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## CHAPTER SEVENTEEN

### ICTs AND THE IMPLEMENTATION OF THE OBJECTIVES OF LABOUR LAWS WITHIN THE ECONOMIC SCHEMATIC IN NIGERIA

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#### Chapter Summary

The present imagery of ICTs globally is that of a cyclopean force driving human civilisation by the scruff. Every facet of society has been touched by the ubiquity of ICT tools in this social reordering process. The industrial relations ecosystem cannot be left out of this change process especially regarding the use of ICTs in implementing the objectives of labour laws within the economic schematic in Nigeria. ICTs can be useful for the drafting, passage, storage and dissemination of labour laws in the country. Especially, it can harness and spur the objectives of the triumvirate that dominates the industrial relations ecosystem. These social thespians can rely on the utility of ICTs to fulfil their individual roles. Therefore, integrating and promoting the use of ICTs within the industrial system promises an omnibus of benefits to all stakeholders. Hence, this chapter has examined how ICTs can aid the implementation of the objectives of labour laws within the economic schematic in Nigeria and with some recommendations made.

#### Introduction

In Nigeria, labour unions, employer associations, central labour organisations, civil society watchdogs and the citizens of the country are becoming very sensitive and interested in the content and context in which the labour laws of the land are made and operated. This quest has resulted in the near review of all labour laws, including the principal statute on employment relations, i.e. the Labour Act. Recently, from the Trade Unions (Amendment) Act passed into law in 2005, to the Labour Institutions Bill, Collective Labour Relations Bill, Employees Compensation Bill, Occupational Safety and Health Bill, National Industrial Court (NIC) Bill (passed into law in 2006) to the Labour Standards Bill, there is pressure within and outside of industry for the National Assembly to review and/or repeal existing labour laws and make way for new pieces of modern legislation that will regulate and guide employment relations within

the industrial relations ecosystem in Nigeria. This situation has been christened by Ajaegbu (2010) as “The New Dispensation.”

However, labour laws or pieces of labour legislation do not exist in vacuo. They are always created to administer industrial relations within an economic schematic. Without these pieces of legislation, the economic system, in general, and industrial system, in particular, could become rudderless, with the potential to convolute the social, economic and political ecosystems. Since the economic system requires tranquillity and harmony for stability and prosperity to be realised, labour laws provide that system of checks and balances that regulates the actions and activities of the key actors and their representatives. By stipulating what the responsibilities and rights of each actor are within the economic configuration of commerce and employment relations, this reduces misunderstandings, minimises industrial action and encourages harmonious interactions between and among the parties.

This chapter seeks to examine the application of ICTs for the implementation of labour law objectives within the economic schematic in Nigeria. The chapter will identify the impacts of technology on the enactment and operation of labour laws in the country and recommend ways by which the troika of social thespians in industry i.e. employees and their associations, employers and their associations and government and its agencies can utilise information and communication technologies to smoothen the labour relations in place, achieve timely resolution of trade disputes and minimise industrial conflicts while fostering industrial harmony for the development of the domestic economy.

### **ICTs and Social Rearrangement**

Information and communication technology (ICT) is increasingly moving to the core of national competitiveness and redefining business and marketing strategies around the world because of its revolutionary power as a critical enabler of growth, development, and modernisation. Recent economic history has shown that as developed countries approach the technological frontier, ICT became crucial for them to continue to innovate their processes and products and to maintain their competitive advantage over other countries within a shrinking global community. Equally important, ICTs have proven instrumental in enabling developing and middle-income economies to leapfrog to higher stages of development, thereby fostering economic and social transformation for them and their peoples, ala the BRIC countries (Brazil, Russia, India and China) and other emerging markets.

All over the world, ICTs have empowered individuals with unprecedented access to information and knowledge, with important consequences in terms of providing education and access to markets, in terms of doing business, and in terms of social interactivity, among others (Imhonopi & Urim, 2013; Imhonopi, Urim & Igbadumhe, 2013). Moreover, by increasing productivity with the resultant economic growth in developing countries, ICTs have been predicted to have a formidable role to play in poverty reduction and improvement of the living and working conditions and opportunities for the poor (Imhonopi, *et al.*, 2013).

Although the current global recession affected volume and velocity of business in nearly every industry and geographical region; however, as Chambers (2009) noted, in the midst of the present economic turbulence has remained a unique opportunity to nurture global economic prosperity with the ubiquitous broadband access as a key part of the solution. In other words, by investing in the development and acceleration of a global broadband infrastructure, Internet access can be provided for the entire world's citizens resulting in the creation of jobs, better access to healthcare and education, and connection of small business owners to new customers and in some countries, the midwife of a middle class that will raise the standard of living and national GDP.

Dutta and Mia (2009) share in this triumphalism regarding the impact of ICTs on different areas of human experience. According to them, ICTs have really proven to be a key enabler of socioeconomic progress and development, enhancing productivity and therefore economic growth, reducing poverty and improving living standards in many ways. They also contend that ICTs are increasingly revolutionising production processes, creating access to markets and information sources and filling social interactions. In addition, Imhonopi & Urim (2012) have identified the role ICTs are playing in engendering government efficiency, fostering transparency and spurring better communication and services between government and citizens. However, the point of variance here in the view of Dutta and Mia (2009) is that among the new technologies that make up ICT tools, mobile telephony takes a special place in view of its exceptional diffusion in the last decade or so and the strong social and economic impact it has already recorded. According to them, mobile telephony has proven instrumental in raising prosperity and reducing poverty in developing countries, where it has boomed in recent years because of a number of facilitating factors, including an infrastructure fairly easy to deploy, a market generally open to new entrants, and the decreasing costs of mobile handsets and

communication per minute. This view has been amplified by Edewor & Imhonopi (2013) in their work which recognised the salient benefits that GSM phones have eventuated in Nigeria. Thus, in Nigeria, as in most developing countries, ICT tools have reshaped and redirected how work is done and how play and social interaction is carried out.

## **Conceptualisation of Terms**

### *Labour Law*

According to Nwazuoke (2001), the triumvirate in labour relations comprises employees or workers or workers' associations, commonly referred to as trade unions; employers or employers' associations, and the state or government. The industrial relations between these industry thespians create the subject matter of labour law. Labour law, therefore, is concerned, on the one hand, with how these relations are formed, and, on the other hand, with how they are regulated. This role is actuated by the common law, legislation and extra-legal sources such as collective bargaining, custom and practice (Deakin & Morris, 2005). The subject of labour law may be divided broadly into individual employment law and collective employment law. While individual employment law deals essentially with the employer-employee relationship and the ordinary incidents of that relationship such as rights and obligations of the employee and employer, the mode of termination, remedies for wrongful termination and the question of employment security, collective labour or employment law is concerned with relations between collectivities (the trade unions and employer(s) or employers' associations), in terms of their rights, liabilities and immunities, and the resolution of conflicts between them (Nwazuoke, 2001). The government, in the area of individual employment law, has been concerned with the provision of minimum terms and conditions of employment for certain classes of employees, special protection for young persons and women, compensation for occupational hazards, safety and health measures, peaceful resolution of trade disputes and industrial conflicts and the maintenance of industrial harmony.

In the field of collective labour law, government has recognised the need for and the right of workers to combine into trade unions/associations to alleviate their subordination through collective bargaining and the threat of, or active use of, industrial action. Government has therefore enacted pieces of legislation which have not only freed trade unions, and to a limited extent, the organisers of industrial action from certain common law liabilities, but have also ensured the independence and strength of trade unions, both numerically and financially. Nwazuoke (2001) believes that government ensured the existence of trade unions as a

countervailing force to managerial powers and that since both employers and trade unions are bearers of power, government saw the need to create legislations to regulate and restrain the use of these powers in order to guarantee industrial peace thereby energising the economic system for higher performance and productivity. What are the objectives of labour laws in Nigeria?

### **Objectives of Labour Laws in Nigeria**

While the focus of this chapter is to examine the impact of information communication technology on labour laws within the economic system in Nigeria, it is apropos to provide at least a gestalt of labour law objectives and later in the chapter peruse how ICT tools can be utilised in promoting these objectives. These objectives are as follows:

1. The primary objective of labour laws in Nigeria, especially the principal statute, i.e. the Labour Act, is to provide the minimum standards for working conditions and terms of employment. By doing this, the law pre-empts and seeks to forestall a situation where employers engage in sharp practices which may subvert the rights of workers and culminate in industrial action with deleterious effect on the economic system.
2. Labour laws in Nigeria also seek to protect Nigerian citizens from forced labour. Particularly, these laws are designed to protect the vulnerable members of society like youths and women from being exploited and abused in any employment contract or relations.
3. Through labour laws, the freedom of association for both employees and employers as enshrined in the Nigerian constitution and relevant ILO conventions are provided for and guaranteed and this promotes the relations needed for the economic system to function.
4. Another interesting objective is that labour laws seek to push for the non-discrimination of citizens on the basis of HIV/AIDS status, race, colour, nationality and others.
5. The Labour Standards Bill, which is a review of the existing Act, has redefined the concept of employee to include any person under oral or written contract of employment, continuous, part-time, temporary or casual basis. By so doing, the bill, when passed into law, will give equal rights to every worker within public and private establishments without recourse to the nature of the terms of employment, i.e. permanent or casual staff, or definite and indefinite period of the employment contract. This will discourage the problem of casualisation and ensure that Nigerian workers are getting the best deal from their employers at every point in time.

6. Labour laws in Nigeria, as proposed in the Labour Standards Bill, seek to protect male and female Nigerian workers from sexual harassment and exploitation. Tied to this, these laws aim to also prevent the existence of worst forms of child labour in industry and within the economy.
7. Furthermore, the Labour Act seeks to compel employers to comply with the national minimum wage in the payment of emoluments to workers at every point in time. While this may not suggest any need for a triumphalist disposition because the present minimum wage is a paltry sum of **₦18,000**, it may still make sense since any upward review of the minimum wage and the subsequent compliance by employers will lead to an improvement in workers' lifestyle and standard of living.
8. As contained in the Labour Standards Bill before the National Assembly, any violation of the provisions of the Labour Act, for instance, attracts stiff penalties. This is meant to discourage parties in the employment contract from violating the provisions of the Act.
9. Labour law in the country also attempts to foster the health and safety of workers by mandating employers to keep to health and safety global best practices in the workplace. This helps to reduce the number of industrial accidents and casualties in the workplace and by extension impacts positively on the economy through higher performance and productivity.
10. Labour laws in the country also promote and preserve the fundamental rights of workers such as right to freedom of speech, religion, movement, association and fair hearing. When any of these rights are violated, the affected employee can seek remedies/redress.
11. Essentially, labour laws in Nigeria are put in place to discourage industrial action. Its goal always is to regulate the activities of employers and employees and their representatives to guarantee and promote industrial peace and harmony on which economic growth and development is contingent.

### ***Information and Communication Technologies (ICT)***

According to Rubble (2003), information and communication technology is the study of the technology used to handle information and aid communication. The phrase was coined by Stevenson in his 1997 report to the UK government and promoted by the new National Curriculum documents for the UK in 2000 (Gray, 2011). Also called *information and*

*communication technologies, information and communications technologies, and information and communications technology (ICT)*, ICTs allow users to participate in a rapidly changing world in which work and other activities are increasingly transformed by access to varied and developing technologies (Igbadumhe, 2013). ICT tools can be used to find, explore, analyse, exchange and present information responsibly and without discrimination. According to Imhonopi (2009), ICTs can also be employed to give users quick access to ideas and experiences from a wide range of people, communities and cultures. He added that Information and Communication Technology is the capability to electronically input, process, store, output, transmit, and receive data and information, including text, graphics, sound, and video, as well as the ability to control machines of all kinds electronically. Nowadays, ICTs include mobile telephony and newer technologies that help to ease communication, social interaction and promote information generation at a rapid pace. ICT tools have been recognised as having impacted the economy, social institutions, education, medicine, the military and business today (Imhonopi, 2009) and in this chapter, just as ICT has revolutionised different institutions in the society, it is considered to have the potential to revolutionise the enactment and enforcement processes of labour laws in Nigeria for the smooth functioning of the economic system.

### ***The Economic System***

Economic system refers to a set of principles and techniques by which a society decides and organises the ownership and allocation of economic resources. At one extreme, usually called a free-enterprise system, all resources are privately owned. This system, following Adam Smith's ratiocination, is based on the belief that the common good is maximised when all members of society are allowed to pursue their rational self-interest. At the other extreme, usually called a pure-communist system, all resources are publicly owned. This system, built on the magnum opera of Karl Marx and Vladimir Ilyich Lenin, is based on the belief that public ownership of the means of production and government control of every aspect of the economy are necessary to minimise/eliminate inequalities in wealth distribution and achieve an egalitarian social system. Nowadays, no nation exemplifies either extreme but every country, whether possessing capitalist, socialist or mixed economic systems, relies on economic planning to (re)distribute its productive resources to citizens and residents (Woodbury, 2010). Notably, the fundamental economic problem in any society is to provide a set of rules for allocating resources and/or consumption among individuals who cannot satisfy their wants, given limited resources. The rules that each economic system provides function within a framework of formal institutions such as laws and informal institutions such as customs. In



every nation, no matter the typology of governance, the type of economic system, who controls the government, or how rich or poor the country is, three basic economic questions come into bold relief. They are:

- What and how much will be produced?
- How will it be produced?
- For whom will it be produced?

Therefore, economic system has been seen as the organisation of activity to produce goods and services for a targeted community of consumers (Imhonopi, 2006). Any economic system should be able to determine the needs of society for goods and services, ensure the correct allocation of the factors of production to industry, provide and maintain investment, distribute goods and services by matching supply to demand, and utilise resources efficiently. Imhonopi (2006) further contends that an economic system is the system of production, distribution and consumption of goods and services within an economy. Alternatively, it is the set of principles and techniques by which problems of economics are addressed, such as the economic problem of scarcity through allocation of finite productive resources. The economic system is composed of people and institutions, including their relationships to productive resources. Economic systems are instantiated by capitalist, socialist and mixed economies.

### **Applying ICTs in the Implementation of the Objectives of Labour Laws in Nigeria**

Just like in other sectors, ICTs can be useful in the realisation of the objectives of labour laws in Nigeria. It is important to say that ICT tools like the internet, mobile phones, computers, e-mails, chat facilities, teleconferencing and others, are not new in the workplace in Nigeria. These tools have not been put to greater use in enhancing labour law practice and implementation in the country. The following have been identified as ways by which ICTs can impact on labour law in Nigeria.

It leads to the use of information and communication technologies in industry: Since labour laws deal with the issues arising from employment (Idubor, 2005), it means whatever improvement that is done to employment relations is in line with the objectives and purpose of these laws. In this wise, ICT tools can improve the lives of workers in industry by simplifying work done, improving productivity, reducing workers' stress, stress-related illnesses and accidents and leading to greater performance and profitability for the establishments

concerned. ICT tools can also lead to better health and safety of workers as workers would be given the gear and modern electronic gadgets to protect them in the workplace.

Enable monitoring and supervision of the workplaces: One of the functions of the Ministry of Labour and Productivity is to monitor the operations within public and private establishments with the goal to ensure compliance with the provisions of labour laws. The Ministry can improve its monitoring by using ICT tools in carrying out this function.

It can also help to speed up court cases at the National Industrial Court (NIC) and other appellate courts. By using information and communication technologies, the NIC and other appellate courts can speed up court cases by proper registration, storage and processing of cases which may lead to early resolution of industrial disputes. An example of the effective use of ICTs in accelerating court processes has been successfully done by Singaporean courts. According to Esler (2006), the government of Singapore has officially embraced an electronic filing system which was introduced in 2000 for court documents. More than 400 Singaporean law firms now routinely file court documents electronically using this web-based system. Over 2.5 million court documents have been electronically filed with this system, which is available 24 hours a day, 7 days a week. Documents filed electronically are also officially served by the same means. By towing this line, the Nigerian government through the Ministry of Labour and Productivity can create web-based electronic systems that can facilitate the filing of industrial court cases, and thus speed up judicial processes and proceedings, leading to early judicial decisions.

Digitalisation of labour laws so they can be seen online and downloadable by citizens: Part of citizen education should involve the knowledge of their rights, privileges and responsibilities. Citizens make up the workforce needed for the development of the country. Without knowing their rights as workers, they would not know when such rights are infringed upon. By digitalising labour laws and placing them online for the benefit of citizens, the purpose of citizen education in this regard would be achieved. Similarly, paperless legal proceedings including investments in laptops, electronic boards, smart phones and tablets should be encouraged within the National Industrial Court system in particular and in the wider court system in general. This will save cost and time. In addition, ICTs could help in the storage, retrieval and transmission of court cases, proceedings and judicial decisions. This will reduce

the spatial constraints in storing court files and at the same time fostering the early trial of cases and leading to early judicial decisions.

Improvement of processes involved in data gathering, filtering and processing: ICTs can also help in the gathering, filtering and processing of data in the pursuit of the supervision of parties to the employment contract or in the implementation of the provisions of labour law.

Linking of the labour law practice in the country to standard practices in the global industrial and business community: By placing labour laws online and utilising web-based and technology tools in the industrial court system and in the drafting and implementation of labour law in the country, Nigeria would be adopting best practices in the global industrial and business environment. This will bring the country's labour law practice to global reckoning.

Ease in the implementation of the provisions of labour laws and the supervision of the workplace: The implementation process of the provisions of the labour law will be easier and less onerous when information and communication technologies are engaged. For instance, ICT tools can help representatives from the Ministry of Labour and Productivity to determine whether the chemicals used in the production of certain products can be injurious to the health and wellbeing of workers. And if this is true, then employers would be mandated to provide the relevant safety gadgets to protect workers from being hurt or killed. ICTs can also help in the assessment of machines, materials and operations in the workplace. Since the workplace will be better supervised, this could lead to the protection of the rights of workers and employers.

Guarantee of better results in employment and labour relations in the country: When ICTs are engaged in the workplace, workers will experience less stress, productivity will increase, the health of workers would be preserved and the organisation concerned would experience higher productivity and performance which could lead to the achievement of laid-down corporate objectives and profitability. When workers are happy and employers are satisfied with the outcome in the workplace, this certainly may promote labour-management relations and nip industrial actions in the bud, while facilitating industrial peace and harmony within the economic system.

Greater accountability of parties in the employment contract: With the use of ICT, there would be greater accountability. This is easy as a result of the effective supervision of parties in the employment contract, employers and employees will be compelled to obey the provisions within the labour laws.

### **Conclusion and Recommendations**

It is evident nowadays that ICTs are the drivers of social change. ICTs are akin to the imagery of a cyclopean force driving human civilisation by the scruff (Imhonopi & Urim, 2013) because every aspect of life is already affected as work, play and social relations are gradually becoming dependent on ICT tools. As the Nigerian industrial court system grows in experience, output and impact, utilising ICT tools in the making, supervision and implementation of labour laws in the country portends better results and outcomes for all stakeholders. By investing heavily in the acquisition of ICTs, adopting a vigorous approach in the training of all parties in the industrial relations system to have a better knowledge in the utilisation of ICTs and by making industrial court processes e-driven, this will result in a better labour environment where industrial peace and harmony can lead to fewer and fewer industrial actions and the achievement of economic growth and development.

To further apply ICTs for the implementation of labour law objectives in the country, the following points may come in handy. First, there is need for investment in ICTs for the drafting and implementation of labour laws. Government and its agents like the National Assembly need to invest more in the acquisition of latest ICT tools for the drafting and implementation of labour laws in the land. Second, training of the three parties involved in the industrial relations system about the use of ICT tools is paramount to achieve the objectives of labour laws in the country. Parties in the industrial relations system, i.e. workers, employers, government or the state need to train their members in the utilisation of information and communication technologies so as to enhance the objectives of each group within the industrial relations environment. ICTs will help workers to perform their jobs better, easier and in a safer way; employers will protect the health of their workers, inspire confidence in their workers and thus increase productivity and profit as a result; the government, through the use of ICTs, will be able to monitor the operations and activities of workers and employees within the private and public establishments and ensure that each party complies with the rules guiding employment relations. Third, digitalisation of court processes as a way of guaranteeing the storage, retrieval and transmission of vital court information has become a desideratum. Fourth,

provision of stable power supply is critical to the use of ICT tools. Government, therefore, must follow through with its landmark reforms in the power sector which could help the country leapfrog its electricity challenges. Lastly, maintenance of ICT tools and infrastructure by all stakeholders should be encouraged so that these tools can fully run their lifecycles before they are replaced.

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