

ENFORCEMENT OF OCCUPATIONAL SAFETY AND HEALTH REGULATIONS IN NIGERIA: AN EXPLORATION

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Abstract

This Paper examines the enforcement of occupational safety and health (OSH) regulations; it validates the state of enforcement of OSH regulations by extracting the salient issues that influence enforcement of OSH regulations in Nigeria. It's the duty of the Federal Ministry of Labour and Productivity (Inspectorate Division) to enforce the Factories Act of 1990, while the Labour, Safety, Health and Welfare Bill of 2012 empowers the National Council for Occupational Safety and Health of Nigeria to administer the proceeding regulations on its behalf. Sadly enough, the impact of the enforcement authority is ineffective, as the key stakeholders pay less attention to OSH regulations; thus, rendering the OSH scheme dysfunctional and unenforceable, at the same time impeding OSH development. For optimum OSH in Nigeria, maximum enforcement and compliance with the regulations must be in place. This paper, which is based on conceptual analysis, reviews literature gathered through desk literature search. It identified issues to OSH enforcement such as: political influence, bribery and corruption, insecurity, lack of governmental commitment, inadequate legislation inter alia. While recommending ways to improve the enforcement of OSH regulations, it states that self-regulatory style of enforcing OSH regulations should be adopted by organisations. It also recommends that more OSH inspectors be recruited; local government authorities empowered to facilitate the enforcement of OSH regulations. Moreover, the study encourages organisations to champion OSH enforcement, as it is beneficial to them; it concludes that the burden of OSH improvement in Nigeria is on the government, educational authorities, organisations and trade unions.

Keywords: Enforcement, Nigeria, occupational safety and health, regulations

Introduction

Enforcement of regulations is very vital in ensuring the efficacy of regulations. Thus, researchers (like Anderson 2007; Idubor & Osiamoje 2013) opine that regulations without proper enforcement are tantamount to no laws. In that Idubor & Osiamoje (2013) postulate that lack of strict enforcement of OSH regulations enables non-compliance to OSH regulations. Whereas non-compliance to OSH regulations is a major contributor to the poor state of OSH in Nigeria, Diugwu et al. (2012) maintain that the failed OSH management system in Nigeria is due to the non-functional OSH regulations and provisions. On the other hand, it is argued that enforcement and compliance with OSH regulations are not the stand-alone steps for improving OSH, as improving organisational culture can also improve OSH. However, it is worth noting that the benefits of proper enforcement of OSH regulations are evident in countries with remarkable health and safety records like the UK, USA, Germany

and many other developed countries, which in turn support Anderson (2007); Diugwu et al. (2012); Idubor & Osiamoje (2013) arguments substantially.

Anderson (2007) believes that as the main objective of OSH legislation is to prevent accidents and ill health in the workplace, there should be effectiveness and accountability in the enforcement of OSH rules and regulations. The Nigerian Federal Ministry of Labour and Productivity (Inspectorate Division) enforces OSH regulations while the National Council for Occupational Safety and Health will enforce the Labour, Safety, Health and Welfare Bill of 2012 in Nigeria when passed into law. So far, the efficacy and accountability of The Federal Ministry of Labour and Productivity in the enforcement of OSH regulations in Nigeria are evidently questionable and poor, especially in the construction industry. Perhaps, this is because OSH enforcement is not the principal practice in Nigeria (Okolie & Okoye 2012).

This is exemplified by studies by researchers such as (Diugwu et al. 2012; Idubor & Osiamoje 2013; Idoro 2008, 2011) that demonstrate the ineffective and nonfunctional state of the OSH regulatory system in Nigeria. The series of plane crashes, collapse of buildings, and high accident and fatality rates inter alia in Nigeria are further evidence. Given the recent increased infrastructural development in Nigeria, which will worsen the already failed OSH as accidents, injuries and fatalities will increase and the role of effective enforcement in achieving optimum OSH, it is pertinent to investigate the salient causes of the poor level of OSH enforcement in Nigeria, so as to improve OSH; deplorably, researchers have overlooked this area. Against these backdrops, this paper examines the enforcement of OSH in Nigeria.

That would help to demonstrate and highlight the state of OSH regulations enforcement in Nigeria; thus, yielding positive results and helping to build confidence. Most importantly, this paper unearths the salient issues to enforcement of OSH in Nigeria and further examines them. It concludes by recommending ways of improving the level of enforcement of OSH by stating that the onus of improving OSH is on all stakeholders.

Conceptual Clarification

Occupational safety and health (OSH)

OSH is an interdisciplinary area that involves protecting the health, safety and welfare of people in the workplace (Kalejaiye 2013) and others that may be affected directly or indirectly by the activities at the workplace. There are sets of rules, regulations, legal instruments or provisions that help in actualising the above; for the purpose of this study, they are called OSH regulations.

Enforcement

According to Cambridge dictionary (2013), enforcement is described as the act of ensuring that people obey a law or comply with it. Based on the above definitions, enforcement of OSH regulations is described as the act of ensuring observance to OSH laws hereinafter.

Enforcement of OSH Regulations

Literature reviewed so far reveal that OSH regulations enforcement approaches are identified as reactive approach and the proactive & collective participatory approach.

Reactive approach

This approach of enforcement involves inspection of workplaces to detect flaws and make recommendations for improving the state of OSH (Makhonge 2005); in that employers or factory owners in most developing countries including but not limited to Nigeria, Kenya wait for the enforcement authority to point out contraventions before steps are taken. Furthermore, should the OSH offence be highly rated, the offender may be charged to court

(Makhonge 2005); this opines that it is corrective and does not encourage full participation of all in organisations and stakeholders in various industries. Thereof, Makhonge (2005) argues that consequently, organisations take only basic steps in terms of OSH compliance.

However, Makhonge (2005) further stresses that this is a traditional approach that was proved to be ineffective in Kenya; therefore, corrective measures have been taken in order to rectify the limitations. The argument is that when this technique is deployed against OSH regulations violation, which it seeks to correct, it may be too late, as injuries, accidents or fatalities may have occurred. Thus, suggesting that this approach does not fulfill the requirement of OSH enforcement, which seeks to prevent accidents, injuries or fatalities at large.

Proactive and collective participatory approach

Makhonge (2005) demonstrates that this approach of enforcement is more adequate than the reactive approach. In that it seeks to ensure compliance before the violation of the regulations by: introduction of safety advisers in organisations; introduction of competent and effective safety and health committee in organisations; encouraging self regulatory approach; mandatory formulation of safety policies and appointing competent safety persons who are responsible for safety issues in the organisations. Also, it seeks to deter organisations from defaulting by active participation of all in the organisations and engages support from the regulatory authority; thereby, protecting the health, safety and welfare of the workers. This suggests that this approach is preventive and collectively participatory in nature; it is similar to what obtains in developed countries and some developing countries; better still, most of its features obtain. For instance, the Labour, Safety, Health and Welfare Bill of 2012 in Nigeria involves the participation of the Nigerian Institute of Safety Professionals, National Council for Occupational Safety and Health, OSH committees, safety and health representatives, employers, research institutes, principal contractors and the education sector. It places due responsibilities on OSH committees and the safety & health representatives at grass-roots by having them monitor, regulate and maintain the safety of the employees in the workplace. The logic here is that OSH is the responsibility of all; as such, the Bill seeks to indulge the participation of all; perhaps, by aiming to be comprehensive and avoiding some limitations of the existing Factories Act.

The Nigerian Status Quo OSH in Nigeria

OSH in Nigeria is traced back to the slave trade period. According to Kalejaiye (2013), records show that the medical examination board of the Liverpool infantry introduced occupational health in Nigeria in 1789. Kalejaiye (2013) further reports that this board was saddled with the responsibility of promoting the health of the British slave dealer in Africa. He also pens that after these early stages, the health service was established by Colonel Luggard (who was once the Governor-General of Nigeria) to care for the health and welfare of the colonial administrators and British soldiers; then, after many years, due to the poor working conditions of workers, occupational health services were introduced in some Nigerian industries, and the Occupational Health Legislation Act established. Kalejaiye (2013) asserts that due to the impact of increased mechanisation on the health and welfare of workers, the occupational health unit in the Federal Ministry of Health and the Institute of Occupational Health in Oyo state Ministry of Health were established.

Nigeria signed the Geneva Convention in 1981 (Adeogun & Okafor 2013), yet 32 years on, implementation of proceedings of the convention is insignificant.

Adeogun & Okafor (2013) report that OSH in Nigeria is still at infancy; in the same way, Diugwu et al. (2012) and Okolie & Okoye (2012) maintain that OSH in Nigeria is poor.

For instance, although there are no reliable accident data in Nigeria (Idoro 2008; Okolie & Okoye 2012), a study by Ezenwa (2001) over a 10-year period (1987-1996) of fatal injuries reported to the Federal Ministry of Labour and Productivity (Inspectorate Division) shows that out of 3183 injuries reported, 71 were fatal. In fact between 1990 and 1994, the overall fatality rate as recorded by the Ezenwa (2001) is 22% of the above reported cases. This explains why Idoro (2011) in a study of 42 construction contractors in Nigeria, found that in 2006 the best safety record is 5 injuries per worker and 2 accidents per 100 workers. These records are high (Idoro 2011) whether compared to other countries or not. However, this is not a true representation of what obtains in Nigerian factories (Ezenwa 2001) because the records are worse than stated above, as the poor OSH regulatory system in the country does not encourage mandatory reporting of accidents (Ezenwa 2001; Idoro 2008), which OSH regulations require. However, Diugwu et al. (2012) blame the big gap in OSH in Nigeria on the dysfunctional health and safety laws in the country. As a result, all the sectors in the country are clearly unregulated (Diugwu et al. 2012).

OSH legislation in Nigeria

The inception of OSH regulations/bills in Nigeria runs from the introduction of the Labour Act of 1974 to the passage of the Labour, Safety, Health and Welfare Bill of 2012 (which awaits the presidential assent). A bill is a formal statement that is designed to be a new law but is under debate before it is voted on (Cambridge dictionary 2013). After voting, it may also need presidential assent to fully complete the process of becoming a law or legislation. During the above period, the Factories Act of 1987 (now known as Factories Act of 1990), which Kalejaiye (2013) reports as a substantial revision of the Factories Act of 1958 (i.e. colonial legislation), the Workman's Compensation Act of 1987, the Labour Act of 1990, the Workman's Compensation Act of 2004, the Employee's Compensation Act of 2011 (which repeals the Workman's Compensation Act of 2004) were introduced; some of these laws are criticised as inadequate. For instance, the Factories Act of 1987 does not include the construction industry in the definition of its premises (Diugwu et al. 2012; Idoro 2008, 2011); consequently, the industry remains unregulated. Idubor & Osiamoje (2013); Okojie (2010) contend that the severities of penalties stipulated by OSH laws in Nigeria are insignificant; in that offenders are not deterred by the penalties. Thankfully, the new Bill (The Labour, Safety, Health and Welfare Bill of 2012) addresses all the above issues, as it includes the construction industry in the definition of its premises and stipulates severe penalties for violation. This bill covers both the formal and informal industrial sectors in Nigeria. It seeks to repeal the Factories Act and serve as a comprehensive OSH legislation for the workplace.

Enforcement of OSH regulations in Nigeria

The Labour, Safety, Health and Welfare Bill of 2012 empowers the National Council for Occupational Safety and Health to: enforce and implement OSH measures in the workplace; promote the protection of lives & properties; promote OSH awareness; carry out inspection of the workplaces and monitor the compliance of all regulations or other OSH measures enshrined in the Bill. Correspondingly, the Nigerian Social Insurance Trust Fund Management Board implements the Employee's Compensation Act of 2011, which makes provisions for compensation for any death, injuries, and diseases or disabilities due to employment. In the mean time, The Factories Act Cap 126, laws of the federation of Nigeria 1990 enables the Inspectorate department of the Federal Ministry of Labour and Productivity to enforce the minimum standard requirements of the Factories Act of 1990 in Nigeria. The enforcement processes require issuing of warning or notices to offenders, after which the lower level of enforcement, which includes the sealing of a defaulting factory, takes place (Okojie 2010). Regrettably, this is not practicable in Nigeria in that the resources required are

under estimated and not made available. In affirmation, Okojie (2010) reports that the sealing of premises, which is a form of enforcement rarely happens in Nigeria. Also, Adeogun & Okafor (2013) note that unhealthy exposures to risks of workers in organisations make it evident that OSH laws are not enforced in Nigeria. The argument therefore is that there should be daily inspection of workplaces by the factory inspectors and monthly reports to the Federal Ministry of Labour and Productivity (Okojie 2010), but this is farfetched. Moreover, Ezenwa (1997) in Ezenwa (2001) found that the annual average of factory inspectors from 1987 to 1994 is 55.75 (where the annual average of registered factories in Nigeria from 1987 to 1994 is 4923), and Okojie (2010) states that there are only 60 factory inspectors in Nigeria. These create room for pondering as to why more enforcement officers cannot be employed. Nigeria is the most populous country in Africa with a population of over 165 million, so 60 inspection officers are far too few to enforce the OSH regulations in Nigeria. It is therefore not misleading to assert that lack of person power and lack of commitment to ensuring better enforcement in the part of the enforcement authorities hinder optimum enforcement of OSH regulations.

Equally important, a study by Diugwu et al. in 2012, shows that majority of construction workers in Minna, Nigeria (if not in the whole country) are not aware of the body responsible for enforcing OSH regulations in the industry. In the study, about 79.5 % of the respondents could not identify the correct body responsible for OSH enforcement in Nigeria. This suggests lack of knowledge as per OSH and its ineffective enforcement. Granted that there is proper enforcement of the OSH regulations across Nigerian industries, the workers will be aware, as they must have heard of or seen the enforcement taking place. In view of these highlighted deficiencies, it is pertinent to further examine the key issues to enforcing OSH regulations in Nigeria; thus, the subsequent section addresses this.

Key Issues to Enforcement of OSH Regulations in Nigeria

Lack of skilled person power

In light of the arguments above by Ezenwa (2001), Diugwu et al. (2012) and Okojie (2010), it is evident that lack of skilled personnel is a major determinant to effective enforcement of OSH program in Nigeria. This view is further supported by Omojokun (2013), who identifies insufficient enforcement officers among the challenges to effective food regulation and enforcement in Nigeria. In like manner, Rantanen (2005) earlier asserts that an insufficient number of competent occupational health services experts hinders the development of occupational health services globally. However, Makhonge (2005) points out that a self-regulatory style of enforcement (where safety and health committees are formed in workplaces with the responsibilities of regular inspections and monitoring of workplaces) helps to improve enforcement. Should that be the case, the standard of enforcement may differ; especially, in the construction industry where there is no uniformity of regulations. In affirmation, Anderson (2007) asserts that there should be uniformity in the standard of enforcement. To this end, Makhonge (2005) suggests that adequate training can improve competence of safety and health committee members so as to achieve optimum enforcement. The argument is that if the enforcement authority established by law to enforce the laws is found wanting; in other words, cannot fulfill the purpose of establishment, little is expected of organisations that in most cases do not value safety not to talk of establishing safety and health committees. Be it as it may, adequate number of skill person power is essential for OSH enforcement improvement.

Political influence

Rantanen (2005) maintains that the global decline in the development of occupational health service is primarily political. Similar argument is made by Okojie (2010) in regard to

Nigeria in that political influence has been seen as the major hindrance to the enforcement of OSH in Nigeria: maintaining that political influences handicap the enforcement officers from carrying out their duties. This is because powerful people or persons in high or influential positions in the country own most of the Industries and factories. In support, Idubor & Osiamoje (2013) also note the effects of political influence on OSH in Nigeria. The main setback of this is that the rich and highly placed people in Nigeria influence the activities of not only the OSH enforcement officers, but also other enforcement officers e.g., police. In like manner, Onyeozili (2005) contends that people in government and highly placed persons prevent the course of justice by shielding criminals from justice. He further demonstrates the influence of people in power as argued above as the major handicap to policing in Nigeria. This calls for the question as to why the politicians (law makers) promulgate laws and hinder its enforcement.

Severity of penalties

As above, prior to the passage of the Labour, Safety, Health and Welfare bill of 2012 (which awaits presidential assent), the penalties for violation of OSH laws can be said to be lenient. In particular, according to Idubor & Osiamoje (2013), the penalty stipulated by the Workman's Compensation Act is as low as 2000 Naira (which is equivalent to £8 where 250 Naira = £1), or the premium payable for one year (whichever is greater) when an employer fails to insure the employees against death or injuries; as against the Labour, Safety, Health and Welfare Bill of 2012, which stipulates severe penalties of up to 500,000 Naira for individuals, and 2 million Naira for corporate organisations for violating OSH measures. Okojie (2010) argues that these insignificant penalties stipulated by the OSH laws do not guarantee compliance in any way. Suggesting that penalties should serve as indirect instruments for enforcement of OSH regulations; that way, it can serve as deterrent to offenders. At present, the penalties imposed are so insignificant that they do not deter offenders even when enforced. This opines that the penalties stipulated by the Factories Act in Nigeria might incapacitate the laws and make a mockery of the legal system, thereby hindering enforcement.

The judicial system

The long time spent by the judicial system of Nigeria on cases impedes OSH development (Idubor & Osiamoje 2013). As a result, people do not have faith in the judicial system; therefore, most OSH cases do not go to court. Besides, the enforcement authority may be discouraged from taking the cases to court as it will take time and they will spend a lot of money, after which the course of justice may be perverted. However, Idubor & Osiamoje (2013) demonstrate the need for enforceable laws, as laws that are not enforceable are as good as not making one. In view of the above, it is inferred that the judicial system may not serve the purpose of establishment, as it does not encourage enforcement; therefore, it can be said to hinder enforcement.

Corruption and bribery

The corruption level in Nigeria is high as Transparency International (2012) ranks Nigeria 139 out of 176 in terms of corruption perception index. No wonder Onyeozili (2005) notes that the regulatory institutions and the police have been proved to be corrupt. Surely, this may hinder effective enforcement in the country as the activities of authorities responsible for enforcing the laws are seen as questionable. As an illustration, Idubor & Osiamoje (2013) cite an instance where companies with poor OSH practices get pass marks after inspection because they bribed the enforcement officers. Consequently, organisations will not comply with OSH regulations, as they know the easy way out. These suggest that the

enforcement officers may engage in the enforcement process because of selfish financial reasons and not to achieve the aims of the regulations thereby not ensuring compliance.

Nevertheless, whether the rationale for enforcing OSH regulations is for selfish financial reasons or to achieve the aims of the regulations, the facts are that: the efficacy of OSH regulations enforcement is poor; corruption and bribery hinder effective enforcement of regulations; the authorities that tackle corruption in Nigeria appear not to be doing enough.

Inadequate funding

The enforcement authority needs money to recruit more persons and train them, run the affairs of the ministry and ensure the provision of adequate facilities; hence, Ezenwa (1997) in Ezenwa (2001) argues that inadequate number of technical equipment and transport facilities hinder the enforcement of OSH regulations in Nigeria. The argument here is that if the ministry experiences insufficient funding, adequate enforcement will be farfetched; it may also contribute to corruption. Idubor & Osiamoje (2013) concur to this factor as a hindrance to the enforcement of OSH regulations. In support, Rantanen (2005) notes financial constraints as one of the factors that hinder the development of occupational health services.

Inadequate legislation

This is exemplified by the non-inclusion of the construction industry in the definition of premises in the Factories Act of 1990 (Diugwu et al. 2012; Idoro 2011). Consequently, construction firms adopt regulations from the UK (Idoro 2008) or US, and these regulations are not enforceable in Nigeria. As such, the enforcement authority do not have jurisdiction over such premises. Idoro (2008) states that the limitations in the Factories Act obstruct the improvement OSH in the construction industry. This leaves the workers in the construction industry at mercy of fate. Secondly, the Factories Act of 1987 (now known as Factories Act of 1990) does not address factory hygiene issues, which recognise workplace serious health issues (Kalejaiye 2013) and does not require the use of Personal Protective Equipment (PPE) in the construction industry (Diugwu et al. 2012). In fact, Diugwu et al. (2012) maintain that the OSH statutory regulations in Nigeria are ineffective and inadequate. The catch here is that the efforts of the government in addressing these lapses are not impressive. In particular, it took many years to recognise and address the limitations of the Factories Act and pass the Labour, Safety, Health and Welfare Bill 2012. This does not signify governmental commitment to OSH. As authors above assert that the limitations of these laws hinder effective enforcement and this paper demonstrates that the efforts of the government toward addressing the limitations remain questionable, it can be inferred that lack of governmental support or commitment hugely contributes to the low level of OSH enforcement in Nigeria.

Lack of governmental commitment

As demonstrated above, this hinders the improvement of OSH in Nigeria (Diugwu et al. 2012); this is exemplified by the long time being spent by the President to assent to the Labour, Safety, Health and Welfare bill 2012 and the lack of OSH attention inter alia. These signify that the government is not committed to improving OSH. It is more than a year since the senate passed the Labour, Safety, Health and Welfare Bill 2012, yet it still awaits presidential assent. Such issues are vital and should receive sporadic attention. Every moment that the construction industry or other workplaces remain unrecognised by unenforceable regulations, or the penalties for violation remain insignificant, more injuries, fatalities and accidents occur. Such acts of lack of commitment by the government may be why Rantanen (2005) asserts that the low prioritisation level of occupational health in national health policies contributes to the decline in the development of occupational health services.

Additionally, Diugwu et al. (2012) study, which demonstrates the minimal impact of the government in managing and regulating OSH in the construction industry in Nigeria, further confirms lack of government's support to OSH. In the study, Diugwu et al. (2012) note that the medium for disseminating information by the government is ineffective because not all their respondents have access to the Internet.

Insecurity

High level of insecurity characterise Nigeria e.g., bomb explosions, kidnapping. As a result, the security of enforcement officers is questionable; hence, Okojie (2010) notes that factory inspectors may be molested while carrying out their duties. However, the Labour, Safety, Health and Welfare Bill of 2012 makes provisions for the security of enforcement officers that believe that their security may be at risk while carrying out their duties, but what happens outside the course of carrying out their duties poses great concern. The catch here is that due to political influence on the police, the corrupt police system (Onyeozili 2005), the lack of faith people have in the police, the molested enforcement officers may not report to the police as they expect little from the police. Especially, when the influential politicians mastermind the molestation. While it can be argued that the enforcement officers can be insured against such, the question is which insurance company will do such and at what cost?

Inadequate information

There is consensus that Inadequate Information affects the improvement of OSH in Nigeria (Diugwu et al. 2012; Idubor & Oisamoje 2013; Idoro 2008, 2011; Okojie 2010). To illustrate this, Okojie (2010) reports the dearth in OSH information in the Federal Ministry of Labour for the past five years as a major concern. In contrast, Okojie (2010) argues that multinational oil and gas companies strive to improve OSH, protect their images, and conform to their international corporate companies' policies in line to their head offices outside Nigeria. Whilst the Federal Ministry of Labour is directly responsible for enforcing OSH legislation in Nigeria, not enough information is shared with the separate entities that make up the Ministry; hence, the inspectorate divisions are not well equipped in order to plan on the necessary steps for better enforcement practices. The multinational companies' ability to transfer OSH policies from their countries of origin into Nigeria's oil and gas industry in order to improve their OSH standing is an added advantage. Therefore, helping multinational companies' such as Shell, Texaco inter alia to boost their safety cultural stand both in Nigeria and on the international stage.

Technology & economic growth

The literature reviewed suggest that the existing OSH laws are not up to date; they do not address some hazards posed by new technologies; they are not recognised in some industries and workplaces that came into existence as result of the current economic growth. In support, a presentation at an International Labour Organisation Conference in 2006 highlights rapid economic developments and new technologies/processes as challenges faced by OSH in Nigeria.

Culture

Be it organisational culture, national culture, safety culture, all may affect the enforcement of OSH regulations. This is because according to Adeogun & Okafor (2013), safety culture is when safety is the priority concern of people working in an organisation; however, stressing that an organisation can only be identified with safety culture after it has developed to a certain stage. In that in the absence of adequate regulations and proper

enforcement, if organisations have safety culture they should adopt the self-regulatory style of enforcement as suggested by (Makhonge 2005) to help improve OSH.

The culture of non-implementation of policies in Nigeria, especially in the regulatory authorities has left the effectiveness and efficacy of most policies questionable as this research establishes above. The way things are done (i.e. culture) in government organisations in Nigeria do not support proper enforcement e.g., the inspectors often give excuses like lack of vehicles to visit sites reported to be violating OSH regulations. The contention here is addressing violating OSH regulations, as well as ensuring that there is adequate institutional culture that will act as a platform for effective implementation of government policies at large.

Highlights: Key Issues to Enforcement of OSH Regulations and Recommendations.

For the purpose of clarity, this section highlights the key issues to enforcement of OSH regulations and recommendations in a tabular form; the next section discusses ways of improving OSH in Nigeria.

Key issues to enforcement of OSH regulations in Nigeria	Ways of improving OSH enforcement in Nigeria
Lack of skilled person power Political influence Severity of penalties The judicial system Corruption and bribery Inadequate funding Inadequate legislation Lack of governmental commitment Insecurity Inadequate information Technology & economic growth Culture	Recruitment and training of enforcement officers by the enforcement authority. Adoption of self-regulatory style of enforcement by organisations. Introduction of enforcement of OSH regulations at local level. Making provisions for adequate OSH information. Development and adoption of Approved Code of Practice (ACOP). Updating and revising OSH regulations as required by relevant authorities.

Note: The issues and recommendations highlighted above are not arranged side by side.

Table 1: Summary of key issues to enforcement of OSH regulations and ways of improving enforcement of OSH regulations.

Source Designed by Authors.

Ways of Improving OSH in Nigeria

As seen above, enforcement of OSH in Nigeria is poor and ineffective. With the high level of infrastructural development in Nigeria, accident, injury and fatality rates will also increase if nothing is done to improve OSH in Nigeria. As a result, more should be done to improve enforcement of OSH regulations, as this will improve the status of OSH. Below are some of the recommendations of this paper for improving the enforcement of OSH in Nigeria.

Recruitment and training of enforcement officers will improve enforcement of OSH regulations. The population of Nigeria is over 165million; however, the number of enforcement officers is very low. Therefore, if more trained professionals are recruited and trained as OSH inspectors and enforcers that will boost OSH enforcement in Nigeria.

In the absence of proper enforcement of OSH regulations, organisations should adopt self-regulatory style of enforcement, as optimum OSH improve the images of the organisations, and enable the organisations to maximise profit.

Enforcement of OSH regulations at local level is surely a way of improving OSH in Nigeria. Local government authorities should be involved in the enforcement of OSH regulations as done in the UK. Currently, the planning departments of many local government councils ensure that all buildings in the local government have approved building plans. A similar department made up of trained OSH inspectors should be set up to carry out inspection of workplaces at local level.

As adequate information is vital in ensuing optimum OSH, provisions for adequate OSH information is pertinent, perhaps through information technology: mobile phone technological means of reporting accidents and unsafe practices can be adopted in Nigeria.

This study also recommends the development and adoption of Approved Code of Practice (ACOP) as applicable in the UK, as they will help in compliance and preventive (i.e. proactive) enforcement of OSH regulations. The Enforcement authority can develop these ACOPs. ACOPs are approved guidelines that help organisations, individual and employees to comply with OSH regulations and indirectly ensure proactive enforcement.

OSH regulations should be updated and revised as required to avoid having outdated regulations or regulations with plenty limitations.

Conclusion

The aim of this paper is to examine the OSH regulations in Nigeria and to unearth the issues hampering its enforcement. It demonstrates the ineffective nature of the enforcement of OSH regulatory protocols in Nigeria.

The paper also establishes a conscious view by authors that the absence of effective enforcement of OSH regulations in Nigeria by those responsible and the authority in particular motivates the call for effective self-regulatory enforcement system to be adopted. Given the rapid economic growth and infrastructural development in Africa and Nigeria in particular, the absence of the state involvement in OSH promotion and enforcement is of great concern. Therefore, requires prompt attention otherwise the economic growth may be hampered. Likewise, organisations should understand the importance and benefits of compliance with OSH in the work environment as enabler to increased safety, productivity, competitive advantage, accident and fatality reduction and above all the consequences of tarnished images of the organisation and that of the country at large. Especially, with the digital world where growing application of information technology (social network), which delivers information on the instant can damage the reputation of nations and industries at large.

Despite the dearth in OSH literature in Nigeria, sizable quality reviewed papers were found in the continent that examine the following issues that influence the enforcement of OSH regulations in Nigeria. Issues such as: political influence, inadequate funding, culture, and inadequate information. While recognising the impact of economic growth and infrastructural development in Nigeria, the paper unearthed that technology and economic growth increase the hazards in workplaces; therefore, creating some workplaces that are unrecognised by the existing OSH regulations and making the OSH regulations outdated; thus, hindering OSH regulations enforcement. Furthermore, other major limitations to optimum enforcement of OSH regulations identified by this study are: bribery & corruptions,

low level of skilled person power, insecurity, lack of adequate legislation, lack of governmental commitment and severity of penalties.

However, the responsibility rests on the government to improve the state of the OSH in Nigeria, along with active participation of the trade unions, professional bodies, educational institutions and employer to play significant roles. Above all, the proactive and collective participatory approach to enforcement of OSH regulations should be practiced at optimum in combination with the recommendations above so as accelerate OSH improvement. It is paramount that OSH take center stage in Nigeria; therefore, requiring more to be done apart from passing of the Labour, Safety, Health and Welfare Bill of 2012.

Suggested Area of Further Study

As there is only one OSH enforcement body in Nigeria, a case study should be conducted to further identify factors that influence the enforcement of OSH nationally. This review paper is just a stepping-stone for further research and will act as a compliment to the required case study; however, case study on its own may not be the means to an end as it could also be biased. This is because the Federal ministry of Labour and Productivity (Inspectorate Division) may not provide correct information, or may provide only favourable information.

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