

## FROM FLEXIBLE LABOUR MARKET TO PRECARIOUS LABOUR: UNHEALTHY FATE OF NIGERIAN WORKERS

**Francis C. Anyim, Ndubuisi M. Ufodiama, and Dumebi A. Idem**

Department of Industrial Relations and Personnel Management,  
Faculty of Business Administration,  
University of Lagos, Nigeria.

**Corresponding Author: Francis C. Anyim**

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### ABSTRACT

The structure of employment and labour markets has witnessed tremendous changes in the past few decades especially in the developing economies. One of such changes has been the emergence of flexible labour markets. At inception, the rationale behind the flexible labour market policy was to promote work-life balance. As it is, the flexible Nigerian labour market policy has inadvertently given rise to non-standard work arrangements which have been exploited by employers to the point of precarious labour. Thus the archetypical non-standard “worker” is vulnerable, insecure, inferior, lacking in voice, striped of collective representation, poorly paid, denied of the standard employment relationship and unfortunate victims of unhealthy and unsafe practices at the workplace. The purpose of this paper presented in qualitative method using information gathered from secondary sources is to evaluate the concept of precarious labour as a feature of Nigerian labour market. The paper states that considering the current plight of non-standard cum precarious workers in the workplace a number of measures need to be adopted to tackle the monster. For instance, the welfare of the citizenry is one of the cardinal principles of good governance and this should not be sacrificed in the guise of promoting Foreign Direct Investments (FDIs) and diverting scarce resources towards economic transformation. By the same token, management should realize that healthy labour force is sine qua non to optimal organizational performance while the organized labour need to be proactive and rise above the confines of rhetoric and innuendos. More importantly, employees under the non-standard working arrangement should give themselves voice by striving for collective representation in the workplace. However, the lesson to be drawn from this paper is that the high level of unemployment occasioned by recession appears to have lured employees into accepting vulnerable, insecure and low paying jobs as survival strategy which in turn is susceptible to employment right abuses.

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**KEYWORDS:** Labour market, Labour market Flexibility; Non standard work; Precarious Labour

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### INTRODUCTION

These are indeed strange times! The recent economic upheaval that engulfed large section of world economies has left austere conditions in its wake. For example, Benach, Muntaner, Chung, Solar, Santana, Friel, Tanja, Houweling and Marmot (2010) reported that the economic recession has brought about debilitating levels of unemployment, underemployment and job insecurity the world over. However, given the growing global uncertainties, financial and economic pressures, nations and international institutions had to set forth in search of political, social and professional answers to these challenges (Jorgensen, 2009 p.5). For developing economies like Nigeria, an answer may as well be found in flexible labour markets. But, Nigeria’s sojourn with labour market flexibility appears to have tilted in the direction of marriage of convenience rather than conviction. The reason for this line of thought is not farfetched.

According to (Tucker, 2002 p.12) until recently, job creation was at the forefront of the labour market policy agenda and not job quality *per se* (given that governments had to address high unemployment). In fact, at inception, the concept of labour market flexibility was borne out of the need for a truly free entry and exit into the labour markets of the advanced world. Thus for the employers (given the experiences with the World War), the initial idea behind labour market flexibility was to guarantee freedom in hiring labour as the shocks of the economy dictate. Smarting from the World War and with lots of electioneering promises unfulfilled, governments had to encourage the new policy as it contributed to employment generation. For labour, flexible labour market was welcome as it offered flexible working time and patterns to accommodate personal and professional undertakings. However, as the years went by, the structure of labour markets and employment in developed and developing economies saw wide scale changes as seen in the intensified use of non-standard work arrangements.

In the words of Bohle (2012 p.1) precarious labour is most often operationalised by employment status (e.g. casual, seasonal, temporary, subcontract or agency work) and promoted as “flexible” or “family-friendly” but in reality, employers usually benefit the most by way of reduced labour cost. According to Fudge and Owens (2006) the flexibility in the workplace has been nurtured by such factors as globalization, the shift from the manufacturing sector to the service sector and the spread of information technology leading to decline of standard employment relationship and a dramatic increase in precarious work. In the same vein, Fashoyin, Owoyemi and Chidi (2012 p.1) contended that more often than not, the trending non-standard work arrangements are perpetuated as the mal-functioning of labour markets induced job seekers to take up any job available while governments tacitly support the policy in the guise of increased employment opportunities and arrest to the rising wave of unemployment.

Ideally, employment protection regulation ought to be an integral part of labour market flexibility – meaning that there should be employee protection against dismissals, limitations on the use of temporary forms of employment, regulation of working hours and on a broader sense, employee health and safety as well as the protection of employees in less favourable conditions (Eamets & Masso, 2004 p.2). But far from it, not just that labour market flexibility has led to situations whereby employees are engaged without formal letter of employment, such jobs can pass for what was described in McGovern, Smeaton and Hill (2004 p.235) as “bad jobs” in terms of low wages and devoid of pension benefits, sick pay and no recognized promotion ladder. In fact, the “precarious” nature of the employment is evident in their low quality and that describes a number of factors that put workers at risk of injury, illness and/or poverty - ranging from low wages, low job security, limited control over workplace conditions, little protection from health and safety risks in the workplace to less opportunity for training and career progression (Burgess & Campbell, 1998; Rodgers & Rodgers, 1989 cited in Tucker, 2002 p.5).

It has been revealed in ILO (2014 p.4) that more than half of the developing world’s workers are in vulnerable employment. This implies that such workers are not covered by social protection (i.e. pensions and health care or have regular earnings) and are victims of poor remuneration with limited ability to invest in their families’ health and education, which in turn dampens overall development and growth prospects – not only for themselves but for generations to follow. Specifically, ILO (2014) also disclosed that 839 million workers in developing countries are unable to

earn enough to lift themselves and their families above the US\$2 a day poverty threshold.

In Nigeria, Eroke (2013) had argued that the massive shift away from regular employment into temporary work or jobs through agencies and labour brokers (due to labour market flexibility) is having a deep impact on all workers, their families, and on the society such that employee-employer relationship (often the basis of labour law), is eroded to the point of a growing number of violations of workers’ rights. It is against this backdrop that the paper sets to examine the health implications of precarious labour in Nigeria.

### **THE PROBLEM**

In highlighting the precariousness of employment conditions in Nigeria, Fashoyin, Owoyemi and Chidi (2012) described non- standard work as being antithetical to ILO’s decent work agenda. For ILO (1999) the decency of employment lies in how well the employment engenders respect for core international labour standards, the ability of the employment to generate decent and productive employment and finally, how well the employment facilitates social protection and social dialogue. Stuck with the job on account of fear of the unknown or fear of being left in the freezing cold of the unemployment market, the helpless employee accepts the vulnerable, insecure and low paying job with attendant great risks of employment rights abuse and stifling history of lack of job progression and nonexistent career path. Thus, it is as if the already disadvantaged worker have accepted the fate as sang in the lines in one of the lyrics of late Nigerian afro beat legend, Fela Anikulapo Kuti: “suffering and smiling”. As aptly captured in Ori and Sargeant (2013 p.xiii), “the high levels of temporary work means they (employees) are often unable to challenge it”.

Under normal circumstances, the workers’ union had to stand up and be counted in defense of policies and programmes that are inimical to labour. However, it is becoming increasingly obvious that employers’ policy of casualization of employment has stripped unions of the muscle to collectively bargain on behalf of members. As Oto (2013) pointed out, union membership across Africa is experiencing dwindling fortunes hugely on account of skyrocketing unemployment and low prospects of employment. Not only has this effectively broken the resolve of workers to fight for their rights, it has also resulted in trade unionism becoming unattractive to workers who are desperate to keep their jobs. In the same vein, the continued “flexibilisation” of the labour market in Africa has pummeled nations into “race to the bottom” in pursuit of Foreign Direct Investments (FDIs). As a consequence, labour markets in Africa are nothing but employers’ market (Oto, 2013 p. 26)

with labour at the receiving end of all the unwholesome practices.

The 300 sacked Airtel workers (Fapohunda, 2012) underscores the insecurity of jobs in the Nigerian labour market while the unfortunate fate of workers in a Chinese company at Ikorodu, Lagos in 2004 (Oginni & Adesanya, 2013) highlights the gravity of the situation. It would be recalled that about 250 employees at a plastic manufacturing plant at Odogiyian, Ikorodu (a suburb of Lagos, Nigeria) lost their lives to fire inferno. The account in Oginni and Adesanya (2013 p.103) indicated that none of the factory workers could escape as the employer at close of work (on the fateful day) locked the doors to the plant and left for home. So the workers who had no route of escape were charred to death. As at today, it remains to be seen where anyone or organization assumed responsibility for the incident or sanctioned despite the outrage and condemnation that greeted the incident. For ILO (2009), these firms view accident prevention, better working conditions and enforcement of standards as cost to business that they remain indifferent to the cost of not preventing accidents or poor conditions of work.

The views as expressed in Evans and Gibbs (2009 p.5) regarding the consequences of the growth of precarious work are clear:

*“Besides the loss of protection and increase in employment insecurity, workers in precarious employment lose influence, individually and collectively, over working conditions, the pace of work and wages. Precarious work also affects individuals outside the world of work. It creates insecurity and leads to increases in inequality and poverty. Uncertainty about the future of employment and earnings affects a range of family decisions from whether to start a family, enrol in higher education, or attend training courses. In short, precarious work adversely affects society as a whole”.*

Unfortunately, we are reminded in Fapohunda (2012 p.258) that casualization of employment in Nigeria is growing at an alarming speed. The reality that casual workers are subjected to lower pay, barred from their right to join union, and denied medical and other benefits make it imperative that the phenomenon should be seriously checked and if possible be completely expunged from the Nigerian employment system (Fapohunda, 2012).

### **The Objectives**

The major concern of the paper is how the flexibility of the Nigerian labour market has brought about precariousness of employment with unhealthy implications for labour. As a result, the paper would examine why the practice of indecent jobs persists and what this portends for industrial relations actors

especially labour. The paper would also look at measures to adopt in addressing the workplace conditions that have placed labour at the greatest disadvantage in terms of economy, health and voice. Although precariousness can be a feature of other forms of employment (Burgess and Campbell, 1998), the paper like Tucker (2002) would treat precariousness as subset of non-standard employment.

### **The Significance of the Study**

The study assists in benchmarking the decency of employment in Nigeria when compared to International Labour Organisation (ILO)'s Decent Work Agenda (DWA). It also examined how well the employment conditions in Nigeria support social protection and social dialogue. The study brought to limelight how the precarious employment situation has created room for subdued or less interest in militancy on the part the Trade Unions to function as protest organisation and vanguard of the working class. Lastly, the study shows the need for the State to address the problem of precarious employment in order to minimize inequality and poverty in the society and the consequences thereon.

### **THEORETICAL FRAMEWORK AND LITERATURE REVIEW**

Labour market flexibility, described in Eamets and Masso (2004 p.6) as the freedom employers have to expand or contract their workforce as they wish and to employ workers on a temporary or part-time basis (i.e. working time flexibility, functional flexibility and pay flexibility) can be seen from the theoretical perspective of Neo-liberalism. According to Bamidele (2010), the basic assumption behind neo-liberalism (which was coined in 1938, but came into use in the 1960s) is the emphasis on fewer government regulations and restrictions in the economy, in exchange for greater participation of the private sector. The Neo-liberal theory is explained within the framework of economic liberalization (Bamidele, 2010). Thus, Crotty (2000) had argued that the idea of economic liberation implied greater efficiency leading to the availability of “bigger pie” for all players. On the other hand, employment protection regulation is an integral aspect of labour market flexibility. In the words of Eamets and Masso (2004 p.2) this presupposes employee protection against wanton dismissals, control on the use of casualised labour, regulation of working hours, and in a broader sense, employee health and safety as well as protection of employees in disadvantaged conditions.

However, literature in Freeman (1993) as cited in Eamets and Masso (2004) revealed that the “institutionalist” and “distortionist” perspectives has emerged as opposition to idea of employment protection regulation. By way of explanation, the

institutionalist standpoint emphasizes that labour regulations are needed to ameliorate the weak bargaining power of employees in employment relationships, inadequate insurance against the risk of unemployment, to cushion the effects of fluctuations in aggregate demand and to enhance investments in *people* who make up the organizations and thereby leading to improved performance. For the distortionist perspective, rigid employment protection regulation only adds to the dualism of the labour market as it inadvertently favours regular employees, increases effective labour costs, discourages hiring and militates against adjustment to economic shocks. So, Eamets and Masso (2004 p.2) contended that “in order to avoid adverse labour-market outcomes, some trade-off has to be made probably between employment security and labour market flexibility” with labour being the sacrificial lamb.

The position in Freeman (1993) as cited in Eamets and Masso (2004) is further re-echoed in Shyam Sundar (2011 p.1) in terms of the “flexibility school” which demands that the “employer should be in a position to reduce workers’ strength, change the composition of workers, reduce the price of labour, introduce functional changes, such as workload or work assignment (via technological changes or retrain workers), close down unviable units and reallocate resources to more productive uses, and so on” and the “institutionalist school” which contends that “employers left to themselves would act opportunistically, myopically and aggressively, which may result in sub-optimal outcomes, including high labour turnover, low wages and poor working conditions”.

Bohle (2012 p.6) developed three (interacting?) constructs (i.e. financial and reward pressure, disorganization and regulatory failure) to explain the impact of precarious employment on the employee. The construct is tabularized below:

Table 1: Impact of Precarious Employment on the Employee

Financial & reward Pressure	Disorganization	Regulatory Failure
Irregular working hours, contingent or inconsistent work.	Poor or fragmented communication.	Poor knowledge of legal rights, obligations.
Payment systems that encourage unhealthy or unsafe behavior.	Procedural failures.	Fear of reporting incidents or injuries.
Inconsistent income and financial problems.	In experience (from short tenure) and limited expertise	Limited access to legal protection or compensation.
	Poor induction, training and supervision.	Non-compliance and limited enforcement.
	Poor coordination of workers and tasks.	

Source: Bohle (2012 p.6)

The rapid growth in nonstandard forms of employment in recent times has brought about discussions about the changing nature of work in general, especially in the area of job quality (McGovern, Smeathon & Hill, 2004 p.225). The position in Scherrer and Greven (2001) showed that the new world economic order has posed some threat. Accordingly, Fudge (2006 p.84) reported that one of the most significant impacts of the new economic regime on employment is the rise in non-standard, contingent, or precarious forms of work. This development Plant (1994) maintained has impacted negatively on labour standards and rights. For Fapohunda (2012 p.258) casualization of employment in Nigeria is rising at an alarming proportion that if not checked, meant continued doom and gloom for labour.

Bohle (2012 p.1) submitted that precarious labour is most often operationalised by employment status (e.g. casual, seasonal, temporary, subcontract or agency work) and promoted as “flexible” or “family-friendly” work. Precarious work has been described in Fudge and Owens (2006) described as non standard employment that is poorly paid, insecure, unprotected, and cannot support a household. In the world of work and industrial relations lexicon, the terms “vulnerable work” and “precarious work” are often used interchangeably. However, when talking of occupational, health and safety issues, it is important to make distinctions between the precariousness of work attributable to particular types of contractual relationships, and the vulnerability of the people carrying out the work (Ori & Sargeant, 2013 p.ix). According to Ori & Sargeant (2013 p.ix) not just that the two terms (i.e. precarious and vulnerable work) are inextricably linked quite often, precarious work often leads to increased vulnerability for workers in relation to occupational, health and safety challenges. As contemplated in Quinlan, Mayhew and Bohle (2001) precarious work can be found in outsourcing, part-time workers, temporary workers (i.e. fixed-term contracts and casual workers); workers affected by organizational change (such as privatization, downsizing and re-structuring) and small businesses (like workers in self-employment).

Precariousness’ in employment is a catch-all term that attempts to encompass the full range of attributes associated with employment quality (Campbell & Burgess, 1998 p.6). Precarious work are “forms of work characterized by atypical employment contracts, limited or no social benefits and statutory entitlements, high degrees of job insecurity, low job tenure, low wages and high risks of occupational injury and disease” (Evans & Gibbs, 2009 p.4). For Tucker (2002 p.24) the concept of precariousness involves instability, lack of protection, insecurity and social or economic vulnerability. The situation is so

pathetic in Nigeria that many of the affected employees do not have letters of employment while it is common to observe that the affected organizations do not keep records of their casual employees in a bid to evade the law (Alozie, 2009). Similarly, labour utilization is poor in the country as employee vulnerability is festered by high level unemployment and poverty.

The exploitation of labour is insidious in many organizations in Nigeria (Kazeem, 2004) and often promoted by the adoption of flexible work arrangements by many organizations which have left Nigerian labour concerned for issues such as job security, social security, terminal benefits and minimum conditions of work (Fapohunda, 2012). For Okafor (2012) this is not surprising as the rule of free market economy encourages work organizations in Nigeria to tow the narrow path of increasing profit margins by reducing labour costs. As Okafor (2012) further explained, the nonstandard mode of employment relations comes at the expense of the already improvised workers in violation of extant labour law, with serious infractions and deficits of decent work in Nigeria. However, this is not surprising, “it is well known that employers left to themselves (as it is the case with labour market flexibility) would act opportunistically, myopically and aggressively, which may result in sub-optimal outcomes, including high labour turnover, low wages and poor working conditions” (Shyam Sundar, 2011 p.1).

In the opinion of interested parties such as the Nigeria Labour Congress (NLC) the new world order has only worked to intensify hardship and deepen the levels of poverty in Nigeria. Specifically, NLC (2007) maintained that “globalisation has produced negative effects such as casualisation, mass retrenchment of labour, the elimination of local industries, trade liberalisation and the economic, political and cultural domination of the third world countries”. However, technological impact is not an enough explanation for the current trend of events, especially in a country like Nigeria given the low level of technological development and adoption (Bamidele, 2010). It is instructive to note that to some firms, the current regime of employment relationships may present a route to profit maximization and remaining in touch with competition; but business practices like casualization of workers remain unethical in Nigeria as such practices end up hurting workers interest and violating some fundamental labour laws (Okafor, 2007).

## DISCUSSION

Labour market flexibility in Nigeria has given rise to the dualism of labour market characterized by regular (standard) and irregular (non-standard) employment

with attendant features and obtainable employment relationships. The spread of regular (standard) and irregular (non-standard) employment in key sectors of the Nigerian economy can be seen in tables 2, 3 and 4.

Table 2: Spread of Regular (Standard) and Irregular (Non-Standard) Workers in the Nigerian Petroleum Sector

Company	No and % of Permanent Workers	No and % of casual workers	Total
Nigeria Agip. Oil	246 (12.8%)	1680 (87.2%)	1926
Chevron Petroleum	202 (74.2%)	582 (74.2%)	784
Shell Pet. Dev.	695 (7.8%)	8190 (92.2%)	8885
Connoil	387 (15.3%)	2150 (84.7%)	2537
Mobil Producing	35 (6.6%)	529 (93.8%)	564
NNPC	9000 (75.0%)	3000 (25.0%)	12000
<b>Total</b>	<b>10,565 (39.6%)</b>	<b>16131 (60.4%)</b>	<b>26696</b>

Source: Fapohunda (2012 p.267)

Table 3: Spread of Regular (Standard) and Irregular (Non-Standard) Workers in the Nigerian Banking Sector

Company	No and % of Permanent Workers	No and % of casual workers	Total
UBA	595 (15.8%)	3178 (84.2%)	3773
GTB	358(14.1%)	2180(85.9%)	2538
ZENITH	325 (16.2%)	1680(83.8%)	2005
SKYE	264 (16.0%)	1376 (84.0%)	1640
FIRST BANK	1830 (30.0%)	4270 (70.0%)	6100
Total	3372 (21.0%)	12684 (79.0%)	16056

Source: Fapohunda (2012 p.267)

Table 4: Spread of Regular (Standard) and Irregular (Non-Standard) Workers in the Nigerian Telecoms Sector

Company	No and % of Permanent Workers	No and % of casual workers	Total
MTN	151 (2.6%)	5570 (97.4%)	5721
Airtel Nigeria	105 (2.1%)	4800 (97.9%)	4905
GLO	92 (3.4%)	2650 (96.6%)	2742
Etisalat	67 (4.6%)	1376 (95.4%)	1443
Starcomms	46 (3.9%)	1130 (96.1%)	1176
Total	461 (2.9%)	15526 (97.1%)	15987

Source: Fapohunda (2012 p.267)

It must be emphasized that there is no alternative to gainful employment. In fact, literature in Evans and Gibbs (2009) described work as “key ingredient of social recognition, self-esteem, personal identity and participation in society”. In the past, the idea of work was mainly related to the standard employment model under which a worker had one employer,

worked full-time devoid of pre-determined end date, mostly on the employer's premises, and entitled to benefits either directly provided by the employer or through the social security system. However, the face and nature of work have changed in so many ways and the reason being unconnected to the process of globalisation, intensified global competition, technological change and corporate restructuring.

The situation is such that "flexibility" has been pursued selectively and with untold hardships on workers as evidenced in the disregard for employment standards and employees used as corporate risk bearers while governments through policies of deregulated labour markets have only worked to contribute to the emergence and growth of precarious labour (Evans & Gibbs, 2009 p.4). The dehumanization of workers in Nigeria has continued unabated and this is in clear violation of extant labour law, constitution and ILO conventions through nonstandard employment relations (Mokwenye, 2008; Okafor, 2010; in Okafor, 2012 p.99) and while labour bears the full brunt, the body language of government is anything but encouraging.

### CONCLUSION

It is acknowledged that the flexibility of the labour market as presented in casualization of labour offers some measure of flexibility and autonomy (at least on the surface) to stakeholders. For instance, many forms of non-standard work are highly desirable for both workers and employers (Tucker, 2002).

However, as collaborated by literature, there exists an interface between some types of non-standard employment and precariousness. The conclusion reached in literature indicated that casual and temporary work arrangements have a higher risk of being precarious than standard employment or other forms of non-standard employment (Tucker, 2002 p.2). For example, casualization of labour as currently practiced in Nigeria is detrimental to employees and has grave consequences on the employer and the national economy (Fapohunda, 2012). In fact, the concept of meaningful, gainful and decent employment is fast becoming some form of utopia in Nigeria. It is not uncommon to hear people talk about their "take-home-pay" not being able to take them home. The overall implication of this development is that large aspects of work remain "unproductive" and cannot deliver fair income. In addition, such works offer little by way of employment security, social security and opportunity for personal development. Employees in such condition have been left docile to point of lack of voice and collective action. It even amounts to travesty of justice that the employees are not accorded (directly or indirectly) the right to participate in decisions that affect their lives.

The paper states that a number of measures need to be adopted to tackle the monster. For instance, the security and welfare of the citizenry which is the guiding principle of governance should not be left to chance. Government as a major player in the industrial relations arena needs to give bite to her supervisory functions. As a matter of priority, government should not abdicate her responsibilities in the guise of promoting Foreign Direct Investments (FDIs) and diverting scarce resources towards economic transformation. By the same token, management should realize that healthy labour force remains vital to optimal organizational performance and as such, decent labour should be promoted. For the labour unions, the time to act is now. The unions need to be proactive in addressing unwholesome workplace practices. More importantly, employees under the non-standard working arrangement should rise up and empower themselves through collective representation. It is their inalienable right, deeply enshrined in our statute books. A stop should be put to the continued treatment of labour as a commodity; therefore the International Labour Organization (ILO) is enjoined to not just bark but bite as well. To this end, the ILO should do more than the promotion of conventions and recommendations for ratification by member states. The paper believes that a lot need to be done in order to arrest the growing threat to labour standards which precarious labour represents and the best time to start is now!

### Limitation of the Study

Precarious employment or nonstandard work to a great extent is a common feature in a recessionary economy. However, it is not unlikely that the practice would gradually fade or melt away when normalcy or buoyancy returns to the economy. In other words, the practice should not be perceived or taken as a permanent feature as it is a variable that is determined by the state of the economy.

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