agree with me that it is fundamentally wrong and an act of committing a higher violation of human rights when workers are stagnated on a job position and/or level for over 12 years, notwithstanding the hard work and meeting the requisite conditions for promotion. The Nurse workers are the group of people who are frequently subjected to discrimination, humiliation and dehumanization because they do not align with the unfavourable decision of management, despite the presence of Unions in Olabisi Onabanjo University Teaching Hospital, Sagamu (OOUTH).

Research has shown that the workplace is a second home to employees, where they spend quality time and are fully dedicated to ensure high productivity therefore should be made conducive, free from any kind of exploitation and be guaranteed safety by the employer in order to meet international best practice or standard. Being a member who had worked in the institution I had witnessed and observed some activities such as humiliation and verbal assault. Therefore, the research topic on welfare and workers' rights with focus on Nurses in Olabisi Onabanjo University Teaching Hospital, Sagamu, Ogun State, Nigeria became very important to be carried. The research is one of its kinds, as there has not been any secondary source of information seen on the hospital website on the topic despite constant violation of workers' rights in the aforementioned hospital. Irrespective of the economic state of a country, it is important to maintain qualified medical personnel (nurses) to render professional health care to sick patients. But when they are stressed and their welfare neglected, it can have negative effects on the quality of service (output). In my own opinion, a psychologically stable person is able to render holistic care and be productive at work. Also, with the essential services delivered by Nurse Workers, one would presume that their right

would be respected and welfare issues well taken care off but, is a reverse scenario in OOUTH. During the outbreak of COVID-19 with the previous two major endemic and pandemics cases (ebola, and Lassa fever), Nurses were also at the forefront caring for patients and were exposed to overworking, rendering sacrificial services and faced various health hazards. Therefore, it must be very important to give them good treatment, respect their rights, and make them feel important, deserving better remuneration and recognition of their rights to self-determination. Although, what people understand as rights and why they are considered as fundamentals have different meanings from one person to another. Rights are fundamental irrespective of Creed and colour, it relates to where one chooses to work or live in and believe in without any interference and intimidation. The rights imposed some important principles such as fairness, respect, dignity and equality.

Over the years in my little experience with this institution of choice I observed that the two basic types of Rights which are the individual human rights and collective rights happened to be continually and perpetually violated despite the international Conventions norms and the constitution of the country, what it stipulate for the basic labour or workers" rights must be respected. The management of OOUTH has neglected the psychological effects of denial of workers' rights collectively and individually including general implication on the well-being of most Nurses and their family members. For instance, it was said that, an unpleasant or ugly situation happened in 2021 when a daughter of one of the Nurses attempted suicide because her mother was denied promotion after the worker was assured of promotion from Chief Nursing officer to the position of Acting Director of Nursing Services. According to the scheme of service for Nurses in Nigeria, a diplomat Nurse with dual qualification will systematically progress from Nursing Officer 11 (NO11) to Chief Nursing Officer (CNO) after which her promotion will stop except Bachelor of Nursing science degree certificate is presented to enjoy or continue career progression till the end of Nursing career at the Director of Nursing Services position. Unfortunately, after upgrading herself, she was denied the right of promotion and was stagnated in one position among other Nurses with similar qualifications for over 12 years. Injustice, lack of freedom and violation of fundamental human rights in OOUTH has become the order of the day.

Fighting for freedom is a must for all because the difference between a freeman and a slave is the level of freedom enjoyed by the individual and group rights one has to actualize himself. A person who is deprived of genuine and fundamental rights is more or less the same as a slave or prisoner.

By extension, many other forms of violations of basic human rights such as delayed payment of salaries with tune of three months and wrongful termination of employment are also seen among many labour force in Ogun as evident by the number of litigations or suitcases recorded between 2017-2021 which amounted to 920 suitcases filed in Court out of which 523 were resolved through Alternative Dispute Resolution (ADR), (Ogunnaike J, 2021). There are a high number of unrecorded cases despite higher real labour rights violations in the State and maltreatment of workers. I could recall a case of a Nurse who placed in resignation of appointment because she could no longer stand the stress of being relegated and verbally abused. Many Nurses have suffered the ill-fated appointment terminated, threat to life and safety, undue transfer from one duty post to another while others who are favourites are left alone in better duty posts with high rate of job satisfaction. "These and many other factors, have led to mass movement of Nurses out of the institution to another and others taking the opportunity to seek a greener pasture outside the country", (Sahara Reporter, 2020). The rights of Nurse Workers are not different from those rights that are applicable to all other workers in OOUTH. Therefore, for the purpose of clarity and due to time factor/scope, Nurses are the focus group of this study. Hence, throughout this research work, workers and Nurses were used interchangeably. I strongly believe that this study would further identify factors creating gaps in the institution and make recommendations on how to tackle those gaps and challenges.

1.1 The significance of workers' rights

I strongly believe that workers' rights are very essential because stable and sound minded workers bestowed with equal rights and opportunities in a decent working environment will turn out to be very productive at a greater rate or velocity. The labour force that supports to drive the economy and other business activities are the workers.

They are the necessary commodities not bought with money but can be sustained holistically including giving of basic rights, freedom and value-added Welfarism. According to the Declaration made at Philadelphia, (1944) the labour force across the globe, either developing or developed countries including Nigerians have some sort of similarities in the interpretation from the international labour movement and the International Labour Organization (ILO) that acknowledged "labour is not a commodity like factory products which can be priced low or higher". Nigeria, is a member of the ILO, and as a matter of importance structured a national policy as considered to promote and protect worker's rights, using methods appropriate to ensure "universal standard practices, equal opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof" (ILO 2002).

Majority of the Convention and policies ratified and adopted by the country are not functional, they are seen to be just paperwork deprived of appropriate and genuine implementation. This is evidenced by, high rate of violation of workers' rights, and consequent inequalities in the country. The demanding situation of the workers' rights is the side-by-side implementation and observation by the management of workers either being in the private or public sector which is of obvious and not of reality. The experiences of some changing degrees and indicator of dehumanization of human self-respect during the period of slave trade is still bleeding and living in the minds of people and present state of which every form of abuse of rights should be rejected by all. As slave trade was same as colonization in the past similarly, wage pays in south Sahara region for labour force treatment was second to slavery. The wage occupation in Nigeria has its beginning marked back in the 19th century from the arrival of colonial rulers. The public services have the tradition of a servant and master sounding environment which was a normal expectation with African countries that had experienced colonialism with the British at the time. For example, at that period, Lord Fredrick Lugard "who succeeded in making himself the governor of Northern Nigeria in 1900, placed himself over the people who are the rightful owners of the country. He Introduced indirect rule in Nigeria between 1903 and 1906" without anyone questioning the authority, (Onyedikachi D., 2019). This act posed extensive concern which affects equality to the cordial associations in all aspects of activities that man is involved in (Abraham, 2020). I

Can say, the acts of repression, suppression and violations of people's rights were inherited from the colonial masters and passed down from generation to generation.

In light of the frequent violations of rights and neglect of welfare packages in every sector due to inherited factors as above, there is a need for union leaders to braze up and free workers from the jaws of capitalists. Hear what Oginni and Faseyiku, (2012), have to say;

"In the advent advancement period, there were birth other exclusive event occurrence in the year 1978, the trade unions to defend the interest and make workers relevant in every established method of expression in agreement because the epitome and objective of the capitalist was to gain anything profit using the labour force to their advantage without giving them a fair due as what is expected from the employer or lacking being asked and exposed to tension drenched in the situation",

The other motivation behind the demand for workers' privileges is to help curtail the excess use of power by the capitalist over workers to their advantage because the business and its gains is their interest while as Union Executives interest should be on the moralities and welfare of their members, which are the primary aims and objectives.

Unfortunately, the Nigerian unions most especially OOUTH National Association of Nigerian Nurses and Midwives (NANNM) are lagging behind in their demands in bringing up the real result of abundance of freedom and opportunities to workers because of their purpose of getting future opportunity prospects which are apprehensively preventing them from being more aggressive in their demand for workers' rights and this has created more avenues for workers to be exploited by the employers. "There is the initiative to make a call for a strong political determination for government and management to constitutionally impose by law the respect of the workers' rights especially in the public sector where the government happens to be the employer and the largest employer at that," (Gemma Bailey, 2018).

According to Hendy, (2022) all workers, mostly Nurses, must be given the maximum respect and protection that is required for them to perform their roles and be freed from any damage in their relations to work and its surroundings. There is a

popular saying in my local parlance that it is easy to manage an emotionally reckless doctor while caring for patients but disastrous to have an emotionally reckless Nurse to handle patients care.

1.2 Definitions and the importance of the welfare and rights of workers

There are two broad classifications of Labour force with their scheme schedule in Nigeria:

“Workers” are defined under the Labour Act as usually those who perform manual labour or clerical works”.

“Employees' duties are mainly administrative, executive, technical or professional functions”.

Nurses in OOUTH fall under the second class in this category. The Labour Act of 2004 states that, owners of businesses must be involved in taking up a task so far as the agreement or contract continue to be in existence, for the sustainability of employment and to achieve certain goals with terms and conditions as a requirement guide for both parties for a reward or benefit Payment, a promised contract to have a partial right to directly delegate a person to work on one's behalf (Usman B. 2017).

Although, there is no single definition given to workers” rights nonetheless for easy understanding of the concept, Rights are the moral and legal positions to have or to possess something. Powers versed on one's privilege to have or give some belongings to or from those in possession. No one has the power to take away obligatory rights from anyone without being challenged. Rights are a vital element of law and ethics in the theories of justice and deontology which deals with knowing both the natural and legal rights. The claim versus Liberty rights says it is a contract and freedom to hold or to do something of desire or does not want to do it. Everyone has legal rights to freedom of expression. One is equally at liberty to claim rights, to hire to perform a service or supply a product or done on his behalf. This kind of freedom and law allow one to exchange duties with others with due process observed. We equally have positive versus negative rights which are rights to do something with permission then negative rights is permission not to do something example is the patients’ bill of right. The Labour Act provides for equal rights regardless of ethnicity or affiliation or lack of

membership. Although, there are a lot of arguments on group rights, similarly there are differences in opinions on the kinds of individuals whose rights are violated. The reality in my opinion is that, when a group is identified to be more than a mere composition of different individuals but same ideology, aims and objectives their rights must be respected, protected and accepted as a group. For example, platinum of soldiers or a group of Nurses or groups of Teachers are bodies with rights which must be respected. Other rights to be noted are political rights, economic rights, social rights, cultural rights, civil rights and political rights (Bisaz, Corsin 2012).

Workers are entitled to constitutional privileges which must to be enjoyed at the workplace including receiving remuneration peg on the National Minimum Wage, be protected against wrongful deduction from the salary, enjoyed the standard eight-hour limit time of working period and on average 48 hours per week or choose out of this right at will, enjoy the payment for lawful minimum level of holiday leave or at interval enjoy the lawful minimum rest breaks period, have the right to request for flexible engagement, be protected against dishonest, discrimination and dismissal, protecting „Whistleblowers who report misconduct at the workplace, statutory redundancy pays, giving minimum notice periods before termination of a contract, safety discharge against prejudicial, time off for emergencies, receive payment during sick period, enjoy legal maternity and paternity leave and fair treatment on partial time of work executed. All people that work below a contract engagement are called employees (1999 constitution). It is sad to say that as aforementioned stated laws quoted above have majority of the content to be merely paperwork. The laws are either not working or not respected or implemented as evidenced by workers being recalled from leave or off days to come on duty, verbal assaults, unlawful termination of appointment and other injustice are continually committed to mention a few.

1.3 Nigeria Health sectors

This topic became very crucial in my research work because recent data from the Nigeria Health Facility Registry (NHFR) shows that there are about 39,914 hospitals and clinics available in Nigeria which are operational (TAIWO. K Mar 28, 2022). Out of the given 39,914 hospitals, 2,600 are noted to be regulated by private owners and the

rest 37,313 are state owned hospitals in Nigeria under where OOUTH falls. In a further explanation and in relation to rights violation I will pick Nasarawa State as the top case study where the hospitals according to the States quota has 17 Health Facilities to serve 100,000 population and this ratio is totally far behind WHO recommendation of 1 facility to 1,000 populations. It is obvious that Nurses are overwhelmed with more tasks and same in OOUTH, in Ogun State which is already a violation of rights.

The Nigeria healthcare deliveries have the following to be the major stakeholders: The federal government, Health Maintenance Organizations (HMOs), Donors, non-governmental Organisations (NGOs), National Health Insurance Scheme, State Ministries of Health (SMOHs) National Primary Health Care Development Agency (NPHCDA), Local government areas and Ward Health Authorities. Majority of the revenues generated from these bodies are used for the provision of medical services (Sullivan, 2015). The money collected as internal revenue generated out of the services rendered to the hospital client is termed as operating revenue. Other sources of funding are research grants and donations from NGOs and philanthropists. The Nigeria health sector operates a National Health Insurance Scheme but unfortunately patients still pay out of pocket because the health insurance is not effective and monitored, there are no free health care delivery services, and essential drugs in NHIS are often said to be out of stock despite staff money being deducted monthly. Workers are found in all strata of the health sectors either in the primary, secondary and tertiary levels. The position OOUTH occupied in the levels is at the tertiary and the only state-owned teaching hospital in Ogun State. From the picture painted above it is obvious that Nurses in all the hospitals in that State are overwhelmed with more tasks as that of Nurses in OOUTH. This means violation of all kinds of rights is not peculiar to OOUTH.

1.4 About OOUTH

Olabisi Onabanjo University Teaching Hospital, Sagamu (OOUTH) is a hospital located in Ogun State, Nigeria. The institution is said to be providing high quality and excellent healthcare services to the people of Ogun in particular and Nigeria as a whole, but failed to maintain the rights of its employees which has resulted in dissatisfaction

over the years as staff faced stagnation which is against ILO conventions. The institution has 21 departments in operation for all the services. OOUTH presently is an embodiment noticeable with excellence in features of Teaching Hospital working relation, having verse knowledge in medical and nursing practice in promoting healthy relationships among other health workers and patients. The hospital's grander standard of quality of logical symbol that gives importance is on emergency services with up-to- the-minute kit at their disposal. The Professionals are well cultured and disciplined in their area of work, exercise tolerant in knowledge of medical and nursing to achieve excellent, affordable and accessible healthcare delivery at all times. The total staff population working in the OOUTH is pecked at Two Thousand Five Hundred and Ninety-Two (2,592) from all the sections. The Mission of the hospital is to achieve a client-friendly, provide efficient and effective health care services to the highest level and to give out the best medical practices with absolute dedication, discipline and commitment to the well-being of the citizens of Ogun State. The vision is to provide quality teaching and tertiary healthcare services with an advance lead amongst the peers internationally in support of improved well-being of the people of Ogun State towards the plan for future availability, but neglected the welfare of workers. The question is how epitome of excellence will be the treatment given to the patients and other customers who use the facilities when Nurses who are the engine of production and caregivers to these patients in the hospital are suffering from human rights violations and neglects of privileges in the institution?

There are several unions in the institution depending on the profession of the workers and level of education. The associations are:

National Association of Nigeria Nurses and Midwives (NANNM), is the union responsible for both university graduate Nurses and non-university graduate Nurses.

The University Graduates of Nursing Science Association (UGONSA) is a professional association for Nurses with at least a first degree in Nursing. UGONSA is also colloquially referred to as GNAN in 1985 when it was founded and stands for Graduate Nurses Association of Nigeria, a name the association bore prior to 16th May 2014, when it later metamorphosed into UGONSA. This association split from NANNM

when the leadership of NANNM failed to represent their interest at the management level. Members were being placed on the same salary scale with diplomat Nurses despite having higher qualifications. UGONSA is an affiliate and still regards NANNM as the mother union. Hence my interest in investigating NANNM on this research is because they direct the union for the Nurses in OOUTH.

Non-Academic Staff Union (NASU) reserved for staff such as cleaners, drivers and store officers.

Medical and Health Workers Union (MAHWU) which is for medical health personnel such as radiographers, health information officers and workers who are not doctors or Nurses belong to this union.

Senior Staff Association of Nigeria; this association is for all staff above Conhess 6 (Consolidated health salary scale)

The above unions mentioned with exemption of UGONSA are affiliates of Joint Health Sectors Union (JOHESU) in the institution, state and National Levels. This body is presumed to have the power to bargain with management on behalf of workers at the unit level concerning unresolved independent Unions problems. At the state and National levels, the Nigerian Labour Congress (NLC) bargains for all workers across the country. Nigeria Labour Congress (NLC) is an umbrella organization for trade unions in Nigeria. Their aims and objectives were to promote, defend and advance the economic, political and social rights and continually enhance the quality of life and improve the income of workers in Nigeria. In the past, these sets of aims and objectives were fairly met under the leadership of Adam Oshiomole but have failed workers completely under Mr. Waba and subsequent National Labour leaders (NLC). The expectation of taking back the lost glories of NLC is now placed on the newly elected and appointed executive for 2022. All eyes are on them because they have not started well as demonstrated when petroleum product subsidy was removed by the Independent National Electoral Commission chairman's selected president without any action from NLC to restrict them.

1.4.1 Nurses

Nursing profession is one of the professions mainly dominated by the female

gender. Basically the Nurses in the Nursing profession in Nigeria have different entering qualifications into the labour market or employment, hence OOUTH follow suit. Diplomat Nurses and midwives are those from school of nursing and school of midwifery respectively with registered Nurse and/or registered midwife certificates. In this category, a Nurse can either be single qualified or dual qualified. Then, the Degree Nurses are those from various universities with Bachelor of nursing science. All are duly registered and licensed by nursing and midwifery council of Nigeria (NMCN). At OOUTH the Nurses in a frequently day-to-day routine monitor and evaluate patients as part of their responsibilities. The Nurses are smart, adaptive, educated and skilled with critical thinking skills. Nurses have dependent, interdependent and independent roles in the hospital while carrying out their duties. Nurses' responsibilities include planning, organizing, coordinating, implementing and evaluating patient's care using the Nursing process form. The institution has polyvalent Nursing professionals with multiple specialists to ensure that their patients are adequately cared for and on the road to recovery. They function in the following areas; geriatrics, critical care, paediatrics, treatment planning, and case management to mention but a few. Nurses are professionals who are dynamic to task and perform all assigned responsibility in the career path to be noted by a success. These are some of the categories of Nurses and their and their responsibilities:

The Nurse Anaesthetist supports medical activities closely with anaesthetic agents during surgery. Nurses with diplomas and bachelor degree holders in Nursing Science perform this task.

The family Nurse practitioner services are on family-focused care as part of a healthcare team.

The ICU Nurses are responsible to care for newborn sick children in the intensive care unit.

The Registered midwives are Nurses who are in charge of handling the labour and delivery ward, and support pregnant patients.

The Neonatal Nurses are specialists in charge to care for the sick babies and whereas paediatric Nurses manage the condition of sick children.

An ambulatory Nurse takes care of several emergency cases in the ambulance.

Accident and Emergency Nurses work in all Accident and Emergency units or rooms using a triage system to manage critically ill or accident victims etc.(OOOUTH Management, 2019)

1.4.2 Medical Doctors

I cannot complete my Study on welfare and workers" rights with focus on Nurses without mentioning little about responsibilities of doctors. Partly because of the closed working relationship in caring for patients in the hospital and largely because the medical doctor forms part of the hospital structure that helps in management of sick patients. They have various roles they play in line of duty such as attending to emergency and non- emergency cases, starting investigations into new cases and intervening with diagnosing and treating patients suffering from acute illness and chronic diseases and injuries.

Even though their duties are discharge condition on field of specialty, they must be able to care for normal clinical such as administer treatment and prescribe medication, examine to identify symptoms, diagnose conditions, provide follow-up care of patients, refer them to other providers where necessary, and interpret their laboratory results, collaborate with physician assistants, nurse practitioners, registered nurses, and other health professionals.

1.4.3 Clinical Service

The Accident and Emergency units are the heartbeat of any hospital. They stabilize patients who are later transferred to various wards or units based on diagnosis of patients. This section includes the following medical units in the hospital; Anaesthesia/Theatre, ENT unit, laboratory service, blood transfusion unit, microbiology, Obstetrics and Gynaecology unit, Ophthalmology department, phototherapy section, General Surgery and Paediatrics surgery department and family medicine unit (PHC). A strong primary health care system makes available contact to high quality care delivered by health professionals to meet the needs of patients and their families of all ages in any health care setting,(OOOUTH Management, 2019). Haven seen the host of tasks hanged on the shoulders of Nurses it becomes very crucial and a must for them to

be well taken care of at all times and their rights respected.

1.4.4 Non-Clinical Service

The non-clinical services are related to the hospital staff who are not directly linked to the care of sick patients in the hospital but indirectly affect their care. One way or the other the preoccupation of the departments help the patient to recognize and overcome personal and emotional difficulties associated with illness and financial difficulties or assisting in making effective use of medical services available, social welfare officers serve in this capacity.

The Accounts Department simply takes charge in collection of funds, disbursement of funds, making payment of remuneration and allowance to the workers, and ensuring the safety of the assets that belong to the hospital.

Administration section coordinates the daily operation activities, streamlining management systems, monitoring budgets, supervising and analyzing financial data.

The Engineering Department handles issues of working on all broken-down machinery, ensures the regularity of Electricity and Water is supplied and gives technical advice on engineering issues in the hospital.

Information Communication and Corporates Department (IC &CSD) performs the overall function of implementing public relations activities and manages an effective system of communication which supports the hospital's goal and objectives for internal and external communication to the public, (OOUTH Management, 2019).

1.5 Problem statement

The inability to allow the workers to enjoy their privileges has a long way in, affecting the wellbeing of the worker, their family and the whole society. The unfortunate thing is that, the Union leaders of National Association of Nigerian Nurses and Midwives of OOUTH, equally teamed up with the management to rip up the fundamental human rights of Nurses as some of them have to retire with lesser gratuity, no promotion for Nurses for years, they are not able to enjoy lawful, public, or moral values of self-determination or privileges and above all there is lack of job protection in OOUTH, despite belonging to the professional association.

Furthermore, the institution does not have a Collective Agreement and other internal documentation regulating the plight and rights of workers in general. What the hospital depends on is the NANNM constitution, code of conduct and staff regulations which was a policy from management for regulating the condition of service. Hence, the needs for developing interest to undertake this study on the welfare and workers' rights with focus on Nurses. Furthermore, to suggest what can be done on the side of the workers to solve the prevalence issue of stagnation, ill treatment by the management, termination of staff appointment without due process, how to find solution to all the injustices against workers in Olabisi Onabanjo University Teaching Hospital (OOUTH), Sagamu, Ogun State.

1.6 Objective of the study

The general objective of the study is to examine the welfare and rights of Nurses at the OOUTH. The study will help identify the legal instrument used by the institution to manage the affairs which help to get proper welfare and rights of the worker, how they are motivated in promotion of their rights by management and the lacking gaps in the institutional policy on the workers' rights. The specific objectives are to discuss some existing situation in OOUTH;

To study the local (institutional rules and regulations), National and International laws that deal with welfare and workers' rights.

To study the strategies the union used in negotiating with management about the rights and welfare in the institution.

To verify the current labour condition in the hospital

1.7 Research Question

Why are workers who are mainly Nurses' rights in OOUTH being violated and their welfare being neglected?

1.8 Hypothesis

The research will proceed on the hypothesis that OOUTH as an institution do not have a collective agreement which has created lacuna for worker's welfare and their

rights to be disrespected and violated. The collective agreement is a written contract negotiation document that makes it easier for workers' rights to be respected and have better life in employment possible between employee representatives and management, when properly used at the negotiating table with employers by the Union leaders. Secondly, the union in the institution is not effective and proactive. This has resulted in a wide gap in the workers' welfare and their rights being breached by the management. To minimize the stagnation syndrome and eliminate disrespect in the institution against the workers' rights, strong, proactive, workers centred and independent Union Leaders are essential to enforce laws and strengthen the existing Union, in order for workers to enjoy their employment life.

1.9 Methodology and data collection

The study examined the availability of staff regulations and code of conduct, content that talked about the workers' rights in the hospital, the National Constitution of the country and version that speaks about the human rights, labour law, workers manual that have the international conventions and standards on law to regulate workers at the workplace, the practice found to be in operation and conformity by employers of labour with the existing labour laws that promote the rights of workers in the country in order to determine the true position of workers' rights in Nigeria and by extension to OOUTH. Sample size, about 283 of Nurses in the institution was the focus number used in the study. Qualitative research used and 25 questionnaires were developed and distributed to generate general assumptions. The paper adopts the use of exploratory research together with secondary data in order to obtain relevant information for the study and from this, it was revealed that there were not enough and sufficient laws to usher in enviable standards to ensure OOUTH workers' rights are protected and enjoyed by all workers.

1.10 Research Designed and Data Collection Tools

The data collection that was followed in developing this worker's rights profile was twofold: literature review and primary data collection through the use of questionnaires. It examined the institution Staff regulations and code of conduct, the

manual document which addresses the condition of services and the workers' rights, on the content that talked about staff welfare and rights, the country's labour law, other publications and articles. Customized questionnaires were developed and used to collect qualitative and primary data from the Nurses who are the focused population group. Nurses were chosen for this study firstly, because they are the group of people whose rights are frequently abused. Secondly, because they are rendering sensitive and essential services to mankind and therefore, their rights and welfare must be respected and protected. A semi-structured interview guide was conducted and questionnaires distributed to collect qualitative data from Nurses in a snowball-selected participants, representing three relevant stakeholder groups namely rank and file, NANNM union leaders and management in the hospital.

The secondary data collection involved the study of existing literature. In achieving the above objectives, data were collected from several sources such as the scholar's books and experts write up and other publications from the internet that talked on welfare and workers' rights. These approaches were used because they are satisfactory tools for collecting data to assess the workers' rights practice by the management in the hospital and were modified to match the objectives of the study.

2 CHAPTER TWO: LITERATURE REVIEW

People do not realize rights are a greater collection of human rights including the rights to work marked by moral integrity and liberty associated with workers prospect and shield in contradiction of discrimination. Rights of an organization and human rights, furthermore regularly interconnect (Andreopoulos, 1948). According to both international and national bodies, there are laid down numbers of human rights and workers' rights which employers must ratify and implement to improve worker's welfare. Domesticating declarations on Human Rights (Articles 23 and 24, 1948) including the international covenant on Economic, Social and Cultural rights (1966) became very essential and compulsory.

With reference to Plant (1994) labour force is suffering from the developments within the global economy on some of the labour standards and rights enjoyed by workers. This position was also buttressed by (Scherrer and Greven et al, 2001) in their comments on the threat posed by the emergent global economic disorder. The absence of alternative jobs, mass retrenchment and financial meltdown all contributed to lowering of labour standards. Majority of the international investors gave conditions to the host country which are somewhat accepted in anticipation for quick and rapid development through their investment with implication on labour standards. In a stand recorded by the Guardian Newspaper at Ikorodu in Lagos in 2004, there was a fire outbreak caused by power surge in a Chinese company resulting in the death of about 250 employees. There was no space to allow for an escape by any of the workers because the factory owner did not allow for the main doors leading to the factory to be opened at close of day work until the next day. Meaning workers are all locked in during night duty which violate ILO rule of freedom of movement at work and right to work in a safe environment. This act was confirmed to have been the tradition in the company to lock those on night shift in the factory till the following day most especially when their co-workers who were termed as White people are not on duty, and this negated the rule of factory law of 2004 (Anaba,2004).

The situation is said to be absurd and quite intriguing and no action was taken against the company by the federal government of State. But it was seen from the

action and reaction made by the labour union to cry out to the rescue of their member and pay visit to the place with no result. The formal leadership of the union in Nigeria under the Chairmanship of Adam Oshiomole was trying but since he left the executives have been selective in pursuing struggles for justice and are quick to say they are strictly within the available provision of the law. The strength of the union became weak due to political influence, corruption, greediness and economic situations, employers hostility and government agencies. Further, this created a negative effect on the confidence level of workers and made the union useless in their excessive exploitation of workers, (Shabbir, Anwar et al 2015). The government failed to use the law available to protect its workers apart from the manifestation of lack of political will making law not to serve its purpose. Take the case of the police, ministry of labour, ministry of health and ministry of justice, each of these agencies in charge of investigation, supervision and enforcement had done nothing to show slightest commitment. What would then be the state of workers' rights in Nigeria? Many of the employers of labour also engaged in deliberate avoidance and non-compliance since it is believed the government will not do anything after all there is equally abuse of workers' rights in the public and private sectors. In March 2012, all the Doctors in the public service of Lagos State government went on strike after the inability of the state government to meet with the union representative on conditions of service, none implementation which was agreed upon some years back. Before the union decided to embark on strike, all avenues provided by law were sought including a warning strike but no response from the government. By the 5th day into strike, Governor of the state through the press secretary to the state announced that all doctors on her payroll are hereby dismissed after which the commissioner of health also announced the justifiability of the action in another forum (BBC News, 2012). This act has shown generally the abuse of workers' rights in Nigeria just like what has been obtained during the era of slavery and colonial master reign in Nigeria.

2.1 The relationship between rights, globalization and colonialism

Wolf, Martin (2014), is of the opinion that,

“Human rights are rights inherent to all human beings, whatever

our nationality is, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status is, we are all equally entitled to our human rights without discrimination”.

In short the constitution lays down standards for human behaviour which are universally accepted and equally applicable without any form of discrimination. The natural rights that must be enjoyed by the people are right to life, right to liberty, right to possess property, right to support and defend in the best interest, the duty of self-preservation, commonly called the first law of nature. It is by choice to enjoy the privilege in a state of nature as pleases, except in intolerable oppression, civil or religious crisis that necessitate, to migrate to another society where necessary.

According to Rourke, Williamson and Jeffrey (2002), Globalization is the process of interaction and integration among people, companies, and governments worldwide. This increase in global interactions has caused a growth in international trade and exchange of ideas, beliefs, and culture and subsequent its effects on rights violation at work.

According to Gunder (1998), Colonialism gave an advantage to the advanced countries to colonize, control and settle in the weaker countries either fully or partially with the idea and goal of profiting through exploitation of their natural resources, human resources and economic resources. It is very difficult to make a distinction from imperialism because the practices at the time had some element of political and economic control of the dominant country over a vulnerable territory. Stronger countries needed to grow their territories to be more influential back in the beginning of the 20th century. This brought in colonialism to dominate in the control of countries and their citizens politically and economically and create comfort for their settlement. These foreigners taking over weaker countries forcibly impose their religion, language, cultural, and political practices on the indigenous population. While colonization is typically viewed negatively due to its often-disastrous history and similarity to imperialism, some countries have benefited from having been colonized. Colonialism is the act by which a superior nation enslaves a less powerful nation and keeps charge of all their social-economic activities, education, government, and all parastatals and cadres of such a nation. It is a well-known fact that some African countries are colonized by the British

government. The governments of the occupying countries often imposed harsh new laws and taxes on the indigenous people. Confiscation and destruction of native lands and culture were common. Colonialism and imperialism led to slavery of the indigenous citizens, countless migration from their home to unknown destinations scattering across the world, people losing their loved ones, people dying of disease and starvation. (Longley, 2021).

By this explained relationship above clearly shows that, globalization seek to the expansion of communication links among various countries whereas colonialism capitalized in the growth in both superiority and territory which ended infringement of rights, through enslavement of less power country, breach in the economy of the nation and direct as it suit the colonial master. However, the three are similar in the sense that all are at the interest of the developed and powerful countries who have the superiority, using to advance their profit making at the expense of the less powerful or poor countries in the global world, hence the need to organize as a union to stop all manners of exploitations.

2.2 International Labour Organization (ILO) laws on workers right

According to Adewunmi and Adenugba, (2010), “Workers’ rights are standard and fundamental”. The workers’ right is more practically seen from the protection of the government which differs from countries national laws, statutes, bureaucratic regulations, and judicial opinions.

As for the International Labour Organization, a United Nations agency defined

“Workers’ rights as set of principles that is aimed to guarantee fairness, healthy and equitable work conditions for employees by setting international labour standards through conventions and treaties, including the Universal Declaration on Human Rights (Articles 23 and 24, 1948) and the International Covenant on Economic, Social and Cultural Rights (ILO,1966)”

In the year 1919, ILO was established to encourage organization protection on workers’ rights across the globe. The Fundamental Principles and Rights at Work Declaration made by ILO in 1998 for its members to “respect, to promote and to realize

in good faith” five core rights of workers are freedom of association, effective recognition of the right to collective bargaining, elimination of forced or compulsory labour, effective abolition of child labour, and the elimination of discrimination in respect of employment or occupation.

According to ILO, (1996-2023) the significant standards in agreement with conditions of work include occupational safety and health, wages and hours of work. Standards were set for specific employment needed such as instance transport, maritime, mining, agriculture, textiles, printing, telecommunications and domestic jobs.

Nigeria became a member of ILO on 17th October, 1960. The country has ratified some of the convention and standards set by the ILO to manage an effective work environment. Nigeria has rectified Forty-two (42) Conventions but the country is able to enforce only Twenty-six (26) into action, they have denounced Five (5) of the Convention, abrogating Eight (8) of the Conventions and ratifying Two (2) back 12 months ago. The country has ratified all the ten (10) fundamental ILO Convention, Two (2) governance Convention priority out of Four (4) and Thirty (30) out of One hundred and seventy-six (176) technical conventions.

The ILO data released in 2022, shows many other useful conventions which would have been profitable to Nurses but were not being fully implemented till today. They are as follows:

"C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
 P089 - Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948
 C190 - Violence and Harassment Convention, 2019 (No. 190)
 C183 - Maternity Protection Convention, 2000 (No. 183)
 C189 - Domestic Workers Convention, 2011 (No. 189)
 C175 - Part-Time Work Convention, 1994 (No. 175)
 C168 - Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

2.2.1 Public Services International (PSI) Campaigns on the workers' rights

According to Arthur (1962)

"Public Services International (PSI) is an international organization

saddled with responsibilities of ensuring workers' rights all over the world are respected. It is a federation of over 700 trade Unions representing 30 million workers in 153 countries, and Nigeria is an affiliate".

In June 2014, there was an International Labour Conference (ILC) which PSI was in attendance and the discussions among the Employers group on Application of Standards (CAS) which stated the right to strike as part of Convention 87 of the ILO standards, undermining decades of jurisprudence and the application of international law. The demand was rejected by the workers group on one voice. The conflict over the right to strike has been referred to ILO's Governing Body, which could call on the International Court of Justice to produce an advisory opinion and put an end to the dispute.

Bailey (2022) Public Services International has expressed with deep concern on continuous attacks against labour force rights and trade unions. They have openly disproved the proposal on the shortfall to collective bargaining acceptable under some situations. The union is committed to protect citizens by guaranteeing the access to quality public services through regulating essential services. Workers' rights violations at employment are now normal and seen frequently making it look like general violations not the exempted, but part of the rule. Many governments have already introduced the worst private-sector practices in public sector employment conditions and today 50% of public service workers are in precarious employment, a majority of whom are women. A full-time job with a decent wage and full social security coverage is again a distant dream for millions of workers. Freedom of association and right to collective bargaining is at the core of many of the struggles that they support. In the last year, there have been some countries facing trade union rights violation and PSI has condemned this act of violation among African and Asian countries including that of African countries. The PSI Executive Board concluded with commitment from PSI to:

A global campaign to defend and promote the Right to Strike for all workers
Lobby governments to take a stand in favour of the ILO supervisory mechanisms
Call for referral to the International Court of Justice and lobby members of the ILO Governing Body. There is a need for a majority in the ILO GB, meaning PSI

affiliates need to lobby trade union national centres and governments.

Build alliances with other trade unions for this campaign, as well as civil society organizations

Continue to offer solidarity and assistance to affiliates whose rights are under attack

Proactively campaign to ensure nations ratify and comply with ILO Conventions 87 and 98.

Lobby inter-governmental bodies and other relevant international agencies and organizations e.g. World Bank, IMF etc. to declare their support for ILO Conventions that guarantee fundamental trade union rights

Lobby to ensure global free trade agreements include meaningful commitments to labour rights, including compliance with ILO Conventions

2.2.2 World Health Organization (WHO) International conceptualization health indicators

According to WHO, (2022)

"understanding health as a human right creates a legal obligation on states to ensure access to timely, acceptable, and affordable health care of appropriate quality as well as to providing for the underlying determinants of health, such as safe and potable water, sanitation, food, housing, health-related information and education, and gender equality".

The right to health must be enjoyed without discrimination on grounds of race, age, ethnicity or any other status. Non-discrimination and equality require states to take steps to redress any discriminatory law, practice or policy. The World Health Organization - (WHO) has made a commitment to integrate human rights into healthcare programmes and policies on national and regional levels by looking at underlying determinants of health as part of a comprehensive approach to health and human rights. WHO has been actively strengthening its role in providing technical, intellectual, and political leadership on the right to health including:

Strengthening the capacity of WHO and its Member States to integrate a

human rights-based approach to health;

Advancing the right to health in international law and international development processes; and

Advocating for human rights issues related to health.

Addressing the needs and rights of individuals at different stages across the life course requires taking a comprehensive approach within the broader context of promoting human rights, gender equality, and equity. As such, WHO promotes a concise and unifying framework that builds on existing approaches in gender, equity, and human rights to generate more accurate and robust solutions to health inequities. The integrated nature of the framework is an opportunity to build on foundational strengths and complementarities between these approaches to create a cohesive and efficient approach to promote health and well-being for all, (Waksman, 2017).

2.3 The History of Nigeria/Economic activity/Government spending

Getting accurate figures or data in Nigeria is very difficult but, the researcher managed to put things together to produce this paper. Egbedi (2015) postulated that Nigeria is known for five things in the world in which oil is number one. The country is important to mention because the institution under study is situated in Nigeria. Nigeria is known in the World as the giant of Africa because of the large geographical area, the population, entertainment and Art industry, Military strength, and economy green land and is considered to be margin market by the World Bank though with no human capacity development. The country has a population size of 218,568,727 people and in the West Africa region having the Gulf of Guinea and the Atlantic Ocean at the coast. The total area of size is 923,770 km² (356,670 mi²) according to the United Nations Statistics Division. The country's neighbouring countries include Benin, Cameroon, Chad, and Niger. The geography ranges from southern coastal swamps to tropical forests, woodlands, grasslands, and semi-desert in the north. The administration structure practiced by the country is a federal republic with the chief and head of government as the president. The Economy of Nigeria is a middle-income, mixed economy and emerging market, with expanding manufacturing, financial, service, communications, technology, and entertainment sectors. It is ranked as the 27th-largest

economy in the world in terms of nominal GDP, and the 24th-largest in terms of purchasing power parity and the largest Sub Saharan Africa's economy. The Nigerian economy is one of the economies having more than usual capacity in Africa primarily founded on petroleum manufacturing from the late 1960s. Whilst there is the upsurge in the chain of world oil prices in 1973 created fast fiscal growth in transportation, construction, manufacturing, and government services. Nigeria has the largest economy in Africa.

The country's re-emergent manufacturing sector became the largest on the continent in 2013, and produces a large proportion of goods and services for the region of West Africa. In addition, the debt-to-GDP ratio was 16.075% as of 2019. Nigeria does not have a main economic sector in production. In the sector of agriculture, the main food crops found are the Root crops yams, taro, and cassava in the southern part of the country, despite the fact staple crops of the drying device like grains and legumes such as sorghum, millet, cowpeas, and corn (maize), peanuts (groundnuts) and cotton are formed from the north. Rice is also a significant local produce. Notably, the significant local tree produces are the oil palm, and rubber trees which remain the primary manufacturing harvests in the south. Minor agriculturalists control the making of trade harvests, as they seem to be means of primary food produced. The main agricultural export produce is derived from the cocoa beans which were harvested, further manufacturing harvests production has fallen, involving the general condition marked by lack of flow in agriculture. Nigeria has a diversity of both renewable and non-renewable resources, some of which have not yet been effectively given to be exploited. Solar energy, possibly but not certainly, is high, involving the cost of the less make use of renewable natural sources of wealth, is likely to keep on unexploited for a while. The most economical minerals worth a good price are crude oil, natural gas, coal, tin, and columbite (an iron-bearing mineral that accompanies tin). Petroleum, first discovered in 1956, is a very essential basis for the government returns generation and foreign exchange. Most of the oil output gets from the top of dry land fields in the Niger delta, even though a collective quantity of the crude is produced on top of dry landfill sites. There are oil refineries at Port Harcourt, Warri, and Kaduna but cannot refine motor spirit called petrol for the Nation consumption. The country depends on the raw crude oil

to be exported out for refinery before importing it back to the country at higher cost despite that Nigeria has been a member of OPEC. There are immense investments of natural gas, but the greatest of the manufactured gas is a by-product from crude oil. Although oil revenues contributed 2/3 of state revenues, oil only contributes about 9% to the GDP. Nigeria produces only about 2.7% of the world oil supply. Although the petroleum sector is important, as government revenues still heavily rely on this sector, it remains a small part of the country's overall economy. Nigeria was graded internationally as one of the higher commodity exporters. Production has often been interrupted by protests, as the inhabitants of the oil-producing regions have demanded a larger share of the revenues. The largely subsistence agricultural sector has not kept up with the country's rapid population growth. Nigeria was once a large net exporter of food, but currently imports some of its food products. Mechanization has led to resurgence in the manufacturing and exporting of food products, and there was consequently a move towards food sufficiency.

Insecurity is Nigeria's biggest threat and it has killed foreign Investment in Nigeria. The investor's Appetite to invest in the Nigerian Economy has reduced due to indecent and senseless killings in the country since 2014. As the federal government continues to count the losses of the flight of foreign direct investment as a result of the general insecurity, Festus Akanbi (2021) writes that no meaningful progress can be recorded until the Nation is rid of terrorism and other organized crime are eradicated. Foreign Direct Investment in Nigeria increased by 1563.64 USD Million in the second quarter of 2021. Inflation Rate in 2021 increased to 16.82 percent from 15.92 percent in 2020. By December, 2022 the inflation rate hit 21.34 percent. Interest Rate has steadily increased 13 percent in 2021 to percent 16.5 in November 2022. It is expected to hit 20 percent by the first quarter in 2023 due to naira redenomination and political crisis in the country (CBN 2023).

The unemployment rate in Nigeria has been a chronic problem that is building up yearly leaving the citizens in abject poverty. By 2018 it was 4.96%, but in 2019 the unemployment rate rose to 5.21%. By 2020, the unemployment rate in Nigeria was approximately 6.00 percent. In 2021, the rate of unemployment became 5.94%.

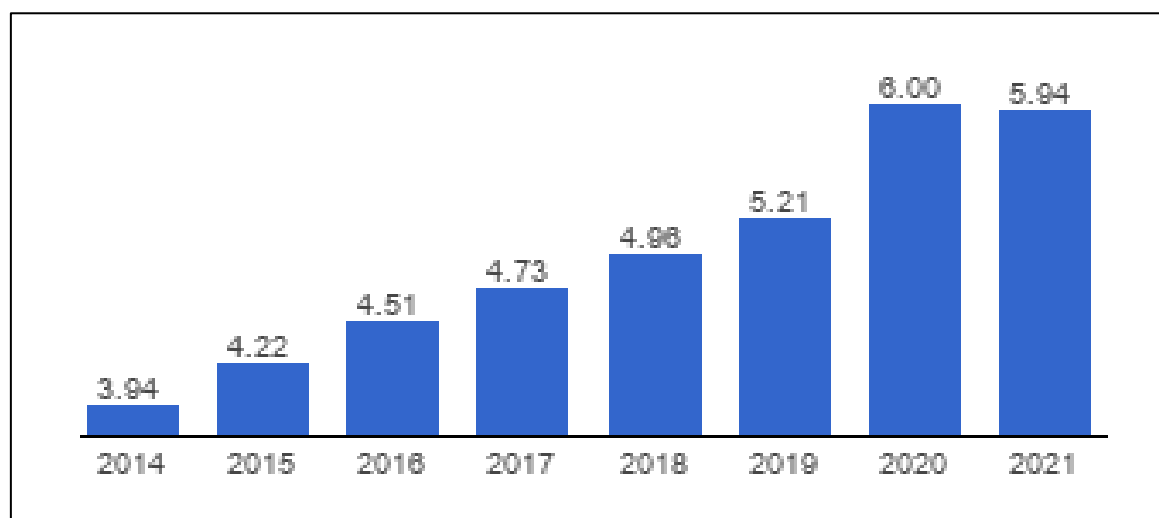


Figure 1 Rate of unemployment: The World Bank

General government final consumption expenditure percent of GDP for that indicator provides data for Nigeria from 2013 to 2020. The average GDP value for Nigeria during that period in percent and with a minimum in percent including the value of Nigeria GDP as of 2020 is 8.71 percent and are all entailed in the chart below. For comparison, the world average in 2020 based on 151 countries is 17.18 percent. Government spending in US dollars was a maximum of 37.64 billion U.S. dollars in 2020. The expenditure of the General government as final consumption includes all government current expenditures for purchases of goods and services (including compensation of employees). It also includes most expenditure on national defence and security, but excludes government military expenditures that are part of government capital formation. On the Nigerian exchange rate, naira dropped to a new record low of NGN 419.8 per USD on the official market on 14 May, 2022 following currency devaluation. On 20 May, 2022 the naira traded at NGN 412.8 per USD, weakening 7.7% month-on-month, while the currency was down 12.7% year-on-year and 7.7% same year. The naira has been under pressure from rising demand for U.S. dollars as foreign investors pulled out of the country in the wake of the global health crisis, which send oil prices tumbling, (World Bank,2019).

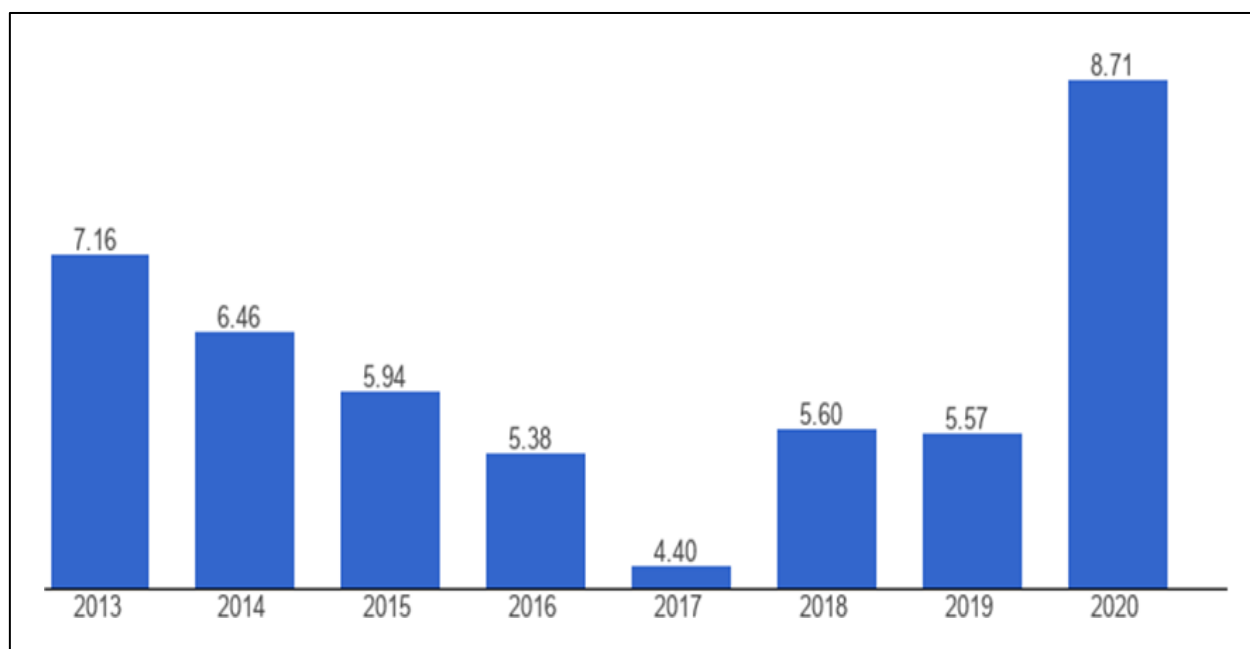


Figure 2 General government final consumption expenditure percent of GDP Source: The World Bank

2.3.1 The economic situation

Nigeria has been praised too many times as the giant of Africa. Judging an economy merely by its size can be highly misleading. From the account of the yearly production alone, suggest being adequate looking at the resilience the economy is positioned and privileged circumstances in the middle of its comprehensive upper class may perhaps be too high and mighty of what should be used as a standard of measure of actual economic strength. The country has been a place where millions of poor people fight to make ends meet every day. The national gross domestic product (GDP) alone as its standard suggests that poverty should be far away from citizens and only few may fall in the poverty line as in the case of the developed countries. In the year 2020, the country recorded a GDP of N152.32 trillion (over \$400bn) notwithstanding the reality that over 83 million of the country's populations representing 40 percent are living in poverty. Hence, with total production for 2020 valuing several trillion in US dollars, about half of the entire citizens of the country lived below \$2 per day throughout that year.

Nigeria has four main economic activities that drive the country's growth to a

limelight such as agricultural, oil and gas, manufacturing and services sectors, respectively. However, happenings at these possible economic driving forces seem primarily lifeless. According to the data released from the International Monetary Fund (IMF), Nigeria's major foreign export earnings is realized at the oil and gas sector, where the country sells for over 95 per cent of its export earnings and government's revenue accrued is about 40 percent. The country is the largest producer of oil and gas in Africa. Currently the oil sector contributes about 9 percent to the country's GDP as compared to the year 2000 where its contribution was 30 percent and total revenue alone accrued from export activities in the sector positions at \$340 billion. The country's strength is based on oil activities to feed the nation since it has been the major product but the sector experiences reduction in its happenings. This occurrence has due to the government undue fiscal indiscipline crowding the essential advantages from the market. The country continues to spend a lot on foreign exchange through import of the oil refined as petroleum, because of lack of domestic capacity to meet national demand. According to Okoi and Iwara, (2021) the country also faces a high rate of corruption in governing agencies and higher rate of unemployment especially among the youths. Economic inequality is a catalyst for social tensions within communities, with citizen frustrations manifesting in increased crime rates and violence in various forms, including communal, domestic, electoral, religious and inter-tribal violence. Inequality also perpetuates corruption because politics is perceived as the only route to earning opportunities. Generally, Nigerian women are affected by a myriad of discriminatory traditional and socio-cultural practices that put them at disadvantage in a number of areas compared to men. Majority of the women are employed in casual, low-skilled, low-paid informal jobs; women are less likely than men to own land and 75.8% of the poorest women have never been to school, compared to 28% of richest men. They are usually found in service rendering sectors and small scale businesses. Although, small businesses remain a drive of Nigerian economic activities and the main source of non-oil exports and provide 35% employment in the Country. Agriculture contributes about 29.25% to the Country's GDP in 2021. Nigeria points of 35.1 in the 2022 Gini coefficient root on countries with wealth inequality. With this figure, the country is ranked 11th position in the whole West African countries and at 100th position out of 163 countries

in the whole World. In fact, the rising level of inequality in Nigeria poses a growing threat to Nigeria's unity and stability and to its ability to eradicate poverty. According to the United Nation - (UN 2020) "Poverty rate in the formal sector is 17.53%, meaning that civil servants, mostly healthcare workers, are battling with poverty". The poverty rate in Nigeria was very high before and still high after covid-19 pandemic (UN, 2020).

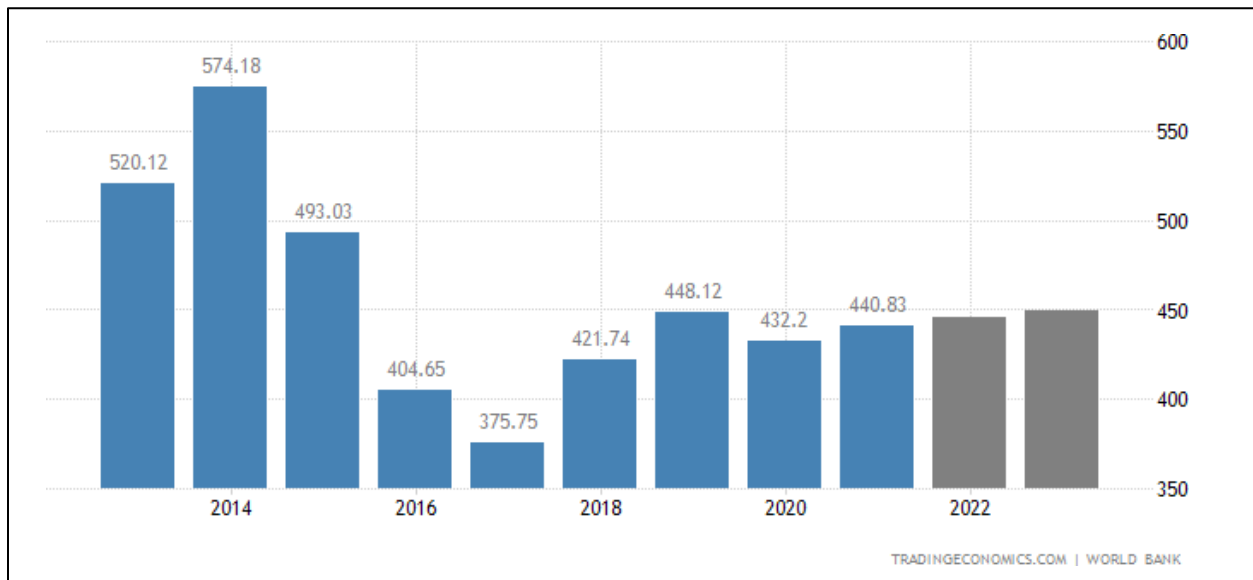


Figure 3 Bar Chart showing GDP of Nigeria

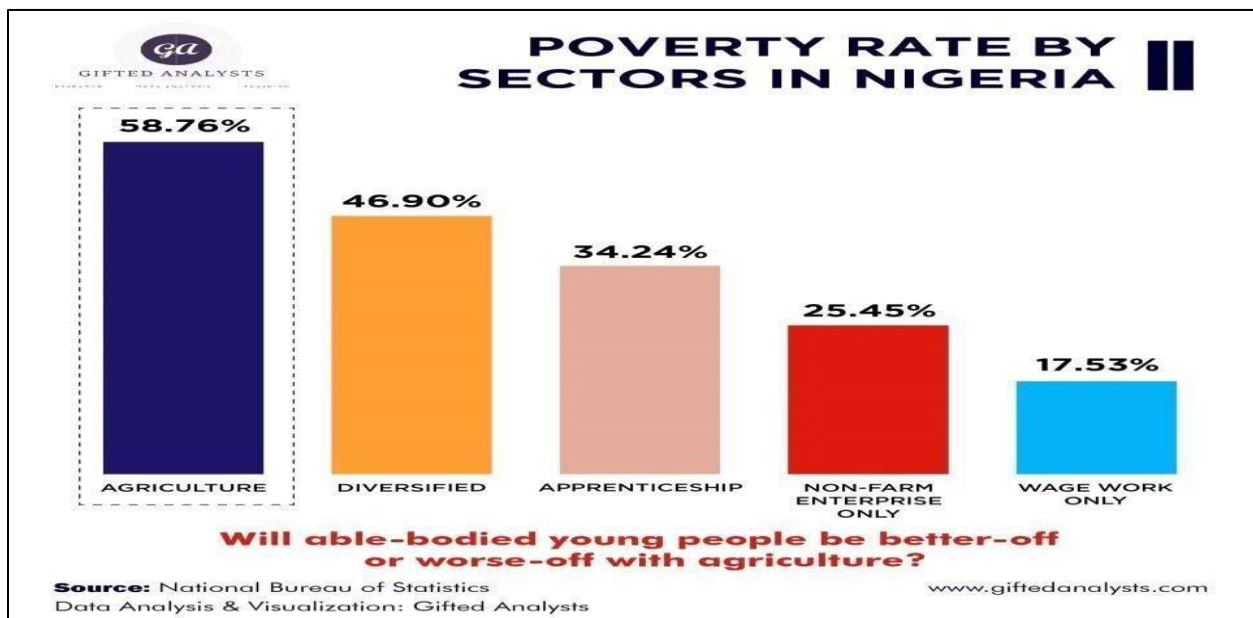


Figure 4 Showing poverty rate by sectors

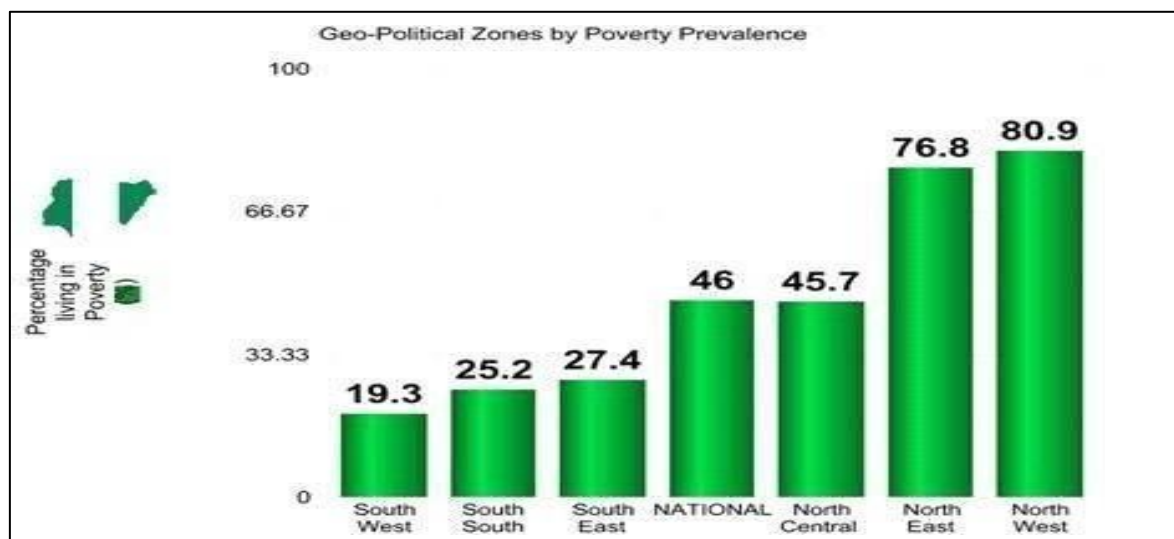


Figure 5 Showing 6 Geo-political zones Poverty rate in Nigeria.

The report from World Bank, (2022) showed the agricultural sector as the largest employer of the country but unfortunately cannot produce to feed the people in the country and the poverty rate among the sector is 58.76%. The sector seems not motivated and worsened by the current prime area of challenges that threatens food production and security in the country. Farmers lack the requisite material to enable a good performance especially those in the insurgency-prone zone. This has created a negative effect in the sector production performance to go down the trend southwards. The Manufacturing sector has been disrupted by quite a lot of influences such as shortage of foreign inference to buy the local primary consumable materials. The laydown structures in place for import primarily include consumption goods that have no further value-adding advantage besides final consumption sales. In 2019, for instance, Nigeria's manufacturing sectors received over \$8 billion in foreign exchange for imports. The bulk of this import comprises raw materials as well as household consumption goods. The cost of imports rises, making home-based production of final goods expensive. Hence, the sector continues to lose a competitive grip over foreign contenders for Nigeria's large market, and the consequent contribution of the sector to GDP continues to decline.

Borrowing from Ogunrinol, (2021), the fast-paced services sector of the country

is another area of a potential win for Nigeria. Currently praised as the most productive sector and contributing as high as 15 percent of GDP, the information and communications technology sector is a sunrise industry whose remarkable potentials are too visible to be ignored if well explored. The clampdown on a major social media handler in the early part of 2022 by the government showed how unready the country's authorities are at welcoming more digital-based investments, which has been at the expense of Nigerians since the restrictive policy was announced. Since then, many fintech companies and other investments have fled the shores of the country while other potential entrants chose to invest in neighbouring countries with lesser absorptive capacity for new investments when compared to Nigeria's thus, leaving Nigeria's digital space largely untapped. However, the authority was pressured to lift the ban which they later lifted toward the end of 2022. Nigeria's main sectors whose capacity to drive the real economic changes if properly engaged, are characterized as unproductive, waning in value-creation capabilities, uncompetitive and largely untapped, making the country to be poor amidst abundant resources.

Professional discrimination is being experienced on daily bases in a form of psychological trauma. The typical way to understand psychological trauma in action is in the form of verbal assaults, job discrimination based on sex, tribe and religion. Example, take a situation where the job opportunity of a higher managerial position which attracts more benefits and pay is reserved for males in a competition involving two persons having the same required merit for that position and the two persons are: a male and a female. The male is likely to be given the opportunity to handle that position because men are erroneously believed to be stronger and more emotionally stable compared to women. In many cases in the hospital sectors, female professionals are few in the higher managerial positions except at departmental levels where females are many at the higher management positions. This has contributed to the poor economic status of women as compared to men as evidenced by statistical results of 59.9 percent of men having higher opportunity than women in the labour market as against women who have the same qualifications which was posited by (Sasu, 2022).

Although, minimum wage remains equal amongst people with the same qualifications and levels irrespective of sex or gender in formal settings alone. The

present minimum wage in the formal sector is #30,000 (thirty thousand naira) from #18,000 (eighteen thousand naira) as of 2022, not all states of the federation are yet to implement it for workers and NLC and TUC are quiet about but paid lip service to it (Sasu, 2020) The table below shows the current minimum wage in the country.

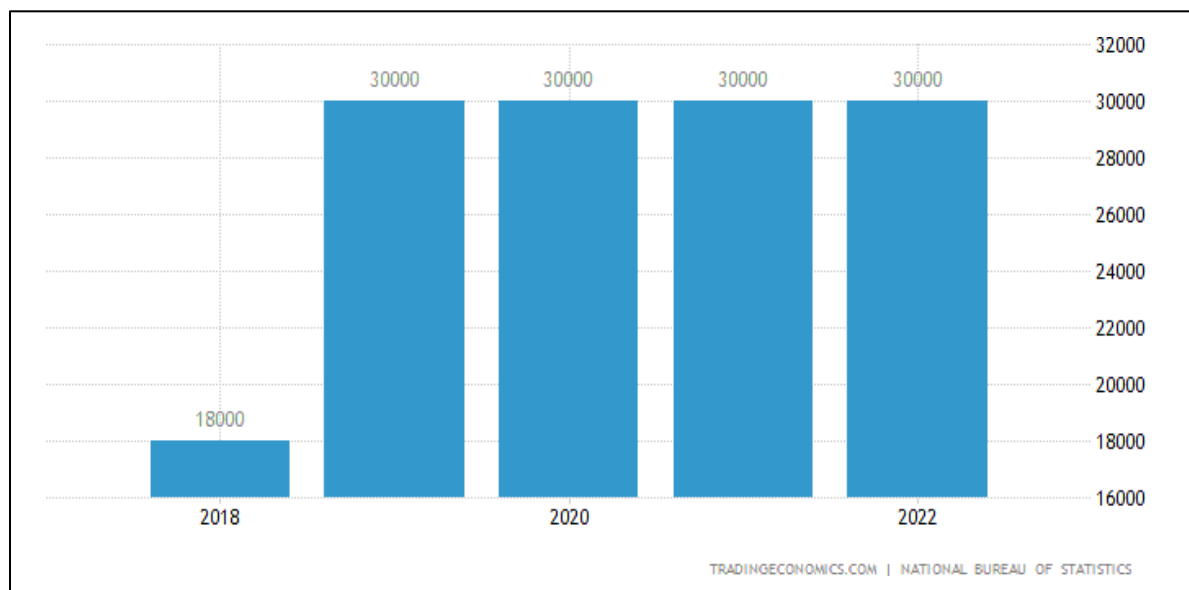


Figure 6 Bar Chart Showing The National Minimum Wage

2.3.2 Political situation

LeVan, A. Carl; Ukata, and Patrick (2020).

“Immediately following the time of gaining the having been expecting for long Independence from the British colonists, the country went through quite a lot of major political disputes which brought about very gloomy situations and many disturbances and a new constitution was drafted”.

In the year October 1, 1960, leadership of the various political parties and provincial administrations solidly tried to ensure and maintain stability and prevent political clashing of forces. The first president elected at the time was Benjamin Nnamdi Azikiwe who was opposed by Obafemi Awolowo. The Regional leadership included Ahmadu Bello who was the head of the Northern region, S. Akintola also the head of the Western region, and again M. Okpara who was the head of the Eastern region.

Nevertheless, January 1966, a collection of individual Military officers from the Igbo opposed the existing state of affairs with corruption and the politicians' use of physical force to abuse or destroy which they reject the backing of such a painful rebellion. They organized a coup but the organizer was arrested. General Johnson Ironsi turned out to be the leader for the provisional rule and fetched respect and stability through the provinces and supplementary administrative support into the military council. But, the element of the brain behind the overthrow was not instantly accomplished by General Aguiyi Ironsi in the military, leading to an influential harmful response at the interior territory of the military. The northern part of the region was threatened to have benefits in the overthrow and instantly countered. There were a lot of disputes among ethnic groups witnessed in the country. The country again saw another military overthrow in July by a collective of military officers from the Northern which carried into power Yakubu Gowon to check-out 1975. This led to the merciless killing of the Igbos in the administration in the country. This led to maltreatment of Igbo cleaning the Northern region by killing thousands of citizens. Igbos escapes to the eastern part of the country to avoid brutality. In the year 1970, the protestors were finally overcome by central multitudes and the Biafra State became unrecognized by the United Nations. There was a campaign for peace in the country, (Smith 2010) Up to date, the Biafra movement for independence is alive but the strategy used is peaceful and their core armament is information. There was one more effort in 1976, for a military coup which was organized by Buka Suka Dimka but was unsuccessful. The civilian government was given birth when Olusegun Obasanjo handed over a new rule called democracy in Nigeria. Democracy is supposed to be the government of the people, by the people and for the people. It is sad to say, citizens have been suffering since the 1999 democratic ruling without a voice. The latest generation produced many of the disputes occurring on religious grounds and among farmers and herders because the difficult political administration gives the impression to be firm at last.

There were Bloody clashes among Muslims and Christians claiming hundreds of people's lives. The main religion practice is two namely the Islamic religion having their Nigerian National Mosque in the country and the Christianity religion also having their National Christian Centre in the country (Smith, 2010 et al). Alternative conflict in

Nigeria was founded on religious grounds by the radical Muslim group Boko Haram, fighting for the cleanliness of Islam and demolition of the “Western attributes” like elections, public education, and among others. Concerning the present crisis state of Nigeria, can be solved by putting a permanent end to terrorism and establishing peace among all the existing religious and ethnic groups.

Nigeria has a diverse economic structure which gives a variety of remote self-determination, collective with federal economic planning and administration directive. Nigeria is part of the Economic Community of West African States (ECOWAS). It is a constitutional republic with thirty-six states, a federal Capital Territory and formally called the Federal Republic of Nigeria. The country is the largest in Africa in relation to population size, sharing maritime borders with three countries like Ghana, such as São Tomé, and Príncipe, and Equatorial Guinea. Abuja is the capital and eighth recorded crowded city of Nigeria and is located in the centre of the country. It was principally and strategically built in the city around the 1980's and designed by Japanese architect Kenzo Tange. It substituted as the capital on 12 December 1991 from Lagos city, the country's most overcrowded metropolitan. The city is aided by the Nnamdi Azikiwe International Airport. Abuja is a conference centre and hosts numerous assemblies every twelve months, such as the 2003 Commonwealth Heads of Government conference and the 2014 World Economic Forum (Africa) summits. The Federal government of Nigeria is composed of three distinct branches: legislative, executive, and judicial, whose powers are vested in the constitution of Nigeria in the national assembly, the president, and the federal courts, including the Supreme Court, respectively. The constitution provides a separation and balance of powers among the three branches and aims to avoid the repetition of past mistakes made by the past régimes. Nigeria is a federal republic, with executive power exercised by the president. The president is the head of state, the head of government, and the head of a multi-party system.

Politically, elections are always bloody and have this feeling of do or die affair as exhibited by Tinubu during the 2023 presidential election as he was seen in a video where he said “during election power is not served a la carte, you fight for it, snatch it, grab it, and run away with it” (i.e. the ballot boxes). In Nigeria since democracy days

rigging of elections and blood shelling have been witnessed, the irony of it is, it is a period of democracy that is supposed to encourage free and peaceful elections where votes of citizens will count, now seems to be worse than military regime. Sadly, the Nigerian government failed to caution the INEC Chairman who conducted the worst elections in Nigeria. In the 2023 presidential election between Principal Parties' candidates Peter Obi, Atiku Abubakar and Ahmed Tinubu, the INEC Chairman announced election results at the wee hour of the night and declared Tinubu of All progressives congress (APC) the winner without following due electoral process as amended in the Nigerian constitution. This action has led the Obedient (group of youths and lovers of justice) who supported and massively voted for Peter Obi to staged massive protest against the unlawful pronouncements, yet the corrupt INEC and his accomplice asked them to go to court if they are aggrieved. What a sad situation! Yes, the case is in the election tribunal court as carelessly stated by the INEC chairman, Mahmood Yakubu. The question is, will they get justice when the chief justice of Nigeria is a friend of Tinubu who is the person the election was rigged in his favour? Time would tell.

2.4 Violations of human rights in health as intertwine with labour rights of Nurses and the right to quality healthcare

livOeira, Freitas, Araújo and, Gomes. (2020) Nurses are qualified health professionals whose jobs or services are so essential to humanity. They are always at the centre of care, advocating for the rights of self, other Nurses and their patients. Human rights violations or lack of attention normally induces serious health consequences. Overt or implicit, denial of workers' rights and discrimination in health services delivery among the workforce and health workers and service users" acts as a powerful barrier to health services, and contributes to quality care. Denial of dignified working conditions and autonomy, including forced treatment or institutionalization, and disregard of individual legal capacity to make decisions can lead to mental ill-health. Paradoxically, mental health is still given inadequate attention in public health. Violations of human rights not only contribute to and exacerbate poor health, and can further Aggravate the suffering of people living with disabilities, indigenous populations,

women living with HIV, sex workers, people who use drugs, transgender and intersex people. Sometimes, the health care setting presents a risk of heightened exposure to human rights abuses – including coercive or forced treatment and procedures. This has resulted in formulating a patient bill of rights (AHA, 2021).

Donnelly (2022),

"The right to health is one of a set of internationally agreed human rights standards, and is inseparable or „indivisible“ from these other rights. This means achieving the right to health is both central to, and dependent upon, the realization of other human rights, to food, housing, work, education, information, and participation. The right to health, as with other rights, includes both freedoms and entitlements".

The irony of it is, the Nurses who care so much about the holistic wellbeing of patients in OOUTH are not well taken care of when they are sick, as all workers will not be treated free unless they pay for treatment from their meagre salary.

2.5 Workers' Rights Campaign in Nigeria and Struggle for Rights in the Labour Movement

When the Union is on a sincere mission to defend and campaign strongly for workers' rights and welfare there is a need to understand and maintain the best of industrial relations that exist between them and employers. Ascertain if it is that which promotes productivity and allows for workers development. Because industrial relations are known as employment relations are symbiotic in nature. According to Agnihotri (2020), the term industrial relations explain the relationship between employees and management which stem directly or indirectly from union-employer relationship. Industrial relation is the relation in the industry created by the diverse and complex attitudes and approaches of both management and workers in connection with the management of the industry. This is expected to reduce conflict, develop ownership and commitment, boost employee morale, encourage contributions from the employees, reduce costs, respond to competition, and benefits of labour-management cooperation. The best type of system in managing workers affairs out of the set of four styles that can bring about the above

benefits is the consultative management Style. But instead OOUTH Management adopted an exploitative authoritative System in the field of industrial relations while union leaders who were to use sectional bargaining power to agitate for better welfare packages and defend their rights somehow became agents of the state and management that has repressed Nurses rights.

According to (Oluchi 2021), the labour law of Nigeria states that, an employee working in a private or in the civil service establishment have rights and remedies available in case there is breach of labour rights such as good working conditions of service, equal opportunity in the workplace, sufficient rest and leisure, limited working hours and regular paid holidays (article 7). The National Minimum Wage Act, as Amended in 2011, as adopted by the ILO on 15th March 2011 states clearly that normal full-time work hours in Nigeria shall be forty (40) hours per week for all employees while the rest hours is the employees' rights to enjoyed to the fullest without interruption or victimizations. Sick leave with pay is a right. A continuously employed worker for a minimum period of 6 months preceding absence is entitled to not less than 50% of the wages earned if not absent. Employees nursing babies are entitled to half an hour twice a day during working hours for that purpose. Paternity leave is not recognized under federal law but some states have introduced it, for example Lagos. Right to be paid for extra hour work is recommended by ILO but not practised in OOUTH. Oginni, Yemi, Adesanya and Segun (2013), "the most important factor to be considered in starting up with institutional administrative effort suggests for an employment contract to be written". Work engagement in Nigeria is basically overseen by the bases of engagement regulations in the country. Clarity given to the regulations that administer an engagement relationship and loyalty to the laws which protects employees' rights and employers' obligations, can shield the employment from serious human rights abuses. The partisan thinking of neo-liberalism highlighted economic growth, its necessity and proclamation of social justice as the best upheld by nominal management interference. A free-market forces and as an effect ending a lot of determined hard work at national and international levels to have a normal level serving as the guiding outline for labour connectivity among employees and employers. Therefore, deliberate on some aspects

of workers" rights to establish a contract of employment because of the engagement agreement including payment of overtime. There are steps to be taken while calculating the amount of overtime pay owed to workers, they are as follows:

Determine whether the individual is eligible for overtime. The person might not qualify as an employee, or may instead be paid on a salary basis, in which case overtime rules do not apply.

Determine the hourly rate of pay, which is the total amount paid in the period divided by the number of hours worked.

Multiply the hourly rate of pay by 1.5x. The truth is, this overtime rate is not enjoyed by workers in OOUTH.

The Nigeria Constitution (1999), as amended, has no legislation that specifically regulates equal opportunities and discrimination in employment. The law has provision a general prohibition of discrimination on the grounds of ethnic group; place of origin, community, sex, religion, political opinion and circumstances of birth. The Factories Act has given employers or occupiers of factories responsibility to ensure the health, safety and welfare of workers within the working area. As a consequence, it is the duty of owners of businesses to make certain the Factories Act provisions relating to cleanliness, overcrowding, ventilation, lighting, drainage and sanitary conveniences to meet the standards. Further, the Act requires employers to make available protective ways to access a safe working environment. By law it is a must to provide protective tools for the employees in any process involving excessive exposure to wet offensive substances or to injurious substances. Similarly, where necessary, suitable gloves, footwear, goggles and head coverings should also be provided and maintained by the employer for use. In most cases employers who are the employers of labour do everything to protect their gains and maximize profit. This is where Union bodies supposed to come in and defend the workers.

Nigeria recorded its first industrial action from workers in the year 1897, when the trade union movement became visible during the early struggle. The first formal trade union existed and was generally known on 19th of August, 1912. It was called the

Nigeria Civil Service Union. However, this union was not identified for documentation and therefore, experienced aggressive pressure and/or intimidation from employers up to the point in time in 1938 when the Trade Union Ordinance was passed. This law allowed access for the registration of trade unions movement in the country.

There was a quest by Moses John for the labour movement to play an active role in politics as a panacea to the endless struggle for a better living wage and country. The struggle was on the lead of action plans of the labour movement in Nigeria. However, it is easy to understand that persistent protest, strike, carrying of placards and banging of tables by the organized labour yield little result. This called for a change in strategy and approaches by the labour movement to ensure a better society where workers will be paid a living wage. According to Moses John (2010), the Labour movement has in every case has struggled to unite Nigerians across tribal and regional lines. The reason the labour movement was able to spearhead the struggle for Nigeria's independence was to physically support Nigeria's sovereignty and social justice, the basic human rights; economic, social and political rights on Nigeria's national agenda. This argument has created a debate for labour movement involvement in the political space by Prof. Olorode. The Chapter II of the Constitution, the de facto Ground norm of the 1999 Constitution of the Federal Republic of Nigeria, the Objectives and Directive Principles of the State Policy, and especially its sections and the section 16 has a very strong backing up to date from the labour movement. From the analysis made, without any further thought, he clarifies that the ruling class political parties and alliances have criminally, and consistently, breached these sections of the Constitution of the Federal Republic of Nigeria.

Nigerian Labour laws aim to regulate the relationship practices in labour relations at both individual and between an employer or a class of employers and their workmen. It speaks to the rights, working conditions, in most countries including Nigeria, it was found in place by the government of Nigeria. To arrive at labour and management, they continuously struggle to make as large these laws are so wide to come into the lives of many replicated values. Hence, they try to augment their men and women who constitute the entire labour force respective incomes and enhance their positions. These create a striking different and loudly ground in mapping out the sources and history of

labour challenging entitlements, which are not always basic to laws, implied that the sources of the Nigerian labour law amenable reconciliation, if the issues bordering are basically rooted in the English law. It was discovered that the relationship between workers and their employers were not as it should be fixed because Nigeria was colonized by Britain, they have a tendency to surge its banks which resulted in inheriting some of the British labour laws imported on productivity/service delivery. In times past these laws in Nigeria are drawn straight from exactly the entire economy of the nation to the date where the colony was contacted. "British labour laws, especially the ones relating to interest in labour and welfare issues cannot remain a silent master-servant relationship, were enforced in Nigeria" and helpless spectators in the relationship. Subsequently, various labour legislations were passed into responsibility of coming up with legislative provisions law in Pre- and Post-Independent Nigeria and since the labour Laws is expected to bring to level these conflicting renovations of democratic government in 1999, Nigeria has interests in the field of labour-management affairs. Nigerian Labour laws are to regulate good labour practices for good industrial relations and their collective level of laws. According to Odeku and Odeku (2018), it is pertinent to reduce labour relations in Nigeria to a plethora of Strikes pointing out that Nigeria operates a federal system of and Lockouts. This ugly development has had adverse governance, where powers are a constitutionally shared effect on the economy and well-being of the Nigerian between the central government and the component workers. The politicization of the labour unions by government component political units like the state and the local levels seems to be a major inhibitor of the efficacy of the Nigerian labour or workers" rights matters relating to labour control and labour laws to be effective. Democracy in labour laws have been vested exclusively in the central government, contained overboard as collective bargaining has been threatened in the Exclusive Legislative List. Government uninterrupted changes in the labour policies have weakened labour unions and labour dynamism and has added to the existing challenges.

The primary goal of this structured body was to protect the interest of its members, to fight for them, and negotiate for employees" salaries, numbers of hours of work in employment, as well as an attractive good condition of service. The labour

movement grew out of inspiration. It is not only for the interest of the workers that they emerged, their other aims were to ensure a just society, and social equality. According to Ajie (2021) Labour movement/Trade union continues in Nigeria to work towards the protection of the rights of the workers and contribute towards economic development but this is not the situation of OOUTH, there is lots of unfavourable working conditions and rights violations be delver all workers in all sectors in Nigeria especially in the chosen institution. Unfortunately the labour union leaders at all levels saddled with the above responsibilities have become toothless dogs that can only bark but cannot bite. To worsen it, the local, the state and National body of Nigeria Labour Congress (NLC) under the leadership of the former chairman Mr Waba and to the present leadership of Ajero became the puppet and cyber dogs of the ruling Class making it very easy for workers to be repressed and their rights greatly undermined.

2.6 Nigeria national regulatory system on the workers' rights and legal system

The Constitution of the Federal Republic of Nigeria (1999) as amended is the foundation for workplace regulation. The Constitution is the mother of all the laws from which other regulations and guidelines find its root. The labour law has its root from the Constitution when it was drafted to regulate the workers in the country. The Labour Act Chapter L1, Laws of the Federation of Nigeria 2004 "Labour Act", gives definition for the minimum terms and conditions for employment for workers. Stated in the Nigeria Labour act, the details of an employment relationship between workers and employers is specified in the agreement. The Labour Law has made available in detail the rights, conditions, minimum wage and many other tenets set by the state Government. The act was recently reviewed and enacted in 2004. The Federal laws which were passed by the National Assembly of Nigeria"s national legislative houses and the State laws also passed by the House of Assembly, the State legislative power of respective state, relating to labour and employment, pension and workplace compensation, including the following:

Employees Compensation Act 2010

National Health Insurance Scheme Act, Chapter N45, LFN 2004

Trade Disputes Act, Chapter T8, LFN 2004

Trade Unions Act, Chapter T14, LFN 2004 as amended by the Trade Union Act 2005.

The Trade Union Act Cap T4 LFN 2004 in Section 1 says "any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purpose does or do not include the provision of benefits for its members". The Nigerian Labour Law demands that every employer should prepare a written contract on any case of employment and present the employee with this contract before the end of 90 days from his first day on the job. According to IWALAIYE (2022) Nigerian labour law permits pregnant women a maternity leave of six weeks before delivery and six weeks after delivery unless there are postpartum complications. If a worker dies in active service due to injury he sustained at work his dependents are entitled to 42 months of his earnings. The Labour Act, which prescribes the minimum terms and conditions of employment, is limited in its scope as it applies only to Workers.

The main sources of laws that provide conditions for all forms of employment processes which are not limited to part-term employment, termination of a contract of employment by issuance of notice in writing are in the Labour Act, chapter L1 section 11 of the Act, (Adjigogovic 2015). At times it becomes inevitable to relieve workers of their job, for instance in case of redundancy. The Labour Act defines redundancy as an involuntary and permanent loss of employment caused by excess manpower. The employer can terminate a contract of employment by reason of redundancy. However, as it turned out for redundancy:

The employer is to inform the trade union or the worker's representative concerned.

The principle of "last in, first out" shall be adopted in the discharge of the category of workers affected, subject to all factors of relative merit, including skill, ability and reliability.

The employer is to use his best endeavours to negotiate redundancy payments to any discharged workers who are not protected under the Labour Act.

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

When an employee is employed for 3 months period or less, employee or employer may terminate the contract with a minimum of one day notice

When an employee is employed for a three month period but less than two years, that employee or the employer may terminate the agreement with notice for a minimum time period of one week.

When an employee is employed for a period of two years but less than five years, either party can decide to terminate the agreement with a minimum notice of two weeks.

When an employee is employed for five years or more, both parties in agreement may possibly terminate the deal within a month period of notice as minimum.

Notice of termination of an agreement served in a week or more, it must be put in writing form.

Any employee that suffers employment discrimination or not guided by slight difference in condition of the terms of the service agreement or wrongful dismissal of employees service agreement, the employee is permitted to sue the employer for breach in agreement and secure the following remedies:

Subject to the mutual consent of the employee and the employer, reinstatement or re-engagement or

Termination payment award and

Compensation in a form of monetary award

Terminal claims are the entitlements for employee wrongful dismissal or termination of agreement yet to be paid. Terminal claims includes salary/wages, arrears of payment, salary in lieu of notice, end of the year payment, maternity leave pay, severance payment or long service payment, sickness allowance, holiday pay, annual leave pays, etc. Position otherwise, terminal claims are rights of employees' influence rationally eligible under the law if the agreement of employment had been allowed to continue. It must be understood that this research on the workers' rights in OOUTH, Nigeria is for general informational purposes only and not a substitute for legal advice.

An employee facing health and safety hazards at employment, arbitrary variation of the

terms of the contract, wrongful deductions from salary, personal injury or illness course by employment; wrongful dismissal, legal guidance and help from a special attorney is advice to be sought by the employee for a redress for the worker compensation.

The labour law also set out a process to follow in case of injustices or disenfranchisement from the employers. The national industrial court (NIC) is the legal place to file labour cases when all methods to resolve crises fail. The next level to take redress is the appeal court, where parties involved feel dissatisfied with NICN judgment.

2.7 The Nigeria labour Congress

The Nigerian Labour Congress was founded in December 1978, as a merger of four different organizations: the Nigeria Trade Union Congress (NTUC), Labour Unity Front (LUF), United Labour Congress (ULC) and Nigeria Workers Council (NWC). However, the recently-established Federal Military Government, led by Murtala Mohammed, refused to recognize the new organisation, and instead set up the Adebisi Tribunal to investigate the activities of trade unions and their leaders. The Tribunal reported in 1976 and claimed that all the existing trade union centres propagated Cold War ideologies, depended on funding from international union federations, and mismanaged funds. This was used as a justification to ban all four centres, with M. O. Abiodun was appointed as the administrator of trade unions. He accepted the establishment of a new Nigeria Labour Congress, on the condition that the approximately 1,500 affiliated unions were restructured into 42 industrial unions, plus 19 unions representing senior staff.

In 1978, the Nigeria Labour Congress was established, with the 42 industrial unions affiliated. It was to be the only legal trade union federation. Its leadership included many of the leading figures from its four predecessors, with Wahab Goodluck becoming its founding president. During its history, conflicts with the military regime twice led to the dissolution of the NLC, the national organs, the first in 1988 under the military regime of General Ibrahim Babangida and the second in 1994, under the regime of General Sani Abacha. In 1996, the 42 affiliates of the NLC were merged into 29, by Act of Parliament. Under Nigeria military governments, labour leaders were frequently

arrested and union meetings disrupted. Following democratic reforms in the country, some of the anti-union regulations were abolished in January 1999. The same month Adams Oshiomhole was elected President of the reformed organization. The law in Nigeria regulating or guiding employment relations is known as the labour law, is openly seen in the 1979 Constitution of the Federal Republic of Nigeria in section 7(3) (Obisi et al, 2005). The constitution provides amongst others as follows:

Citizens without discrimination on any condition have the opportunity for satisfactory ways of livelihood as well as to secure justifiable employment.

Conditions of work are just and humane, and there are sufficient services for leisure and social, religious and cultural life.

The health, safety and welfare of all persons in employment are safeguarded and not endangered or abused

There are satisfactory medical and health services available to all person

There is equal pay for equal work without discrimination in relation to sex or whatever condition.

Children are protected against any exploitation or child labour and abuse, and against moral and material neglect and Provision is made for public assistance in deserving case or other conditions of need taking in account the available provisions, it is reasonable and base on good judgment at a guess that they are not stated clearly and in detail as many as required and this clarifies why legislations have been passed on some specific subjects vary from the Labour Act CAP 193, 1990 Wages Board and Industrial Council Act CAP 466, 1990, National Minimum Wage Act CAP 267 LFN1990, National Salaries and Wages Commission Decree No 99 of 1993, Trade Dispute Act CAP 432 LFN 1990, Employee Housing Scheme (special provision) Act CAP 107 LFN1990, National Housing Fund Decree No. 3 of 1993, Trade Union Act CAP 437 LFN 1990, Workmen's Compensation Act CAP 470 LFN 1990, Nigeria Social Insurance Trust Fund Decree No. 73 of 1993 and to the Factory Act CAP 126, LFN1990. All these were enacted to ensure safe, healthy, and fair conditions of work so that work activities can be performed in atmospheric conditions free of tension and vendetta (Obisi et al, 2005).

2.7.1 Problems and Prospects of labour movement in Nigeria

In the view of Nwokpoku E. J., Nwoku P. M., and Nwoba M. O. E (2018),
"the labour law allowed Union leaders to campaign on the basis of workers' safety in an organization, and contest policies hostile to the plight and welfare of workers at employment".

The advent of the labour movement served as a great deal to determine many of the job conditions enjoyed today by the organizational workforce as a result of labour movement struggle for workers' rights. The issue of workers' rights has been a major challenge in the country of which the Labour movement in Nigeria has been thought-provoking and defending strongly in contradiction to the exploitation of workers' rights. Awareness has been created on the importance of an effective labour force to shield workers' rights through negotiation and lobbying employers on the policies that will serve the interest and plight of workers. This is the author's view. In practicality it was in the past under the leadership of Adam Oshiomole that we have leaders at National level to be at the forefront bargaining for a better economic standard of workers in Nigeria. This was corroborated by Ohu (2020) who lamented how workers were not given adequate protection in many sectors during the pandemic, which prompted prominent Nigerians to call on labour leaders at the national level to fight for workers' rights. In fact, Workers have to wake the union leaders up from deep sleep before they can respond to one problem out of multiple complaints or wailings.

For many years workers suffered low income or wages which makes life unbearable for them until 2019 when the salary was increased from #18,000 (eighteen thousand naira) to #30,000 (thirty thousand naira) as minimum wage per month which include feeding allowance, house rent and transportation. Labour movement has worked for a favourable salary for the employees who the leaders are still being urged to negotiate with government and all other employers of labour for an increment due to the present rate of inflation in Nigeria to meet a living standard for the workers. There are policies in place to guarantee paternal, maternal, grants workers leave while on holidays and career leave for the good of workers. Stable employment has been

negotiated by the Labour movement to ensure long- term job stability for hardworking and competent workers in the workplace, notwithstanding the unfair economic situation in the country. Labour movements negotiated for equal working opportunity for the workers including a healthy normal length of 40 hours per week and stressed the reason why employers must not overworked their employees, (David 2014). Nevertheless, the Labour movement has faced up to the maltreatment coupled against workers and struggled against disparity in workers' pay at employment and demanded equal wages for equal work done and consideration. Their struggle also challenged injustice and exploitation, occasioned by unfair policies. Of a truth, labour leaders have made a crucial impact with regard to salary negotiation, and have always been there for their members in any workplace except the aspects of other aspects of workers violations.

2.7.2 Political and Socio-economic changes

Political, social, and economic reforms have posed a severe challenge to the effectiveness of the labour movement in Nigeria. There are adjustments in administrations and sometimes, among workers in employment owing to certain nature of development documented, every now and then too, the current impact of economic reality on this employment. This has resulted in laying-off some workers and some businesses being shut down. This uneven working decision has certainly exposed workers' continued existence, which made the labour movement unproductive of its functions. The actual function of the labour movement was to stand in for the employees in a workplace, and ensure their job security in an organization, but unfortunately, there is a departure from this arrangement. The reason is obvious, the problem has been that the labour leaders find it difficult to adapt to these changes in a workplace.

2.7.3 Lack of job security

One of the challenges facing the labour movement's success in their mandate of protecting the interest of workers has been the issue of job security. To the labour movement, organizations ought to retain workers in their work place particularly, if the workers are hardworking staff. So, their struggle to ensure job security or long-term

employment stability was faulted as some of their members were laid-off, and to these employers, achieving high productivity will mean that they will have to lay-off some of their staff, and as well integrate modern technology techniques into their organization to help fast track their desired goals and objectives. So not relying so much on manual labour by employers any more has been one of the labour movement's challenges.

2.7.4 Conflict in bargaining

All over the world collective bargaining emanate from the private sector but in Nigeria reverse is the case as collective bargaining game roots in the public sector and that has been the reason why most efforts made at the state and national levels are not achieved coupled with the fact that Trade unions in Nigeria are very weak to fight for the right of workers and often the government decides most of the things they do concerning workplace by the government (Fashoyin 1992). The system in Nigeria most especially the way the wage tribunal/commission is instituted by the government offers little or no opportunity for the workers to determine the terms and conditions of employment. This can hardly be seen as bilateral or tripartite. Therefore the commission is anti-collective bargaining.

The effectiveness of the labour movement is in bargaining for workers condition of service sometimes, when the organization breached the agreement reached with the labour leaders in respect to workers interest, the workers will embark on strike action. Sometimes the conflict is as a result of the organization's executives thinking that keeping to the agreement will mean treating them (the workers) as equal or the co-owners of the business.

2.7.5 Decrease in membership

Labour movement membership however, in recent times has been reduced, not as a result of the present economic reality in the country, but it is for the fact that organization executives have wielded power against labour leaders. Sometimes the labour leaders will have their share of hammer blows from these employers of labour, and this attack on the leaders of the labour movement has led to unfair economic reward to workers.

2.8 Workers' Rights Campaign and Labour movement in OOUTH

Using the power of resource approach to understand the strategies used by the union in OOUTH became very important. Because, French (1959) Raven (1965) in the early 1960s identified how different types of power affect one's leadership ability and success in a leadership role. The five types of power identified are: Coercive, Reward, Legitimate, Referent and Expert all these fall under formal and personal power. OOUTH union leaders subscribed to coercive power which is conveyed through fear of losing one's job, being demoted, receiving a poor performance review, having prime projects taken away, etc. This power is obtained through threatening others.

According to Wright (2000), Silver (2003), Structural power refers to the position of wage earners in the economic system. It is a primary power resource as it is available to workers and employees even without collective-interest representation. It arises "out of the type of dependencies between the social parties at the place of work" (J rgens, 1984) and also in the labour market. Structural power rests on the power to cause disruption (disruptive power) and as such to interrupt or restrict the valorization of capital (Piven, 2008). Following Beverly Silver's (2003) argument, one can distinguish two forms of structural power: workplace bargaining power and marketplace bargaining power. Workplace bargaining power depends on the status of workers and employees in the production process. It is mobilized by the refusal to continue working. In addition to strikes and sit-ins, it can also encompass covert forms of industrial conflict such as sabotage or go-slows (Brinkmann et al., 2008). This means that workplace bargaining power is not always exercised centrally, but sometimes spontaneously by smaller groups. By stopping work, wage earners can cause major costs Structural ("Economic") power Marketplace bargaining and workplace bargaining power Associational power Stability/vitality of unionization Societal power Coalitional power and discursive power Institutional power Securing influence in institutional set-ups. I decided to use the power resource approach in order to analyze the strategies used by the union executives to manage workers' welfare matters, why they are unable to solve right violations issues and make adequate recommendations.

In OOUTH the hospital has various labour unions in the institution which the

workers belong to depending on the sector, status and profession. The research work focuses on the Nurses and Midwives in OOUTH who belong to the National Association of Nigeria Nurses and Midwives (NANNM) are licensed by the Nursing and Midwifery Council of Nigeria. The primary challenges faced by the workers of OOUTH is that Union leaders who were to fight for Rights of Nurses which are fundamental and non-negotiable are sleeping on right and slow to negotiate for the workers welfare and help to defend their rights because of their personal interest and gains they expect from the management. Another reason for creating this challenge is due to the fact that the institution does not have a Collective Agreement, an internal source of document with which to strongly bargain and spells out the conditions of service, the welfare packages, rights, responsibilities and protection of the Nurses and/ or any other internal source. This collective agreement connects workers and management for a cordial working relationship, outlining the interest of management.

The Nursing and Midwifery Council of Nigeria is a regulatory and licensure body with the primary objectives of ensuring high quality of Nursing and Midwifery education in Nigeria, maintaining high standard of professional nursing and midwifery practice and enforcing discipline within the profession. The Nursing and Midwifery Council of Nigeria is said to be fully committed to the promotion and maintenance of excellence in Nursing education and practice in Nigeria, (NMCN, 2022). The Council is supposed to be making regular and extremely energetic efforts through a proper regulatory framework in promoting the quality of nursing practices and licensing of Nurses to give quality care to individuals, families, groups and the general public as one of the critical measures to improve the overall service delivery in the health care sector in Nigeria. But unfortunately, the council became a money making venture while the standard suffer at the hands of quacks called auxiliary nurses who are trained by scrupulous elements in private hospitals to mimic qualified nurses and take up the roles of nurses in almost the whole private hospitals in Nigeria without the council seeking legislative means to put a stop to the ugly situation. This has really reduced the right of ownership of the profession in some private hospitals. Whereas, Nursing is a profession of high reputation both nationally and internationally and will continue interdisciplinary collaboration with all the relevant stakeholders in education and health sectors in order to take the profession

to the highest pedestal of excellence.

2.8.1 The National Association of Nigeria Nurses and Midwives (NANNM)

NANNM is a professional-cum trade union organization recognized by the Trade Unions (Amendment) Act of 2005. The association was founded on 8 December, 1977. It is a non-governmental and non-profit organization authorized to organize all professional Nurses and Midwives who are trained, registered and licensed to practise Nursing Profession at all the levels of healthcare delivery system, namely primary, secondary and tertiary both in public and private sectors in the country. The first organization of nurses in Nigeria was known as the Nigeria Union of Nurses (NUN), which was formed in 1938 and registered in 1943. It negotiates for the welfare of Nurses and Midwives and also carries out other health awareness projects. The Union has both structural and institutional powers but ability to utilize them has become a bone of contention. In the past 15 years now, these roles are fast neglected by many NANNM Executives of the OOUTH, making it very easy to disenfranchise the group of workers.

NANNM is also an affiliate member of the International Council for Nurses (ICN), Nigeria Labour congress (NLC), International Council for Midwives (ICM), and Commonwealth Nurses Federation (CNF). These named bodies seek to unite all Nurses, especially those from Nigeria to work together as a group to achieve a common objective,(LeVan, A. Carl; Ukata, Patrick 2018).

3 CHAPTER THREE: THE NURSES WORK PROFILE IN NIGERIA

Back in the days, nurses had their first strategic shift of a military unit noticed and recorded in the year 1882. -Nurses are healthcare professionals whose responsibilities are preparing care plans for patients, administering medications and treatments, monitoring vital signs and maintaining medical records. They give services to patients in hospitals and clinics or provide in-home care. There are some institutions that create medical centres to seek the services nurses provide to their members in the event of emergencies such as the schools, private and government. There was a customary way of nursing and midwifery used for survival before the advent of the colonial masters introduced contemporary nursing.

In Nigeria, the first home for nursing was known by the British colonial administration in Jericho, Ibadan. Later, the missionaries fully formed the nursing when they established their home, Dispensaries etc. and began training people into the professional school in Nigeria in the year 1949 at Eleyele, Ibadan.

"A registered nurse (RN) is a successful and certified graduate from a recognized nursing college, having the standards to meet that of the country or related government-authorized nursing license. Registered nurses are normally major in their area specialty, engaging in a comprehensive collection of professional backgrounds", (George 2011).

Nurses are directly involved with providing certain types of treatments and procedures for patients. The nature of the work is such that, depending on the section or where a nurse is scheduled to work, the knowledge acquired in experience demands a higher responsibility in the work task. Cases that demand treatment are:

- Taking blood samples and ensures it is taken to the lab for testing
- Managing patient wound at the hospital and removing stitches
- Inserting intravenous lines (IVs) and monitor infusion progress
- Ensuring patients medication as planned and giving support
- Checking patients' vital signs, heart bite rate and updating on the chart
- Preparing patients for surgery.

Nurses are often the patients' main point of contact with the healthcare system, where they communicate directly the overall care plan and offer other kinds of ongoing support about their patients. Nurses Back in the days had their first strategic shift of a military unit noticed and was recorded in the year 1882. Nurses are healthcare professionals whose responsibilities are preparing care plans for patients, administering medications and treatments, monitoring vital signs and maintaining medical records. They give services to patients in hospitals and clinics or provide in-home care. There are some institutions that create medical centres to provide services to their members in the event of emergencies, in schools, private and government hospitals. There was a customary way of nursing and midwifery used for survival before the advent of the colonial masters who introduced contemporary nursing.

In Nigeria, the first home for nursing was founded by the British colonial administration in Jericho, Ibadan. Later, the missionaries fully formed the nursing department in their home, Dispensaries etc. and began training others into the professional field such as school in Nigeria in the year 1949 at Eleyele, Ibadan.

"A registered nurse (RN) is a successful and certified graduate from a recognized nursing college, having the standards to meet that of the country or related government-authorized nursing license. Registered nurses are normally major in their area specialty, engaging in a comprehensive collection of professional backgrounds", (George 2011).

Nurses are directly involved with providing certain types of treatments and procedures for patients. The nature of the work is such that, depending on the section or where a nurse is scheduled to work, the knowledge acquired in experience demands a higher responsibility in the work task. Some of the cases that Nurse carried in addition to the aforementioned are:

- Collecting blood samples and ensures it is taken to the lab for testing
- Managing patient wound at the hospital and removing stitches
- Inserting intravenous lines (IVs) and monitor infusion progress
- Ensuring patients medication as planned and giving support

Checking patient's vital signs, heart beat rate and updating on the chart
Preparing patients for surgery

They are often at the centre of patient's care in the healthcare sector, where they directly communicate with all those involved in the overall care plan and offer other kinds of ongoing support to their patients. Nurses serve a key administrative role, managing interactions among doctors, technicians and other health service personnel.

3.1 THE NURSES WORK PROFILE IN OLABISI ONABANJO UNIVERSITY TEACHING HOSPITAL (OOUTH)

The fundamental roles of Nurses are preventing diseases, treating disease conditions, promoting health and longevity of life. The profile of Nurses in OOUTH, Sagamu Ogun State is same as that of other hospitals in Ogun because it is a state owned institution hence the hospital does not have a special different Nurses profile on the hospital database. The state management board is formed by six memberships as established by law, is responsible for the recruitment of staff, ensuring effective communication among members and health care facilities under their control. The sad story as gathered from this research, the board does not have autonomous power to execute their duties and the state government with the support of the ministry of health interferes in the decision of the board. This was seen as a clique in the wheel of progress in OOUTH administration.

The staff strength for Nurses in the institution is about 283 in number. The job description for the Nurses depends on the cadres and specialties they fall into. In OOUTH, newly employed Nurses with only registered Nurse certificates are placed on Nursing Officer 111 (NO111) with job descriptions different from others with dual qualifications. Those with Registered Nurse and Registered Midwife certificates (dual qualified) are placed on Nursing officer 11 (NO11) cadres with more advanced responsibilities and job descriptions different from responsibilities of Senior Nursing officers. And those with university graduate certificates are placed on nursing officer 1 (NO1) cadre in the institution. Whereas, single qualified Nurse-cadres though, now obsolete are supposed to be placed on (NO11) cadre, dual qualified Nurses are

supposed to be placed on (NO1) cadre and university graduate Nurses are supposed to be placed on Senior Nursing Officers (SNO) cadres respectively according to the new scheme of service for Nurses as amended, (Scheme of service 2022).

All standards and different adjustment of entry points for Nurses into the labour market mentioned above are yet to take effect in OOUTH. According to the staff regulation and code of conduct booklet given to them on assumption of duty, career progressions is guaranteed by promotion every three years which will lead to self-reliance, self-determination and boost their morale at work but is not practicable as evidenced by delayed promotion. With experience on the job and academic advancement, the responsibility of the Nurse is expanded and there is also a rise in position. The ceiling of nursing position in service is director of nursing services which is purely administrative work. (OOUTH code of conduct, 2022).

3.2 The methodology adopted for the field Research work

In order to achieve the set objectives for this research work, a snowball method of sampling techniques was adopted. A total of Eleven (11) respondents were contacted from the institution where only ten (10) responded to avail themselves consent to participate in the research work through WhatsApp social network media. These ten (10) respondents were given questionnaires to answer and they further fetch for potential candidates to help complete the 25 questionnaires from the relevant sections such as rank and file (staff), union officials (union executives) and management using sampling methods. A follow-up interview was conducted for (5) respondents who signified additional interest in a follow up interview from three relevant stations.

3.3 Research Analysis

This research work analyses the measure adopted by OOUTH to address workers' welfare and their human rights issues when they come up in the institution, assess staff knowledge on the content of the staff code of conduct and staff regulations, and its effectiveness in solving matters arising, 88% of the respondents answered it does not address their welfare and rights.

99% of the respondents expressed their disappointment in the mal-functional behaviour of the union executive, in the struggle for the existence of the Collective Agreement that creates a good industrial relation among management and staff, and open rooms for negotiation of better welfare and human rights incentives.

The workers in OOUTH are fed with fear of getting their appointment terminated and other forms of intimidation in the way they talk or handle issues concerning the institutional matters. This had a reflection on the way some respondents answered the questionnaire during search. Over 50% of respondents ignored some questions on welfare and workers' rights and union related issues for the fear of being exposed even though they had been assured security and confidentiality. Again, it was discovered from the research questionnaire result that staff code of conduct and regulations is not effective and its content lacks material necessary to handle issues concerning workers' welfare and human rights in the institution. This has resulted in poor welfare packages for them and inability to enjoy their work satisfactorily. There were some respondents who expressed having no knowledge about the staff code of conduct and regulations, and any other internal source of documents being used by OOUTH to handle welfare and rights of the Nurse workers. Meaning the contents in the document is not clear to all staff and does not treat workers welfare even though it is a staff manual given to everyone at entry for their guide in the employment.

Further challenge faced by workers of OOUTH is staff promotion. Majority of the respondents lamented about their delayed promotion which has become a problem because is actually determined and at the discretion of the government, notwithstanding the staff long period of year, working experiences gained or having added knowledge through academic structure rather management give recommendation to their favourite staff to be for them to growth on the ladder. The institution has steady promotion for staff enjoys in the staff code of conduct and regulations, to serve as motivation but the steady promotion isn't working. The study revealed a surprise that there are some Nurses who have not received any form of promotion in the service since time of employment and are over five years in service without reasonable explanation. Others have been promoted but not a steady promotion for motivation.

Another concern is the question of the effort made so far by the union leaders, one of the executives confirmed they have not done much to fight for workers' rights. This has created the gap in the delay of members' promotion, causing discrimination and selective favour or good treatments to those who are favourite to management, tripping/weakening the union leadership in the hands of management because they seek their favour. This has also allowed for worker's suffering because their leaders who should fight for their well-being and plight in the institution are sleeping off in bed and allowed the management who are the employer to exploit the Nurse workers. Another challenge faced by the workers as revealed by "respondent I" is as follows;

***"We have been silent from saying or breaking the truth,
Not having the freedom to freely express our concerns and plight,
Not having the will to denounce the wrong and
The fear of violence caused by our Ogas and management for being bold to
speak out to defend issues and being fearless,
False gossip from colleagues who are seeking favour from management
We witnessed wrongful termination of appointments and in many other
ways by which workers' rights are suppressed".***

Out of the total 25 respondents answering the questionnaire, the majority were 23 female Nurses and the rest 2 male Nurses of the research population. The selection of the respondents in this research does not have any special category for selecting it's respondents but most participants were found between age group of 30 years to 50 years old contributing 80% from the total respondent, 10% were age 50 years to 60 year and rest 10% were below age 30 years, and finally, the focus was on the potential to help get a good result for a quantitative analysis purpose. The distribution chart for the male and female category of the respondents is shown below:

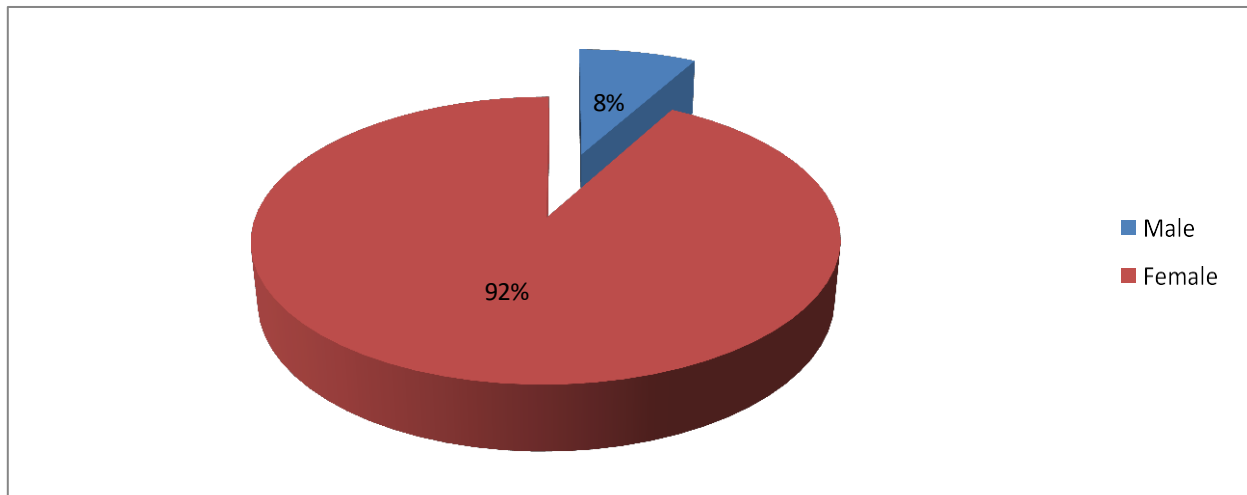


Figure 7 Male and Female

Three stakeholders were the major target for the data collection and they are rank and file, union leadership and management. These parties were used because, in respect to workers protection at the workplace, it is the responsibility and mandate of the union leadership to negotiate for better conditions of service for its members, seek human rights protection, negotiate for better welfare packages and ensure for the peaceful existence of its members in the institution. The tool that will allow for such peaceful negotiation is the Collective Agreement. Further, it is very important to note that this helps to create good industrial relations among Union Executive and management, and allow workers to have a good treatment from management. These respondents somehow have experience in the situation, have been victims of violation in the process of discharging their duties, have been denied some privileges or witnessed colleagues wrongfully be dismissed in the institution and /or witnessed all the wrongs happening in the institution being done by management. The research gave a sampling of 2 respondents from management, 3 Union Executives respondents and 20 respondents from the rank and file. The chart below shows the distribution of the stakeholders involved in the research work presented in percent form.

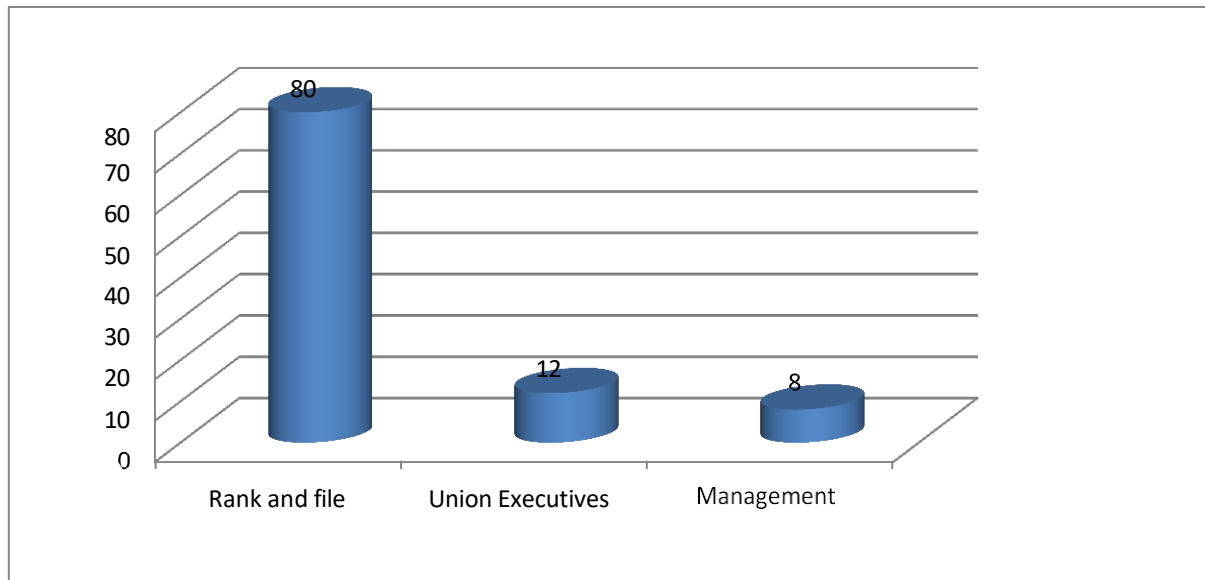


Figure 8 Distribution of the stakeholders involved in the research work

On workers' rights, respondents seem to understand the definition of the workers' rights but its reality in their working life was absent due to poor Union leadership. The rights of workers are breached according to respondents in the research and this is due to the fact that, OOUTH do not have Collective Agreement which will allow for collective negotiation between management and union leaders on a better welfare package, better condition of service and human rights. Even though a lot of respondents claimed they did not have full knowledge on the content of the staff code of conduct and regulations, they equally did not know as to whether there is other internal document in the institution. The research has also proven that, workers are not satisfied with the condition of service because what is given them is not negotiable and of will. The chart below gives the distribution of responses on the staff welfare and human rights.

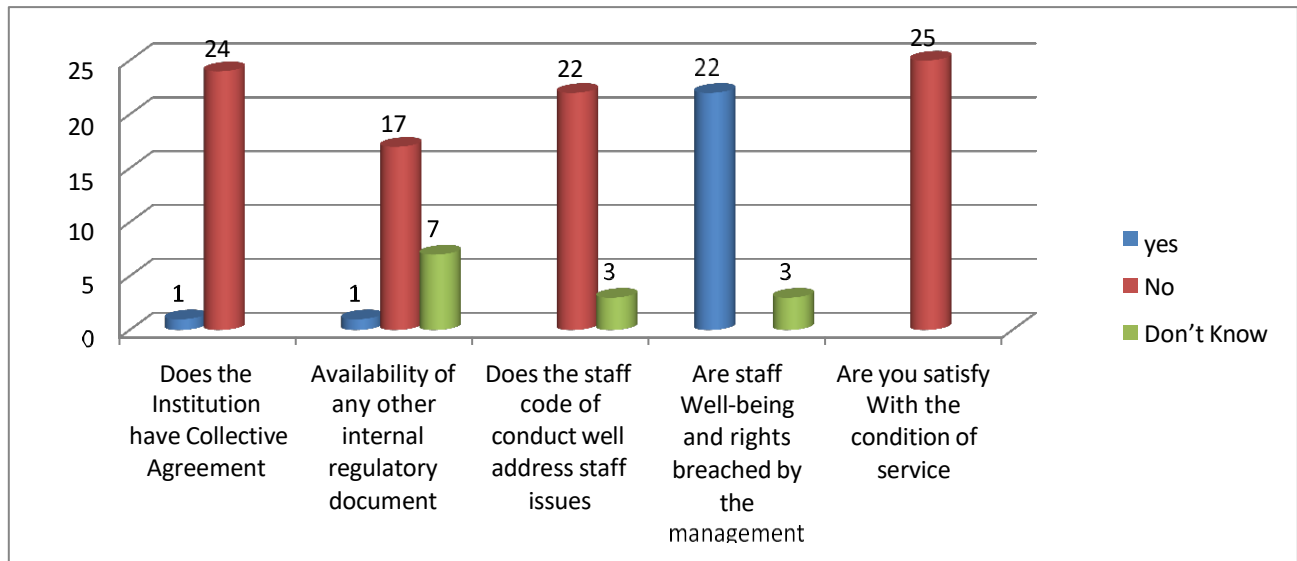


Figure 9 Distribution of responds on the staff welfare and human rights

On the management side, there was contradictory information gathered from them even though they agreed to the same wrong happenings. The result revealed that, respondent H who represented management said that the institution does not have collective agreement, union executives' performance is completely insufficient but another participant respondent D also representing management claimed OOUTH have Collective Agreement in place together with public service rules and constitution. Both management respondents accepted to the fact that, Nurse workers lack proper welfare package for their well-being since onset, their rights are breached by management in various ways especially where financial matters are involved, on promotion, termination of appointment and human right, and the staff code of conduct lacks content and needs to be reviewed to suite 21st century and International Organization Standard.

On the union related issue, all workers employed in the institution belong to the Union based on their profession. The Nurses belong to the National Association of Nigerian Nurses and Midwives (NANNM). Their membership was made automatic which breached the country's constitution and the labour law, that says, "everyone can freely or have the right to select a union of choice" (Constitution, 1999). But according to the results gathered from this research work, it was realized that 15 respondents representing 60 percent indicated, they do not belong to the union but are deducted union dues. This had a reflection on the way they answered the questionnaires and

ignored the aspect of the union issues too. On the aspect of if Union executives give feedback, 14 respondents amounting to 56 percent said No. These responses left questions on how they were able to know that feedback was not given when they at the same time claimed they were not members? From the follow up interview it was clear with responses that workers do not identify themselves with the union due to the union executive performance being completely bad such that the members have no protection, their interest and plight are taken away by the management and they don't see the spirit of unionism alive in OOUTH to boast about. They live on a death trip while going about working to make ends meet for their survival and the family. This has been clearly proven by the fear grown in them because of victimization from their bosses Nurses at apex and management and fear of false accounts from their colleagues in the institution even though they were informed of their privacy, protection and the work being used for academic purpose. In the field work result, respondent A said the union leaders campaign for Nurse workers' rights to be enrich so that they have a sound mind to perform their duty is completely ineffective, which means the union is not up to expectation and communicating enough for it members, meanwhile, this respondent accredit the union leadership to be giving feedback on activities. One will like to understand the kind of activities feedback received from the union leadership. Chart below shows distribution chart on Union issues.

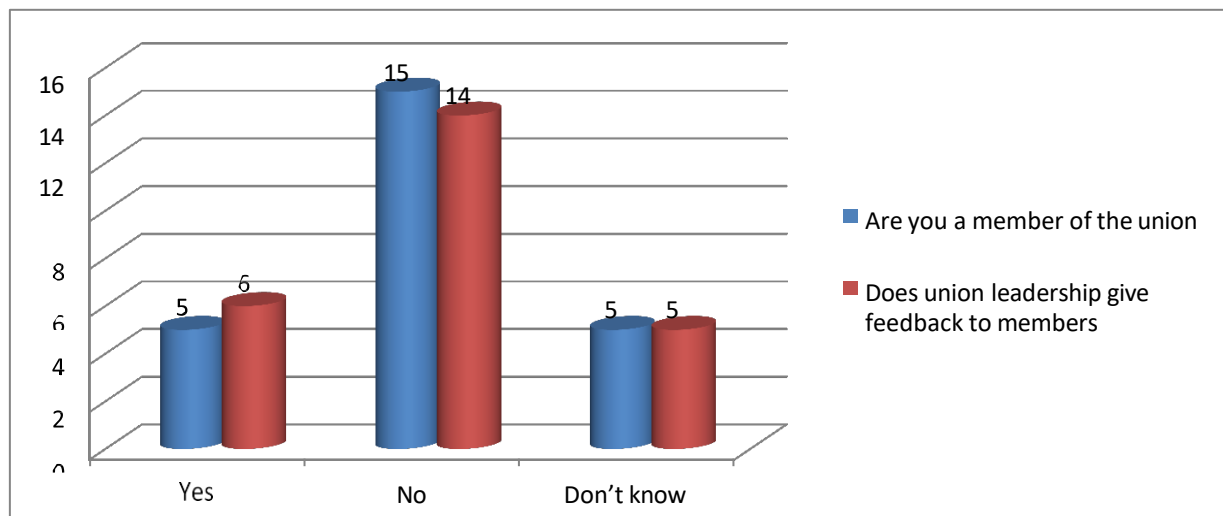


Figure 10 Distribution chart on Union issues

The 3 respondents from the union leadership stated that, after their appointment into position, leadership training was given to prepare them towards the task ahead. This training was very useful but unfortunately their leadership performance has not been effective enough to address issues affecting their members. According to the research result, the Union executive claim the institution don't have a Collective Agreement document which enable them to effectively negotiate for better incentives for members to have a better life, there are no other regulatory document or laws supporting the staff code of conduct and regulations even though they are aware of some unions in the State having the Collective Agreement. They also point out the weak nature of their industrial relation and communication with management to better the welfare of their members, notwithstanding the cordial relationship created among them and management. The Union leadership accepted the fact that human rights of the Nurse workers are seriously breached by management because of the activities and situations members found themselves and their effort to campaign for a peaceful working environment is insufficient and failure on their stewardship causing dearly the lives of members to be endangered. Although union leaders were engaged in blame shifting, this was developed from the diverse views from leadership and members, others finding ways to be management favourites and others seeking opportunity for their selfish gains. These have created division among them and weaken the Union structure in the institution. It has also called for a bad condition of service and 99 percent of the population is not satisfied with the state of working conditions they found themselves in.

After administration of the questionnaire, a follow up interview was conducted to get deeper insight on the answers given from two participants from the rank and file staff who indicated further interest in the research study, one union leader and the two management respondents. The follow up interview with management respondents shows two different views. One of the respondents went through the hard way i.e. Intimidation, hatred, pain, dehumanization and promotion delayed by management shared that experience. The respondent had the worst experience of working life in the hands of management until was able to rise to the new stage of dignity which should have happened in a normal circumstance, if there were proper and better negotiations with the

administration by previous union leadership and management. The second management respondent also had almost similar experience with the same management and was at the time a union leader for workers, reason for the diverse experience views. Secondly, the research revealed some of the experiences from the first management respondent who said there are other internal documents such as the Constitution and the public service rule which none of the Nurse Workers in OOUTH could point out or mention. It means these legal regulations are not effective and made public to the general assembly of workers to have a hand, to learn and have an idea for their personal guide. This has given blind eye to nurse workers to be victims of wrongdoings, violation of human rights and neglect of adequate welfare packages. This act has equally, given management the chance in failing to implement certain rules, core standards and conventions of the ILO. Despite the WHO rules and regulations set to run co-existence and a healthy working environment and the National Constitution of the Federal Republic of Nigeria, the 1999 Constitution that talked about rights of workers, management kept violating the labour laws of the workers in the country at large. The Union is not effective and they lack ideas of these laws and therefore are unable to check for corrections on management and provide for their members safety. For lack of knowledge, they rather run for their selfish interest and fear of intimidation then close their eyes over their misconduct against workers and unfair working conditions.

The Union leader made it clear that they have failed their members by allowing management to mishandle them, not being able to campaign for a better package of their welfare, not being able to negotiate for better conditions of service, not being able to protect their interest, right and plights. These situations resulted due to the lack of Collective Agreement which is not giving room for Union leadership to negotiate effectively with the management on the condition of service and weak system put in place. The available rules and regulations and any other internal source of document in the institution needs a review and updated to meet the interest of working staff. Although the respondent from the union in her statement during the follow up interview promised to work towards having a collective bargaining document for the institution in future, how committed is unknown with the way they engaged in shifting blame.

The Nurse workers don't see the existence of the Union in place so therefore don't count themselves as part of the union organization. The respondents claimed in the interview that Union leadership has completely failed its members and the whole leadership structure needs to be changed and replaced with more vibrant ones, although in my own opinion I do not think overhaul is the total solution. Rather more committed members and accountable to the union leaders are needed. There are no timelines for elections and union leaders are selected by favourite leaders who are resting their position for management positions before 2018 the status quo was changed. The reason management maltreats and controls union leaders and workers. There is no democracy, transparency and accountability of stewardship from the leadership at the end of year during their term in office. This has been the challenge faced by union members in OOUTH.

According to Nurse Workers from the rank and file division interviewed, the welfare situation in the institution is not encouraging. For instance, some wards in OOUTH have no common room for Nurse Workers to change their clothes when they report to work or for resting when on break, meanwhile the doctors do have it. Their situation is bad to the extent that the way they are treated affects their psychological and emotional stability which is not good for patients they manage at the hospital. Again, at the surge of Covid 19, the hospital was not able to provide for continued supply of nose masks to staff for protection. The Nurses were buying them with their personal money. In the interview, the interviewee was asked the reason promotion is always delayed in the institution and the answer was,

“Management has made known to the nurses that promotion of staff is a delay package which should be generally accepted without question asked because promotion is done at the discretion of the management and when they like. The union leadership has not been able to do anything about this challenge facing the workers. “She continues to state that their salary is not sufficient to meet the economic demand of the country”.

Nurse workers do not have the right to freely express themselves due to victimization from the Nursing head and the management. There are some challenges faced by workers and unions in the country presently where they are asked not to go on labour strike. How can they fight for their members knowing very well that a labour strike is part of the ways unions use to demand their interest when all means fail? Secondly, Nurses don't feel belonging to a union because the union leadership visibility is lost, they don't fight or defend members' rights and members are not benefiting anything meaningful from the union. This is the reason nursing staff ignored being part of the union. Further, during the interview, it was realized that one of the interviewees' responses was not straightforward. It may therefore mean the interviewee might be afraid to give naked true information due to long term instilled fear and anxiety.

The research result showed clearly there is a wide gap in the content of the staff code of conduct and regulation which could not address all the nurse workers' concern on their welfare and rights in OOUTH. The lack of Collective Agreement aided breach of human rights of staff, giving room for government to use discretion for promotion, staff facing victimization, dehumanization and other forms of abuses and violations in the institution. The untimely termination of appointment of Nurse Workers adds responsibility to others who will do additional work without motivation and extra income on services rendered. The Union leadership needs to push more for a Collective Agreement document to be in place which will better address numerous challenges OOUTH is faced with.

The interview allowed the interviewee to openly express themselves on the welfare and rights of the workers. When they were asked "What the general assessment of the workers condition of service stands in relation to their welfare and rights, and the response of the union in action to correct the wrong for their plight be served" the table below gives a list of five (5) respondents out of the twenty-five (25) respondents who were interviewed after they signified interest to advance to be interviewed following responses to the questionnaires.

Interviewee	Rank	Age	Years in Employment	Qualification	Comment on Staff welfare
Respondent A	SNO	38-48	11-20	Degree	The union is weak and has had an adverse effect in the life of workers. There is no dignity or respect given to the worker by the management. To grow in the institution, one needs to earn management favour.
Respondent H	Acting DNS	49-59	Above 31 years	Master	The lack of Collective Agreement has created a gap for the opportunity for the union to have an effective negotiation of a better welfare package and inability to reduce the plight of the workers with the management. This has made the condition of service for workers to be very bad.
Respondent I	CNO	49-59	21-30 years	Master	Time for promotion is determined by the government. The recommendation is given for promotion rest on management. If you are not in the good books of the management, you stay in the old position
Respondent J	NO11	27-37	1-10 years	Higher Diploma	The absence of the Collective Agreement has worsened the condition of service for workers. This has earned them disrespect, and facing other challenges such as dehumanizing, delay in promotion, hatred, and intimidation from their immediate Nurse boss and management.
Respondent M	CNO	49-59	21-30 year	Higher Diploma	The workers don't recognize the present of the union because they are not able to struggle for their interest to be served on the table.

Table 1 List of Interviewee

3.4 Research Findings

The findings revealed that the institution does not have Collective Agreement, an internal document that strengthens the industrial relations between management and employees and addresses human rights and welfare issues at the workplace. Again the staff code of conduct and regulations lacks a lot of content to address the welfare and workers' rights in the institution. During the research, 90% respondents (staff) lack ideas on the content in the manual serving as internal document for their protection. The manual that seeks to protect the interest of workers is not effectively administered by management of the hospital. Workers of OOUTH claimed that they do not have a hard copy of the manual for study and personal education. The findings of the study are foundational in strategic interventions aimed at identifying the effectiveness of the content of staff code conduct and regulations, reasons for management abusing the welfare and rights of workers and union leadership not making workers to enjoy their human rights.

4 CONCLUSION AND RECOMMENDATION

Labour rights are both legal rights and human rights relating to labour relations between workers and employers. These rights are codified in national and international labour and employment law. In general, these rights influence working conditions in relations of employment. One of the most prominent things is the right to freedom of association, otherwise known as the right to organize. Workers organized in trade unions exercise the right to collective bargaining to improve working conditions. Most workers spend most of their lives working. This means that workers' rights, such as freedom of association, the right to strike, the prohibition of slavery, servitude, forced and compulsory labour, and the right to fair and just working conditions, are vital. When employers treat their workers with respect, the workplace can be a place of self-fulfillment. When they treat workers with contempt, however, it turns into a site of exploitation and humiliation. The research disclosed the opposite of the vital treatment given workers to have a sound work environment. The field work has clearly reviewed the challenges faced by the workers in OOUTH workers and the reason their human rights are violated by the management in the institution.

The institution legal document used as the internal regulatory document to manage the welfare and staff affairs is the staff code of conduct and regulation which lack a lot of content for regulation. There is no other internal source of document available. Secondly, they do not have the Collective Agreement which supported the breach of human rights of staff, and further giving room for the government to use discretion for promotion, making it very easy for staff to face victimization, dehumanization and other forms of abuses and violations in the institution.

Nurse workers do not have the right to freely express themselves due to victimization from their colleagues seeking favour from management, nursing head. The treatment is affecting their psychological and emotional stability. This also has a direct effect on the ill-health of the patients they may be taking care of.

No doubt the Union leadership has completely failed its members and the whole leadership structure needs reorientation, change weak existing strategies, be more vibrant and proactive with the approach using effective power resource approach. The members too must wake up from their slumber to hold their leaders accountable in order to change the status quo. There is no democracy, transparency and accountability at the end of their stewardship. The weak nature of their industrial relation and communication with management to better the welfare of their members, as created the gap for the human rights of their members is seriously breached by management because their effort to campaign for a peaceful working environment is insufficient causing dearly the lives of members to be endangered. They are also engaged in blame shifting because of diverse views among themselves and members. Others are seen to win the heart of management and seek opportunities to satisfy their selfish gains.

In drawing a qualitative conclusion from the research conducted based on the stated hypothesis that OOUTH does not have a collective agreement to address worker's welfare and rights and other attractive packages to make them better off and shows that workers' rights are perpetually violated and welfare totally neglected. In this regard their rights are disrespected and violated. Secondly, the union in the institution is not effective and not proactive which has created a wide gap in the workers' welfare and their rights being breached by the management. This has proven the hypothesis to be a true reflection of the allegation earlier made as justified by the respondents of this research.

4.1 Recommendation

A lot of management or organizations receive general training on workers' rights. The first reaction to note when a person's rights are violated at the workplace such as promotion, discrimination etc. is to meet management to have discussion on the situation at hand or meet the union leadership to inform them about the act. On various occasions where concerns of such nature are honestly and openly communicated, solutions are arrived at and long term differences of opinion surrounding the parties likely to end in a legal action are avoided. It is the wish of institutions to maintain a good,

peaceful, lawful working environment, in order to achieve the set objective and avoid legal troubles. This submission is supported by all the proponents of the power resource approach which I used in this research work to deepen the understanding of how leaders can use best strategies to positively influence workers welfare. They all laid more emphasis on adequate use of structural power be it workplace bargaining power or marketplace bargaining power. Experience has shown that union leaders who deploy the use of these tools or types of powers will strongly gain ground and be able to repel the exploitative grips of the employers in all sectors. However, there are still occasions when an employer can be truly antagonistic and hard-hearted on the welfare and rights workers. Individual employees' see it as thought-provoking speaking to their employer and demanding change. It is very basic that the human rights of workers are protected, by providing reasonable and satisfactory conditions of service, safe work, the right to form or join a trade union of choice and freely to choose and accept work. These encompass the right not to be unjustly deprived of work, requiring security against unfair dismissal.

The staff code of conduct is not enough documents to manage the welfare of the staff. The staff code of conduct can be a supporting document as an internal source of material and should be beef with more content that will address the welfare and rights of the worker.

The union leadership needs to be proactive and struggle to bring into being the Collective Agreement document and make it available to all concerned in order to address matters arising on the welfare and rights of their members. There is the need to struggle to charge off labour law reforms/amend that portion that dilute protective labour legislation to strengthen the bargaining power of unions and protect the rights of workers to decent wages, working conditions, social security and welfare. The institution must negotiate for a collective agreement document serving as the internal document that regulates employment to success. Functions of Collective Agreements also called the bargaining unit' are: a. to negotiate through collective bargaining for employees by one or more trade unions with the management. b. Provides certain terms and

condition of employment for group of employees. C. Strengthens the industrial relations among employees and the employers.

The 1999 constitution of the country and the labour Act are the only legislation against discrimination. There is a need for more comprehensive Anti-Discrimination and Equal Opportunities legislation set in the staff code of conduct to eliminate discrimination against workers on employment status. By default, the system of reservations has continued, but that is a very unsatisfactory measure, and has created its own problems. Partly as a consequence, a division among union leaders along all these fault lines has weakened and broken the trade union movement. This division needs to be tackled at two levels. One is at the social level, where partiality and even hostility, at worst seeking selfish interest, lead to violence, hatred, dehumanizing and intimidation against the workers in the institution are eliminated. The other is at the legislative level, where discrimination needs to be made illegal in the staff code of conduct and the new Collective Agreement. This resolves to necessitate a growth in the engagement prospects.

Leadership roles are essential components in any institution, on the other hand, can be challenging in demonstration and successfully put into practice. An ineffective union leader leads a disaster for its members, but an effective union leader's performance tremendously opens opportunities and creates an enabling work environment at home for its members. The best way of taking an action against or treating an ineffective union leader is to declare a vote of no confidence or call for an election to be conducted to change for a more effective individual. Coaching and mentorship may also be another way for helping an ineffective union leader learn from their mistakes and become more effective. And finally, giving the person some time to learn, grow and develop their skills.

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Appendix

Questionnaire

I am a master student of Social Economy and Labour studies in the Institute of Economics department at the University of Campinas (UNICAMP) campus in Brazil, with the Global Labour University.

I am carrying out this research on Welfare and Workers' Rights with focus on Nurses in Olabisi Onabanjo University Teaching Hospital (OOUTH), Sagamu, Ogun State. The purpose of this research is to evaluate the worker's welfare and rights laws in Nigeria, using OOUTH Nursing department as a case study. The methodology that would be implored in this research is by examining the existing documents in the institution, labour law of the country and other regulations that codify workers' rights in the country. Confidentiality is guaranteed as the information provided would be purely and strictly used for the academic purpose which adds to the knowledge of the Nursing body. The data from this questionnaire will not be stored on a public computer and no identifying information on the participants of this study will be shared publicly. Participants have the right to continue or withdraw at any stage in the process without any biases.

Section A Demography

1. Title:

(a) Mr. (b) Mrs. (c) Chief (d) Dr.

2. Gender:

(a) Male (b) Female (c) Non-binary

3. Age:

(a) 16 - 26 years (b) 27 - 37 years (c) 38 - 48 years (d) 49 - 59 years (e) 60 years and older

4. Religion

(a) Islam (b) Christianity (c) Traditional (d) Others

5. Educational Status:

(a) SSCE (b) Higher Diploma (c) Degree (d) Master (e) PhD

6. Professional certificate Acquired:

(a) RN (b) RM (c) RN/M (d) NA (e) RPHN (f) PNC (g) A&E (h) Others

7. What is your Cadre:

(a) NO11 (b) NO1 (c) SNO (d) PNO (e) ACNO (f) CNO (g) ADNS (h) DDNS (i) DNS

8. What years were you employed into service as a civil servant?

.....

9. How long have you been employed in OOUTH?

(a) 1-10 years (b) 11-20 years (c) 21- 30 years (d) 31 years and above

10. What is your current position and how many years has your position stagnated?

..... and years

11. Have you tried a promotional examination before and failed?

(a) Yes (b) No

Section B Workers welfare and rights

12. The institution does not have a collective bargaining used to manage employment matters, do you think it is necessary to have it?

(a) Yes (b) No (c) I don't know

13. Is there any document or regulations available to staff guide for personal education policy

(a) Yes (b) No (c) I don't know

14. Does the content in the staff code of conduct well address all the welfare issues and workers' rights?

(a) Yes (b) No (c) I don't know

15. Is the staff code of conduct enough material to be used by management to handle the working staff welfare issues and what are some of the gaps in the content of the staff code of conduct manual?

.....

16. Do you realise the welfare and the rights of the workers are breached in any way by management in the institution?

(a) Yes (b) No (c) I don't know

17. If yes How

18. How effective is the Union campaign on the workers' rights in OOUTH

(a) Excellent (b) very good (c) sufficient (d) Insufficient (e) Completely ineffective

19. How often is Promotional examination conducted for you in OOUTH?

(a) Every 3 years (b) Every 6 years (c) When the government feel like (d) All of the Above (e) None of the Above

20. Have you ever enjoyed Steady promotion as motivation for work well done?

(a) No, I have never been promoted (b) yes but not steady (c) Yes, I have it as at when due

21. If your response is (a) or (b), why were you denied steady promotion?

(a) Because of misconduct/disciplinary action against you (b) because management is not after your welfare (c) Other reasons.....

22. Are you satisfied with the condition of service in your institution?

(a) Yes I am satisfied (b) No I am not satisfied

23. If YES, what aspect are you satisfied with and if NO, what aspect are you not satisfied with ?.....

24. What are the forms of violations experienced in Olabisi onabanjo University teaching hospital? Please you can choose multiple answers that are applicable from the options given

(a) delayed promotion (b) verbal assault (c) discrimination and unlawful termination of appointment (d) no freedom of expression and choice (e) unlawful deduction of salary (f) not allowed to enjoy leave at the time it is needed (g) other

25. What do you understand about worker's Rights?

(a) Collection of fundamental human rights (b) Rights to a safe work environment. (c) Obligatory rule to give and have something to oneself and to give to others (d) all of the above (d) other meanings are

Section C Union related issues

26. Are you a member of the OOUTH Union?

(a) Yes (b) No

27. How many years have you been a member of the union?

.....

28. How did you become a member of the Union?

(a) Membership is automatic on employment with no choice (b) Membership is voluntary on employment with choice (c) Others.

29. How effective is the union's intervention in defending workers' rights in the institution?

(a) Very effective (b) Effective (c) Average (d) Weak

30. How strong is the communication relationship between the union leaders and members?

(a) Very strong (b) Strong (c) Average (d) Weak

31. Do Union Leaders give feedback to members regularly?

(a) Yes (b) No

32. Are strategies used by union leaders to bargain with management effective in improving the welfare of members?

(a) Very effective (b) Effective (c) Average (d) Weak

33. Does OOUTH have any internal document used to manage workers affairs apart from the staff code of conduct material book?

(a) Yes (b) No

If Yes name them

Please if you are a union leader answer number 34 to 39

34. As a Union executive, are you given leadership training or any kind of orientation upon assumption of responsibility?

(a) Yes (b) No

35. If yes, what is your assessment of the training?

(a) Useful (b) not necessary

36. What are some of the challenges face by union leadership core

.....

37. Does the union in OOUTH have a Collective Agreement (C. A)?

(a) Yes (b) No

38. If yes, how effective is the document

39. How effective is the industrial relations among the union leadership and management and how would you describe it?.....

PLEASE WOULD YOU LIKE TO HELP WITH FOLLOW UP INTERVIEW VIA
WHATSAPP CALLS? (a) Yes (b) No

Thank You