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MANCHESTER

THE GROWTH OF AGENCY LABOUR IN THE NIGERIAN OIL INDUSTRY AND ITS CHALLENGES FOR TRADE UNION ORGANISATION

**A thesis submitted in partial fulfilment for the
requirements of the University of Salford for the
degree of Doctor of Philosophy**

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DECLARATION

I hereby declare that this thesis has not been, nor be, submitted in whole, or in part to another University for the award of any other degree

Signature

ABBREVIATIONS

ACAS	Advisory, Conciliation, and Arbitration Service
ACIRRT	Australian Centre for Industrial Relations Research and Training
AMCON	Asset Management Company of Nigeria
BPE	Bureau for Public Enterprise
CBI	Confederation of British Industry
CIETT	Represents the Interests of the Employment and Recruitment Industry
CNL	Chevron Nigeria Limited
DPR	Department of Petroleum Resources
EEPN	Esso Exploration and Production Nigeria
EU	European Union
FCT	Federal Capital Territory
FDI	Federal Direct Investments
GDP	Gross Domestic Products
HR	Human Resource
HRM	Human Resource Management
IAP	Industrial Arbitrary Panel
ICEM	International Federation of Chemical, Energy, Mines and General Workers' Unions
ICFTU	International Confederation of Free Trade Unions
IJV	Joint Venture Companies
ILO	International Labour Organisation
IMF	International Monetary Fund
JVA	Joint Ventures Agreements
MENI	Mobil exploration Nigeria Incorporated
MNCs	Multi-National Companies
MON	Mobil Oil Nigeria
MOSOP	Movement for the Survival of the Ogoni People
MOU	Memorandum of Understanding
MPN	Mobil Producing Nigeria

NEC	National Executive Council
NIPC	Nigerian Investment Promotion Commission
NLC	Nigerian Labour Congress
NLNG	Nigeria Liquefied Natural Gas
NNPC	Nigerian National Petroleum Corporation
NNOC	Nigerian National Oil Corporation
NUPENG	Nigerian Union of Petroleum and Natural Gas Union
OECD	Organisation for Economic Cooperation Development
OPEC	Organisation of the Petroleum Exporting Countries
PENGASSAN	Petroleum and Natural Gas Senior Staff Association of Nigeria
PIB	Petroleum Industry Bill
SAP	Structural Adjustment Programme
SPDC	Shell Petroleum Development Company
SNEPCO	Shell Nigeria Exploration and Producing Company
SNG	Shell Nigeria Gas
SNOP	Shell Nigeria Oil Products
SOFU	Securing Our Future
SPSS	Statistical Package for Social Scientists
TNC	Transnational Companies
TUPE	Transfer of Undertakings Protection of Employment
TUC	Trade Union Congress
UK	United Kingdom
UNCTAD	United Nations Conference on Trade and Development
UN	United Nations
US	United States

ABSTRACT

Over recent years amidst intensified and unrelenting global economic competitive pressures that have shaped the business environment within which organisations operate, many employers in both the private and public sectors in different countries around the world have responded by seeking to reduce labour costs through the specific mechanism of non-standard forms of employment (Forde and Slater, 2010; Teicher et al. 2006; Sanchez, and Schmitz, 200; Kalleberg 2000).

This process has taken a particularly sharp form within the highly strategically important Nigerian oil industry, giving rise to a contemporary labour market characterised by widespread flexibility of work. It has resulted in a significant decline in so-called ‘standard forms of employment’ involving regular, permanent work alongside an alarming growth in ‘non-standard forms of employment’ involving vulnerable, precarious work (Adenugba and Jawadu, 2014; Kalleberg, 2009; Evans et al. 2007; Connelly and Gallagher, 2006). With the growing trend towards the agency workers through the use of employment agencies, there has been the emergence and consolidation of two-tier work arrangements involving differential employment relations contracts (Burgess et al. 2013:4084).

Adopting a Marxist analytical framework, this thesis examined the ways in which the shift from direct-standard employment to a triangular employment relation in a crucial Nigerian arena of employment has become an increasing source of collective conflict within the employment relationships, between workers and their unions on the one hand, and the employers on the other. In the process, it considers the challenges and dilemmas for trade unions attempting to defend the terms and conditions of employment of different groups of workers, as well as the limits and potential of solidaristic forms of union within a highly fragmented context.

The research study has been framed on a critical realism paradigm, with a focus on a mixed methods approach involving questionnaires and semi-structured interviews. These involved the management, trade unions, ministry of labour and employment, employment agencies, and workers on different employment contracts within three of the main Nigerian multinational oil companies, namely Shell, ExxonMobil and Chevron. The multi-dimensional evidence explains the basic factors that have given rise to the growing trend of agency workers, the

impacts of this trend on employment relationships, and the dynamics of trade union organisation and resistance.

Findings suggest that the growth of agency workers in the Nigerian oil industry has led to an entrenching of dual and fractionalised internal labour markets and an increase in managerial control, with an accompanying undermining of the coverage and effectiveness of collective bargaining and trade union representation and organisation. Evidence is provided that documents the way the oil industry trade unions, while not able to successfully oppose the growing trend of agency labour, have nonetheless attempted to mitigate and challenge the encroachment of work arrangements amongst workers on standard forms of employment, but have been confronted with enormous challenges in attempting to collectively organise and represent agency workers in the industry. The findings of this thesis could help in understanding the implications of change in employment relations, and contribute to overcoming the current limits of thinking with regard to the use of agency workers, and furthers the current discussion on the ‘high-road decent work principles and equality’ of the International Labour Organisation (ILO).

Chapter 1: Introduction

1.1. Background of the Study

Global economic competitive pressure is changing the business environment today, most especially in terms of employment relations. As trade boundaries decrease and business costs reduce, industrialists are devising ways to remain competitive, and key among these intensified competitive pressures is the use of agency labour (Williams 2017; Smith 2016; Labour Research, 2014; Acas, 2012 Sanchez, and Schmitz, 2003:9). According to Okafor (2012: 7615), the use of agency labour is a global phenomenon. Studies carried out in the United Kingdom (Forde and Slater, 2014); the United States (Kalleberg, 2009; Houseman, et al. 2003); Australia (Teicher, Gramberg, & Holland, 2006); South Africa (Barchiesi, 2010); Canada (Baumann and Blythe, 2003), and elsewhere indicates that agency labour is a global phenomenon that has spread over various professions and industries.

This phenomenon has taken a particularly sharp form within the highly strategically important Nigerian oil industry, giving rise to a contemporary labour market characterised by widespread flexibility of work, which in turn has resulted in a significant decline in so-called 'standard forms of employment' - characterised by regular, permanent work - alongside an alarming growth in non-standard forms of employment' - characterised by vulnerable, precarious work (Danesi, 2012; Okafor, 2012). With a growing trend towards agency labour using employment agencies, there has been the emergence and consolidation of two-tier work arrangements involving differential employment relations contracts, which consequently influences trade unions reactions (Burgess, Connell, & Winterton, 2013).

The utilization of agency labour is reportedly on the increase in most countries, as revealed by Smith (2016: 50) and Forde, MacKenzie, & Robinson, (2008: 679). Likewise, Ciett (2016) reported, in 2014 about 71.9 million gained access to labour market globally and 67.2 million were agency workers. More recently, issues around non-standard contracts of agency workers have been of interest in the academic field of industrial relations and have received increased academic attention. For example, research has been conducted into the working conditions of agency workers, particularly those in industrial sectors where agency labour is prevalent including construction, apparel, hospitality and tourism, transportation, and information technology industries (Williams, 2017; Labour Research, 2014: 23; Burgess et al. 2013: 4084; Kalleberg, 2009, Forde, et al. 2008).

Other studies have discussed in-depth on the issues reflecting the growth of agency workers, such as the drive to reduce labour costs, easy dispensable state of the workers, (Williams, 2017), and the impact of state policy and legislative changes (Cielt, 2015; Forde and Slater, 2014; Nijssen and Paauwe, 2012; MacKenzie, Forde, Cook, Eriksson, Larsson, & Bergman, 2010; Mitlacher, 2007). For instance, Forde and Slater (2014) highlighted how the “myriad of state regulations has created space for individual interpretation of the regulations and the proactive measures of employers in adapting their strategies and moving into new forms of contracting and relationships which may or may not be within the scope of the regulations” (2014, p. 9). Likewise, Dickens (2004, p. 601) observed that “where stringent regulation provides strict protection for standard workers, employers’ desire for certain forms of flexibility (including disposability) may encourage the creation of jobs outside the regulated area”. Rather than a desire for flexibility being the only driver towards greater use of agency labour, Dickens (2004) suggests that most organisations use agency labour because there are cost and other advantages that they accrue from these workers being excluded from some legal and social protection.

More recently, there have been growing interests in the functions carried out by agency workers. Traditionally, when temporary employment contracts occurred, the numbers of agency workers involved were usually few and their job functions are limited to the peripheral activities for temporary cover and to meet changes in demand, which are less likely to affect employment relationships (Forde, et al. 2008: 682; Kalleberg and Marsden, 2005). However, it has been found that the functions carried out by agency workers are no longer merely as cyclical or temporary replacement for permanent employees, but now involved in long-term employment contracts (Williams, 2017; Stanworth and Druker, 2006; Purcell, Purcell, & Tailby, 2004; Forde, 2001, p. 631).

In some industries there have been radical shift to planned use of long-term agency workers in roles previously carried out by permanent employees. Considerable numbers of agency workers are being deployed alongside the permanent employees to perform similar job functions (Nesheim, Olsen, & Kalleberg, 2007; Broschak, & Davis-Blake, 2006; Stanworth and Druker, 2006; Davis-Blake, Broschak, & George, 2003). Such integration has altered the traditional usage of agency labour (Jones and Ward, 2009).

This growing body of literature is contributing to our knowledge of flexible work arrangements and the problems agency workers face, but little attention has been paid to the

changing nature of the use of agency workers beyond the peripheral to the core production areas of organisations, and the impact of this change on trade union membership in the Nigerian oil industry.

Accordingly, this study considers not only the increasing usage of agency workers, but that a great change has also taken place in the way and manner these workers are utilised in the very core activities of the production process. Such a move implies that the functions of temporary agency workers now differ from that found in traditional employment practices. It appears that the shift of agency workers to core production areas leads to changes in the organisation of work processes, as well as the reconfiguration of previously established roles and relationships between workplace actors. These changes have been argued to be influenced by neoliberal ideologies (Omoyibo, 2012; Jawado, 2009).

Neo-liberal ideology which dominates the contemporary world, seeks the withdrawal of state control, regulations and protection of any economic sector in society. Neo-liberalism believes that the free market has the capacity to regulate the labour market and wages. Backed by this ideological assumption, structural adjustment programmes (SAPs) have been implemented in many developing countries and for this purpose the World Bank and the International Monetary Fund (IMF) have been instrumental (Kurian, and Schiphorst, 1997, p. 46).

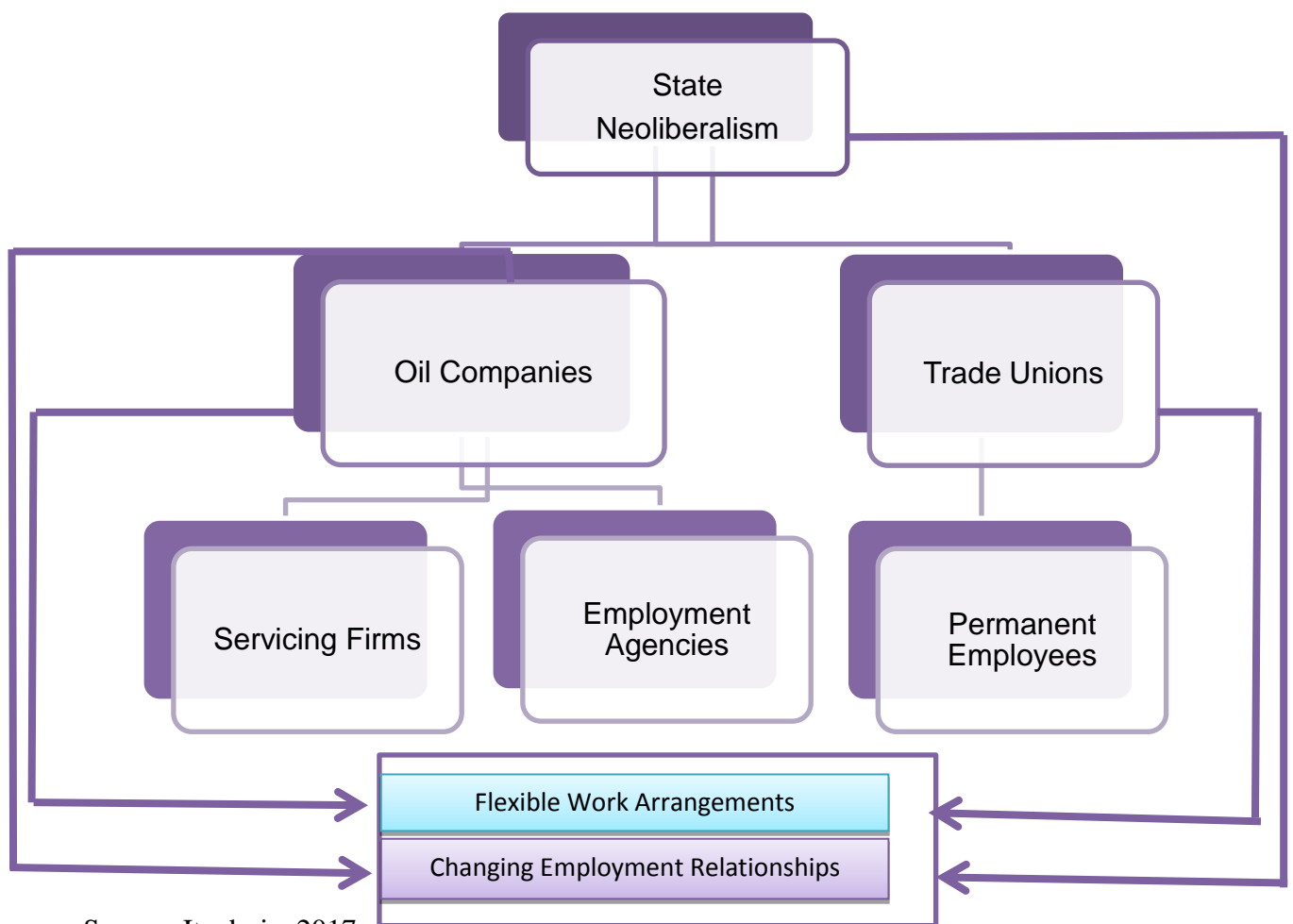
Several developing nations adopted and implemented neoliberal policies in order to attract Foreign Direct Investments (FDI), hoping that this would solve the burning issues of unemployment and poverty. Accordingly, nation states whose political leadership entrusted their nation's wellbeing in the hands of foreign investors were under constant pressure to maintain conditions (such as, softening of labour law) which would keep foreign investors in their countries, which Nigeria is, not an exemption. The coming of neo-liberalism as the framework for macro-economic development since the early 1980s has had a negative impact on employees and trade unions respectively, in terms of retrenchment and downsizing, as well as, union membership strength and ability to gain concessions for members (Adewunmi, 2009). Against this background, the neoliberal economic-political agenda acts as the starting point of analysis of this thesis in terms of a causal role, and as the dominant framing context of the study.

1.2. Conceptual Framework: Analysis of Agency Labour in the Nigerian oil Industry

The conceptual issues surrounding the research themes of this thesis are explored by conducting a literature review in the areas of flexible work arrangements, agency labour, and trade union challenges in the Nigerian oil industry.

The growth of agency labour in the Nigerian oil industry is structured around dynamic interactions (Figure 1) between and within workplace actors (the state-neoliberalism), oil multinational companies (MNCs), trade union, employment agency, service firm, and employees), such that the cooperation and conflicts effected between them are intertwined. This study thus develops a framework for explaining the growth of agency labour in the Nigerian oil industry based on the conceptual understanding (see Figure 1 below) of the structures by which agency labour is birthed.

Figure 1: Conceptual Framework of Analysis



Source: Itegboje, 2017

The contemporary trend in employment relations in Nigeria could be said to have begun with the introduction of a neoliberal agenda through the Structural Adjustment Programme (SAP)

in 1986 by the then Military Head of State: General Ibrahim Babangida (Omoyibo, 2012, p. 28; Fapohunda, 2012). The adoption of neo-liberal policies was channeled towards less state involvement in the economy and more private sector participation. The revitalization of the private sector was aimed at captivating the much-needed Foreign Direct Investment (FDI) in the country. Therefore, efforts were channelled towards removing forces that hindered the effective integration of the Nigerian economy into the global market, hence, the prohibition of trade unions who were placed under a military administrator in 1994 (Omoyibo, 2012: 28; Fajana, 2005).

In an attempt for the Nigerian state to boost its competitive position in relation to other nations in the global market, the state embarked on internal restructuring and new institutional arrangements, such as the privatization of public enterprises. This development placed business in the hands of a few capitalists (such as the oil MNCs) whose ultimate aim is to maximize profit. In order to achieve this objective, neo-liberalism requires an abundant and cheap labour force. With flexibility in the labour force, employers increase their profit, exploitation of workers and pose obstacles to militant trade unionism.

This evolution produced adverse consequences for industrial relations, including massive lay-off of workers, early retirement, increased unemployment, currency devaluation, and the erosion of state welfare services (Akinwale, 2014). The continued ideological power of neo-liberalism greatly weakened the capacity of governments to enforce labour-union rights, and state power to enforce labour laws effectively declined (Edwards, 2002; Volscho, 2012). This consequently led to the undermining of trade unionism and the steady increase of non-unionized labour force, through the contracting of labour (Akinwale, 2014; Fajana, & Shadare; 2012; Nwoko, 2009).

The neoliberal agenda promoted many formulas for a perfect relationship between government and market, particularly, the supremacy of property rights, minimal state involvement, fiscal austerity, and free trade (Weiss, 2007, p. 13). As such, the right to mediate between labour and management of the Nigerian oil MNCs who engage in anti-labour practices such as the increasing usage of agency labour, and the denial to right of associations, are minimised and overlooked, while much power is ascribed to private actors with material resources. This dominance is reflected through policies and laws that are made by the state which represent the interests of capital, and against labour. The state is assumed to be used by the management of the oil MNCs in Nigeria as an instrument to oppress the subordinate

working masses (Bourchier, 2015, p. 28). Daily permanent employees are retrenched, downsized and replaced with agency workers by employers who are all looking for cheap labour in order to maximize profits (Jawado, 2009).

Agency workers fall within the ambit of (non-standard employment), a diverse and heterogeneous category of workers. They are hired by employment agencies and placed in and supervised by the user companies (Kalleberg 2000; Kalleberg and Marsden 2005). This form of employment relationship is first and foremost characterised by a triangular working relationship, triangular between a worker, the employment agency and a client company, a process whereby the employment agency hires the worker and places him or her at the disposition of the client company (Davidov 2004). This form of employment relationship is widespread throughout the Nigerian oil industry, particularly the big oil MNCs.

Temporary workers were first reportedly engaged in the Nigerian oil industry in the late 1980s when the country underwent the initial stages of neoliberal agenda reforms, and these were direct hires by the oil multinational companies (Okafor, 2012; Adewumi and Adenugba, 2010). The use of temporary workers increased thereafter, when the nation experienced rapid industrialization, which followed the transition to democracy in 1990s. Although there was little recourse to labour intermediaries for workers' procurement before the 1990s, the adoption and implementation of neoliberal policies served as the landmark for a rapid growth in non-standard employment and greater shift to agency labour amongst the Nigerian oil MNCs (Omoyibo, 2012; Fajana and Shadare, 2012; Adewumi and Adebimpe, 2010). See (Table 1) below for graphical statistics of permanent employees and agency workers of the three largest oil companies, Shell, ExxonMobil and Chevron.

Table 1: 2015 Graphical Statistics of Standard and Agency Workers

s/no	Name of Company	No. of Perm. Employees 2015	%	No of Agency workers 2015	%	Total
1	Shell	6,000	14.6	35,000	85.5	41,000
2	ExxonMobil	4,000	33.3	8,000	66.6	12,000
3	Chevron	3,100	47.6	3,500	53.0	6,600

Source: Shell Sustainability Report 2016, Management Interview 2015

Thus, agency labour has flourished over the past two decades, and the scope within which employment agencies operate has broadened to include the core production activities of the oil MNCs and often engaged in work similar to that performed by permanent employees in the core production areas of the oil industry.

This new development heralds a fundamental shift in the organization of work, with highly-skilled ‘experts’ increasingly choosing to sell their labour services to series of clients through labour market intermediaries such as employment agencies (Forde and Slater, 2005: 251). Such highly skilled workers are known in the Nigerian oil industry as the service staff they are a mixture of expatriates and indigenous workers who mainly occupy the grey positions (see Figure 2, page, 8). These categories of agency workers are professionals and highly skilled in their respective fields. Their job functions are mainly upstream, supervisory and line-managers’ positions. These emerging categories of workers are few, data on agency workers by occupational class: reveals Highly-skilled and skilled workers as approximately 1.3%, They are highly remunerated but lack basic benefits, such as holiday pay, sick leave, pension, and right to unionization.

While skilled workers and professional agency workers have increased the hierarchies of flexible workforce, the importance accorded to high-skilled agency workers in the recent literature does not do justice to the continued presence of enduring forms of low-skilled or non-professional marginalised and vulnerable group of agency workers, which is also the focus of this study. Vulnerable work is precarious work that places workers at risk of continuing poverty and injustice resulting from an imbalance of power in the employer-worker relationship (Williams, 2017). This definition of vulnerable work means that agency work in this study would be described as vulnerable. This is the image of agency work that is often discussed by trade unions.

Nigerian oil industry agency workers are excluded from benefiting from basic rights enjoyed by permanent employees; due to their triangular employment relationships (see Figure 2, page 8). These workers are supplied by the employment agencies for periods of between 3months short-term temporary works (depending on the project at hand) to the oil MNCs, thereafter their contract is terminated. However, a favoured few among the agency workers have seen their contracts renewed intermittently, either for the same project or a new project, and have worked with the oil MNCs between 5-15 years (see Appendix, pg. 331) or more, and work

alongside the permanent employees of the oil companies. Thus, indicating a growing trend of long-term staffing by employment agencies.

Figure 2: Triangular and Fragmented Employment Relationships



Source: Iteboje, 2017

Given the various forms of employment status of agency workers, the conditions under which such workers are engaged in their work are diverse. For instance, the grey position and some of the fixed-term workers reflects workers hired by servicing companies who have been on long-term employment contracts by virtue of their intermittent contract renewal. Their functions extend into the core productions areas of Shell, ExxonMobil and Chevron; this practice confirms Huws, (2012) and Sanchez, et al. (2007) arguments of what began as a measures of improving profitability and equity market by reducing labour and organizational costs has now escalated to professional's positions (Forde and Slater, 2005). This fragmented workforce threatens the existence of the permanent employees, and trade unions in general.

In terms of hiring, the management of the oil MNCs and the employment agency are both involved in the hiring decisions. The agency places the adverts, based on the criteria from the oil MNCs, shortlist qualified candidates are directed to the management of the oil MNCs companies, for interviews, and thereafter the profiles of successful candidates are forwarded back to the agency who then issue letters of appointment. Their contracts are open-ended, and could be ended by either of them depends on the project and circumstances.

The employment agency is not involved in the allocation of job functions and work supervision. The work arrangements in the oil industry take many forms. The diversity of operations is found in terms of organisational characteristics, which includes the main type of work, geographical location and the kind of projects they handle. For example, Shell Nigeria tends to be involved in many downstream projects, and appears to engage more in auxiliary services. By contrast ExxonMobil and Chevron are mainly upstream production - hence a considerable number of workers are also hired through oil servicing companies and employment agencies to work offshore which is the core production units. This evolution has led to a steady decline in trade union membership. See (Table 2) below for Trends of union membership.

Table 2: Trends in Trade Unions Memberships

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
PENGASSAN											
MALE	33,283	31,281	31,008	29,097	28,328	28,143	28,359	27,234	27,904	24,256	19,207
FEMALE	3,324	3,100	3,012	2,279	1,908	1,900	1,881	1,907	1,580	1,033	793
TOTAL	36,607	34,381	34,020	31,376	30,236	30,554	30,240	30,141	29,484	25,289	20,000
NUPENG											
MALE	32,760	32,450	31,875	30,219	29,671	29,352	29,008	28,877	26,798	23,981	18,240
FEMALE	4,247	4,132	4,143	3,769	3,498	3,199	3,109	3,102	2,363	1,210	917
TOTAL	37,007	36,580	36,018	33,988	33,169	32,551	32,117	31,979	29,161	25,191	19,157

Source: PENGASSAN and NUPENG 2015

As mentioned previously, the growth of this labour force has been attributed to lack of regulatory framework. The Nigerian Labour Act (Labour Act, 1974- Section 7) did not explicitly provide a legal framework for the regulations of these categories of workers. Even though several triangular employment relationships exist in contemporary workplaces the legal context continues to see long-term employment between a single employer and employee as the focus of regulation, thus placing these groups of workers outside the purview of the law. There are no labour protection measures in place to limit the scope of their usage,

nor are there any measures in place to monitor the business activities of the employment agencies, and the employment conditions of the workers. As a result, these workers suffer untold hardship in the hands of their employers who exploit them in terms of wages and benefits to maximize profits.

Wage-setting is determined by both the management and employment agency, without trade union involvement. With regards to wages, union representatives identified two factors that undermined the equality principle. First, agency employment contracts are set at the lowest salary scale with little chance of incremental progression due to the interruption of assignments. Secondly, the high demand for employment with agencies has facilitated this process of driving down the wage rate. High unemployment, coupled with changing employment practices in the industry, has left the agency worker with little bargaining power over the question of wages. Wage inequality is exacerbated by the exclusion of agency workers from collective bargaining and additional boosts to income, such as the end-of-year bonus accrued to permanent employees.

The employment agencies receive payments from the management of the oil MNCs on a monthly basis, retain their commission, and then pay the workers. Thus, by using agencies for 'payroll' purposes, the oil MNCs companies avoid equitable basic benefits accrued to permanent employees without facing legal implications. Further to abdicating employers' obligations in terms of lawful employment benefits to the agency, the oil MNCs companies effectively exclude agency workers from bargaining systems within their workforce, thereby creating a non-unionised labour force within a unionised system (Gray, 2002; Heery, 2004).

Several Nigerian scholars have argued that one of the major areas that companies have continued to violate the ethics of work is in the area of casualization of labour and the strong hostility towards workers' unionization (Danesi, 2012; Adewumi and Adenugba, 2010; Otobo, 2000; Okougbo, 2004; Adenugba, 2004; Okafor, 2005; Onyeonoru, 2005). The concerns arise due to the fact that workers who work under triangular work arrangements have limited, if any, social protection in the form of wage protection, employment security, health or pension benefits and rights to unionization, which increases their vulnerability and in some cases makes their situation very precarious, with obvious links to poverty (ILO, 1998).

The oil industry trade unions fault the Nigerian government of indirectly encouraging agency work through labour law reform. Young Nigerian graduates are consciously entering into triangular employment relationships, and view agency work as a bridge to permanent employment, for Forde and Slater (2005, p. 263), agency work can be viewed as either bridge to secure employment or a trap in which workers are caught.

In their review on the debate over the nature of temporary agency work in the UK, using Labour Force Survey data on short-term transitions and prospects, Forde and Slater (2005: 263) found “48% of the sample had moved to permanent work, while 38% remained in temporary employment, 7% became unemployed and 7% left the labour force. Less than half of all agency workers in the study made the transition from agency work to permanent work”. Moreover, many do not succeed in making the transition within the space of one year or more. All this is similar to the case of agency workers in the Nigerian oil industry.

Unlike the UK, agency workers within the scope of the oil MNCs of this study felt that they were trapped in agency work, particularly those anticipating to be transited to permanent positions within a specific period of time. There is no transition from agency work to permanent employment in the Nigerian oil industry. The evidence indicates that the number of working years as an agency staff within the oil MNCs does not transit to permanent positions, rather for any vacant permanent position advertised, which rarely happens, agency staff have to go through the normal processes of application and interview just like any other person. If they are successful, they are hired as permanent, but if not, there is no compromise on this, the worker remains as agency staff. Thus, agency work in the Nigerian oil industry can be described as a ‘trap’ for at least as many workers as it is a ‘bridge’ to permanent employment (Forde and Slater, 2010: 38).

The trade unions perceive this as a deliberate attempt to keep workers as agency staffs as long as possible and further influences the drive for involuntary choice for agency workers. Unions term this process as a discrete act of the government and the management of the oil MNCs in steadily narrowing the internal labour market of the oil industry. Against this background, trade unions have intensified their campaign to ensure that these workers are unionized despite a de-unionization policy by the employers, although this has not yielded much success, because of the “yellow dog” contracts most employers compel their workers to sign, which deny them the right to unionization. The government on its part has been criticised by the unions for encouraging agency work without effective laws to protect the interest of

workers from these agents of capitalism. Even the existing labour law is observed in the breach. Many employers violate relevant provisions. Workers' vulnerable in the course of employment and government agencies charged with ensuring compliance and enforcement are helpless to make any difference.

With respect to several aspects of these arrangements, trade unions have taken their grievances to the management of the oil MNCs who have denied their responsibility of being the employers of agency workers, and when the unions have gone to the government for non-recognition by management and employers, employers deny in a subtle way their hostility towards trade unionism. The ambiguities surrounding these complex triangular employment relationships are further discussed in the next section. Despite these complexities, the unions are not letting down their guard, as they have vowed to continue fighting precarious work arrangements in the Nigerian oil industry. Before going further to the analytical debate, it is necessary to clarify some terms used in the study.

1.2.1. Clarification of Terms

For the purpose of clarification in this thesis, the term "employee" represents permanent employment contracts, while "workers" will be used to denote agency staff.

1.3. Analytical Debates on Agency Worker

As we have seen underlying the changing nature of work and employment is the flexibility of the organisation, facilitated by employers' use of agency labour through employment agencies. This creates a particular employment relationship termed "triangular" a process whereby an employment agency intervenes in employment relationship, this distinguishes agency labour from the bilateral form of employment relationships (Forde, 2001). The use of agency labour creates a specific work arrangement whereby agency workers perform their job functions at a client premises. The relationship between the client company and the employment agency is based on the contract of work, and agency workers do not have any employment contract with the client company.

The traditional bilateral relationship between employer and employee with an explicitly defined employment contract, is replaced by one in which employer responsibilities are not only divided with the employment agency, they are also characterised by an ambiguity as to where the division of responsibility reside. The client company, on the one hand, tends to assume that the employment agencies are the employers, and rely on this assumption when

choosing triangular employment relationships. The employment agencies similarly rely on the same assumption when offering their new services. It is not explicit in the legislation of most countries what responsibilities can be anticipated to connect with the employment agencies (Davidov, 2004; Druker & Stanworth, 2004; Purcell, et al., 2004; De Cuyper et al. 2008, Forde and Slater, 2005).

For example, in most EU countries, the legal frameworks of the employment relationships are between the agency workers and the employment agencies, and the job relations are between the agency worker and the client company (Gonos, 1997; Forde and Slater, 2014). However, in the United Kingdom, due to the ambiguity of the legislation, the agency worker has, through case law, been refused the status of employee (Rubery, et al. 2010). Likewise, in some EU nations, including those that have currently reformed labour laws for this form of employment (such as the Netherlands), the official legal employer is the employment agency. Although in France this shared responsibility is not explicit, there is a strong protective regulation in place, health and safety responsibilities are borne by the client company (Davidov, 2004). However, where there is ambiguity over responsibilities, as in the United Kingdom, the risk leans towards the shoulders of the employment agency (Deakin, 2001).

Accordingly, ambiguities generated by the nature of the triangular employments have been exacerbated by differing definitions of workers' status under employment law and tax regulations. Even the ruling of the courts, when challenged, have left this group of workers in-between-the-cracks, because verdicts have ruled that agency workers are neither workers of the employment agency nor the client company, which left them more vulnerable (Davidov, 2004 cited in Forde and Slater, 2005, p. 250); this study found that the complexities associated with triangular employment relationships, make for significant challenges for trade unions to mobilise this specific workforce.

Whilst legislative regulation has been a contested issue in relation to the growth of agency labour, it has also been demonstrated that the increased usage of agency labour is viewed as a market-oriented reaction from the employers to respond to changes in the level of demand for products and services, construed as market-based activities and relatively short-term contractual arrangements (Dundon and Rollinson, 2011, p. 73; Jacoby 1999). Several other commentators have argued that the new knowledge economy, which places a premium on expertise and inimitable products, has propelled the wider usage of this labour force, which implies that the employment relationship has become mediated by the market rather than insulated from the market (Forde and Slater, 2005; Cappelli 2000; Moss et al. 2000). As

rational as this may sound, this study challenges the dual labour market segmentation analysis which states that agency workers occupy a peripheral labour market segment, which is separate from and not necessarily in competition with the core workforce.

This analysis seems to have overestimated employers' interests which are supposed to maintain coordinated and flexible labour market segments in a dual equilibrium. However, the marketization of the employment relationship in the Nigerian oil industry has not spared the core of the coordinated economy par excellence, with highly-skilled workers increasingly choosing to sell their labour services to a series of clients through labour market intermediaries- employment agencies (Forde and Slater, 2005: 251). This consequently has led to a shift from the traditional usage of agency workers for ancillary activities to that of highly-skilled agency workers.

The emergence of these skilled and highly-skilled agency workers implies a rapid growth in professional, managerial, scientific and technical occupations (Forde and Slater, 2005), thus crippling the dual-equilibrium of the coordinated and flexible labour market segment theory (Judge and Tomlinson, 2016; McCann, 2006). The new contractual status of employment relations of the knowledge-based workers denies them the right to organise and be organised, which steadily erodes the size of the traditional permanent workforce, and a steady decline in union membership notably in the Nigerian oil industry.

Traditionally, trade union memberships largely comprised of core employees on standard-permanent employment contracts with job security, and succeeded in mobilising members around issues, such as rights and entitlements (Campbell, 2005, p. 1). However, the old idea of conventional employees as a unified vanguard in a common workplace and a common locality might have no importance in contemporary society as most workers live and work at a considerable distance from fellow colleagues and pursue different cultural and recreational activities.

The polarization and fragmentation of the workforce have led to broader working-class challenges in terms of solidarity and organisation; interestingly it has been argued that trade unions are likely to include agency workers in their representation domain when their presence in the workplace starts threatening the standard and the future existence of the permanent workforce (Hyman, 1997). Although, Hyman suggested that trade unions have always had issues of mobilizing employees under common interests, and as workers have become more fragmented this strategy would not survive or workout, they clearly must devise

new strategies to coordinate and harmonise the perceived different interests of the workforces that they seek to represent (Hyman, 1997, p. 310)

The fundamental aim of trade unions is to represent members, or in broader terms, workers' interests (Hyman, 1997; Simms and Charlwood, 2010). However, there is a widespread consensus in the literature on one point: "trade unions capacity of representation is in crisis" (Cervino, 2000, p. 4). This consequently reflects a decline in membership rates, since their membership domain is limited and centred more on existing employees who are on permanent employment contracts, than the emerging group of workers on non-standard contracts of employment (Cerviño, 2000, p. 4). This has led to conflicting interests not only between trade unions and employers, but also between the permanent employees and agency workers in the Nigerian oil industry, which consequently leads this study to the issues to be investigated.

1.4. Issues to be investigated

Agency work, which is designated to be a kind of short-term engagement, has become a long-term employment contract within the Nigerian oil industry, without the right to union recognition or statutory benefits that are associated with full-time employment status. An example is the recent controversy surrounding the Schlumberger Group who compelled all its full-time employees to quit and then re-absorbed most of them as agency workers in a new company known as Schlumberger Services on the same job functions, but without the right to unionisation (Danesi, 2012).

Thus, the common usage of the phrase 'contracting of labour' in the context of employment related practices, does not only imply an indirect reduction of the labour force of the principal companies, but also implies that the workers supplied by employment agencies are substituted for the principal company's employees (Pulignano, 2005). It follows the positioning of employment agencies within and outside the premises of the principal companies creates a certain type of labour process leading to more complex employment relationships (Marchington, Grimshaw, Rubery, & Willmott, 2005; Rubery, et al. 2003).

Contending with this new development in employment relations, the Nigerian oil industry trade unions, the Petroleum and Natural Gas Senior Staff Association (PENGASSAN), and the National Union of Petroleum and Natural Gas Workers of Nigeria (NUPENG) have consistently opposed the use of agency labour since 2000. The unions have alleged that the management of the oil MNCs have altered the traditional work arrangements by not only

increasing the use of agency workers, but the deployment of these workers into the core production areas.

They have argued that the presence of agency workers in the core production areas suggests that labour processes, work arrangements, management style, employment practices, and workers' representation are possibly going to be altered. Although, it can be assumed that the permanent employees of the principal company and the agency workers are hired by different employers, working side-by-side causes the roles and responsibilities of the workers and management of these companies to become interwoven and complicated, which may lead to conflicting interests between and within workplace actors.

Clearly trade unions may perceive the pool of agency workers as a potential threat to the terms and conditions of their members, as well as membership levels (Rubery, et al. 2003). Evidence suggests that unions have made efforts to outweigh numerical decline in traditional union membership through the mobilization of agency workers into their organisation and through efforts to restrain the undermining of terms and conditions of existing members (Danesi, 2012). This specific link between trade unions and agency workers relate to the debate on the revitalisation of unions generally and the need to adjust forms of representation to a changing labour force (Heery, 2003, pp. 279-283). Nevertheless, this move has not been successful due to employers' hostility towards trade unionism.

This study argues that several workplace issues arising from the increasing use of agency labour and by extension into the core production process add complexity to employment relationships. Such relationships between workplace actors have the potential to generate new problems and unintended consequences for management and labour. This presents an opportunity to rethink the employment implications of the growth and expansion of agency labour. This is essential given the extent to which the use of agency workers subverts internal labour markets structures (Forde, et al. 2008: 680).

As mentioned earlier, this emerging trend raises questions that can only be answered through an empirical research on the changing nature of labour. A major concern is the impact of this phenomenon on employment relationships, particularly, on the labour movement. In this regard, a search of the literature reveals a great number of scholars are contributing to the body of knowledge of agency labour and the issues that trade union and workers experience. However so far, very little attention has been paid to the changing nature of work arrangements in the workplace, as it has grown beyond the marginal labour market

attachment, into activities not normally associated with this form of employment, and the impact of this new development on trade unions (Kalleberg, 2009; Cobble and Vosko 2000; Williams, 2002).

Some studies have shown the beneficial effects of trade unions' reaction to the increasingly use of agency workers in the developed nations, and how these struggles have yielded positive results, such as the enactment of the minimum wage in the United Kingdom (UK) (Acas, 2014; Cerviño, 2000; Heery and Abbott, 2000; Heery, Conley, Delbridge, Simms, & Stewart, 2004; Heery, 2009), while, in the developing nations, particularly in Nigeria, less has been achieved.

Whilst studies on agency labour in Nigeria, although limited have focused on a specific form of non-standard labour, for example, casualization and the constitutional rights of workers (Danesi, 2012), others on subcontracting of labour, have focused relatively on low wages, terms and conditions of work (Kalejaiye, 2014; Fajana, 2005). However, little attention has been paid to the changing nature of the use of agency workers as it has expanded from the peripheral to core production activities of the oil industry, and its possible effect on trade unions. The impact of this phenomenon in the developing economies, particularly Nigeria is far less, researched. There is an amazing dearth of analytical and empirical study on the changing nature of labour in the Nigerian oil industry. As a result, there is need to bridge this research gap, which is the key focus of this study.

The study considers that the limitation of past studies in conceptualising the employment and extent of the use of agency labour lies in the narrow interpretation of employment relations. In this regard, this study argues; that the integration of the labour force in the core activities and the accompanying workplace changes require a reconsideration of the employment aspect of the use of agency labour. This new phenomenon reveals gaps in knowledge in terms of the implications of employment practice, workers' rights and relationships. There is however a need to understand the great transformation in the use of agency workers in-depth both empirically and analytically, which consequently leads to key research questions.

1.5. Research Questions

This study set out to investigate the management rationale for the increasing use of agency labour in the Nigerian oil industry and its impact on employment relationships, and particularly the trade unions. The investigation sheds light on the roles of, and relationships

between social actors in shaping employment relationships, and the tensions inherent in the workplace. This focus allows a systematic critical examination of the interests and conflict embedded in the complex relationships between workplace actors, as well as the strategies they have adopted to deal with changes in their internal and external environments. To this end, the thesis aim, objectives and specific research questions are as follows:

1.6. Aim

To assess the way, the shift from standard employment to non-standard work arrangements in a crucial Nigerian oil industry arena of employment has been a source of on-going dispute between trade unions and employers as well as challenge for the trade unions.

1.7. Objectives

- i. To investigate the driving motives and extent to which management have engaged in agency labour in the Nigerian oil industry
- ii. To investigate the impact of agency labour on employees in the Nigerian oil industry
- iii. To examine the effect of these new employment relations on management-labour relationships in the Nigerian oil industry and
- iv. To explore the challenges created for trade unions and their subsequent responses.

1.8. Research Questions

- i. What factors influence managerial decision-making in the implementation of agency labour in the Nigerian oil industry?
- ii. To what extent have the differential terms and conditions of a two-tier workforce had negative consequences on employees under this new employment system?
- iii. How have trade unions attempted to address the challenges created by the changing nature of labour?
- iv. What are the causes, nature and extent of any exacerbating industrial conflicts between trade unions and management?

1.9. Methodological Considerations

The new work arrangements raise questions that can only be answered through critical empirical investigation of the changing nature of labour relations in the Nigerian oil industry.

In order to achieve this, a case study approach that mainly utilises mixed methods was adopted. Three oil MNCs (Shell, ExxonMobil and Chevron Nigeria) were selected for the research. These cases were selected on the basis of their sizes, interests and diversity. The mixed-methods approaches applied for the data collections were: semi-structured interviews and a questionnaire survey. The semi-structured interview involved management, trade unions, employment agencies and agency workers, and the supplementary semi-structure interviews involved the Ministry of Labour and Employment, and community' leaders). The interviews involved 38 respondents, while 176 questionnaires were collected.

Data gathered from interviews and questionnaires were triangulated to facilitate comparisons across the stratified domain explored. The findings allowed understanding and insight into the manner in which employment relationships are shaped and, in turn, influence workers' representations, which consequently led to trade unions antagonistic behaviour towards the growth of agency labour in the Nigerian oil industry.

This research contributes to scholarly efforts in using a multidimensional approach, and making available detailed knowledge and understanding of the nature and extent of agency labour in the Nigerian oil industry. The research furthers the current discussion on workers' exploitation and the 'high-road decent work principles and equality' of the International Labour Organisation (ILO), and its associated policy agenda, as advocated by the trade unions. It is hoped that it provides the possibility to appreciate the impact of the growth and expansion of agency labour on the labour force and Nigerian society in general.

1.10. The Significance of this Study

The Nigerian oil industry is the major driver of the country's economy and every other sector, even the government, depends on its existence. It constitutes about 90% of Nigeria's foreign exchange earnings and 83% of its Gross Domestic Products (Ogbeifun, 2009).

However, the dominance of oil has been a mixed blessing for the employees of this industry as it has never been without struggle, mostly in the form of strike action, as this has often been the only way grievances could be expressed (Fajana, 2005, p. 20; Solidarity Centre, 2010, p. 8). Therefore, this study attempts to explain the impact of the use of agency labour on the observable changes in the employment relationships, and further identifies mechanisms whereby the employment relationships could be improved in the context of work flexibility.

1.11. Justification

The intention of the researcher in undertaking this study is to take a critical view of employment relations in the Nigeria oil industry to contribute to a rethinking of employment relations generally. The need for a changed view of employment relations is particularly to be appreciated considering the recent economic changes that do not favour the status quo position that has previously often characterised employment relations systems.

As Nigeria's economy increasingly becomes global, and as competition becomes the key survival strategy of organisations, the state dominance of employment relations is under pressure to change fundamentally. Also, the often-displayed reactive protest behaviour by the trade unions will be challenged. The fundamental task of this study is to chart out the aspects of this equilibrium in the face of contemporary changes in the economic environment and workplace.

1.12. Structure of the Thesis

This study is organised in eight chapters. Following this introductory chapter, which has set out the research agenda for the study; chapter 2 reviews the diverse literature surrounding contemporary employment relations, agency labour, flexible work, fragmented employment relations and trade union perspectives towards agency labour. The last part reviews Marxist theoretical perspectives on employment relations; it aims to assess its usefulness to unlocking the problem and thus providing some theoretical bases for its resolution.

Chapter 3 provides the background to the context of this study. It gives a brief historical background of oil industry in Nigeria, with a focus on the political-economic corporate restructuring. A critical review of the source of restructuring, legal regulation, collective bargaining systems, and union governance, may enable an understanding that institutions matter in shaping union behaviour but institutions alone are not sufficient enough to explain it, therefore there is an urgent need to establish an approach that integrates both institutional and non-institutional factors in a single analytical framework. This chapter identifies and analyses the form, trends and limitations of actions undertaken by trade unions in Nigeria within the context of neoliberal policies.

Having introduced the basic themes and the historical context of the Nigerian oil industry, chapter 4 presents an extensive methodological discussion and the philosophical paradigm guiding the research, including the rationale for the methodological choice and accounting for

the strategies and tactics employed in the conduct of the fieldwork. The process of data collection, and problems encountered are discussed as well as the decision taken at various stages of the fieldwork. This is followed by the presentation of the results of the fieldwork and associated discussions.

The findings of the fieldwork are spread over two chapters. Chapter 5 presents the quantitative findings among the permanent employees and agency workers across the spectrum of work from the three cases. It enables insight into whether the rise of this group of workers has affected the terms and conditions of work of employees on permanent employment contracts, and how the trade unions have perceived this trend, and attempted to provide representation. Chapter 6 presents an account of the two main parties involved: management and trade unions, as well as supplementary interviews from agency workers and employment agencies. The analysis of the data is contained within each chapter and therefore unfolds thematically.

Drawing on the findings presented in the two previous chapters, Chapter 7 returns to the literature reviewed in Chapter 2 and 3 to discuss how the results of this study add to existing debates, arguments and theories. This chapter shows four key contributions. First, this study expands an understanding of the management rationale for the two-tier workforce, however, uncovering the contradictory nature of functional and numerical flexibility as propounded by the flexible firm and segmentation model. Peripheral workers were discovered to be utilised at the core production areas of the oil MNCs. Secondly, it provides new insight into trade union responses to triangular employment relationships with the three parties involved, exploring the ways in which unions responded, faced with the new challenge of agency workers. Thirdly, the study discusses the explanatory power of factors addressed in industrial relations literature to explain the complex dynamics of union behaviour beyond mapping and evaluating union responses which have been addressed in existing literature. It shows the importance of four institutional factors in shaping union behaviour: the source of restructuring, legal regulation, collective bargaining systems, and union structure and presents significant aspects of non-institutional factors such as the role of leaders, and the attitude and unwillingness to act by agency workers. Lastly, drawing on the findings, this study argues that a focus on institutions alone is not sufficient in explaining variations and commonalities of union responses and suggests the importance of an integrated approach in a single analytical framework.

Finally, chapter 8 sums up the thesis bringing the various previous material together and spells out its main conclusions as a basis upon which some projections about the future prospects of the labour movement in the Nigerian oil industry can be made. It also sets out the contribution to theory and policy implications of the research findings, and proposes areas for further research.

Chapter 2: Literature Review

2. Introduction

In all advanced political economies, increasing competition in national and international markets, the progressive deregulation of labour markets through state policy, and labour power decline have contributed to the growth of agency labour (Kalleberg, 2009, Forde and Slater, 2005). Studies since the mid-1990s have shown that agency labour has been growing at an alarming rate throughout the labour force, from manufacturing to services, and from peripheral to core functions (Hoque and Kirkpatrick 2006; Stanworth and Druker 2004; Purcell et al. 2004; Grimshaw, et al. 2001; Cappelli, 2001; Osterman 1996). While studies on trends in agency employment contracts agree that casualization of work has affected all categories of workers, other studies have raised debates regarding the pervasiveness of agency work because the triangular employment relationships have long been argued to represent a fundamental trait of these political economies (Hall and Soskice, 2001; Amable, 2003; Pollert, 1991; Hyman, 1991). On this note, this chapter become the inspirational foundation for establishing the underpinning argument of the study.

The chapter reviews the key debates and arguments in relation to agency work and trade union responses. The first section discusses employment relationships and agency work, and proceeds to explore some of the reasons for the growth of agency labour. This is followed by an extended discussion of existing analytical studies of the “flexible work model”, dual labour market segmentation strategies, labour fragmentation, and the triangular relationships. While the fields of labour market economics and management studies tend to privilege the rationales of flexible work arrangements to both the employers and the workers involved, the field of industrial relations identifies the outcomes of flexible work arrangements on both workers’ conditions and the employment relationship. As discussed in chapter 1, agency workers are not a homogenous group and the emergence of this fragmented workforce has provided trade unions with a new challenge of mobilization.

This section further examines the existing literature on trade union responses to agency work. In the process it considers the challenges and dilemmas for trade unions attempting to defend the terms and conditions of employment of different groups of workers. As well as the limits and potential of solidaristic forms of unionism within a highly fragmented context (Hyman, 1999). Based on a review of studies of union responses, this study adopts Heery’s (2004)

typology on union responses to agency workers. Heery's classified system is of valuable use for analysing union responses to agency workers on the basis that it clearly reflects the distinctive feature of triangular employment relationships as a key factor in mechanisms of control in the labour process.

At the same, in considering the emerging trend of sophisticated employment agencies as active agents in the spread of agency work, and reappraising theories of labour control in the context of a triadic employment relationship (Williams, 2017:52, Coe et al. 2010), the final section of the chapter provides the analytical framework which underpins the study.

2.1. Contemporary Employment Relations

Contemporary employment relationships are asymmetrical (Ackers, 2014, p. 2615), asymmetrical in the sense of power, on the one hand, which implies ownership and authority over means of production and on the other hand, implies, labour power and means of sustenance (Ackers, 2014, p. 2612). The concept of work refers to the actual process whereby this inherently asymmetrical employment relation is realised. This power differential however is not a static or a given phenomenon. It is both a context and an outcome of an on-going process of cooperation and conflict, a dynamic concept of coercion and consent as a result of every day work and its management (Colling and Terry, 2010).

The power of the employer needs to be demonstrated continuously, on a daily basis through the act of the management and occasionally through the intervention, symbolic or real, by the employer, or the group or the association of employers. On the other hand, the employees are not simply the docile types or the recipient of disciplinary and control power. They are active agents shaping to a certain degree the patterns of labour process, the limits of employers and management control and through their formal and informal association they can influence both the rate of their remuneration and even in certain cases the internal organisation of the company (Ackers, 2014; Colling and Terry, 2010).

The workplace is not only a field of production but also effectively a field of social interaction, power struggle and societal reproduction. It is a field where actors assume and play out different roles requiring different behavioural patterns and the development of different technical and social skills in the process of value production and its social circulation. The division within the workplace are sometimes clear, sometimes blurred, but

always definite at moments of crisis or moments of restructuring which may act as transformative or turning points in the history of the organisation, the industry or even the national economy in general.

At the same time the workplace is not a bounded or closed system, but subject to a wider set of influences and forces from actors that arise above and beyond the specific conditions of an individual and/or a collectivity of workplaces - such as, government policy, legislative framework, management strategies, trade union activity and inactivity strategy are important determinants of real workplace life. For example, in today's fast moving business environment, management needs to address two basic issues. The first is the ability to alter products and production methods in order to cater for changes in consumer's demands by taking advantage of the new knowledge-driven economy (Forde and Slater, 2005). While the second issue, is the ability to respond swiftly to changes in the level of demand for goods and services.

To address these problems, employers need to be flexible in two distinctive ways: - firstly, swift adjustment of products and process necessitates organisations to have functional flexibility, and secondly, coping with changes in the level of output necessitates numerical flexibility (Williams, 2017; Williams and Adam-Smith, 2015; Dundon and Rollinson, 2011). The key to achieving these is to structure the workforce into two main groups: the core standard workforce of highly skilled and multi-skilled and the peripheral group with skills that are important to the organisation, but skills which, by their nature, are generally and easily imitable (Dundon and Rollinson, 2011, p. 73). Since the political economy of the neoliberal agenda has made the global market environment more competitive and unstable, employers have tended to offer more flexible labour relations, focusing on the potential problems, such as fluctuation in market demands, and the possibility of lay-offs (OECD, 2002).

One of the ways employers do this is to hire temporary agency workers according to the requirements of the market at any given time and circumstance (Martinez et al., 2010). This is done in order to minimise the cost of production, and maximise profits, thereby evading being held accountable for their own workers, and also undermining the trade unions (Standing, 2011; Kalleberg, 2009). Organisations are daily increasing the number of non-standard workers to enhance their competitiveness in the global market (Adewumi, 2008; Kalleberg, 2000).

Non-standard labour is growing at an alarming rate all over the world. Although the lack of robust data complicates cross-national statistical comparisons across nations. For example, estimates of the extent of agency work suggest that in the last decade, agency work has accounted for between 0.2% and 5% of total employment in European Countries (Vosko, 2009). In 2010, France had one of the highest rates of agency work in the EU (3%), while in the UK according to CIPD (2015) December report, the number of workers on zero-hours contracts in UK has almost tripled in less than three years, from 252,000 in October – December 2012, to 744,000 by April-June, 2015. Although, the UK has performed well on employment compared to other countries worldwide (CIPD, 2017, p. 12)

A most recent case is the 2017 report for the Trades Union Congress (TUC), a study on the ‘gig economy’. Usually defined as including two new forms of work types, ‘crowd-work’ and ‘work on-demand via apps’ (see De Stefano 2016; Kessler 2015a; Smith and Leberstein, 2015), the gig-economy provides efficient matching between demand and supply for labour and services and also allows for flexible work patterns. It also leads to a severe ‘commodification’ of work, where ‘humans become a service’, which can be provided ‘just-in-time’ and compensated on a ‘pay-as-you-go’ basis. De Stefano (2016) notes that the commodification of workers are not confined to the gig-economy, but can rather be seen as part of a wider trend with the proliferation of non-standard forms of work” (Hudson-Sharp and Runge, 2017, p. 11). The developed countries are not alone in this precariat work arrangements, non-standard work remains dominant forms of engagement in the developing nations. Although, accurate statistical details across nations on the trends of non-standard labour is lacking, regardless, it is evident that non-standard work arrangement has become an integral part of the global labour market, much more so than in the developing nations, particularly, Nigeria.

Agency labour has become an integral part of employment relations amongst MNCs and indigenous organisations in Nigeria, particularly in the private sector, such as the oil industry, telecommunication, and banking sector (Danesi, 2012; Adewumi and Adenugba, 2010). It is not uncommon to have more agency workers than permanent employees in most of the multinational companies. It is also feasible to have a situation whereby virtually all the workers are on triangular employment relationships (Omoyibo, 2012). This has raised much concern for the trade union.

It is however argued that the challenges of the changing market environment and way forward into the 21st Century, promoted non-standard work arrangement in form of numerical

flexibility, and labour market deregulation as key components in driving employment growth. This was further legitimised by the OECD 1994 Job Study which focused on removing institutional barriers to jobs growth (Purcell, 2014, p. 14). It is well now established that Flexible labour market has become a great strength to most nation's economy, underpinning job creation, business investment, and competitiveness (CBI, 2017, p. 42). In view of this, it is argued that work flexibility should be sustained and enhanced on the condition of equity. Flexibility and fairness can be complementary characteristics rather than an increase in one leading to a decrease in the other. Before proceeding to the theoretical perspective on the growth of agency work, the next section sheds more light on the concept of agency work.

2.2. The Concept of Agency Work

Agency work is a process whereby workers are hired by employment agencies, then deployed to work under the supervision of the client company, it is a three-way or triangular employment relationship. This approach enables organisations to speedily respond to staffing levels in meeting consumer demands (Kalleberg et al. 2003; Houseman, 2001), but in the process sparing the client company the costs, statutory benefits, rights to representation, and collective bargaining rights of the workers. These amounts to nothing less than the complete outsourcing of employers' responsibilities by client companies to employment agencies (Williams and Adam-Smith, 2015: 53; Dundon and Rollinson, 2011: 81; Arrowsmith, 2006; Storrie, 2002).

Accordingly, agency workers fall within the scope of non-standard employment, a diverse and heterogeneous category of workers covering anything from casual, temporary, agency workers, and zero-hours contracted workers. These forms of work arrangements are complementary in the sense that they migrate from the traditional employment relationship, but in a triangular employment relationship and are denied of privileges accrued to employees on permanent employment contracts. Purcell and Cam (2002) have argued that there is little doubt that agency work has in the main offered workers less desirable terms and conditions than their permanent counterparts. They are identified at the lower hierarchy of earnings, less job security, lower union representation and less access to collective bargaining (Hakansson and Isidorsson, 2012: 487; Willaims and Smith, 2010; Evans et al. 2007: 86; Burgess et al. 2005: 354; Forde and Slater, 2005: 250; Davis-Blake, et al 2003: 475; Connelly and Gallagher, 2004: 959).

This form of employment relationship frequently generates ambiguity concerning work relationships and raises issues as to who are the workers, and the employment rights associated with this status. An equally critical issue is who bears the responsibility of an “employer” between the employment agency and the client company in terms of providing employment rights and obligations (Davidov, 2004). These concerns have emerged partly due to the blurring of organisational boundaries and also the lack of transparency surrounding the status of agency workers in most nations’ labour laws (Danesi, 2012; Rubery et al. 2005). The blurring of organisational boundaries between employment agency and Client Company can practically erode standard employment conditions and it raises questions about the employment rights of agency workers (Burgess, et al. 2004; Davidov, 2004; Rubery et al. 2005). For example, employers often exclusively exclude these workers from collective bargaining and representational rights, thus creating a non-unionised labour force within a unionised workplace (Heery, 2004; Gray, 2002).

One of the most cited studies on work flexibility that promotes agency work is that of Atkinson (1984), the flexible firm business model. The flexible firm model categorises agency workers as a peripheral group contributing to numerical flexibility, characterised by numerous forms of flexible labour options (Williams, 2017, Williams and Adam-Smith, 2015; Dundon and Rollinson, 2011). It is argued that the emergence and growth of these flexible labour options has greatly impacted trade unions membership and strength.

Studies have shown that employers are said to be generally hostile to the prospect of unionization (Haynes, 2005). For example, it was reported that Sport Direct is an anti-union company, who employs staff through employment agencies, with about 90% of its staff at its Derbyshire warehouse as agency workers, and denied representation by unions (Grut, 2016). Sport Direct has been branded as a 'sweatshop' with working conditions compared to the Victorian era and management accused of punishing workers when they complain (Creighton, 2015). Such agency workers are treated as commodities rather than human. They are made to sign up to punishing contracts that leave them powerless and unable to adequately voice their concerns for fear of been fired or not given shifts. The infringement on the constitutional rights and more, are the dilemmas of agency workers globally, thereby negatively impacting on trade unionism.

Meanwhile, there is a growing body of literature that recognises the challenges agency labour poses to the labour movement (Heery, 2004; Hyman, 1991). In considering trade unions’ dilemma, Olsen (2005) has logically explained that the growth of agency workers decreases

trade union recognition due to unions' inability to mobilize them as a result of employers' hostility. Critical reasoning would assume that trade unions are likely to oppose the use of agency workers, but interestingly, trade unions are not always against the use of agency workers by their organisations (Olsen, 2005; Heery, 2004). The explanation for this is that for highly unionised organisations the use of agency workers can be seen to serve to heighten job security for permanent employees (Heery, 2004; Olsen, 2005).

However, recent evidence suggests that the conditions supporting such an attitude towards agency workers may be threatened due to more contemporary utilization. Agency work has moved from dualism towards a more fragmented field of labour relations, where traditional distinction between the standard core and insecure peripheral is replaced by a growing margin of precarious and vulnerable workers (Holst, 2013; Rubery, et al. 2005). Thus, the growing fragmentation of labour relations contributes to the weakening of traditional socio-political practices in the workplace (Rubery, et al. 2005). The question is, if the use of agency labour undermines the working conditions of the permanent employees, why would the trade unions not resist it?

It has been argued in one study that societal differences in the systems of workplace representation and collective bargaining (Heery, 2004), to which in turn unions identities are tied, explains the different practices unions adopt locally towards agency workers. This intersects with the socio-economic conditions of the organisation in order to account for different trade union behaviours and their effects on the job conditions of agency workers. Specifically, this study refers to local unions' capacity to contribute to reducing the precariousness of agency labour. However, in the case of the Nigerian oil industry, the trade unions act as rational actors both opposing and accepting agency workers to maximise the utility of their members.

On the one hand, the Nigerian oil industry trade unions have been reluctant to accept agency workers into their folds, considering them as a threat to the unionised workforce (see also Heery and Abbot, 2000). The unions have considered these workers may experience instability in their jobs, which may likely affect their exiting the union. Indicatively, union's rejection of agency workers implies that membership is likely to lapse when workers become unemployed.

On the other hand, significant changes have occurred in the composition of the workforce over the past two decades in the Nigerian oil industry, leading to the steady decline of traditional coordinated employment relationship, which consequently has led to increase in

agency labour. As such, trade unions had to contend not only with compositional changes in the workplace, but also, with more challenging changes in the nature of employment relations, which they have considered as a serious deterrent to unionization, and a negative impact on union membership and strength (Danesi, 2012; Fajana, 2005).

Faced with these competing pressures, the unions have decided whether to accept agency workers as part of their constituency or whether to try to exclude them both from the union itself, the job and labour market generally (Heery et al. 2004). This is not visible, because the drive and expansion of agency labour has come to be seen as a welcome and inevitable outcome (Forde and Slater, 2005), particularly in the Nigerian oil industry. Pragmatically, it may be assumed there are advantages to mobilizing any group of unrepresented workers, given that bringing them into membership may help the trade union to reverse the severe decline it has suffered over past years. Hence, the inclusion of agency workers who are a growing part of the economy may halt and reverse membership decline, although agency workers in the Nigerian oil industry are not well disposed to join the trade unions due to employers' hostility to the prospect of unionisation.

The International Labour Organisation (ILO) Committee on Freedom of Association has repeatedly noted the violations of trade union rights by employers across several industries, particularly in Nigeria, and have persuaded the Nigerian government to revisit its policy and to set up amendments to the Trade Union Act in 2005, with the sole object of democratizing the trade union and collective bargaining process (Fajana, 2012: 78).

Conclusively, the polarised conceptualization of trade unions being in support or opposed to agency labour is traced in segmentation theory of (Lindbeck and Snower, 1988 cited in Olsen, 2005: 291), emphasising the uneven market power of different groups. Delsen (1990) suggests that, the continuing weakness of the labour market position of these workers may be their historical rejection by trade unions, as trade unions do not bargain for them. Likewise, in practice, as Erickson et al (2002) have argued, it is difficult for trade unions to organise workers when the 'employer' is elusive and where responsibility for them is shared between several labour market actors. Against this backdrop, there have been a series of debates on the theoretical perspective on the rationales why organisations use agency labour.

2.3. Rationales for the Growth of Agency Labour

There are no simple answers to the growth of agency workers, (Carre, et al, 2000). However, most accounts refer to cost advantage, labour legislation and technological changes as the driving force. Thus this section presents the theoretical perspectives of different authors on the rationale for agency labour.

2.3.1. Cutting-Costs

First, the debate about the increasing usage of agency labour has gained fresh prominence with scholars maintaining that it seems to be the pathway for organisations to generate value (Williams, 2017; Elmuti, 2003: 33). With a contracting strategy, an organisation can benefit from cost reduction (Dekker and Koster, 2016: 3; Forde and Slater, 2005: 252). For example, the wages of agency workers were observed to be on average 68% to that of the full-time employees (Eun, 2012: 86-87). The reasons for this have been that agency workers lack fringe benefits, the cost of health insurance and employer funded pension plans. Indeed, hiring and managing permanent employees involves a variety of costs which bring an organisation very limited benefits and may be viewed by the firm as an unnecessary constraint on its use of resources.

Employers may try to reduce these constraints through externalisation of labour (Casey, 1997), thereby consciously excluding certain workers from permanent positions (Forde and Slater, 2005:253). Supporting this view, Williams, (2017) reveals that cost reduction is the key rationale explaining why firms utilise agency workers. By using agencies, not only can firms benefit from recruiting, screening and matching advantages, new workers can be paid at lower rates without upsetting internal wage structures (Forde and Slater, 2005: 253). Market cost economic theory argues that employers take contentment in work flexibility as a result of the cost advantage in hiring and screening temporary workers (Forde, 2001; Houseman, 2001:150). It has been argued that most of the employment agencies provide a high quality of labour pool (skilled knowledge workers) that leads to a high quality of service with minimal cost.

Likewise, Houseman et al. (2003: 107) observed that the economic benefits can be high when product markets fluctuate because employers are relieved from the tensions of raising wages to pay permanent workers. Thus, contracting out employees' responsibilities can lessen the workload of organisations, thereby enabling the management to focus on strategic decision-

making and developing core competencies (Hansen, 2009). It is further argued, that the present trend in the use of agency labour does not only focus on cutting labour costs, rather it seeks competence and expertise not available in-house through employment agencies.

2.3.2. Competence and Expertise

Second, the emergence of the new-knowledge economy necessitates organisations to rely more on highly-skilled knowledge workers to remain competitive (Forde and Slater, 2005: 251). Workers with creative minds whose skills are not easily imitable, particularly in this era of technological innovation, thus, the drive for competence and efficiency makes organisations seek the best fit. This is achieved with the help of sophisticated employment agencies with multiple sourcing networks and recruitment software that can easily find thousands of qualified applicants, thus increasing the chances of hiring the best candidate for any vacant position (Potkany, 2008; Cooper, 2007; Forde and Slater, 2005; Maidment, 2003). Today's business market is very competitive and it is only the fittest that survives, hence the best fit candidates keep business organisations floating. Accordingly, employment agencies are seen as playing an important role in matching skilled and professional workers with a series of short-term appointments (Forde and Slater, 2005: 251).

2.3.3. Competitive Market Environment

Third, the growth of agency labour has been argued to be influenced by the global market environment, competitive pressure and economic conditions. Employers have had to respond to these determinants by restructuring work organisations and modifying their labour force accordingly. This has to a great extent fuelled the flexible labour market and the flexible work arrangements in an attempt to improve efficiency, reduce costs and remain competitive (Evans et al. 2007:85; Connelly and Gallagher, 2006:95; Adenugba and Jawadu, 2014:96).

Dealing with employees' responsibilities has been observed to be the highest expenditure for employers (Hansen, 2009; Potkany, 2008). Hence, organisational competitiveness necessitates employers' usage of agency labour in order to lower resource costs and avoid increasing production costs (Mouhammed, 2008). For example, extensive research has shown that global competitiveness and the intent of organisational development constantly mounts pressure on management to invest in human capital.

This investment can be very costly and demanding, for instance, Samsung as a transnational company (TNC) spent close to \$50,000 annually for each employee on foreign assignment,

and spent \$100 million on training programs to aid such assignments (Leeuwen and Foldvari, 2008; Potkany, 2008; Abdoolcarim, 1993). The sustenance and development of organisations to administer and manage such a large and diverse labour force is compelling, hence, Jeffay, et al. (1997) recommends that using agency workers can yield better-quality services at a cheaper rate. This strategy enables organisations to remain competitive in the global market, particularly in the world of technology.

2.3.4. Innovative Technology

Fourth, recent studies suggest that the impact of modern technologies, which in many cases, have undermined the logic of existing job boundaries and job classifications, demands higher levels of knowledge. Thus, flexible work arrangement may offer an organisation a way to access highly specialised skills that are needed only for a short period of time (Williams and Adam-Smith, 2015, Forde and Slater, 2005). Dundon and Rollinson (2011) argue that the use of a flexible workforce allows an organisation to offer a wide range of products in demand without risking a large fixed investment in labour. The investment in modern machinery is in line with Marx's prognosis, that at a certain point in the development of production, science and technology become qualitative forces of production that can increasingly generate value removed from workers (through automation). The ongoing rise in the organic composition of capital through investment in innovative machineries intended to increase the rate of work flexibility and/or to undercut workers' resistance eventually resulting in a qualitatively new situation in which value-generating technology makes the labour power of a large working mass unnecessary (Robinson and Barrera, 2012, p. 16).

2.3.5. Recession

Fifth, the effects of world recession in the 1980s and post 2008 contributed to the widespread reductions in workforce levels, and subsequent re-casting of job boundaries. Indeed Brown (1990) argues that the recession of the 1980s caused many financial problems for both private and public sectors, which encouraged many employers to embrace a numerical flexibility strategy in the face of consumers' unpredictability for goods and services. Forde and Slater (2010) reported from a study conducted by the Confederation of British Industry (CBI) in 2009, that the majority of firms restructured their work patterns by introducing more flexible working arrangements. Although, evidence has shown that while some employers laid-off agency workers during the economic crisis of 2008 and 2009, others appear to have increased

their usage. Thus, recession compelled most organisations to reassess their staffing mix, and the dominant response was to reduce recourse to temporary labour, alongside or as an alternative to shedding direct labour (MacKenzie, et al. 2010: p. 613), and bringing in agency workers. Thus, the use of temporary agency workers may increase an organisation's flexibility in dealing with changing market conditions and organisational requirements.

For organisations, work flexibility does not only aid in reducing labour costs but also provides greater flexibility in the production process and work organisation. However, the promotion of organisational flexibility based on the use of agency labour, implies that agency workers are exposed to the risk of job insecurity and low wages. As earlier mentioned, the idea of work flexibility is advanced in theories of the Flexible Firm model developed by Atkinson (1984), and the Dual Labour Market Segmentation of Doeringer and Piore (1971). Notably, the flexible firm model (Atkinson, 1984), suggested the core-peripheral work arrangements and triggered debate in the scholarly literature of employment relations (Pollert, 1991).

2.4. Conceptualization of Labour Market Flexibility

The concept of flexibility is complex and bears different meanings in different contexts. The focus of this study is on labour market flexibility and in more detail the processes of casualization and externalisation. Casualization refers to the process whereby an increasing share of the labour force is hired on a temporary basis (part-time, temporary and seasonal work). Externalisation involves labour or employment outsourcing and is related to the practice of labour intermediaries.

The ability to introduce labour market flexibility in recent years is another factor for the growth in agency labour (Williams, 2017: 51). The term 'flexibility' refers to hours worked in a week, and/or what hours are worked (Greenberg and Landry, 2011: 1165). Thus, by extension, flexible work arrangements are a process whereby employers or workers vary the amount, timing or location of their work.

2.4.1. Flexible Firm Model

Atkinson (1984) classified flexibility into three categories, functional, numerical and financial. Agency workers fall into the numerical category- the easily dispensable segment of the workforce. This model was further advanced to include the concept of a core and peripheral labour force. The core workforce is likely to have skills that are scarce and firm

specific (Williams, 2017; Callaghan, 1997: 3-4). These categories of employees are more likely to be on permanent employment contracts, and enjoy a high-wage, and job security. They therefore represent valuable assets and are highly regarded and rewarded by their employers.

On the other hand, there are two categories of peripheral workers. The first category has skills that are needed at certain times but which are not specific to the organisation and are available in the external labour market. The second category involves workers who have limited skills or are unskilled. Thus, to achieve numerical flexibility, these two categories are likely to be hired on a short-term basis either through companies on a direct hire basis on temporary terms, or through a third-party agent.

The major criticisms of the flexible firm model are to be found in the book edited by Anna Pollert (1991) *Farewell to Flexibility*. Pollert argued the model was based on flawed economic theories and equally questionable concepts of post-Fordism and the post-industrial society. In contrast to these theories she suggested that the flexible firm model offers an arbitrary mechanism for work intensification associated with Taylorism. Secondly, it is argued that the flexible firm model does not fit the facts in many important respects. She argued that the recession, market competition, and rigidity are not only contemporary issues for organisations. Employers are more concerned with improving efficiency and reducing labour costs, hence flexibility can be a mechanism for labour exploitation.

The key argument is that there is limited empirical evidence for the existence of a core/peripheral model and no precise distinction between core and peripheral workers. Therefore, the classifications of the core and periphery only polarises the workforce and undermines their strength. It is argued that, whilst legislation has reduced the rights of the vulnerable periphery workers, high unemployment and the decline of trade unions influence has disciplined and disempowered the core workforce.

Pollert's arguments are extended by Hyman (1991) who recognises that the flexible firm model raises the constant contradiction in industrial relations between trust and constraint in the need to establish both consent and control. Hyman carefully analysed and concluded that employers are likely to use a different mix of strategies for different workers, with the flexible firm model also restricting core workers as they become locked in internal labour markets. Status as a core employee therefore removes the ability to 'exit' whilst the demand for loyalty and individuality as opposed to collectively removes the voice of core employees.

Finally, both Pollert and Hyman argued that flexibility is inherently political- a neoliberal agenda. For example, Pollert acknowledged that the model is connected to changes in the role of the state and its adoption and implementation of neoliberal policies. Hyman contended that flexibility is synonymous with the interest of capital as the basic goal is to shift risk and costs from the employer to the worker.

In view of the above analysis, it is argued in this thesis that an emphasis on flexible specialization reflects a managerial agenda that seeks to promote the positive side of flexibility. Flexible functionality relates largely to core employees and can be given an air of legitimacy by claiming moves towards upskilling, and multi-tasking. On the other hand, it is much more difficult to attach any such remarks on numerical flexibility which remains a form of non-standard labour.

Similarly, the concept of Ackroyd and Proctor (1998: 164) the “new flexible firm” recognised the transformative trends of labour and suggested that capitalist modernity dictates labour utilization. Although, Ackroyd and Proctor recommended an understanding of the conflicting views of the *Flexible Firm Model* and *Farewell to Flexibility*, they argued that the new flexible firm is rooted on a best fit between employers and employment relationship systems, and operates as a coordinate or an understanding between the management and workers. They argued that organisations and workers may embrace different flexible working terms, and these preferences needs to be considered. For example, a flexible work system may appeal to some specific social classes of people who desire to enter or re-enter the labour market, such as women, nursing mothers, students and retirees who are still fit enough and interested to remain in the labour market under a new status (Voudouris, 2004: 131; Phillipson and Smith, 2005: 2).

By contrast the study by Forde and Slater (2005: 257), in their study found that women/nursing mothers are no more likely than men to be working in agency jobs. 51% of agency workers were found to be male, while a lower proportion of agency workers are married, or have a dependent child. A relative high proportion of agency workers were aged 16 - 24, and less than 7% in full time education, while on the other hand, a smaller proportion of agency workers were aged 55 and above. But despite male making up a higher share of the part-time workforce, it is still argued that women are significantly more likely to work part-time than men, report from Resolution Foundation found that women are more likely to work on a zero-hours-contract (Tomlinson, 2018).

This confounding the theoretical expectations and claims made in the debate that neither marriage nor the presence of children significantly increases the likelihood of being in agency labour relative to permanent employment. This possibly undermined the argument that agency working meets 'a genuine demand for flexible work from workers' as put forward by Ackroyd and Proctor, (1998), and CIETT (2002).

Furthermore, flexible work practices in most instances are more appealing to low-skilled workers who have an unsteady attachment to employment, and who may have multiple sources of employment based on their financial needs (Doeringer and Piore, 1985: 10). However, Forde and Slater, (2005: 259) argued that indeed some professional and associate professional occupations are associated with agency work, using teachers and health professionals as an example. In their findings, teachers were three and half times as likely, and as health professionals (nurses, therapist, welfare workers) three times as likely to be in agency work, although the percentage relatively remain a few. Despite these changes in the traditional structure of agency works, the consequences still remain that agency work is more beneficial to the employers, because it enables organisations to adapt rapidly to changing technology and consumers' demands. On the other hand, little has been done to mitigate the negative effects of such forms of working for those that undertake it (Forde and Slater, 2010, p. 25; Cam et al., 2003 cited in MacKenzie, et al. 2010, p. 607).

Zeytinoglu, et al. (2008) develop this line of reasoning, predicting the use of agency workers as more beneficial for organisations. The concepts of Pollert, Ackroyd and Proctor are central to Zeytinoglu et al. (2008: 22) study, which highlights the importance of flexible work arrangements with regard to the Canadian context. They argued that organisations might offer flexible work arrangements as a measure of work life balance. However, the organisations end up more beneficial from such employment relationships. In view of this, Zeytinoglu et al. (2009: 555) argued that they do not classify flexible work practices as being either management or worker focused; rather, the employers introduce flexible work systems for their own benefits, while the workers consent to make ends meet. Nevertheless, these scholars attempted to analyse the benefits attained by the employers and workers and stated in a competitive market conditions, flexible work arrangements obviously yield more results that are beneficial for the employers.

While flexible work arrangement is argued to benefits employers, labour economists have been criticised of being too fixated on the benefits of flexible work arrangements to employers without considering the experiences of workers (Green and Heywood, 2011).

Several authors argued the benefits of flexible work arrangements on workers, which include greater autonomy, increased earning potential, it is a way of gaining work experience, act as an entry point into the labour market for school-leavers and reintegrate people who have been out of the labour force (Gangl, 2003; McGinnity et al., 2005). Work flexibility also provides the opportunity to develop both job-specific and general skills, strengthen labour market attachment and expand social and professional networks (Rubery, 2015), and more importantly control over work-life-balance allowing workers to balance work and family obligations (Booth et al. 2002), it is some workers choice to engage in this kind of employment (Fagan et al., 2014). Generally the advantages include higher flexibility and better work-life balance. In contrast, key risks include low pay and the lack of job security. Furthermore, because workers' rights and protections have generally been built around the open-ended contract, people on flexible work arrangements may lack access to some employment rights and social benefits due to the temporary nature of their contract (Broughton et al. 2010).

Within the literature, these debates have led to the emergence of two opposing theoretical models (Smeaton, 2003). On the one hand, some scholars are of the views that the move into flexible work arrangements, such as agency labour, or self-employed as being voluntary move with workers attracted by the illusion of better conditions. For example, the work of Kunda, et al. (2002), depicted a free agent perspective, where small proportion of highly-skilled workers preferred to work outside the traditional arrangements in order to gain a range of benefits, such as, greater financial benefit, autonomy over their work conditions and lifestyle. Besides the attractions of better wages and a desire for work-life-balance, the drive for flexible work is also a response to a perception that the conventional benefits of promotion and job security are no longer in existence in standard employment relationships, as employers move to levelled organisational structures with no promise of long-term job security. Thus, managing self-career, maintaining employability through a variety of skills and experiences, having autonomy, and other such non-pecuniary aspects of work, all become valued essence (Kirkpatrick and Hoque, 2006).

On the other hand, an alternative marginalization view argues that people involuntarily accept non-standard work arrangements due to lack of possible choice. The growth of non-standard form of work arrangements is perceived as resulting from organisations eliminating their less-valued workers and rather opted for agency supplies. Workers in this form of work arrangements are largely economic refugees who are unable to find standard employment. As

a result, they are marginalised, treated as external workers, and exploited by employers. The issues attributed to non-standard work arrangement, involves lack of job security, low and variable earnings, lack of benefits and training. This category of workers are seen as dissatisfied with non-standard form of employment, and would rather prefer the standard form of employment ((Kalleberg, 2009; Kirkpatrick and Hoque, 2006).

These two opposing views do not, however, tend to be exhaustive nor necessarily even to account for the majority of non-standard workers, but rather they relate to tendencies of change (Smeaton, 2003, p. 380). Scholars recommend that a key issue for policy makers and employers is the need to achieve a balance between the benefits of flexibility, and workers desire for certainty and security (Burgess et al. 2004). The conflicting views depicts flexible work arrangement as having the ability to generally bring either costs or benefits for workers, but there may be lack of clarity as to where the balance presently lies. The herculean task, therefore, is to clarify to what extent either views is supported by evidence regarding present experiences.

The field of industrial relations recognise that flexible work arrangements work best, and of benefits to both parties (employers and workers) when it runs alongside a fair and effective framework of employment rights. It is argued, that effective enforcement mechanisms underpin a well-functioning labour market by upholding the employment rights of workers and protecting organisations from operating on an uneven playing field. For example, recognising the need for effective enforcement, the UK government has created a director of labour market enforcement saddled with setting the strategic direction of the enforcement bodies (CBI, 2017' p. 43). This enforcement policy is what is lacking in most of the developing nations, particularly, Nigeria.

As we have seen, there is no legal framework that regulates the terms and conditions of agency work in Nigeria, hence an easy access for employers to take advantage of this economically profitable group of workers (Okafor, 2012), who perennially uses them as means of cutting cost, profit maximization and de-unionization (Danesi, 2012). Despite Section (7) of the Nigerian labour law specify, "A worker should not be engaged for more than three months without the regularization of such employment". A great number of these workers get their appointment terminated before the end of the three months and are reabsorbed as daily paid casuals (cited in Fapohunda, 2012: 259). The deficiency of the Nigerian labour law on this group of workers possibly explains the motivating factor for the

increasing usage of agency workers by the Nigerian oil MNCs and the reason for their power and control (Fapohunda, 2012: 259).

In addition, there is a growing body of literature that recognises that employers use flexible labour with the aim of attracting and retaining highly skilled workers (Forde and Slater, 2005; Wood et al. 2003: 226; Osterman, 1995: 681). Some have anticipated the desire for high commitment, high performance and high involvement work environments as motives for implementing flexible work practices (Berg, et al. 2003; White, et al. 2003; Felstead and Gallie, 2004: 1294; Ortega, 2009: 1). Flexible work arrangements under such companies become a way of allowing workers to answer for the demands of what White et al (2003) perceived as new employment relations and to enact a more successful work-life-balance.

Even though, some workers may consider having a flexible employment relationship, most workers desire not to remain as temporary workers. They would prefer a full-time job, as the insecurity and instability that are associated with flexible work can affect their physical and mental wellbeing (Kalleberg, 2009: 9). Therefore, the argument of using flexible work arrangements as means of creating jobs for the unemployed and to act as a bridging stone for further employment opportunities as proposed by some EU countries is relatively unattainable (EuroCiett, 2012). For example, Forde and Slater (2005, p. 263) review the debate over the nature of temporary agency work in the UK, using Labour Force Survey data on short-term transitions and prospects, and found 48% of the sample had moved to permanent work, while 38% remained in temporary employment, 7% became unemployed and 7% left the labour force. Less than half of all agency workers in the study made the transition from agency work to permanent work. Thus, agency work can be viewed as either a bridge to secure employment or a trap in which workers are caught.

Overall it can be argued the fundamental aim of agency labour is the support of corporate competition through the eradication of barriers and incompetence in the operation of capital. To achieve this aim, several basic principles must be implemented. Key among these is the elimination of regulations protecting workers and reduction of the state involvement in labour relations and processes of labour conflict resolution. This action results in the annulment of tripartite arrangements and the enactment of labour regulations, which alleviate the process of hiring and firing at will. In accomplishing these principles, the state rejects its role as protector of workers, thereby leaving them more exposed to the predators.

Thus, work flexibility cannot guarantee an improvement in workers' job security or long-term prosperity. These goals are only achieved as a result of collective bargaining processes, which

balance the collective strength of workers with that of capital, as well as the state, in a democratic political climate, a situation that is incompatible with the expansion of the flexible work system.

This study therefore anticipates job retention in the following instances. First, organisations who are experiencing economic downturn attempt to retain valued employees by offering them reduced hour contracts, in the hope of being able to offer them permanent employment in the future. Secondly, valued employees may be able to negotiate reduced hour employment within their current job description, in a part-time compatible working environment. Such an understanding between labour and management may likely promote a more conducive and harmonious working environment.

2.5. Dual Labour Market Segmentation Strategies

The following sections 2.6, 2.7 and 2.8 present theories of management dual labour market strategy, labour market segmentation and triangular employment relationships. After this the likely implications/consequences of flexible work arrangements on both the core and peripheral workforces will be examined in section 2.9.

Employers' allocation of different employment opportunities to different forms of employment contract is presented as an essential mechanism of market segmentation. Market segmentation, in turn, is likely to shape the labour market outcome of agency workers, determining the transitions available to them, and structuring their job opportunities.

Doeringer and Piore (1971) argued that the labour market is composed of two categories, the protected core and the unprotected periphery. The core labour market is for highly skilled employees to protect a product market in great demand and to maximise on organisations' specific human capital. The core labour market has advantageous employment conditions, advanced large-scale capital-intensive production and is specifically internalised. In contrast, employment within the peripheral segments is regarded as unskilled and exposed to greater job insecurity as a result of strong competitive pressures.

In light of this, employers' two-edged strategy towards their labour force accounts for market segmentation with employers' divergent strategy a function of (i) increases in the use of innovative technologies within the organisation, which necessitate highly skilled employees. Such employees from this point of view are presented as highly skilled and core to the production of the company. They are highly responsive technology-driven expertise which

swiftly changed the object of their productive output according to demand. (ii) Shifts in consumers' demand of product markets. Hence, the dual burden of a shift in consumer demand and skills specific was relieved through the creation of peripheral group.

A review of dual market theory by Piore and Sabel (1984), suggests that the shift in production process is such that new forms of workplace organisation are required to achieve greater flexibility. The power to act and recognise changes in product demand necessitates alternate forms of workplace arrangement that are more adaptable to change. This form of work arrangement is characterised by the removal of workplace hierarchies and the opening of channels for employees to contribute to efficient means of workplace organisation. Such employees, from this point of view, are presented as being highly skilled and core to the production of the company. They are highly responsive technology-driven expertise which swiftly changes the object of their productive output according to demand.

While the above scholars attributed the emergence of the gap within the labour market to innovative technology that necessitated a highly skilled labour force, other theories of labour market segmentation have attributed the segmentation to organisational strategy, organisational strategy seeking to 'divide and rule' an increasingly homogenised workforce in an effort to maintain control over the workforce (Gordon, Edwards and Reich, 1982). Labour market segmentation can be viewed as a mechanism of weakening the essence of workers' solidaristic forms at the same time as increasing employees' alienation through more and more fragmented workplaces (Edwards and Reich, 1982).

Edwards (1979: 180) alleged that the employment relationship is a disputed terrain where the contesting agenda of management and labour are fought over such that the struggle for workers' autonomy and management control is core to the understanding of all market dynamics. The means by which management achieve segmentation is through the restructuring of the labour process. Edwards alleged that the economic context within which organisations find themselves cannot be used to justify management restructuring of labour process, rather, he argued that any organisation can decide to either develop or minimize employees' previous skills or educational qualifications in the production process. Managements that are organised in view of reinvigorating employees' previous skills or educational qualifications will produce employment which is core in nature, whilst peripheral employment is regulated with less recourse to workers' skill or competence.

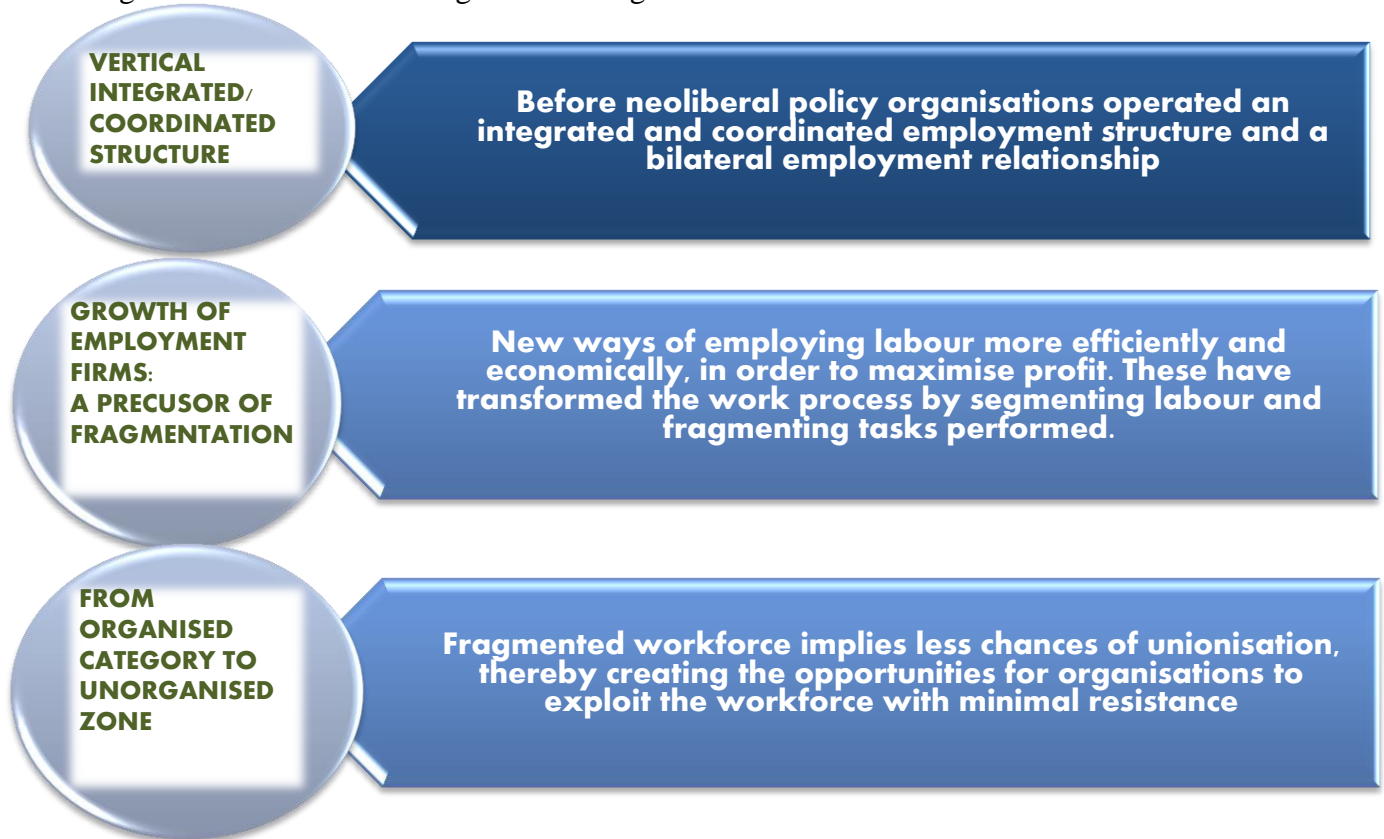
In addition to segmentation of the market as a result of management restructuring of labour in accordance to the principles of skills reinvigoration or skills depreciation, the segmenting impact of this dual strategy are reinforced by its operation in terms of workers' fragmentation. The application of different work allocation to different types of workers facilitates labour fragmentation inevitably increasing management control in instances of industrial action.

2.6. Labour Fragmentation

Labour fragmentation is a process whereby the conditions of work and employment are becoming increasingly diverse not only at global level, but also within nations, industries, sectors and organisations. Organisational restructuring contributes to this value-chain of fragmentation of employment, because restructuring is entangled with shifts in the forms of employment and the composition of labour (Flecker, 2010). As a consequence, the condition of work and employment are increasingly diverging from direct coordinated employment relationships to triangular employment relationships through growing sophisticated employment agencies (see Figure 3 below). Rather than approaching the goal of the same wage for the same job within any one organisation, or country, it has given way to multiple and complex corporate structures (Flecker, 2010:8). This is assumed to constitute barriers to workers' representation and collective bargaining (Kalleberg, 2000; Peck and Theodore, 2003).

Workers are segregated from one another due to their different employers, contract terms, and locations, which would have naturally formed constituency for union mobilization and collective bargaining. This separation inhibits collective organisation and employee voice, thereby weakening the ability of agency workers to fight low-wage and unfavourable working conditions, and aggravating their precarious position (Cheng, 2010: 81), albeit in rare cases collective bargaining can occur in employment agencies with longer-term stable relationship, as is the case in France and Sweden (Davidov, 2004; MacKenzie, et al. 2010).

Figure 3- Labour: From Integration to Fragmentation



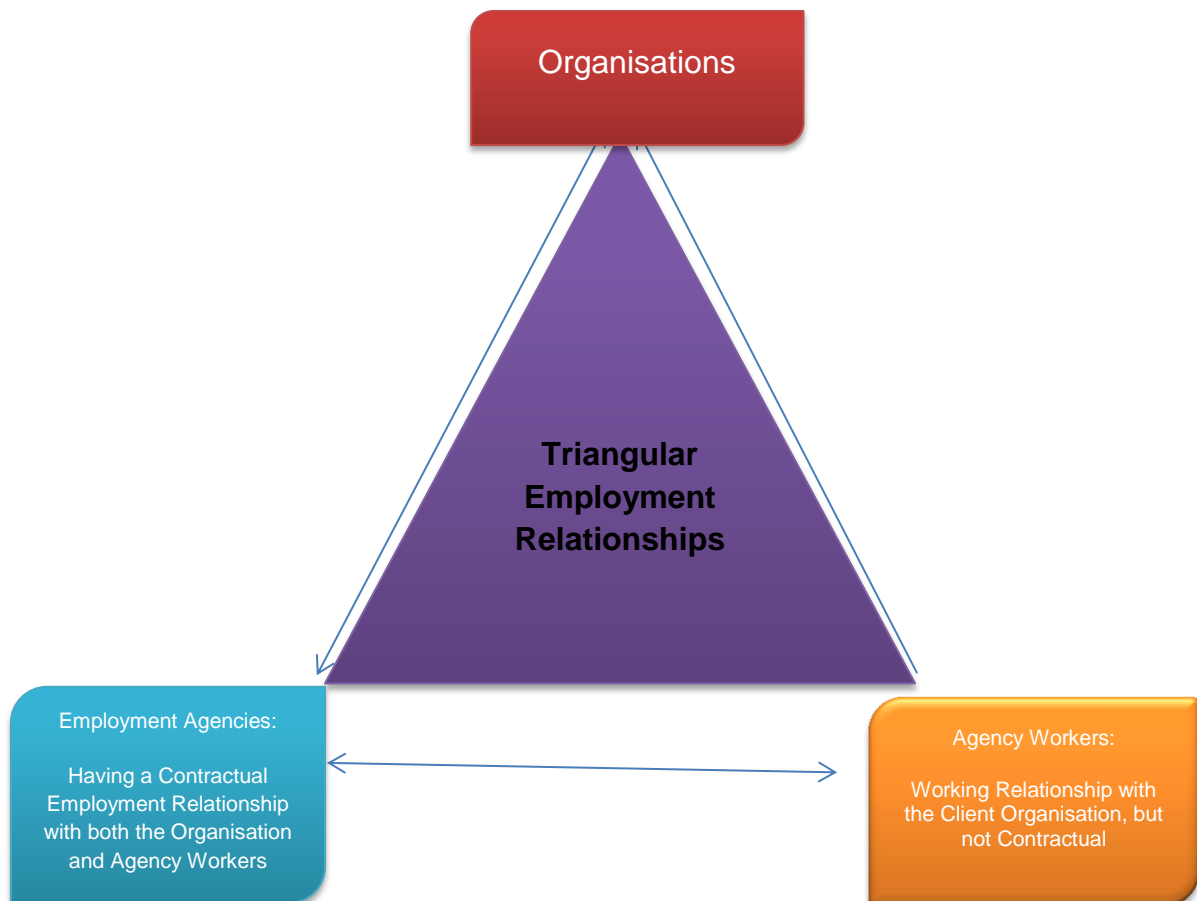
Source: Iteboje, 2018

The developments above are cumulatively bringing about radical changes to the structure of employment in the workplace, notably changes in the security of workers involved and trade unions' inability to recruit, represent and bargain collectively. The management's role to have total control over the workforces underpins the nature and dynamic of contemporary employment relations. As Rubery et al. (2003, 2005) have argued, the attempt of the principal company to achieve managerial control over employment agencies and agency workers is a potential source of tension in the workplace. The client company dictates its terms and conditions to the employment agency, and failure to adhere, means contracts will not be renewed. With the growing use of employment agencies, no agency would want to lose its contract with any big client. Therefore, as we have seen the relationship between the principal companies, the employment agencies and the workers is the most common form of what is known as triangular employment relationships. A basic problem raised in such relationships is who should be considered the legal employer of the worker in question (Davidov, 2004: 3).

2.7. The Triangular Employment Relationship

Triangular employment relationships involve a business relationship between an organisation and employment agency; a contractual relationship between worker and employment agency (which is either full-time or part-time) and lastly; an employment relationship between worker and Client Company (see Figure 4, page 43), which has a time frame based on the period of the project. These forms of employment relationships are what McLean, et al. (1998: 699) have termed a triadic employment relationship, characterising the perceptions of how agency and Client Company deal with the workers (Liden et al. 2003). For Vosko (2009) the precarious nature of workers in a triadic employment relationship relates not only to the short-term nature of the contract, but also its exploitative nature.

Figure 4- Triangular Employment Relationships



In other words, the traditional bilateral relationship between employer and employee with an explicitly defined employment contract, is being replaced by one in which employer responsibilities are not only divided with the employment agency, they are also characterised by an ambiguity as to where the division of responsibility resides. The organisation, on the one hand, tends to assume that the employment agencies are the employers, and rely on this

assumption when choosing triangular relationships. The employment agencies similarly rely on the same assumption when offering their new services. It is not explicit in the legislation of most countries what responsibilities can be anticipated to connect with employment agencies (Davidov, 2004; Druker & Stanworth, 2004; Purcell, Purcell, & Tailby, 2004; De Cuyper et al. 2008).

For example, in most EU countries the legal framework of the employment relationships is between the agency workers and employment agency, and the job relations is between the agency worker and organisation (Gonos, 1997: 85-6; Forde and Slater, 2014). However, in the United Kingdom, due to the ambiguity of the legislation, the agency worker has, through case law, been refused the status of employee (Rubery, et al. 2010). Likewise, in some EU nations, including those that have currently reformed labour laws for this form of employment (such as the Netherlands), the official legal employer is the employment agency. Although, in France, this shared responsibility is not explicit, there is a strong protective regulation in place, and health and safety responsibilities are borne by the organisation (Davidov, 2004). However, where there is ambiguity over responsibilities, as in the United Kingdom, the risk leans towards the shoulders of the employment firm (Deakin, 2001).

According to Vosko, (2009: 389) “the employment agency takes on employment-related responsibilities such as hiring and firing, as well as administrative responsibilities related to wages and benefits”. The client company continues to be in control of overseeing the direct management of the labour and production processes, and outsourcing other employers’ obligations and responsibilities (Davidov, 2004). The organisation of work, which is controlled by the management, takes place at the job location, while the contractual understanding of the social and economic risk is shifted to the employment agency (Deakin, 2001). This thesis found that the complexities associated with triangular employment relationships in the Nigerian oil sector, underline the challenges of trade unions mobilising this group of labour force.

However, evidence from a variety of studies has shown that flexible work arrangements may have a negative impact on both the core and peripheral, (Aronsson and Goransson, (1999: 152). Although the peripheral seems to be the most affected, given their non-standard status which is subjected to a dual managerial control structure of the principal companies and the employment agencies (Coe, et al. 2009), the next section sheds more light on the likely impact of flexible work arrangements on both the core and periphery labour force.

2.8. Implications of Flexible Labour on Both the Core and Peripheral Workers

As labour market flexibility extends within the contemporary business world, there are, increasing concerns over the likely implications on a two-tier workforce. Below the most identified common implications are explored.

2.8.1. Job Insecurity

In recent years, organisations have been confronted with many changes in the business environment, caused by processes such as intensified global competition, innovative technology and fluctuation in consumer demands, as well as the introduction of new products and services. To meet the increasing demands of this unpredictable business market in which organisations operate, the keyword has become flexibility, which has often meant downsizing and restructuring the organisation and work processes. As a result, this study anticipates that job insecurity is a major implication of such flexible work arrangements.

These developments have rendered many jobs superfluous, resulting in mass retrenchment and redundancy. Accordingly, the traditional assumption of a job-for-life has been steadily eroded, giving rise to anxiety, stress and insecurity. On the one hand, both the professionals and skilled can no longer assume that their jobs are for life, but live with the psychological feelings of job insecurity. For instance, the fear of the unknown may constrain core employees to remain in a position that does not befit their choices or ambitions. This may impact negatively on their behaviours, well-being and characters.

On the other hand, agency workers are also likely to be more insecure, because they lack statutory legal rights and regulatory security compared with standard employees. It is well established in labour market theory (Atkinson, (1984), De Cuyper et al. 2008), and labour market segmentation theory (Doeringer and Piore (1971), that the flexible labour force is seen as a secondary labour market in which employers are not likely to train and empower compared to the core standard workforce, thereby making the former dispensable at will (Reich, et al. 1973: 360).

2.8.2. Work Pressure

It is also worth noting that core functional employees may have their skills improved through vertical and horizontal work enlargement. Horizontally, work enlargement seeks to broaden

the nature of job functions carried out by an employee in a similar skill level. This involves crossways extension of a job, where additional functions are added in pursuance of the development of multi-skilled workers (Sheila, 2001: 18). Vertically, work enlargement involves developing the skills and capabilities of employees or an expert performing a semi-skilled job functions (Barnett and Miner, 1992). Ideally, this requires employees performing additional job functions besides the original job responsibilities, thereby increasing the quality output, without commensurable pay.

Workers on numerical flexibility are likely to experience more work pressure than the core employees. For instance, managers may deliberately assign tasks that are high in both cognitive and social demands to the permanent employees, and assign hazardous job responsibilities to agency workers (Connelly and Gallagher, 2004). Also, for the fact that they are not covered under any statutory rights, managers take advantage of this gap to mount pressure on agency workers by setting unimaginable work targets, that affects their well-being (De Witte and Naswall, 2003: 152; Zeytinoglu et al. 2004: 518-9), and they are also unlikely to report any poor health conditions as it may either lead to their disengagement or reduce their chances of becoming a permanent employee (Reevy and Deason, 2014; Liukkonen, et al. 2004: 2455; Virtanen et al. 2005: 610), more especially in an era of growing unemployment (Virtanen et al. 2005).

2.8.3. Lack of Identity

Workers on numerical flexibility are likely to have little or no help from trade unions, because they are unlikely to be unionised and their rights have often not appeared to be a key problem for the labour movement (Gallagher and Syverke, 2005: 195; Byoung-Hoo and Frenkel, 2004: 509). Standing (2014) has categorised this group of workers as a rising class, albeit non-homogeneous, lacking a meaningful professional identity, and lacking work-based securities. This poses a great challenge for agency workers to raise a voice in the workplace.

Trade unions may not want to identify with them on the basis that the high pedigree position and positive social status of the core based membership is threatened by the pool of agency workers, particularly when they construe the presence of these workers as employers' agenda to change the in-house structures, or screen for potential skilful worker(s) (Forde and Slater, 2005), they may react unfavourably (Kraimer et al. 2005: 389; Chattopadhyay and George, 2001: 787).

In conclusion, evidence has shown that flexible work arrangements are likely to have negative implications on both the core and peripheral, although the peripheral seems to be the most affected given their non-standard status subject to dual managerial control structures (Coe, et al. 2009). In a similar vein, some authors have argued that the emerging segmentation of the labour force has hindered the formation of working class-consciousness and integration among workers with different employment status (Cho, 2012; Kalleberg, 2000).

This study therefore argues, that most previous studies exclusively focused on employers' use of labour segmentation in order to remain competitive, maximise profit, and to have total control over employees, but neglected the role of trade unions (Reich, Gordon et al. 1973; Stone 1974). Doeringer and Piore (1971) acknowledged the role of labour but they did not analyse the bargaining dynamics between labour and management, limiting their discussion of industrial relations institutions to the observation that they influence the use of agency labour. In response to this gap in the literature, Rubery (1978) and Elbaum (1983) have contended that the segmentation literature should integrate labour as strategic actor in the analysis. Unions have the power and the interest to bargain and to limit competition among workers and to maintain control over skill supply and workers' knowledge. In light of this, this thesis discusses trade union strategies in relations to flexible work arrangements.

2.9. Trade Unions and Employment Relationships

In this section, we can explore the limits and potential of trade union strategies in mobilizing agency workers. The power of unionism is ultimately linked to the workers which they represent and the power potential of their collective action. An important foundation of this thesis study is the assumption that in the context of a global trend in the growth of non-standard labour, some categories of workers are more difficult to organise than others, due to their fragmentation, and this pose several challenges for trade union.

Accordingly, trade union strategies and more generally their potential to organize agency workers are partly shaped by the organizational structure that exists within a firm. This study does not claim that organizational structure is the only determinant, but find it to be an important factor that can influence the choices made and options available for trade unionism when developing strategies.

Trade unions are the best known type of collective employee organisations. Various definition of the term 'trade union' exists. Sidney and Beatrice Webb (1964) classically defined a trade

union as a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives (Webb and Webb, 1964: 1). Rollinson (1993: 58) defines a trade union as an organisation, whether permanent or temporary, which basically involves workers of one or more descriptions and is an organisation whose principal purposes includes the regulation of relations between workers of that description and employers or employers' association. Trade unions are known to always provide a wide range of services for their members which do not involve employers or any outside agency.

In view of these definitions, the term trade union as it applies in this study is defined as a heterogeneous entity with diverse interests becoming more homogeneous with a common culture. It is both a socio-political movement and a moral vanguard. It constitutes workers' voice in national and international economic and socio-political development processes. This study definition of trade unionism is informed by the contemporary nature of their objectives and functions, of an economic, political and social dimension as discussed below.

2.9.1. The Economic Objective of Trade Unions

As economic actors, trade unions attempt to manage the internal employment relationship of an organisation between their members and management in their members' favour. They act as a channel through which issues concerning employment contracts are handled and legitimise decisions jointly reached through negotiations with management. Importantly, trade unions protect their members' jobs, seek the objective of full employment, improvement of pay and other conditions through collective bargaining.

2.9.2. The Political Objective of Trade Unions

Trade unions in their capacity as political agencies are intermediary organisations positioned as collective organisations representing workers to both employers and the state. This objective, as Fairbrother (2000) argues, is predicated on an assumption that trade unions are organisational entities which are distinct and separate from the state and employers, although union representatives may enter into alliances with the state or employers or be drawn into partnership relationships at both management and state levels. Thus, trade unions have a broader political agenda in protecting the economic interest of workers. Essentially by humanising working conditions and providing a liveable wage for all.

2.9.3. The Social Objective of Trade Unions

Trade unions provide social and welfare benefits to their members such as educating their members on unionism, economic, social and political matters, as well as the provision of legal aid. They also maintain or advance terms and conditions of employment. This function includes both the obvious terms of employment (wages, hours of work), and the nature of the contract of employment, as well as the procedures to be followed in amending it, that is, both procedural and substantive issues in the employment contract.

Trade unions also protect and increase the employment opportunities of their members. As Fairbrother (2000) observes however, this role of unions has come under increasing threat in the face of the changing terrain of workplace unionism, which includes, the privatization of the public sectors, migration/relocation of businesses, downsizing, flexible work arrangements and the fragmentation of the labour force.

All these trade union functions are steadily being eroded in the face of contemporary employment relations. The increasing utilization of agency workers has been perceived as a barrier to trade union efforts to improve the working conditions of their members, which have been inherent from their struggles in the past (Olsen and Kalleberg, 2004: 328; Campbell, 2005: 3). Also, the complexities of the employment relationships surrounding this group of workers, implies that the trade unions need not only to consider their various employment status and conditions of work, but also, that of the employment agencies in determining their strategies.

Logically, contemporary employment relations have created negative relationships between employers and trade unions on one hand, and trade unions (permanent employees) and agency workers on the other. The unions might not want to mobilize the agency workers for fear of conforming to the new work arrangements and the agency workers may likewise not want to join unions for fear of losing their jobs, this further contributes to the global decline of union membership (Campbell, 2005: 2).

In view of this dilemma confronting the trade unions, Heery (2004: 437) systematically classified four possible ways trade unions can respond to agency workers. These are Exclusion, Inclusion, Partnership and Social Movement. Each of which is characterised by a combined policy regarding agency workers, whether or not trade unions seek to represent them and whether or not unions accept the legitimacy of employment agencies.

Table 3: Heery's (2004) Possible Options for Trade Unions Responses to Agency Workers

		Employment Firm/Labour Contractors	
		Rejection	Acceptance
Contingent Workers	Exclusion	Exclusion	Regulation
	Inclusion	Replacement	Engagement

Table 3 above shows Heery's suggested trade union options to the growth of agency workers. Exclusion implies trade unions reject the legitimacy of both employment agencies and agency workers, while engagement implies acceptance of both. For the case of replacement, trade unions combine a rejection of the private employment agencies by replacing them with public employment services, with inclusion of agency workers in order to raise both labour standards and labour quality. Regulation means that trade unions seek to regulate agency workers' terms and conditions through engagement with employment agencies, rather than representing agency workers directly.

2.10. An Analysis of Trade Union Strategic Options

The first option is exclusion, which implies that trade unions can reject the legitimacy of agency workers in the workplace where they have representational rights. This is not strange, since they have been very antagonistic towards the use of non-standard labour. This option indicates the strong existence of trade union position, and that agency labour signals a danger to traditional jobs (Gallagher, 2008: 485). This is a view based on the kinds of relationships that can exist between permanent employees and agency workers (Heery and Abbot, 2000: 158).

The interpretation of this negative relationship is the consciousness of conflicting interests between the permanent employees and agency workers, and the determination to safeguard the work and wage level of the standard employees. However, this option has a negative impact on trade union memberships, because employers are currently depending more and more on agency workers in executing their businesses. Evidently, the protected permanent workforce is shrinking, while the insecure agency labour is rapidly increasing (Koch and Fritz, 2013: 133).

Secondly, as earlier discussed, a trade union is a body whose main aim is to represent workers' interests (Hyman, 1994:120). This function of unionism raises a question of whose

workers interests they seek to represent. As Hyman observed trade unions can act on behalf of specific constituencies, with the criteria of inclusion which of necessity are the same principles of exclusion, and they focus on distinctive aspects of their constituents individual and collective experiences.

Clearly constituencies can represent dual functions. First there is the problem of which section of employees' unions mobilize, while the second is the extent of unions representation. Either they are focused exclusively on their membership or they diversify their interests to encompass non-members within their specific domain.

This analysis clearly connects to the question of whose agenda trade unions attempt to represent, going by the fact that interests may differ between employees. Likewise, trade unions may choose to pursue the traditional core agenda of improving work conditions, or they may also decide to widen the scope of representation to address the role of the state, as it concerns labour regulations, wage or broader problems in the community, such as, environmental degradation and pollution.

Having analysed trade unions' scope of interest representation, we can now turn attention to examine how interests are developed. The style of strategies trade unions adopts when confronted with the emergence of agency workers can mirror the expectations of current and potential members, of how their interests would be represented and protected within the workplace. Various groups of employees may have diverse interests or even conflicts because interests "may be inherent in the work exchange" (Simms, 2007: 444).

Accordingly, existing union members might resist the inclusion strategy of the trade unions to represent the interests of agency workers. They may assume that their statutory interests may be marred by embracing the interests of the non-standard labour force, likewise that their interests may be neglected if unions represent this group of workers, considering the organisational resources available.

From the on-going, the entire workforces, both those on permanent and triangular employment contracts, are in an imbalanced power relationship with capital (Offe and Wiesenthal 1980), albeit such a working mass can have a common interest, which could form the basis of collective resistance to capital (Turner, 1997).

The third option for trade unions confronted with agency labour and the insecurities it represents is to form partnership with management. It has been suggested partnership is necessary in order to provide protection for members, with guarantees for future employment through close management-labour relationships (Heery and Abbot, 2000: 160). The extent of job security that can be sustained through alliances will vary, for instance, such compromise can involve getting rid of the practice of disengagement during economic recession, with assurances that employees' reduction will not occur by forced redundancy or retirement (Heery and Abbot, 2000: 160).

Meanwhile trade unions may attempt to influence state policies and secure changes in labour regulation in order protect the jobs of their members and cut down on the insecurities experienced by agency workers (Heery and Abbot, 2000: 161). In this regard, trade unions may attempt, through political parties and government to make changes in the labour legislation and such amendments aimed at safeguarding the workforce from exploitation. The fundamental aim of this effort is to extend labour privileges enjoyed by the permanent employees to agency workers.

However, some critics have questioned the fundamental integrity of the trade union and partnership arrangements under neoliberal economic pressures, pointing to the inherent underlying dangers of such partnership (Darlington, 2009: 19; Kelly, 1996). Of key concern is the possibility that partnership might lead to incorporating trade unions into organisational goals, perhaps leading to compliant trade unions. This may hinder the ability of trade unions to attract and mobilize union members, consequently resulting in losing their strength and militancy, which is the essence of trade unionism (Kelly, 1996; Taylor and Ramsay, 1998).

The last option that trade unions may adopt towards agency labour is the strategy of assuming the nature of a social movement. Social movement unionism is defined as having two affiliated facets: on one aspect is the attempt to reform trade unions as social movements, and the other aspect, is the attempts to submerge trade unions in a wider social movement. The previous aspect of social unionism aim is to extend trade unionism to agency workers through aggressive mobilization drives. While the later aspect is the creation of labour community collaborations which seek to draw upon the resources of the community, in the pursuance of trade union's goals. At the same time developing a wider idea of union purpose, that embraces community and environmental principles alongside promoting quality of work (Heery and Abbot, 2000: 164-165).

In respect of the strategies that trade unions may seek to adopt, the way and manner in which they are structured and organised plays an important role in deciding if they will be able to manage with the dramatic changes in the labour market. The structure of trade unions relates to the representational structure upon which the union is premised (Fiorito and Jarley, 2008: 190). Representation refers to the degree that union members take charge of their union directly or by representative government.

Regarding the representation argument, several trade unions are said to have a powerful democratic internal set of arrangement, and members are able to influence policies taken at workplace or shop floor level to the highest policy-makers. For example, in Germany, although Work Councils are not directly trade unions bodies, the unions have a major influence on their operations (Fulton, 2015). By this scheme, it assumes that members should be able to lobby for the arrangement of agency workers and their representation by the trade union. However, given the contentions between permanent employees (unionised) and agency workers (non-unionised), it may be more challenging for trade unions to reach a compromise to mobilize them, because a compromise to mobilize this group of workers may be seen as an admission and acceptance of atypical work arrangements.

In view of the above arguments, the Nigerian oil industry trade unions are operating in a very hostile environment dominated by powerful oil MNCs (Adewumi and Adenugba, 2010: 66). The purpose of having trade unions in the industry was to foster members' satisfaction and rights against exploitation, as well as, to promote the welfare and interest of the workers in general through mobilization and collective bargaining with the employers. However, this purpose is being undermined by the increasing utilization of agency workers and the denial of their rights to association (Danesi, 2012, George et al. 2012:1). For example, in 2012, NUPENG declared trade dispute between Shell Nigeria and its employment agencies, based on Shell management's refusal to permit agency workers to join unions, and the arbitrary dismissal of workers due to their participation in union activities. The dispute was taken to the Industrial Arbitration Panel (IAP), and after careful deliberation and consideration on the dispute by IAP, it was held, that the dismissed workers be reinstated within 30 days and the right to association be permitted.

However, Shell Nigeria refused to reinstate, declaring that the position of agency workers no longer existed. The Ministry of Labour and Employment was involved but nothing positive resulted. Thus the violation of the rights of agency workers in the Nigerian oil industry was perpetrated with impunity and should not have been condoned by the Nigerian government

and its monitoring agencies responsible for monitoring and enforcing compliance (Danesi, 2012: 10).

However, the Nigerian trade unions have not been alone in this war against the use of agency labour, it is a global issue. The next section presents selected examples from the global world on trade unions struggles in the face of such contemporary employment relations trends.

2.11. Trade Unions Reactions towards Flexible Work-Selected Examples from the Global World

2.11.1. INDONESIA

The weakness of the Indonesian unions to respond to the threat posed by work flexibility has been due to internal and external factors. Until 2005, Indonesian trade unions at the local level accommodated work flexibility due to their powerlessness. However, a powerful rare reaction became evident at the national level towards the end of 2005, when unions began to campaign against the government's intentions to allow more work flexibility by revising the Labour Law No. 13 of 2003.

Unions' resistance towards the proposed revision was supported by activists, NGOs and academics, who joined in protests and provided both moral and logistical support. In 2006 unions from different industries and sectors flocked to the streets to oppose the proposed revisions in Jakarta, Bandung and Surabaya, the most important industrial and manufacturing centres in Indonesia. In Jakarta, the demonstration was directed to the heart of the central and provincial government, the President and Governor's offices, the institutions which were responsible for the law.

Protesters targeted these two institutions in an attempt to insist on state support for workers who were vulnerable in the face of capital. The demonstration proved effective insofar as the government declared it would return to the revisions and repeat the entire revision process. In addition to forming a tripartite national forum in which the three major union confederations were involved, the government also employed five national universities to legitimate the revision process and called for an independent evaluation in an effort to guarantee objective results in the revision process (Tjandraningsih and Nugroho, 2008: 8-9).

2.11.2. CHINA

China, especially the province of Guangdong has become a major nexus of the global market since the early 1980s. Companies such as Nike, Wal-Mart, Mattel and others have taken advantage of the low corporate tax, poor environmental controls and inexpensive labour (Barboza, 2008). China's high growth has been uneven between regions and provinces (Nordhuag, 2012:407). However, with the help of mobile phones friends and families who worked in other provinces of China often communicated and compared incomes and working conditions, upon the demand for equitable pay with those in other provinces and the refusal of management to grant comparable incomes and working conditions as that of their counterparts led to series of picketing, organised protests and strike actions.

The unrest state of the society provides the framework for the Chinese government's enactment of a new Labour Contract Law in 2008 (He, B and Xie, Y. 2012: 426). This legalises employees' rights on a series of tension provoking issues, including the demand that management gives a documented contract letter to every agency worker, reduce overtime periods and appropriate greater responsibilities for the trade unions. Undeniably, every form of self-organisation, strike actions and protests have been seriously discouraged by Chinese government, promoted trade unions in the delight of building social stability and what they called peaceful nation.

It should be noted that the trade unions/workers cooperation has played an important role in fostering the reform of trade union language, structures and practices. Since workers constitute the largest single force in the industry, it is when they come together that they can conveniently challenge the dominance of capital (Hyman, 1975).

Likewise, the restrictive labour laws of most nations in expanding the enclaves of the unprotected labour force has driven the unions/workers up against the wall, by inviting workplace activism in new and novel ways. In some circumstances it is possible that workplace activists will develop where none existed previously or had a minimal presence like Indonesia. One feature of these developments is that past forms of a single union activism may no longer have been appropriate in this contemporary era under capitalism. In the most general terms one can say that the revisions of the labour laws in Indonesia and China have been driven by trade unions activism. The governments of both nations have been much more anxious about the political danger posed by industrial unrest, hence the revision of the nation's labour laws.

Indicatively, labour legislation appears to be a determining factor in the growth and use of agency labour. Although, the debate about legislation has gained fresh prominence with many arguing that there are other factors that have contributed to the rise of agency work in this dispensation. Before looking at other factors, the next section looks at some countries labour legislation and their respective roles.

2.12. Labour Legislation as a Precursor to the Growth of Agency Labour

The International Confederation of Private Agencies (CIETT, 2011) posits that its success lies within the new regulatory contexts created by market liberalization and deregulation. A major outcome of labour market liberalization by national governments has been the widespread organisational use of agency labour, through legislation reducing regulatory barriers that had previously restricted the scope of services that employers and employment agencies can engage in (Campbell and Burgess, 2001).

Within the prevailing trend to deregulation, variations still exist among nations, which present an explanation for differences in the proportions of agency workers between nations. As earlier discussed, agency labour is a way of avoiding regulation guiding employees on standard employment contracts, it is therefore argued, that agency workers should be more widespread in nations with restricted regulations on employment relations (Mitlacher, 2007). However, recent studies have indicated that this is not the case in some circumstances. Nijssen and Paauwe, (2012); and Koene, et al (2004) observed that there was no link between national legislative frameworks guiding employment and proportion of agency workers.

Among the European Nations (EU), France with the strongest employment legislation has one of the highest proportions of agency workers. The United Kingdom, a nation with the weakest employment protection legislation amongst the EU, also has a large proportion of agency workers. Whilst agency work has thrived within the underlying context of liberalization of the employment agencies, the comparatively high rates of agency labour at opposite ends of the employment legislation spectrum, as well as the growth of agency workers in the nations that lie between these extremes, point to a general increase of agency labour irrespective of the circumstances of the regulatory context.

Koene et al (2004) have attempted to address nation variation by bringing other less substantial evidence to explain high proportions of agency work into their analysis; concluding that the general business requirements and national culture may further explain variations. Lower proportions may be attributable to the persistence of deeply embedded

negative attitudes towards agency work. They argue that the relatively lower proportion of agency work in Sweden, a nation that has immensely liberalised legislation guiding the use of agency work, may be due to cultural animosity towards agency labour (MacKenzie, et al. 2010: 606), unlike, the Netherlands, where agency work is culturally more acceptable (Taht and Mills, 2015:66). Thus, while permanent employment and the termination of standard employment contracts is greatly regulated in Sweden, the level of agency work remains relatively low (MacKenzie, et al. 2010), whereas in the Netherlands and the United Kingdom, rates of agency labour are higher, although there is less of an imperative to avoid regulations guiding standard employment in these nations since it is much easier to terminate employment contracts.

Accordingly, this explains the dilemma in clarifying national characteristics as analytical determinants behind the employment trend of agency labour. For the case of Sweden, it is not simply cultural prejudice towards agency labour that has slowed its growth; strong trade unions have also played a significant role in shaping the employment terrain (MacKenzie, et al. 2010; Koene, 2004). This influence may be both direct and indirect, that is, influencing the *modus operandi* of agency labour. In contrast to France, where there is a strong tradition of hostility to agency labour and all forms of precarious work, a strong attachment to the traditional norms of employment, agency labour thrives (Barbier, 2005). According to Koene (2004), this is due to the weakness of French trade unions, hence their inability to fight the growth of agency labour. In line of this argument, it is imperative, that the factors that gave rise to agency labour are complex and not easily explained.

In view of the above, some scholars have focused their attention on examining the role of a rather overlooked factor in the growth of agency labour, the employment agencies. Coe et al. (2010); and Forde et al. (2008) have argued that the growth of agency labour is as a result of the presence of employment agencies, which act as passive agents responding to market dynamics, providing organisations with flexibility to adjust their labour force, as well as, responding to changing employment preferences.

An emerging body of research, mostly based in the United States, has challenged this concept of employment agencies by analysing how these agencies have actively engaged in practices that have transformed the structure of employment relations at both national and international levels (Coe et al. 2010). These authors have observed that employment agencies are rendered invisible in much of the literature even though, as profit-making entities (MacKenzie, et al. 2010), according to CIETT (2016: 16-18), the total global annual sales revenue for the entire

employment and recruitment industry was €450.4 billion and agency work is by far the biggest part of the sales revenue of €316.6 billion. Nations with the top markets sales revenue are, Europe; include UK, 29.5%; China, 23.1%; USA, 21.0%; and Japan, 10.1%. Thus, in all indications, employment and recruitment industry is a legitimate object for research.

2.13. The Growth and Functions of Employment Agencies

As we have seen, the rapid growth of agency labour is attributed in part to the emerging trend of employment agencies supplying outsourced workers, explained by UNCTAD as a new breed of multinational (UNCTAD, 2004).

They are sophisticated employment agencies with innovative technology, which aids their operations (Ciett, 2015). The expansion of these multinationals both in terms of market share and in terms of employment, make it possible for them to offer economies of scale that are difficult for indigenous or smaller competitors to compete (Hunter and Saunders, 2007), thus promoting a trend of continuous internal labour outsourcing as employers look for the most economical solutions (Acas, 2012:8).

In 2013, there were approximately 260,000 private employment agencies globally, with 236,283 local branches, and internal staff strength of 1.66million (all employment services) to source for job for every individual, and individual for every job. This indicates that most of the employment agencies have broader labour market networks globally (Ciett, 2015: 14). In 2014, about 71.9 million gained access to labour markets globally and 67.2 million in agency work (Ciett, 2016). The biggest market for agency work is India, 27.8 million workers, the United States (US) with approximate 14.6 million people, closely followed by China with 8.1 million people. While Europe represents 11.3 million workers (Ciett, 2016).

Eastern Europe is presently experiencing a rapid growth of recruitment firms (Labaye, et al. 2013: 7). In order to penetrate the cheap and skilled multilingual workers who are fluent in English, French and German, Hewitt human resources centre recently opened an office in Poland and Krakow (Marquez, 2006). Accenture has offices in Bucharest, and Prague. Outsourcing has an office in Ukraine, Staff Poland has office in Warsaw and ADB has a location in Prague. Moving human resource outsourcing work to Eastern Europe is more beneficial for numerous French and German employers where unemployment is a contending national issue than moving to India.

Most of the leading recruitment firms such as EDS Corp, Accenture, IBM, CDP, DDC, Desktop Staff and Convergys now have branches in Africa and Asia, such as Nigeria, Delhi, Manila, China, Shanghai, Dalian, Kuala Lumpur, Malaysia and Indonesia. Philippines have become a hub for offshoring of employment arrangement outsourcing, while Thailand is an emerging participant (Hunter and Saunders, 2007: 28).

These employment firms are now supplying workers to organisations and offering a wider range of services beyond performing the peripheral activities such as clerical, administrative functions, to the provision of core activities to client companies (Forde, et al. 2008: 281). Their functions cover virtually all operations of human resources, from, recruitment to selections, training, payroll, benefits and many more (Forde, et al. 2008). The debate about the wider range of task and functions of these profit-making employment agencies has gained fresh prominence with many arguing that the growth and expansion of agency workers in core production areas is possibly a subversive strategy to internal labour markets (Forde, et al. 2008: 680). By contrast others perceive contemporary changes in their functions as complementary to internal labour market structures, particularly in the new knowledge economy, whereby organisations rely more on skilled knowledge workers to remain competitive (Potkany, 2008; Cooper, 2007; Forde and Slater, 2005; Maidment, 2003).

These forms of collaborative business deals are reflective of the lengths to which firms can go in pursuit of economic scale of savings. Many companies now enjoy cost reduction, labour flexibility, risk diversification. Quiggin (1996, cited in Holland, et al. 2013:14) emphasises that the mainstream economic rationale is that employment outsourcing provides a means of transferring the significant or unpredictable risks of running a business, particularly financial risks, to employment firms, who in turn shift to agency workers, while still enabling the principal company to retain control over the service. Likewise, the transfer of employment relations to a third party avoids strong or militant unions (Teicher, et al. 2006: 245). Accordingly, the need to undermine union organisation and individualize the employment relationship is both an ideological and theoretical proposition of neo-liberalism.

As Coe, et al. (2010) have suggested, employment agencies cannot be viewed as merely embedded in national markets. They greatly have an institutional place that enables organisations to engage in forms of intermediated employment practices which otherwise would be logically and socially impracticable. As a result, studies need to expand from a narrow focus on organisations and/or legislation, in order to take account of the institutional space that employment agencies occupy. To do otherwise is to underestimate the broader

institutional context in which the employment and recruitment industry operates and is likely to result in missing the complex and variegated ways in which distinctive staffing markets are continually produced and reproduced through interactions between these various elements (Coe, et al. 2009: 15-16).

On the basis of such considerations, this study argues that the employment and recruitment industry has facilitated the commodification of labour power, thereby driving wages below its value, Smith (2016) called this “super-exploitation”. Thus, the superior power of management over labour does not only affect the financial value accrued to labour but also affects working arrangements and conditions of work. As observed by Walker (1977: 311), employers drive for flexible work arrangements, is how best to extract surplus value.

This inherent exploitation builds conflict into social relations in production, and thus affects employment relationships. Therefore, conflict in the employment relationship is not just an issue of labour’s reaction; it is what triggers the reactions. However, it has also been observed, that it is not only the underlying organisational nature of conflicting interests between labour and employers that gives rise to industrial disputes, it is also encouraged by what are perceived to be the genuine resentment and legitimate demands of workers that encourages trade unions to revolt at employers’ action (Darlington, 2012: 519). In this regard, the next section presents the analytical framework that underpins this study.

2.14. Analytical Framework

2.14.1. Marxist Concept of Capital Accumulation and Conflict

This research is located within a Marxist analytical framework which defines trade unions as the conveyor belt of workers’ desires to put an end to labour commodification and radically transform society (Hyman, 1999: 94). For Marx, capitalism’s social structure is inherently exploitative, an everyday occurrence of immediate resistance to managerial authority or workers action against capital. Employers unending drive to accumulate, to expand and shape workers’ lives activity into the commodity form, produces a conflictual response that in turn compels employers to innovate and the state to reform.

The once stable proletariat has been replaced by a network of agency workers with the result of a structurally disaggregated and disorganised labour force. This development of capitalism

has been viewed as undermining Marx's ideas of social change which hinges on the oppressiveness and emancipation of the proletariat to overthrow the disintegration of capitalist system. Thus, workers' fragmentation has not only posed substantial challenges in achieving this motive, but also, has had direct effect on employees' collectivism and representation. It is more challenging for a culture of cohesion and collective solidarity to grow when workers' status and differences in the nature of work divide them.

As the labour market becomes increasingly fragmented, the task of building solidarity between workers, in and between work places, has become problematic for trade unions. In view of this Offe and Wiesensthal (1980: 71-74) analysed the structural constraints that labour faces and how these forces restrict labours' organisational possibilities.

Applying a worker perspective, the authors comment on how 'social scientists' are often concerned with the subjective awareness of differences, while ignoring the equality of the objective conditions to which all wage workers are subjected (Offe, and Wiesensthal, 1980: 70). As capitalism forms divisions among the proletariat, employees are more exposed to interest bias, but that does not change the uniformity of their stand in the capital-labour relationship.

In order to succeed in this mission, trade unions have to deal with what Hyman refers to as internal issues, undifferentiated from what Offe and Wiesensthal attributed to as the internal strength of a union. For Hyman, inner confrontation is similar to the constituency of unions. The historical union member is a male employee in full-time employment relationship. However, the focus of full-time employees is speedily eroding (Gleason, 2006: 99), and agency labour is becoming increasingly normal. Based on these trends, it is imperative to revolutionize trade union approach to involve agency workers, or rather, to widen the constituency. In addition, to widen the faction, unions must build solidarity between workers (Hyman, 1999).

Unions traditionally have compartmentalized solidarity (Hyman, 1999: 3). The idea of 'mechanical solidarity' is adopted from Durkheim (1893: 129-130 as cited in Hammond, 1983), whose concept is on the unity of proletarian interests with trade unions' goal being to articulate this solidarity. Hyman highlighted three determinants as cause of the crisis, firstly, is the growing inner differentiation between the proletariat, increased market coercion, and the deterioration of equal commitments within labour bodies.

In view of the above, Hyman shared the facts that trade unions have always had issues of mobilizing employees under common interests, and as workers have become more fragmented this strategy would rarely not survive or workout. Beyond the fragmented workforce, Hyman likewise pointed to the separation between work and community. The old idea of conventional employees as unified to a common workplace and a common locality has no importance in contemporary society. Most employees now live and work at a considerable distance from fellow colleagues or workers and pursue different cultural and recreational activities. The issues regarding these inner differences are linked to a crisis of representation. For Hyman, trade unions have two key choices regarding this issue, either establish their strategies on restricted professional interest, or appeal to a diverse set of interests based on social movement unionism. Trade unions can either adhere to the declining core or they can fight to represent the periphery. However, it is a big challenge to develop an action plan that will effectively address all these problems (Hyman, 2004).

The aftermath of this crisis is to build what Hyman calls 'organic solidarity'. Hyman explains a unionism that changes organisational conformity with co-ordinated diversity (Hyman, 1999: 14). Organic solidarity lies in understanding and recognising the various interests between workers, among unions and between unions. However, the weakness in Hyman's study is the lack of explanation on how this 'organic solidarity' is adequately going to deal with the issues of representation. Offe and Wiesensthal (1980) argued that the strength of the trade union is ultimately connected to the unity within the workplace, but this unity is challenged as organisations recruit more workers and thereby become heterogeneous. Hence the theory of 'organic solidarity' faces a challenge, there is the possibility of a trade-off between mobilizing contemporary kinds of workers (accepting difference) and inaugurating solidarity among members (arguing for common ground). Solidarity itself depends on unity and it is inevitably more challenging to build this among a workforce not based on the notion of them all being workers, and objectively all being equal in their relation to capital.

From a Marxist vantage point of analysis, it can be argued that as, Hyman (1975) has asserted, industrial relation is about power, interests and conflict. The interests of capital and labour are asymmetrically opposing and conflictual. Employers attempt to buy labour at the lowest possible price, whilst labour on the other hand, attempt to sell his labour-power at the highest possible financial value in order of sustenance. The employers tend to accumulate profit, whilst labour tend to maximise wages/benefits. Hence, under capitalism, the interests and aspirations of both capital and labour are contradictory and in conflict. Conflict is viewed as a disorder precursor to change and to resolve conflict means to change the imbalance and

inequalities in society in terms of power and wealth. Thus, trade unions are viewed as employee response to capitalism (Chidi and Okpala, 2016). Accordingly, Marxist views exemplify workplace relations as a reflection of the occurrence of societal inequalities and the inevitable expression of this at the workplace.

Marxist theory emphasises capital accumulation and exploitation. This approach is critical of capitalists' society and its system of production, distribution and exchange and emphasises the importance of collective action including strike action and action short of strikes (Rose, 2008). Hyman (1975) argues that given the nature of capitalist society, industrial relations can be analysed from a more radical perspective.

While the Marxist theory is a generic theory of society and social changes, it nevertheless remains a powerful framework for the analysis of industrial relations within capitalist societies of social enquiry into the power relationships under capitalism. The starting point in this theory is that employers are motivated by the generation of surplus profits with which to finance further accumulation of profit, and the source of profit is an exploited workforce which is less paid of which it is the one which produces. Job stability and regularity in this case, is not an item of the agenda of capitalists.

2.15. Conclusion

Increased global competition has put pressure on organisations to look for new ways of cutting costs in order to remain competitive and cope with economic instabilities. Hence, employers found solace in flexible work arrangements, particularly, numerical flexibility. However, employers increasingly utilization of agency workers in getting their jobs done, has raised much concerns and worries in the workplace, particularly, the infiltration of agency workers into the core activities that have been traditionally highly unionised and covered by strong collective bargaining (Acas, 2012: 18; Kalleberg, 2000).

The utilization of agency labour offers employers an attractive option for a number of reasons, firstly, by subjecting the contractual nature of the employment relationship to commodify labour power. This is more pronounced as agency labour falls through the inadequacies of a legislative protective net. These triangular employment relations exemplify the unequal facets of employment relationship identified by Marx. The power imbalance is laid bare in the ease with which the employers can offer and withdraw employment contracts.

The increasing use of agency workers is a barrier to unions efforts to improve the working conditions of their members, which have been inherent from struggles in the past (Olsen and Kalleberg, 2004: 328; Campbell, 2005: 3). Accordingly, unions perceive agency labour as a threat and management strategy to undermine trade unionism, hence, Heery's possible options (Heery, 2004; Olsen and Kalleberg, 2004).

Therefore, this research conducts an empirical analysis of the increasing utilization of agency workers in the case of the Nigerian oil industry. An understanding of the contextual environment is necessary to better understand the purpose of this study. Hence the next chapter presents the historical background and operations of the Nigerian oil industry and the trade union's struggle against oil companies.

Chapter 3: Contextualization

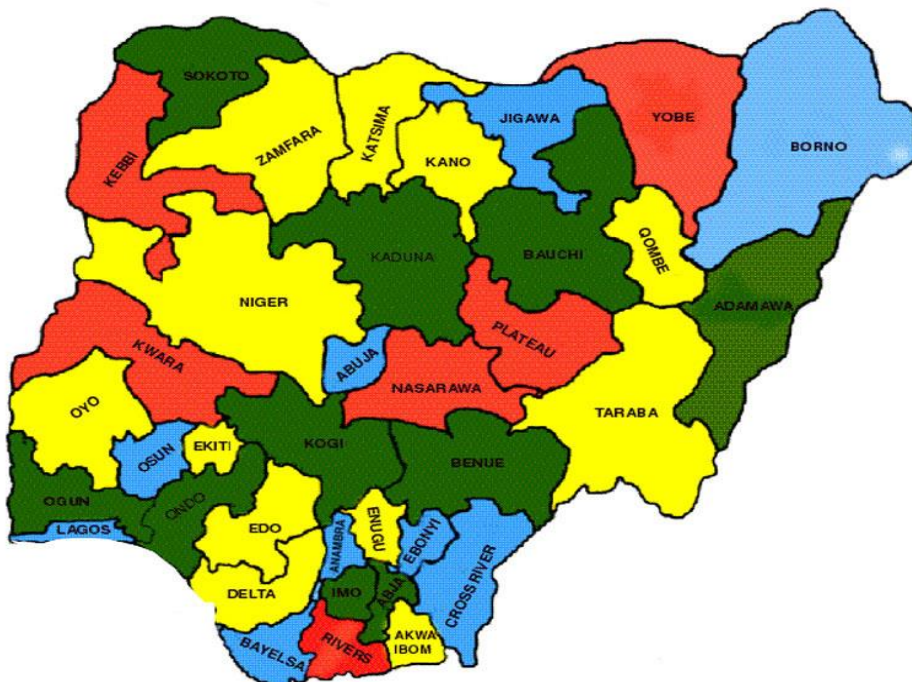
3. Introduction

This chapter provides a brief background of Nigeria, and the political and economic environment within which the oil industry is embedded in order to contextualize the research agenda, and to provide the necessary background for understanding the rationale for the research, the underlying issues that influence the behaviour of the oil multinational companies and the trade unions. It also provides a brief overview of the three oil MNCs use as case studies, and some background on the oil-producing Niger Delta region.

3.2. A Brief Background of Nigeria

The Federal Republic of Nigeria is situated in the West of Africa with a great population of over 170 million (World Bank, 2015) and the largest in the African Continent. Between the year 1914 to 1960 Nigeria was fully part of the British Colony, though had her independence in 1960 (Falola and Heaton, 2008; Azaiki, 2006; Okonta and Douglas, 2003). Currently, Nigeria is a federation of 36 states and the Federal Capital Territory (FCT), Abuja. Below is a typical map of Nigeria, showcasing the 36 states and the FCT.

Figure 5: The map of Nigeria



Nigeria has diverse and complex ethnic groups, languages, religions and traditions which structures individual perceptions in the way they think and act. The predominant tribes are the Yoruba's (West), the Hausas (North) and the Igbos (East). The South-South, which is the Niger Delta is a picture of diversity on its own and dominated by the Ijaws, which is also the source of oil production.

These three ethnicities have constantly contended for the political control of the nation since independence. This battle for political control is apparent in the coups and counter-coups by the military rulers who assume all of the functions of government. During these periods of military rules, legislatures were either demilitarize or rendered ineffective in favour of the military governments (Azaiki, 2006). Under military rules, citizens' opinion became inconsequential, as power is not gotten through the acceptance of the populace but through coercion and control of resources (Falola and Heaton, 2008). The country has predominantly been under the military government since independent until recent years. See Table (4) below for the chronicles of Nigeria leadership since 1960:

Table 4: Annals of Leadership in Nigeria

NO	DURATION OF REIGN	PRESIDENT/HEAD OF STATES	TYPE OF GOVERNMENTS	STATE OF ORIGINS
1	1960 – 1966	Tafawa Balewa	Civilian	North
2	1966	Johnson Aguiyi-Ironsi (Assassinated)	Military	East
3	1966 – 1975	Yakubu Gowon	Military	Central North
4	1975 - 1976	Murtala Mohammed (Assassinated)	Military	North
5	1976 - 1979	Olusegun Obasanjo	Military	West
6	1979 - 1983	Shehu Shagari	Civilian	North
7	1984 - 1985	Mohammadu Buhari	Military	North
8	1985 - 1993	Ibrahim Babangida	Military	North
9	1993	Shonekan (Interim)	Civilian	West
10	1993 – 1998	Sani Abacha (Died in active service)	Military	North
11	1998 – 1999	Abdulsalami Abubakar (Interim)	Military	Central North
12	1999 – 2007	Olusegun Obasanjo	Civilian	West
13	2007 – 2010	Umaru Musa Yar' Adua (Died in active service)	Civilian	North
14	2010 – 2015	Goodluck Jonathan	Civilian	South
15	2015 - till date	Mohammadu Buhari	Civilian	North

Source: compiled by Itegeboje, (2017)

Nigeria was formerly an agrarian nation before independence in 1960; farming was the fundamental source of the economy, accounting approximately over 50% of the Gross Domestic Product (GDP), as well as one third of export earnings. However, with the discovery of crude oil in commercial quantity, agricultural production was neglected and the sector relegated into relative decline (Buren, 2001). Within the phase of 1960s and 1980s, Nigeria migrated from the responsibility of being an independent production of food to one of strong reliance on food importations. Presently, crude oil accounts for approximately 90% of

export earnings and 83% revenue of the federation account (Ogbeifun, 2009). More importantly, the Nigeria economy has become a mono-economy of crude oil. The US and United Kingdom (UK) are Nigeria's major business associates and foreign investors, with investment largely in the oil industry.

3.3. The Political and Economic Corporate Re-structuring in the Nigerian Oil Industry: The Genesis of Labour Contracting

The administration of General Ibrahim Babangida marked the beginning of SAP, in an attempt to align the Nigerian economy with the global trend. Despite this bogus economic agenda, Nigerians were determined in returning the nation back to democratic rule as they perceived the economic objectives of General Babangida were not significantly different from that of his predecessors. This led to severe human rights agitations against General Babangida administration and the call for a democratically elected government.

In 1999, President Olusegun Obasanjo who was once a military president from 1976 – 1979, became a democratically elected president, and his administration came-up with 7-agenda reforms of how to position the economy abreast with the rapidly growing global trend, and among President Obasanjo economic policy reforms were the following (Nigerian Economic Review 2000:23):

- The Government shall be honest, efficient, co-operative, and operate on the basis of extensive devolution of power and shall therefore function as a facilitator.
- That government shall, in co-operation with the private sector ensure adequate and efficient provision of infrastructure especially energy, telecommunications, water and financial services so as to promote internationally competitive environment for economic activities.
- That private enterprise, private effort and non-government actors shall play the major role in achieving the set targets.
- That effort shall be made to promote strong work ethics and induce productivity. That, it is envisaged that the economy would be market- oriented, private sector led, highly competitive, internally and globally, particularly in the areas of comparative advantage, technologically driven, broad-based, and internationally significant.

President Obasanjo regime promoted neo-liberal policies and generous incentives which included the lowering of labour standard to attract FDI. The administration created an enabling business environment by entering into both bilateral and multilateral contracts on investment security, by creating the Nigerian Investment Promotion Commission (NIPC), which was saddled with the responsibility of co-regulating and monitoring of all foreign investments activities. This agency operates as a machinery to entice, promote and co-regulate international investments to boost the economy at a yearly estimate of 10%, create jobs and react to market dynamics (Awosolu and Esugbohungbe, 2002).

The revitalization of private sector was channeled at enticing the much needed FDI into the country. Despite the fact that it attracted FDI particularly in the oil industry, it however lowered labour standards (Adewumi, 2008; Mokwenye, 2008; Ogundare and Elijah, 2011). Thus, the corporate restructuring that followed the influx of the private sector involved mergers and acquisitions, privatization, commercialization, re-engineering and liberalization, which ultimately led to downsizing and mass retrenchment. The Bureau for Public Enterprises in charge of regulating the sales of states enterprises failed to take adequate employment protection measures for the affected employees, for instance, the state's policy did not reflect employees concerns to establish collective agreements in the new structures and this resulted in mass unemployment (Fajana, 2005).

Organisations took advantage of the unemployment dilemma by subjecting most of the employees to non-standard workers. Employees' freedom of employment choice was completely restricted, and as a result, the negotiations in which they found themselves tend to favour those placed in a stronger bargaining position. This category of workers was unfairly treated because they were compelled to accept jobs remunerated at a financial value which was below the equilibrium price of their labour. Hence, management exploitative tendencies in accumulating surplus value, while workers earn less for their labour than they would have if they were to trade their labour in a perfect competitive market (Carens, 2008:12-14; Attas, 2000:75-79). Thus, employers discovered contract labour as cheap means of getting the job done, without interference from the trade unions (Danesi, 2012).

Another disturbing situation was the subtle monetary enticement of early retirement offered to the permanent employees and replaces them with agency workers (Okafor, 2007:175; Adenugba, 2004). For example, in September 23, 2013, the National Union of Petroleum and

Natural Gas Workers (NUPENG) directed its members to embark on an indefinite strike over the alleged moves by Mobil Producing to sack some members from its labour force. NUPENG claimed that permanent employees have been systematically paid-off, and their positions occupied by agency workers on new contract terms, a move that breached the contractual collective bargaining agreement with the union (Eroke, 2013). In this regard, this study sheds more light on the *modus operandi* of the Nigerian oil industry.

3.4. The Nigerian Oil Industry

Nigeria is one of the top ten oil-producing nations in the world and the sixth biggest exporter within the Organisation of Petroleum Export Countries (OPEC) (Hanner, 2015). The oil industry drives the economy of Nigeria; in essence, it holds a strategic position to the growth and development of the nation. It constitutes about 90% of Nigeria's foreign exchange earnings and 83% of its Gross Domestic Products (GDP) (Ogbeifun, 2009). A brief historical record indicates that the Nigerian Bitumen Corporation, a subsidiary of a German Company first explored oil between 1907 and 1914. The company was forced to pull-out from Nigeria as a result of the first world-war. Afterwards, the company was never allowed to continue its operations as the British colonial authorities gave preference to only British companies for oil exploration (NNPC, 1976).

However, in 1938 there was a merger between Shell petroleum and British petroleum, Shell-BP was granted licence for oil exploration in the whole of Nigeria regions. In 1956, the company discovered oil in commercial quantity for the very first time at Oloibiri, Bayelsa State, in the Niger Delta (Ihua et al., 2009). The success of Shell-BP and the support from British colonial authority ushered in more oil firms to operate in Nigeria. Towards the end of 1950s non-British oil companies were likewise granted the privileged for oil exploration.

This new development ushered in Nigeria as a member of Organisation of Petroleum Exporting Countries (OPEC) in 1971, and in line with OPEC Resolution No. XVI.90 of 1968, the Nigerian National Oil Corporation (NNOC) was established in 1971 by the Nigerian government, which encouraged all member states to "acquire 51 per cent of foreign equity interests and to participate more actively in all aspect of oil production" (Khan, 1994:20). As a result, the Nigerian Petroleum Decree No. 51 of 1969 granted total control and ownership of all crude oil in the country with the government. By 1977, the Nigerian National Oil Corporation was changed to Nigerian National Petroleum Company (NNPC).

In 1956 when oil was first discovered in commercial quantity, the nation was still under the control and authority of the British Colonial Government, hence the citizens had no means to the industry. As at 1960 when Nigeria gained her independence, there were national skills shortage and expertise in technological and infrastructural development of the oil wells. Hence, the decision by OPEC was a welcome resolution, despite the lack of the required knowledge to develop the resources, acquiring more than 50 per cent of the equity share gives a right of ownership in the oil capitalist industry.

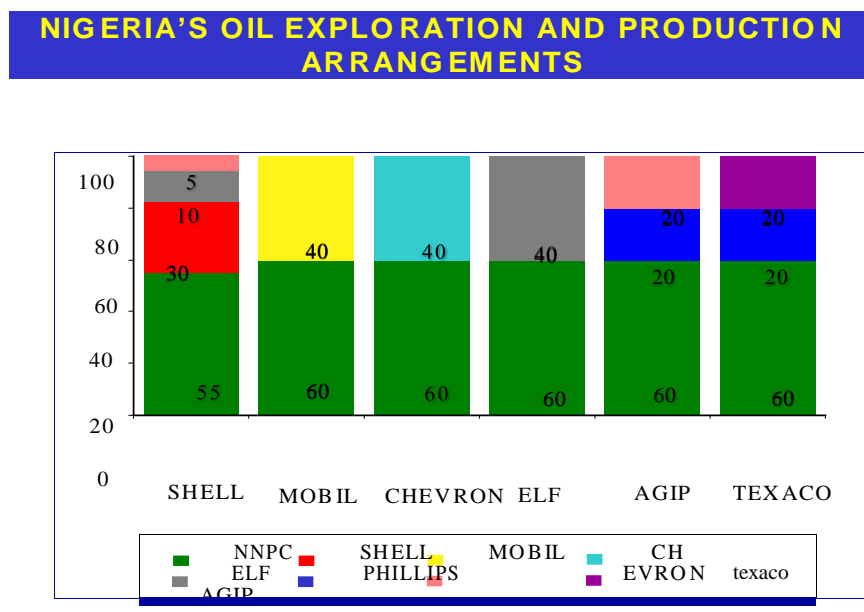
Adopting OPEC regulations, the NNPC signed joint venture agreements with the Europeans and US oil MNCs, which were already in full operations of oil production in the country. The partnerships that exist between NNPC and the oil MNCs are joint ventures and production sharing agreements. The oil MNCs are the key operators and NNPC share in the running cost, mainly onshore operations, while in the production sharing agreements (offshore), the MNCs expend all funds towards the operational costs (Okeke and Sobotie, 2000). Analytically, the state through NNPC does not share in the production cost agreements, however, shares in the surplus after the MNCs regain their running investment.

Despite the fact that NNPC (2010) report shows that 169 oil firms are registered with the industry, there are indeed 5 leading oil MNCs in joint venture agreements with the NNPC. They are: Shell Petroleum, a subsidiary of Shell, a British-Dutch company; Exxon-Mobil (American); Total-fina-elf (French); Chevron-Texaco (American) and AGIP oil (Italian). Exxon-Mobil and Chevron-Texaco operates mainly offshore exploration, while Shell operates mainly onshore production. These American firms, produces more than half of Nigeria's oil, likewise, the United States is the largest exports market of the Nigeria's oil, consequently, the position of these two American companies regarding Nigeria had been mostly one of self-interest, as they claimed to be the only companies with the capital power to maintain the oil exploration in Nigeria (Davis, 1998:6). They are the industrial drivers of the joint ventures, which means, they are in charge of all exploration and production activities, thereby solely takes all the daily decisions in the running of the business.

The joint venture partners (government and oil MNCs) both own the oil wells. It is essential to note here that, irrespective of the state through the NNPC owns more than 50 per cent in the partnership arrangement (see Table 5, page 88), however, power and control virtually lies with the oil MNCs, which implies, the state has no authority and control over the company's policies and decisions (Omoweh, 2005). The state is relatively an investor, bearing expenses and earning profits in relation to its shared involvement in the joint venture agreement.

The joint ventures agreements (JVA) are mainly for downstream operations. Businesses pertaining to upstream wells have been structured as “production sharing contracts” in which the state is not a legal associate as compared to the joint ventures. In the production sharing contracts, the oil MNCs bears all the exploration and production expenditures and pay tax and royalties to the government. All the oil block licenses and drilling subleases granted in the deep-water wells off the Nigerian shore have been on these arrangements. According to Ogeifun, (2009), the upstream operations have a considerable number of expatriates, thereby violating expatriate quotas, hence the agitation for national bill of content. These oil MNCs wield so much power within the Nigeria state and communities. They have been able to explore, extract and exploits both the citizens and environment without any corresponding development.

Table 5: Nigerian JVA (Equity Interests of Major Partners)



Source: Madaki Ameh, (2010)

By this singular act of the oil MNCs having all the will power to take the day-to-day decisions, they have become increasingly powerful, and some critics described the oil MNCs as having superseded the governments in the running of national affairs (Halcrow, 1998: 7). However, while government consented that their primary role is to provide and protect its citizens, and by that signed documents such as the Declaration of Human Rights, MNCs more particularly the ones in the oil industry have no such obligations (Adler, 1999:20). Their commitment to such issues is left to the goodwill and somewhat ambiguous course of codes-of-conduct (Banfield, 1998:1).

More precarious is the situation where the national government is not stable and non-democratic. It is in situations as this the law of the land may compromise the laws of ethics. For example, the fight by the trade unions against agency labour and massive retrenchment of employees on standard employment contracts, made the then military junta General Sani Abacha to dissolve NUPENG and PENGASSAN in 1994. And the multinationals took advantage of this default to casualize their workforce; it was also an avenue to boost their expatriate quota at the detriment of the indigenous workers. Despite several regulatory measures in place, such as the ministry of labour and employment, evidence have shown how oil MNCs exploits workers, violates human rights and depletes the environment in which they operate. More hopeless is the situation when the affected labour force and the communities have no effective means to fight such despicable and deplorable act (see Danesi, 2012, Aborisade, 2010).

The total dependence of the Nigerian government on oil revenue and its partnership with the Oil MNCs, explains the promulgation of stringent labour control measures and policies. The control becomes necessary so that both the government and Oil MNCs can maintain high rents and profits respectively, for example, the removal of automatic trade union membership and the restriction of no right to strike by the Amendment Act of 2005 (Solidarity Centre, 2010; Fajana, 2005:6; Ihonvbere, 1996), promoted precarious work in the Nigerian oil industry.

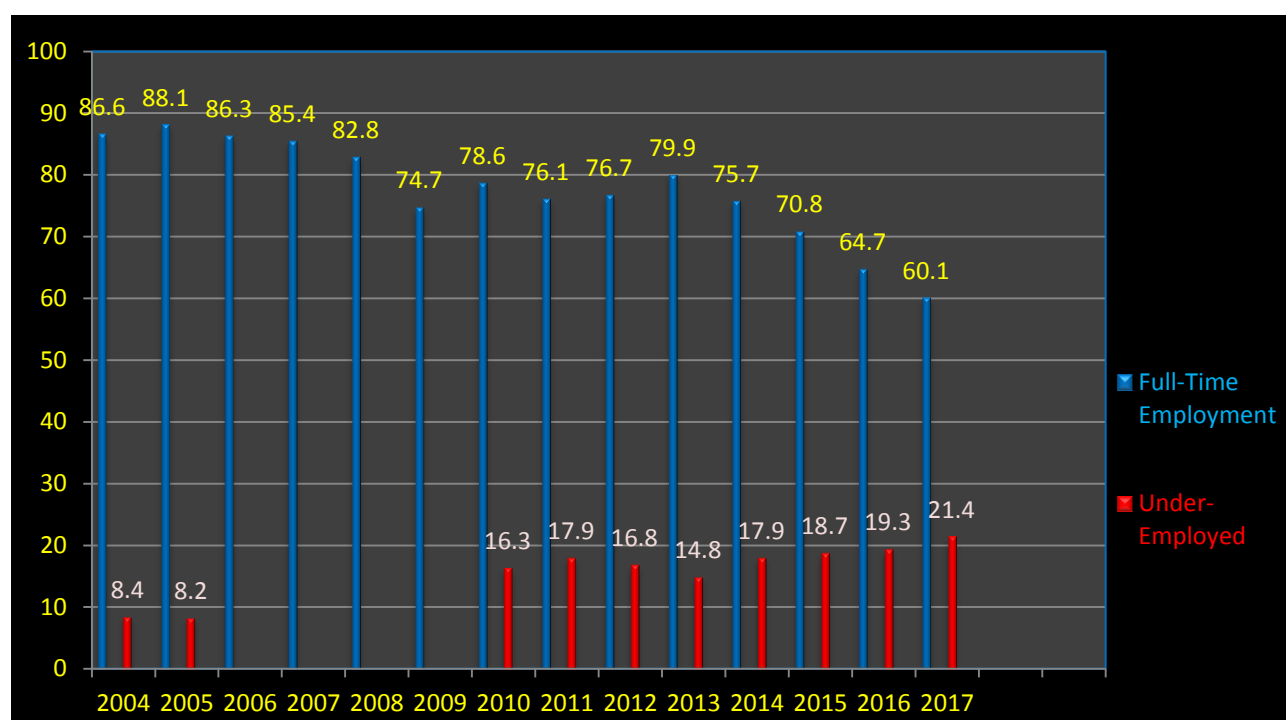
The overarching issue with workers on precarious work arrangements is that they do not fall within the traditional purview of employer-employee relationship with the oil companies, but known as workers of the employment firms. These workers are termed flexible workers, and do not earn same wage as the employees on standard employment contracts who are directly employed by the oil MNCs. They do not have any welfare benefits, and their conditions of work are usually very precarious. Furthermore, their tenure of work is not certain, thereby lacking security, unlike their colleagues on standard employment.

3.5. The Causes and Nature of Agency Labour in the Nigerian Oil Industry

As earlier explained in Chapter 1, the implementation of neoliberal policies gave rise to mass unemployment, which the employers took advantage of, along with the country's economic uncertainty, and adopted the flexible work arrangement model (Fapohunda, 2012). While on the other hand, labour power being the only means of sustenance for an average Nigerian man, workers were left with no other option than to accept any kind of work to survive. For example, in 2017 the working age population of Nigerians stood at 111million, with

85million labour force participation. 51million (60.1%) of this population were fully employed, while 18million (21.4%) were underemployed (working less than 40hrs, but at least 20hours) translating into a labour force participation rate of 81.5 per cent. While 29% of the working age population were unemployed, this percentage is likely to increase due to the unstable employment status of the underemployed. Table 6 below shows that the rate of those fully employed in 2017 (60.1 million) was lower than the one reported in the preceding year of 2016 with 64.7 million, this saw to the increase of the underemployed from 19.3 in 2016 to 21.4 million in 2017.

Table 6: Trends of both Standard and Non-standard Employment in Nigeria (2004-2017)



Source: Compiled by Iteboje, (2018) from National Bureau of Statistics (2016, 2017); Kale and Doguwa, (2015)

The periods between 2004-2005 records the highest rate of full-time employment, followed by a steady decline from 2006. Although, there was no comprehensive statistics of the underemployed from 2006-2009, however from the declining nature of full-time employment, it is argued that there was a steady increase in the growth of non-standard labour. For example, the graph indicates a steady growth in non-standard form of employment from 2010 (16.3%), although dropped to 14.8% in 2013, with a steady increase since 2014. The highest rate of non-standard form of employment was in 2017 (21.4%). The trends indicate that the Nigerian labour market has been steadily dominated with non-standard form of labour. This supports the arguments that people engages themselves in non-standard form of employment in the absence of permanent employment in order to have a means of sustenance.

Non-standard form of employment is more evident in the private sector of the Nigerian economy such as the oil MNCs, telecommunication, and banking sectors (see Tables below).

Table 7: Agency Workers in the Telecommunication Sector

s/no	Name of Company	No. of Perm. Employees 2012	%	No of Agency workers 2012	%	Total
1	MTN	151	2.6	5570	97.4	5721
2	Airtel	105	2.1	4800	97.9	4905
3	GLO	92	3.4	2650	96.6	2742
4	Etisalat	67	4.6	1376	95.4	1443
5	Starcomms	46	3.9	1130	96.1	1176
	Total	461	2.9	15526	97.1	15987

Source: Fapohunda, 2012, p. 267

Table 8: Agency Workers in the Banking Sector

s/no	Name of Company	No. of Perm. Employees 2012	%	No of Agency workers 2012	%	Total
1	UBA	595	15.8	3178	84.2	3773
2	GTB	358	14.1	2180	85.9	2538
3	ZENITH	325	16.2	1680	83.8	2005
4	SKYE	264	16.0	1376	84.0	1640
5	FIRST BANK	1830	30.0	4270	70.0	6100
	Total	3372	21.0	12684	79.0	16056

Source: Fapohunda, 2012, p. 267

These organisations indulged in some unfriendly industrial relations practices borne out of the drive to remain competitive and maximise profit. The increasing utilization of agency labour has been so steep that some have questioned whether these forms of labour should continue to be called atypical. This is because triangular employment relationship has systematically been built into today's business model globally. Employers of labour find this form of employment

relations as the best alternative for their business in the face of global competition (Adewumi and Adebimpe, 2012). This is due to the fact that management saves a lot through labour contracting, and are relieved of the anxieties involved in maintaining internal employees on full-time employment contract (Hall, 2000). Accordingly, while organisations are extracting surplus-value from agency workers in maximising profit, the key assets (workers) that are responsible for the success of the business are not well taken care of, hence, unions' agitations.

Likewise, agency labour in the Nigerian oil industry has become a subject of great concern, not until the late 1980s of oil production in Nigeria, the oil Multi-National Companies were integrated in forms of structures, operations and staffing (NUPENG Bulletin, 2013). The main objective of contract staffing then, which was direct hire by the oil companies, was a type of transitory phase of contract worker becoming a permanent employee and this aimed at reducing unemployment. Unfortunately, over the past twenty years, an unpleasant situation started unfolding, which is labour contracting, which marks the beginning of agency labour.

In the 1990s, Nigerian oil industry operates full-time employment system, which consists of approximately 70 per cent of full-time workforce and 30 per cent contract workers, who were all directly hired by the oil MNCs. For example, Mobil Producing Crude Oil had more than 400 junior full-time employees in the 1980s and by 1991, these figures dramatically dropped to 80 junior permanent employees. By 2002, there was no direct junior employee of Mobil Oil (Okafor, 2012: 7615; Adewumi and Adenugba, 2010: 68). However, this percentage has greatly changed in that there is now great increase in the percentage of agency workers.

Danesi, (2012:3) in her report revealed as at 2010, the percentage was 40 per cent against 60 per cent agency workers. For example, ExxonMobil employed 1,650 agency workers through employment agencies and 1,927 permanent employees, but the interview conducted reveals that ExxonMobil hired 3,835 agency workers against 2,118 full-time employees. In same manner, Shell Petroleum hired 17,000 agency workers against 3,625 full-time employees. Likewise, Chevron hired 2,400 agency workers against 2,000 full-time employees and majority of these agency workers perform same job functions as the full-time employees.

Furthermore, the report, estimated the increased growth to a ratio of 1:4, for every one permanent employee to four agency workers. Some of the employees interviewed placed the ratio 1:9, and this is against the backdrop of ILO estimation of 1:2.

Table 9: 2010 Graphical Statistics Of Employment Contracts in the Nigerian oil industry

s/no	Name of Company	No. of Perm. Employees 2010	%	No of Contact workers 2010	%	Total
1	Shell	3625	17.58	17,000	82.42	20,625
2	ExxonMobil	2118	36	3835	64	5,953
3	Chevron	2000	45.45	2400	54.55	4,400

Danesi, 2012

However, the empirical findings of this study conducted in 2015, found that Shell Nigeria has approximately 6,000 permanent employees and 35,000 non-permanent workers. While ExxonMobil Nigeria has 4,000 against 8,000 non-permanent staff, and Chevron has 3,100 to 3,500 non-permanent staff, see Table 6 below for Graphical Statistics

Table 10: 2015 Graphical Statistics

s/no	Name of Company	No. of Perm. Employees 2015	%	No of Contact workers 2015	%	Total
1	Shell	6,000	14.6	35,000	85.5	41,000
2	ExxonMobil	4,000	33.3	8,000	66.6	12,000
3	Chevron	3,100	47.6	3,500	53.0	6,600

Source: Shell Sustainability Report 2016, Management Interview 2015

The declining nature of permanent employees as indicated in the Table 6 above suggests a steady demise of trade unions under the economic neo-liberal agenda (Adenugba, 2003; Okafor, 2011:7615). Although, in spite of the clear evidence of the increase usage of non-standard workers, Fajana, (2005), reported, that there are no accurate statistics showing exact number of contract and casual employees in Nigerian oil industry, due to lack of official statistics showing the extent and trends of non-standard workforce. However, Animashaun (2007) alleged that some companies have 60 to 90 per cent of their employees as contract and casual workers. While there seems to be no comprehensive data about the extent of this phenomenon, it appears to be quite significant, particularly in countries without legal restrictions such as Nigeria.

Graham, (2012) observed among the oil producing nations worldwide, the Nigerian oil industry makes great use of non-standard labour in its complexity. It is not the typical contract employment status and agency work in other sectors of the economy. One significant issue here is the relationship between the oil multinational companies (MNCs) themselves. Some companies are mainly concerned with exploration and production, some with refining and distribution, while others integrate the whole processes right from the upstream to end consumption. Some oil MNCs are simply contractors and provide professional services to the operators. These can range from exploration, logging, shaft sinking, construction, marketing, maintenance, transport, catering, medicals and security. The complexity of this is that exploration and production operators can, intermittently function as contractors, such as Schlumberger group and services. An operator may contract to provide services to another.

Subsequently, the term “non-standard employment” can cover a wider range of employment relationships in the industry. It encompasses non-standard employment contracts, such as, contract, service, and manpower staff, these are the common names amongst others. Majority of these workers are in triangular or multiple employment relationships, with differential terms and conditions of work.

A worker who is in this form of employment relationships oftentimes is concerned about who is the real employer. What are his/her rights? Who is responsible for him/her? For example, the client company might have interviewed a candidate for a job, and then the client company will thereafter transfer the potential worker to an employment agency who will now issue the employment letter. This offer letter oftentimes includes the imposition of the “yellow-dog” contract terms, meaning workers are compelled to sign a contractual agreement not to be a member of any trade union. This is almost similar to the Swedish Derogation or Pay between Assignment Model where employers subject their workers to sign a Pay between Assignments Contracts. This kind of contract prevents workers from having equal rights with the direct employees performing same job functions, but assured of regular work (Fajana, 2005: 26; Danesi, 2012: 12; Forde and Slater, 2014: 27-28).

Even with the above imposition of unethical labour practices by both the oil MNCs and employment firms, trade union have maintained aggressive unionisation drive in engaging the non-standard workers across the big oil multinational companies, which the management vehemently opposed. This has relatively aggravated the tension between trade union and employers’ relationship (Ogbeifun, 2004: 25; Graham, 2010).

This antagonistic behaviour between employer and union is due to the fact that the Nigerian Labour Act did not explicitly define contract labour and Casualization, thereby not providing a legal framework for the regulations of these categories of workers. It is generally believed among the employees of the industry that those who are privileged to be members of the trade unions have been able to achieve the desire of many Nigerians since the discovery of oil. That is, benefits for middle Nigerian oil employee come from belonging to either of the two trade unions, PENGASSAN and NUPENG. However, with the contemporary work arrangements in the workplace, achieving this benefit is gradually becoming a mirage.

The Following are typical categories of labour structure in the Nigerian Oil Industry:

3.5.1. Permanent Employees

These direct staffs of the oil companies have the standard terms and conditions of employment. These include both indigenous workers and expatriates. Their job functions are spread across both the downstream and upstream. Majority of the expatriates work and head most of the oil platforms (oil rigs), their job functions covers, offshore installations, drill superintendents, logistics coordinators, medical officers, safety officers, dynamic position operators and tool pushers. Although there are few indigenous employees heading some oil platforms, while majority of them work downstream in different department such as, operations, marketing, accounts, human resource, logistics, and IT. The indigenous employees are of three classifications: they are managerial, senior and junior employees; however, those in the managerial positions are but few in number, approximately 15 per cent and have no right to association. While PENGASSAN unionize about 80 per cent of the senior employees, and about 10 per cent of junior workers are unionize by NUPENG. (Adewumi and Adebimpe, 2012).

3.5.2. Contract Workers

These workers are in triangular employment relationships and work alongside permanent staff but do not have a direct employment relationship with the client companies (oil MNCs). They are engaged for renewable fixed periods through third party. Their job functions span across upstream and downstream and engage to perform jobs such as, drilling operators, fork-lift operators, fire-service personnel, Human Resource (HR) personnel, Account officer, Medicals, Secretaries, flow station operators, Catering and house keeper.

3.5.3. Service Workers

The oil MNCs have innumerable labour service for various kinds of work activities to executes by servicing companies in support of crude oil exploration and production activities. In most instances, the workers from these servicing companies are deep-rooted in the oil companies because of the kind of services that their employment firms are rendering to the oil MNCs. However, they are not permitted to associate with the trade unions. This group of workers basically work offshore, and are mainly hired by the oil servicing companies, such as Schlumberger services, Halliburton groups, Polmaz, Plantgeria, Baker Hughes, and others. They are specialists in their respective fields, such as geologist, Data Engineers, Technicians, IT, Derrickman, and Motorman.

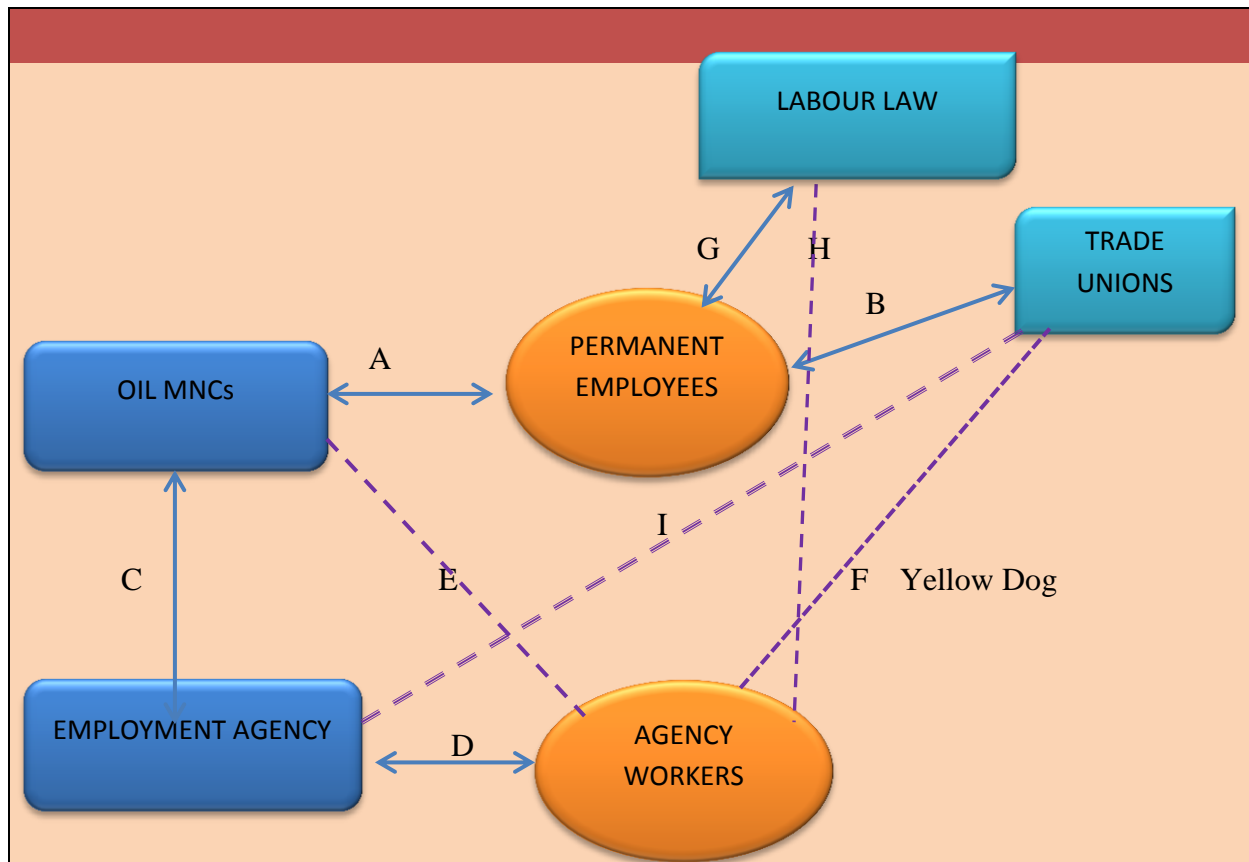
3.5.4. Manpower Workers

This group of workers have different employment contracts terms for specific task and subsequently discharged thereafter. They are mainly indigenous workers, who work basically downstream and engage as clerical officers, flow-station operators, flow-station guards, transporters and many more functions.

These four categories of labour frequently work as a team but managed under differential terms and conditions of work. Besides the permanent employees who are direct hires of the oil companies, the other forms of employment status are in triangular employment relationships, known as agency workers. These workers are hired by the employment agencies but rendered their services to the oil companies, they are answerable to the management of the oil companies, while their complaints and grievances are channelled to their employment agencies. The conventional bilateral relationship between employer and employee with an explicitly defined employment contract, has been replaced by one in which employer responsibilities are not only divided with the employment agency, but characterised by an ambiguity as to where the division of responsibility resides. The next section explicitly elaborates on the shared responsibilities in a triangular employment relationship in the Nigerian oil industry.

3.5.5. Division of Responsibility in a Triangular Employment Relationship

Figure 6: Framework of Employment Relationships and Responsibilities in the Nigerian oil Industry



Source: Iteboje, (2018)

Notes:

- | | |
|--------------------------|--------------------------------------|
| A. Employment Contract | E. Commodity Relationship |
| B. Right to Unionization | F. No Right to Unionization |
| C. Business Contract | G. Labour Rights Protected |
| D. Commercial Contract | H. Outside the Purview of Labour Law |
| I. No Relationship | |

In terms of hiring agency workers, the management of the oil MNCs and the employment agency are both involved in the hiring decisions. The agency place the adverts, based on the criteria from the oil MNCs, shortlist qualified candidates are directed to the management of the oil MNCs companies, for interviews, and thereafter the profiles of successful candidates are forwarded back to the agency who then issue letters of appointment. Their contracts are open-ended, and could be ended by either of them depends on the project and circumstances.

Theoretically, there is no formal relationship between the oil MNCs and agency workers, however, the relationship may not be always clear-cut in practice as there is a scope for a user company being involved in supervision (Olsen, 2006; Kalleberg, 2009), which is operational in the oil MNCs. While employment agency is the supplier of agency workers for the oil MNCs, the oil MNCs are responsible for the control of the work process. The employment agency is not involved in the allocation of job functions and work supervision.

In the case of industrial accident or sudden health issue at the workplace, the oil companies take care of the wounded agency worker. Thereafter, whatever costs incurred, the expense is deducted from the employers' confers, who subsequently deducts the amount from the wages of the wounded worker. In effect, neither the oil companies nor the employers are liable for the medical care arising from the workplace accident

In the issue of dismissal or redundancy, agency workers are made redundant without any compensation or benefits. Notice of termination is an issue between the oil MNCs and their employers. The employers are privileged to know when and why such exercise would take place by the oil MNCs. The workers are accordingly informed. Likewise, where the intention is initiated by either the employers, the oil MNCs are accordingly informed. But most often, agency workers are fired by their employers without notice or when they suspect militancy activities. These workers experience relatively inferior wage and conditions of employment as explained in Chapter 5 (p. 141-3).

Wage-setting is determined by both the management and employment agency, without trade union involvement. The employment agencies receive payments from the management of the oil MNCs on a monthly basis, retain their commission, and then pay the workers. Under the Nigerian Constitution Section 17(3), the principle of equal pay for equal work without discrimination on account of gender and protection against workers' exploitation is guaranteed. But the reality in practice is that, although there is equal pay for equal work for employees on standard employment contracts, there is nothing of such for those workers on triangular employment relationships.

It appears that agency workers are being discriminated against solely on the basis of their employment status and this amounts to a flagrant breach of Section 17(1) of the Nigerian Constitution. Thus there is discrimination with respect to pay in Nigeria with regard to employment status (Danesi, 2012). Indicatively, agency workers may earn less than the direct hires even if they have same educational qualifications, skills, and perform same task of equal

value. There is no law that permits such a practice. If so, the law would be contrary to the provisions of the Constitution. It is a practice promoted by the industry, which has become a norm. It is therefore argued, that the differences or discrimination in wages of employees on standard employment relations and workers on triangular employment relationship in the Nigerian oil industry is unconstitutional since the Constitution guarantees equal pay for equal work. Thus, by using agencies for 'payroll' purposes, the oil MNCs companies avoid equitable basic benefits accrued to permanent employees without facing legal implications. This is against ILO's declaration (ILO, 1994, Annex 1) which states that labour is not a commodity; this implies every practice that treats workers as commodities should be prohibited. It is therefore recommended, that commercial contracts through agency work should be changed into employment contracts (Eun et al, 2011).

Further to abdicating employers' responsibilities in terms of lawful employment benefits to the agency, the oil MNCs companies effectively excludes agency workers from bargaining systems within their workforce, by virtue of the "Yellow Dog Contracts" agency workers are made to sign by their employers, thereby creating a non-unionised labour force within a unionised system (Gray, 2002; Heery, 2004). Agency labour is an effective way for employers to shed responsibility and by that agency workers have no industrial relations contact with their real employer (Wills, 2009). This raises the question of how trade union perceive this complex form of employment arrangement subject to two to three parties involved in the supply and management of labour and how they deal with the issue of agency workers. While issues of direct employees present unions with the challenge of mobilization, those on triangular employment relationships present unions with greater challenges, which supposedly not to be according to the Nigerian Constitution.

The Nigerian Labour Act 1974 protects the right of workers to associate for trade union purposes. Workers membership in trade unions and trade union activities are protected by sections 9(6a and b), which states that No Contract shall:

- (a) Make it a condition of employment that a worker shall or shall not join a trade union or shall or shall not relinquish membership of a trade union; or
- (b) Cause the dismissal of, or otherwise prejudice, a worker

By reason of trade union membership, or

(ii) Because of trade union activities outside working hours or, with the consent of the employer, within working hours, or

(iii) By reason of the fact that he has lost or been deprived of membership of a trade union or has refused or been unable to become, or for any other reason is not, a member of a trade union.

It should be noted, however, that in spite of the above regulations, workers on triangular employment relationships are deprived from becoming union member by reason of the “yellow dog” contracts signed, which denies them unionization right. This is a serious infringement of workers’ right, and does not promote the principle of democracy and best practice in the workplace (Danesi, 2012). The only explanation for the degree of breach of this provision by employers is that the Act does not provide a penalty for breach, and the various government agencies that are responsible for monitoring and enforcing compliance have not done so (Danesi, 2012).

Although, the management of the oil MNCs denied their involvement on the infringement of worker’s right, and declared, that agency workers are not their employees. Indicatively, the deficiency in the Nigerian Labour Law concerning legal categorization of workers is one of the propelling factors for the growth of agency labour in the Nigerian oil industry. Only one class of worker is defined in the Labour Law, and that is, a worker is:

“Any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour” (Labour Act, 1974, Oshintokunbo, 2015: 414).

This description does not recognised workers in triangular employment relationship. In this context, it is often argued that not only is the law under-protective, but also it is difficult for workers under triangular employment relationship to prove their identity as workers of the oil MNCs under the labour law, and the employer-employee relationship is also not easy to establish (Kumar, 2002), In addition, whatever little is provided for under the law, is often not adhered to in practice. This is because agency workers rarely have the means to get legal support and to seek redress against violations; any complaint would only leads to loss of job.

With regard to the issue of legal and social protection for workers under triangular employment relationships, and observing that the traditional notion of employee and/or employer in terms of labour regulations and social security programmes does not reflect the present dispensation of reality in the employment relationship, some scholars have emphasised on the need to broaden the scope of labour laws and social security coverage (Danesi, 2012, Davidov, 2004).

ILO (2003, 2006) particularly emphasised on the need for an institutional approach to the mitigation of social exclusion as a result of gaps in most nations labour law. For instance, a significant portion of the sources of work stoppages and other forms of industrial conflicts in the Nigerian oil industry arises as a result of the ambiguities involve in a triangular employment relationship. This simply calls for a rethinking of the way forward, if the nation really wants to have a harmonious working environment that promotes economic development. This is because the traditional model of employment relations in which the employees at any given workplace are workers of the same employer, or have same terms and conditions of labour can no longer be taken for granted (Acas, 2012: 2). Thus, the quest for cheap labour has significant effect on employment relationships, and trade unions in particular.

3.6. Trade Unions and Non-standard Labour

The neo-liberal ideology that became prominent in the 1990's has brought about significant changes in the global economy, particularly in Nigeria, with adverse effect on employment relationships, and by great implications on organized labour, particularly, PENGASSAN and NUPENG.

In response to the changes in work arrangements, the trade unions maintained aggressive unionization of contract workers across the major oil MNCs in 2002. To a certain degree over 60 per cent of contract workers were mobilized and the unions successfully negotiated on their behalf, although not comparable to the permanent employees' terms and conditions of work but somewhat includes the application of minimum labour standards.

The contract workers were more enthusiasts to associate, perceiving it as a great privilege for them to start enjoying some basic employment packages like their full-time colleagues. However, mobilizing these employees then was very challenging as most of the employers

fiercely opposed the move (Lumumba Okugbawa: PENGASSAN Deputy General Secretary 2009).

In order to hinder trade union's aggressive drive, Chevron engaged the services of employment agencies to supply non-standard workers all through the company's operational bases in Lagos, Port Harcourt and Warri. Trade union's attempt to implement a standing agreement with Chevron, the employment agencies and government to mobilize the non-standard workers, Chevron further introduced a service contract clause in the employment relationship with its agencies. Thus, making it compulsory to renew their contract on a yearly basis with the employment agencies, all these were attempts to frustrate the trade unions mobilization.

Thus, pressure was mounted on the employment agencies to ensure they fired union activists in their labour force or they would have their contract with Chevron terminated. Regrettably, two of the employment agencies ran into trouble with Chevron, and got their contracts terminated in December 2002 and 2003 respectively. The other agencies got the message, which prompted one of the agencies, Delog Nigeria Ltd to sack 11 workers, many of them were emerging leaders of NUPENG unit, and this prompted Delog workers to go on strike. Likewise, this incited their colleagues from other firms to join in the strike actions for the reinstatement of their colleagues, it was recorded that about 400 workers lost their jobs because of these strike actions.

In a solidarity move, Chevron workers went on strike to protest the unethical treatment meted out to their members. Understanding the economic implications of this crisis, Chevron management consented, and called the oil workers for dialogues and those fired were reinstated. However, in furtherance of resisting unionization drive, in March 2005, the Nigerian government reform the existing labour law, thereby putting an end to automatic trade union membership and making union membership voluntary (Fajana, 2005: 20). This move by the government gave impetus to employers' refusal to recognize trade unions in relations to agency workers, which has since made it difficult to mobilize these segmented and fragmented labour force.

However, irrespective of the government and the management of oil MNCs disposition towards trade unionism, the unions are not relenting. They have decided to move against the use of agency labour in the industry, as this has been perceived as a modern strategy of taking

the people back to the days of slavery. This move usually is through strikes actions. The industry has been experiencing high level of strike actions since 2000 to date (see Appendix), where employers and employees' relationship is influenced by distrust, antagonistic behaviours, and confrontation. The situation is particularly serious where opposition and confrontation lead to clear conflict and strife (Solidarity Centre, 2010:8). Strike is the most common and most visible expression. But conflict with the management may also take the form of peaceful bargaining and grievance handling, of boycotts, of political action, of restriction of output, of sabotage and absenteeism. Several of these actions, may take place on an individual as well as on organised basis. Even the strike action is of many varieties, it may be in form of a refusal to work over time or to perform a certain process.

The industry has been experiencing frequent industrial crises in recent years emanating from interests and rights confrontations coupled with the crises from the oil rich regions of Niger Delta influenced by the struggles of host communities where crude oil is produce and exploited. The industry is personified by expatriate quota violation, non-implementation of collective agreements and all forms of unethical labour practices such as labour contracting of various shades of work flexibilization, and the denial to rights of association (Ogbeifun, 2008). The employment relationship crisis in the oil industry are the product of neo-liberal policies which oftentimes have been criticised and condemned by labour movement, coupled with the lack of legal framework protecting this emerging group of workers.

3.7. The Nigerian Legal Framework and Labour Relations

Essential for the application of the Nigerian labour law is the presence of explicitly defined employer-employee relations. The Nigerian Labour Act Section 91, defined contract of employment to mean, any agreement, whether oral or written, express or implied, whereby one person agrees to employ another as a worker and that other person agrees to serve the employer as a worker" (Nigerian Labour Act, 1974). By implication, an employment relationship begins with two parties, the employer and employee, the contract of employment can be for life or fixed-term.

In addition, the Nigerian Common Law specifies two types of employment contracts: (i) contract for service, and (ii) contract of service. The first is a process whereby employer instruct an employee what to do, how to do it and when. Once an employer exercises this form of control then it is a contract for service, an employee under standard, permanent employment contract falls in this category, while under the contract of service, the employer does not have any control where and how the job is to be done. This is the category for

employment agency and agency workers. By these definitions, the labour law did not clearly specify what should be the relationship between agency workers and the employment agency or the oil MNCs. Although, the principal companies (oil MNCs) claims that the workers supplied by employment agencies are not their workers, but that of the agency.

The above explanations suggest that the Nigerian legal framework is not applicable to most segments of the non-standard labour; this form of labour relations lacks a clear employer-employee relationship. Non-standard employment relations are mostly established on casual relations rather than contractual. This process partly contributed to trade unions inability to mobilize them. They are unorganised, hence, lacks institutional support and advocacy, thus making them vulnerable.

The Labour Act further, defines a worker to mean, “any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour...” (Nigerian Labour Act, 1974 (7)). To analyse the above definition of who a worker is, it means that not all classes of workers are covered by this definition. The definition refers to clerical work or manual labour. Although, the Labour Act did not expatiate on the meaning of clerical work or manual labour, from Common Law perspective, clerical work is job such as stenography, bookkeeping, and letter writing. While manual labour involves the use of the hand in carrying out the real and substantive work hired to be executed.

By implication therefore, those workers not hired for these two functions under the Nigerian Labour Act do not qualify to be called workers. What do professionals such as, engineers, doctors, lawyers, nurses, and others as administrative officers, technicians then called? This indicates that there are inadequacies in this definition. The Labour Act is therefore outdated, ancient and does not reflect the realities of contemporary employment and work arrangements in the Nigerian society, therefore, there is need to review the Act. Also, since the labour laws are directed at workers then most employed people are not qualified to benefit from the provisions of the labour law and collective bargaining in its present form.

These deficiencies in the Nigerian legal framework and labour regulations appears to be a significant factor why the management of oil MNCs are deliberately taking advantage of the workers, hence, the predominance of nonstandard forms of employment in the industry. The two trade unions have since the past years been fighting to unionize agency workers, even when management enters into agreements with the unions, they routinely renege on

negotiated terms. This act of the management, coupled with the lack of recognition by the Nigerian labour law, have since relocated agency workers outside the organizational structure of the trade unions. The prevailing reality in respect of workers' right is not because the unions did not try. Within the limits imposed by the law and the political and economic regimes, they tried to organize workers and protect them but were overwhelmed by the hostility of employers and the indifference of the State.

3.8. Oil Workers Trade Unionism

The present trade unions structure in Nigeria was established in 1976 and 1978 respectively by the Generals- Muritala Mohammed and Olusegun Obasanjo. Four central union organisations were replaced by one, the Nigerian Labour Congress (NLC). A great numbers of other trade unions were reorganised into 42, subsequently 29 industry-wide unions affiliated to the NLC of which their members are junior employees. NUPENG is one of the 29 industrial unions currently affiliated to the NLC, it operates on regional and branch levels. NUPENG represent all junior permanent employment employees in the Nigerian oil industry. Workers include tanker drivers, technicians, administrative staff, and many more junior workers.

While on the other hand, senior employees were also permitted, but are not allowed to be part of NLC. However, the senior staff created their own umbrella organisation, known as the Trade Union Congress (TUC) (Fajana, 2005: 6). PENGASSAN is one of the 24 senior staff associations in Nigeria under the TUC. PENGASSAN is also affiliated to the International Federation of Chemical, Energy, Mines and General Workers' Unions (ICEM).

Both PENGASSAN and NUPENG co-exist peacefully and in harmony, occasionally joining ranks against management. Given the importance of the oil industry in national economic production and development, PENGASSAN and NUPENG, regardless of their membership size, can exercise a potentially significant degree of social power. The basic mechanisms are intuitively obvious: A vital resource is vulnerable to expressions of contention; even minor attempts at disrupting its production, distribution and consumption will have extensive economic and political effects. Given the industry's high capital intensity, moreover, it may make more sense for management to accede to unions' demands than to risk strikers' which is far costlier disruptions of production. Hence, the drive to externalize the internal labour market, where there would be nothing as organization of workers and collective bargaining (Lawrence, and Fairfoul, 2014: 3).

PENGASSAN key activity is to aid workers at the enterprise level, by administering day-to-day trade union activities in the nation's four geographic regions: Lagos, Warri, Port Harcourt and Kaduna. At each regional office, there is an Executive Council consisting of one elected chairperson, a few national officers and one secretary (Fajana, 2005: 7). PENGASSAN aims to improve the rights, terms and conditions of work for its members and to resolve any problems raised by them. It promotes economic, social and educational programmes and provides financial services such as loans, thrift and savings schemes.

Union organisation occurs at various levels including branch/company level, regional, zonal level, and state level. The structure of union organisation is similar across industrial sectors. At the branch or company level, workers are usually organised by representatives from the national union. For instance, if workers in a particular company are non-unionised, the national union under whose jurisdiction the company falls may decide to organise a branch in that company. The regional or zonal organising secretary then undertakes the task of organising the workers, and collectively bargains at the company level on their behalf.

3.9. Collective Bargaining

The system of collective bargaining in the private sector has largely been multi-employer sectoral bargaining since 1978 as a result of the creation of industrial unionism by law. Enterprise level negotiations prevail as well, however, industry-wide bargaining is the most prevailing. But the enterprise level bargaining is what is operational in the Nigerian oil industry and there is a clear movement towards decentralization by maintaining company-level bargaining. This seems to be the general trend in most of the oil and gas industries of other oil producing nations such as Argentina, Romania, Singapore, Japan, Finland, China, Thailand and Turkey (ILO, 2002). In the Nigerian oil industry, collective bargaining at the enterprise-level takes the pleasure in accomplishing the determination of contractual terms and conditions of work. This is as a result of the non-existence of strong employers' body in the industry regulating terms and conditions of work. Thus, company-level bargaining has succeeded and it is the only industry in Nigeria where collective bargaining is solely carried out at the enterprise level (Imafidon, 2009).

3.10. Background of the Case Study Companies

3.10.1. SHELL

Shell Petroleum Development Company (SPDC) Nigeria Plc is a subsidiary of Anglo-Dutch Multinational oil and Gas Company, with headquarters in the Netherlands (Galvez-Murioz, and Jones, 2005: 188). The company is a merger of the British Shell Trading and Transport Company and the Netherlands Royal Dutch Group of Companies. It is geographically and operationally diverse and highly decentralized with businesses all over 90 countries and produces about 3.1 million barrels of oil per day.

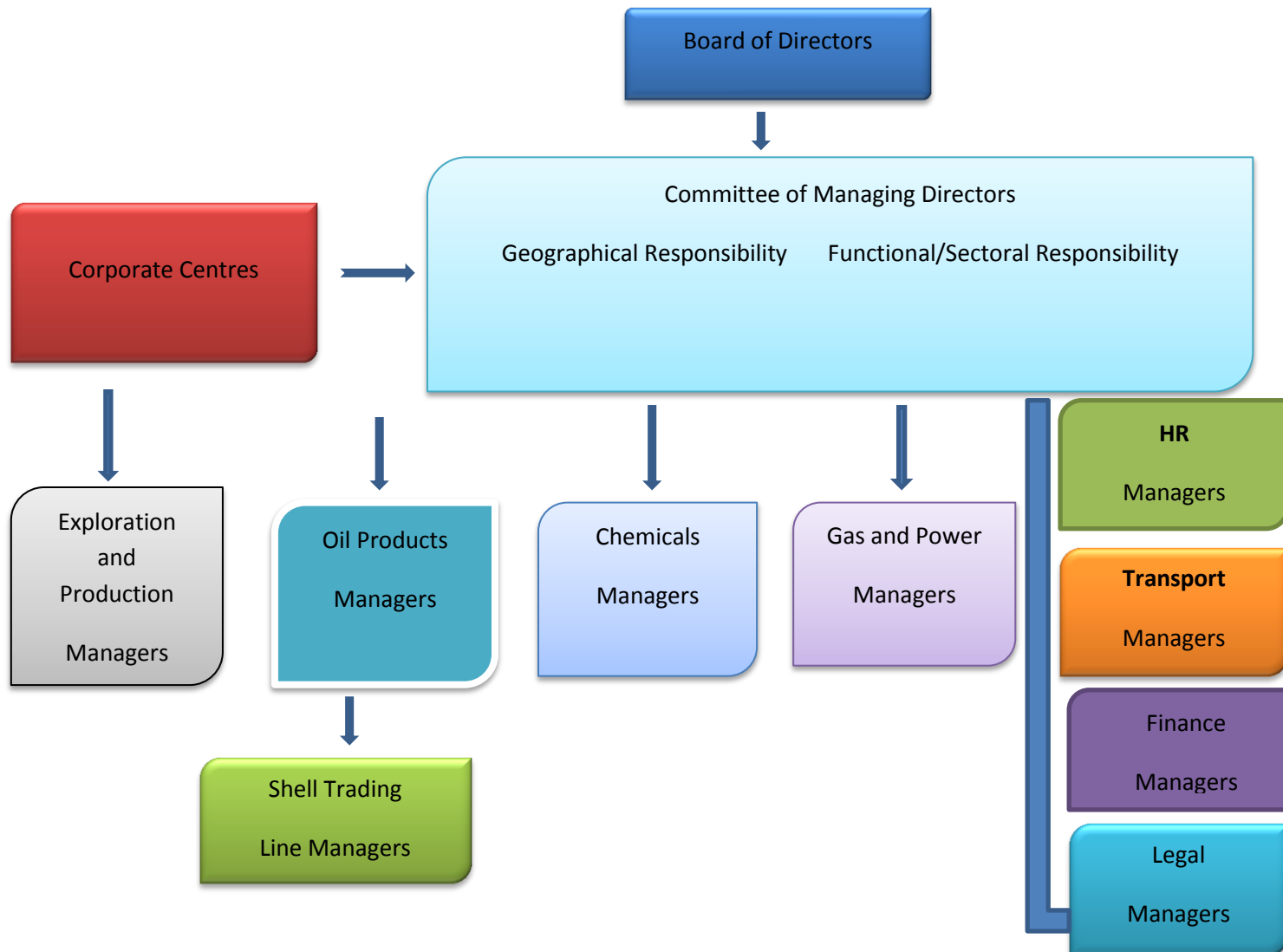
Shell Nigeria Plc began its operations in 1937, then known as Shell-D'Arcy, which was jointly owned by the oil conglomerate D'Arcy Exploration Company and the British Colonial Administration (Udeke and Okoloie-Osemene, 2014). In 1941, there was an interruption on oil and gas production because of the Second World War, and operations began five years after under a new name known as the Shell-British Petroleum (Shell-BP) Development Company. This new company first discovered oil in commercial quantity in Oloibiri, Bayelsa State of the Niger Delta-Nigeria in 1956. Between 1972 and 1973, the Nigerian government acquired BP's share equity in the Shell-BP joint venture, as a result of the implementation of the OPEC directives (Udeke and Okoloie-Osemene, 2014). In accordance with this appropriation, NNPC became a joint venture with what is known today as Shell Petroleum Development Company of Nigeria Limited.

The joint venture operates 50 per cent of Nigerian's total oil production output of 900,000 to 1.7 million barrel per day from over 80 oil fields. This comprises of NNPC 55 per cent, Shell, 30 per cent, TotalFinaElf 10 per cent, and Agip 5 per cent with a staff strength of above 40,000, which comprises of 6,000 of direct jobs and 35,000 of indirect jobs (Sustainability Report, 2013: 23), which is the focus of this study.

SPDC is the biggest oil and gas producing multinational company in Nigeria, it has other three subsidiary production companies known as Shell Nigeria Exploration and Producing Company (SNEPCO), Shell Nigeria Gas (SNG) and Shell Nigeria Oil Products (SNOP), and investments in the Nigeria Liquefied Natural Gas Limited (NLNG). Approximately 14 per cent of Shell production, the highest production volume outside of the United States, comes from Nigeria. With Shell operating profit falling well below projections in 2000, it was clear that further organisational change and cost reduction would be essential, hence, organisational

restructuring that resulted to the closure of some branches and consequent management restructuring. Below is Shell management structure.

Figure 7: Shell Nigeria Management Structure



The above Figure 7 illustrates Royal Dutch Shell PLC Management structure. The organisational structure is a mainly hierarchical concept of subordination of entities that collaborate and contribute to serve one common aim. The Board of Directors has the highest authority in the company and oversees the committee of Managing Directors whose responsibilities are share into geographical and functional responsibilities. They in turn monitored the Managers who oversee corporate centre comprises of personnel in Exploration and Production, oil Products, Financial, Legal, Human Resources Issues and Health, Safety and Environment.

The Old complex matrix system with multiple reporting lines was transformed in 2009 to personally accountable managers, who reports directly to the committees of managing

directors, uncomplicated. The numbers of employees reduced, this has resulted in a significantly improved profile and cost reduction.

3.10.2. EXXON-MOBIL

Exxon-Mobil is an American owned oil company, and second largest oil-producing firm in Nigeria. The company commenced operations in 1955 under the name Mobil Exploration Nigeria Incorporated (MENI), though through fruitless exploration efforts in the northern and western regions of Nigeria, MENI was offered two offshore licences to operate in the Eastern Region. The company made its first oil discovery in 1964 and the prospecting two oil licenses were changed to four oil-mining licenses in 1968, following this development MENI was changed to Mobil Producing Nigeria (MPN) (Udeke and Okoloie-Osemene, 2014).

MPN commenced exploration in 1970 in the South Eastern Region of Nigeria known as Akwa-Ibom with a profit sharing with the Nigerian Government, through the (NNPC) of 60 per cent, and MPN 40 per cent (Olufemi, 2010: 27; Mbat, et al. 2013). After 15 years of exploration, MPN hit one-million-barrel mark and in 1991 MPN entered into loan arrangements of USD900 million along its joint venture partner (NNPC) from the international lenders to build and produce its Oso field condensate, with a peak production of 110,000 barrels per day (Omeje, 2006: 103; Mbat, et al. 2013).

In 1999, MPN, Esso Exploration and Production Nigeria (EEPON) and Mobil Oil Nigeria (MON) merged and now known as ExxonMobil Nigeria Plc. These companies have good records of their contribution to the development of the Nigerian economy. The entire operational activities are concentrated offshore and presently have above 88 platforms, 9 flow stations, natural gas liquefied plant and hundreds of oil wells. In the downstream, ExxonMobil Nigeria have interest in producing petrochemicals as well as marketing of associated goods such as lubricants, and presently operates over 200 retail outlets with a staff strength of 12,000 which comprises of 66.6 per cent non-standard workers (Omeje, 2006: 104; Danesi, 2012: 4). Authority flows top to bottom, below is ExxonMobil Management structure.

Figure 8:- ExxonMobil Nigeria Management Structure



The matrix above in Figure 8 illustrates the hierarchical management structure of ExxonMobil Nigeria. Managers are essentially in charge of departmental activities, and control the labour process. Like the trade unions, managers act in a representative capacity, promoting and materialising the interest of the owners of capital. They effectively exercise the legal rights of the employers on a daily basis, by driving the work process in a conservative way. The

general managers expect the departmental managers and their assistants to be loyal to the organisational goals, while the management depends on the general managers in order to rule the company and must be able and willing to trust them 100%. Often it is a condition by the management upon the appointment of departmental managers that they will refrain from trade unionism. This often takes the form of an oral agreement or a tacit understanding. Just as the general managers expect the departmental managers to refrain from trade unions activities, so do the departmental managers with respect to their assistants.

Departmental managers and their assistant enforce their power through labour process of hiring and firing workers, supervising and evaluating them, determining whose contract would be renewed and not. They control the entry and exit from labour force according to the needs of the company. The goal of numerical flexibility is much more pronounced in this company; this is achieved in practice by compiling lists of employable persons and contacting their agencies to send them forth when the need arises. Job security for agency workers in this company remains a dream as they have to prove on a daily basis their best qualities, and not to antagonise their managers or superiors.

3.10.3 CHEVRON NIGERIA

Chevron Nigeria Limited (CNL), which has similar corporate structures as ExxonMobil, has been operating in Nigeria for over 50 years, is a subsidiary of Chevron Overseas Petroleum Corporation and based in California, the United States. The company interests span across crude exploration, production, refining and marketing.

The company functional activities are at Escravos, Warri and Port-Harcourt both of Niger Delta axis, which is the core of its exploration and productions, while the headquarters is located in Lagos, the Western part of Nigeria.

CNL commenced its operations in Nigeria in 1961 and got its first prospecting oil licence from the Nigerian Government. By 1962, CNL fortifies its operational interests with the acquisition of another licence, which entitled the company to extend its prospecting right over 5178 square kilometres onshore in the Niger Delta Axis. This square spread across Akwa-Ibom, Delta, Imo, Ondo, and Rivers states (Chevron Nigeria Limited Policy and Government Public Affairs Record). The company functionality cut-across upstream oil fields and downstream, in 1963 Chevron Nigeria Limited discovered oil at the Okan field few kilometres from the Atlantic Ocean and started exploration in 1965, as at 1992, the company hit a milestone of 500 million barrels of crude and it has been growing since then.

In addition, the company has flourished into the deep-water exploration and presently operating in the Agbami Field, which is the largest deep-water discovery offshore of Nigeria until date. Its production capacity estimates to be approximately 900 million barrels of crude oil and gas, anticipates to climax on a daily production basis of 250,000 barrels. It is the biggest crude oil producer in Africa (Eweje, 2007: 222.) In 1973, Nigerian Government, through the NNPC, entered into a joint venture agreement with CNL and shared 60 per cent profit in the joint venture, while CNL has 40 per cent interest rate as the operating partner.

Besides having interest on crude oil and gas, other areas of interests are petrochemicals, transportation, marketing, geothermal and power generation. Chevron is a top producer of petroleum jelly, lubricants, greases and many more. Its staff strength is above 6,600 employees with more than 53 per cent as agency workers.

The company has different welfare packages for its permanent employees such as house ownership scheme, health care insurance (employees and families), saving scheme, educational assistance scheme and non-contributory pension scheme, which is a secured monthly allowance to employees after retirement, all these benefits are denied of agency workers, hence the increasing usage of agency labour.

3.11. Conclusion

Economic development scholars have showed much concern of the richness of a country, yet its citizens are impoverished, which is very peculiar to the Nigeria nation as well as some other oil producing nations which are perceived to be contradictions of wealth (Sachs and Warner, 1995).

This chapter has gone at length to give the historical background of Nigeria, the discovery of oil, the political and economic interplay of the ruling elites, the roles played in destroying the once enjoyed bilateral employment relationships that previously existed in the industry. The employment relations in the Nigerian oil industry, and other institutional factors, as well as the background of the three oil companies (Shell, ExxonMobil and Chevron). It could be deduced from all indications that the most prevalent reason for the implementation of neoliberal policies was not only to attract foreign direct investments, but mainly associated with the extermination of labour movement, to enable industrial capitalist operates *laissez faire* employment relations.

Trade union generally, and for whatever cause has been considered a luxury that developing nations like Nigeria could not afford. In this regard, the state mainly through labour law has been out to see that union's free work environment is assured. This study therefore argues, that equality of powers of the actors in employment relations is more of an illusion than reality as raised in the Marxist school of thought is valid for much of the Nigeria's employment relationships.

This action of the state consequently promotes flexible work arrangements and the consequent fragmentation of the labour force in order to achieve the objectives of the industrial elites. There is also a conception prevalent in the neoliberal agenda that the industrial elites, particularly the owners of the big oil MNCs and the state are enjoying their positions of economic advantage at the expense of the vast majority of the working masses, since these majorities could not be allowed free reign to pursue their economic interests by associating with the trade unions.

But even more precarious is the government and industrial capitalist's myopic mind-set that successful suppression of trade unions through legislations is what good employment relations entails. The restriction of automatic trade union membership and the cap on strike actions may not necessary constitute a relaxed and productive work environment. Despite the restrictiveness, strikes action still ensues. Just to consider the period of 7 years between 2010 and 2017 as shown in Table 48 (page, 283-4) the number of strike actions which occurred is enough evidence to show that restrictive industrial relations is not a remedy to weaken the unions and industrial unrest.

This approach to industrial relations despite its obvious limitations even in the modern economic context is at its most challenging period when subjected to the new competitively guided economic environment. This is more so given that the concern of employment relationships presently is not how trade unionism should be curbed, but how employment relationships can be utilised as a strategic tool for efficient productivity without compromising good working relationships so as to be able to compete favourable in the global markets.

The neoliberals fail to acknowledge that the presence of a trade union could work to the advantage of the organisation. Trade unions may help organisations to seek other possible and beneficial measures of improving developments in employees' productivity rather than just exerting downward pressure on earnings and good working conditions (Elliot and Freeman,

2003). Thus, the direction and thrust of modern employment relations perspective should give priority to productivity and acknowledge that the key to a better economic future lies in the workplace by making it more productive environment. This would bring about a new perspective to employment relations that emphasise a harmonious workplace.

As earlier stated, the Nigerian oil industry holds a strategic key position in the national economy (Ogbeifun, 2009), earnings from crude oil export is well above 90 per cent (ICFTU, 2005). It is however, expedient to have a more conducive working environment for the interest of all relevant stakeholders, which encompasses the management, trade unions/employees, state, host communities, clients, the society and the international community at large through social democracy of workers right and collective bargaining.

It is however observed in Nigeria, that the only point when the trade unions come close to articulating the interests of their members has been in defence of the economic gains and at no time have they pressed for issues of greater participation in the decision-making machinery at the work place. In other words, the trade unions have assumed more of a reactive role than an innovative one. The future challenges will necessitate that trade unions change this position if they are to achieve their cardinal objective of defending the fast-changing interests of the labour force.

Thus far, this study has critically gone through the necessary literature and linked through contextual section in shedding light on the underlying nature and dynamics of employment relations under capitalism. Although a growing body of literature recognizes the importance of labour contracting, and as argued by different scholars in Chapter 2, labour contracting can be viewed as an attempt to alleviate the financial burdens on capital as represented by the competitive market.

However, there is need to unravel the generative mechanism of this lopsided phenomenon on labour. Understanding managerial rationale for labour contracting and trade unions opposition possibly depends upon combination of variables, and its complexities. Thus, understanding these complexities would require a critical examination of various components which will be discussed in the next chapter. Accordingly, Chapter 4 sets out the methodological strategy adopted for this study, with detailed overview of the philosophical position that underpins the generative mechanism of the subject under investigation. This is essential, in order to achieve the aims and objectives of this study.

Chapter 4: Research Methodology

4. Introduction

This chapter outlines and justifies the methodology and research methods. It presents the philosophical position employed in the study, followed by the research strategy and design; the case study and rationale for selecting research cases. Lastly, it considers the fieldwork experience, findings triangulation and limitations of the study.

4.1. Critical Realist Paradigm

This section reviewed key concepts and principles of critical realism and discusses the extent to which they served as a useful methodological instrument for the research study. By presenting the ontological and epistemological position of critical realism, this section also provides explanations about other philosophical worldviews, and why there were not adequate in finding answers to the research questions. The research questions are closely related to the process of understanding the main concepts of critical realism, the importance of understanding structures and processes, of the generative mechanism between variables, and the relation between agency and structure (Edwards, 2005: 7).

This research answers questions about (i) what factors influence managerial decision-making in the implementation of agency labour in the Nigerian oil industry, (ii) to what extent have the differential terms and conditions of a two-tier workforce have negative consequences on employees under this new employment system, (iii) how have trade unions attempted to address the challenges created by the changing nature of labour, and (iv) How have, and to what extent has this phenomenon impacted labour-management relationships. With respect to other philosophical worldviews, positivism with a focus on empirical regularities prevents from raising a question why things occur as they do, while subjectivism based on the fact that the world wholly socially constructed seems to ignore the causal influences of structures (Edwards, 2005: 268).

This is the starting point for the philosophical understanding employed in this study. This section first explains the philosophies of social science such as Positivism and Subjectivism worldviews, and then explains the key concepts and principles of critical realism and discusses the extent to which they served as useful methodological tool for the study.

4.2. Research Philosophy: Positivism, subjectivism and Critical Realism

4.2.1 Positivism

Within the positivist worldview, a researcher takes the ontological reality, which represent observable objects, considered real. Positivism believes that an objective reality exists independent of individual attitude and not a creation of human minds (causes and effects reactions). This depends upon the researcher/observer having an objective account with the world as a factual entity separated from human intention and purpose (Creswell, 2014:7; Saunders et al. 2009). Indicatively, positivist worldview firmly upholds that the only real knowledge is the one build on sense experience and positive verification.

However, critical realism opposes the one-way view of attaining authentic knowledge of the world as claim by positivism. The real in critical realism is classified in the domain of the actuals of events or empirical observations whether, observed or not (Hedlund-de Witt, 2012:13). If an object or event observed, then it becomes an empirical fact (Easton, 2010: 120). For example, within a set of social relationships of power, and a level of material productivity, empowerment and subjugation exists (actuals of events- labour law reform, outcome- work flexibility), which constitute today's management and labour employment relationship in the Nigerian oil industry. The opportunities and limitations brought about by the enabling and inhibiting work arrangements shapes individual's perceptions, from management to trade unions/workers, who thus acts their perceptions through actions.

There are circumstances and events that can be describe in causal terms: enabling conditions, instigating conditions, cause and effect. All these imply that there is an alternative way of thinking the causes and effects of both management and labour conflicts and what social and environmental conditions framed their perceptions and choices of action. As a result, the positivist worldview is inadequate for this study due to its single way of attaining a 'real' understanding of the changing nature of labour in the Nigerian oil industry. This makes this study skewed towards subjectivism.

4.2.2. Subjectivism: Interpretivism and Constructivism Paradigm

Subjectivism worldview claims that social phenomenon is created from individual's perceptions and consequent actions of the social agents through the process of interaction

(Denzin and Lincoln, 2005). There are two types of subjectivism worldview – the interpretivism and social constructivism paradigm. From the interpretivist point of view, a phenomenon emanates from individual's perceptions of what constitute an action. On the other hand, constructivism claims that people actively construct new knowledge as they interact with their environment, this point to the unique experience of individuals within a social context (Crotty, 1998: 58). Individual's experiences, feelings, thinking and interpretations of the phenomenon investigated are fundamental issues in the constructivist worldview. This involves comprehensive explanation why and how individuals view different experiences, rather than searching for external causes and basic principles to explain their behaviour.

Thus, exploring the changing nature of labour and trade union challenge research within environmental context with political, economic, social and legal factors, subjective constructivism may perceive agency workers as a ploy by the management to weaken the strength of the union; this assumption may and may not be correct in this context. Although this view is subjective in the sense that, trade union perceives agency labour as inhibiting their mobilization strategies due to their fragmentation. In a different light, they as well perceive agency labour, as a ploy of the management to accumulate surplus value and increase capital at the detriment of the employees. Hence, their perceptions/meanings about agency work arrangements, thus affects their behaviours and the degree of actions (strike) they embark upon.

Although, this study attempts to make sense of the environment in which agency labour is operated and the researcher attempt to understand the subjective reality of trade union in order to be able to make sense and understand the motives for the resistance and the intentions for actions (strike). However, because constructivism worldview rejects the existence of objects, and events, which are real (such as, strike actions) as documented in this study, it is therefore viewed as inadequate for this research, hence the alternative way of thinking, critical realism.

4.2.3. Critical Realism Worldview

Bhaskar (1978) advocated critical realism as an alternative philosophy of knowledge. This philosophical paradigm is of the view that theories refer to the real features of the world, such as, forces, structures and events that cause the phenomena we can perceive through our senses. Bhaskar (1980) argues that the domain of the real, as a distinct analytical entity, is

significant for critical realism since it is from this domain of enduring structures that generative mechanisms develop which may or may not be sense at the level of experience.

Bhaskar (2008: 47) further expanded scientific realism as encompassing the identification of generative mechanism, which are not observed directly, but have real causal effects in generating events, which can be observed. For example, the operation of the law of value as an ultimate explanation for the successful suppression of trade union through legislations, and the consequent growth of agency workers in the Nigerian oil industry.

To explain events and identify generative mechanisms and structures, realism makes assumptions about the social world and its observable and unobservable mechanisms and objects (Reed, 2009; Sayer, 2000). This is a process of abstraction similar to Marx's account of dialectical materialistic approach to social world (Patten, 1993). However, Marx never systematically explained his dialectical method, it can be inferred from the way in which the various levels of abstraction at which Marx operates capture both the "moment" of social phenomena and the historical evolution of those phenomena as products of "intersecting and overlapping contradictions arising out of the past and arching towards the future" (Ollman, 2003: 164).

Like dialectical materialism, critical realism considers structures and agential dimension of social reality to be in a dialectical, multi-directional relationship (Sayer, 1992: 142). Thus, this philosophical worldview aims in understanding causes of events and the necessity to explore the deep of the real world to identify the generative mechanism that gives rise to phenomena observed or perceived. Accordingly, this research evaluates and analyse, the ontology and epistemology realism in accordance to their general possibility in explaining the observable surface and behind surface events (Chalrwood, 2003: 41-42).

4.3. Ontological and Epistemological Critical Realism

This section presents the fundamental issues of the ontological and epistemological approach that underpins the methodological position of this research. Ontological and epistemological critical realism are distinctive from positivism and constructivism. Ontologically, the research is an objective reality that really exists, for example, there is conflict of interests between labour and management, which often leads to strike actions (see chapter 7, Table 48, pages 283-4). Nevertheless, in critical realism, ontology refers to the belief that there is a real world

that exists independent of our knowledge and explanations. On the other hand, epistemology refers to what is considered as knowledge, its sources and extents of knowledge (Easterby-Smith, et al., 2012:17; King and Horrocks, 2010; William, 2006). For critical realism, epistemology informs, that it is not possible for individuals to achieve absolute or objective explanation that is independent of their specific perspectives.

While the ontology in positivism and constructivism is restricted to the fused domains of the empirical/experiences and the actual/events, critical realism adds another domain, the real/mechanism (Bhaskar, 1975: 65; Ackroyd and Fleetwood 2000: 13). These three concepts constitute overlapping domains of reality called stratified ontology. The reason why it is vital to stratify domains is that it is hard to explain natural/social phenomena by using empirical resources obtained in surface reality.

Different mechanisms might interact with each other in stratified ways and one mechanism might restrict or distort other emerging mechanisms. It is important to investigate 'which mechanism' is needed to understand events occurring at the level of the empirical or actual, and the structures operating behind surface reality.

Thus, critical realism, argues that there is a deeper social world that lies beyond these two forms of surface appearance (objective observations and interpretations/meanings). In other words, reality and our descriptions of reality are not in perfect correspondence, although our descriptions constitute an aspect of reality. For example, class is a contested concept depending on whether priority given to reality at the level of what we can easily observe (our impressions) or to some deeper dimension of reality from which class emerges (the social relations of production). Thus, definitions of class based on observation and subjective identification (such as, Weberian approaches to class), may define class with reference to lifestyle and market position. Marxists, on the other hand, understand class in terms of the position of individuals in relation to the process of production. These social relations are not directly observable at the level of experience, though social actors engaged in these relations experience their effects.

Despite critical realism criticism of positivist and subjectivism views, this study exploratory and interpretive nature is situated within the concepts of both objectivism and subjectivism though within the critical realism paradigm, why within this paradigm?

4.4. Justification

Critical realism rejects the view of abstract concepts and terms or logical constructions based on predictions of observable data making, which has no claim on reality. Critical realism holds the view that mental states and attributes, including meanings, intentions though not directly observable are part of the real world, which is denied by both positivism and interpretivists (Chisenga, 2014). Critical realists consider mental and physical entities such as interests as real though conceptualised by means of different social classes. For example, a workplace comprises of different groups of individuals or group of people (workers, managers, shareholders and union) with a distinctive set of material and symbolic interests. Social actors have to choose which of their distinctive interests they represent in opposition to other interests. Thus, critical realism endorses the concept of cause and effect in both the natural and social science and views it as real phenomena.

Cause and effect is viewed as an explanatory concept intrinsic to either the nature into the world or understanding of it. However, critical realism opposes the view of causation by positivists in quantitative research, which states that regular causation or association between events or variables form a pattern in data. Realist argues against predicting causation as having patterns because the context constantly changes (Chisenga, 2014; Maxwell, 2004).

Critical realist acts as both ontological framework and an approach to social inquiry in a (non-exhaustive) exploration of different conceptual tools, alongside and in combination with other tools, can credibly claim explanatory power with respect to broader social, political and economic (Thompson and Vincent, 2010: 7). The rationale is that the apparent empirical variables indicates that the multi-layered causal interrelationships which exist across the workplace are simply too complex for any one theoretical tool to claim jurisdiction. In this regard, adopting critical realism perspective offers opportunities to develop more robust appreciation of the usefulness of different methods available for understanding the growth of agency labour under capitalism and union challenges.

Ontological realism can be useful for qualitative methodology, practice and contradictions as it can provide a new and helpful way of approaching problems and generate important insights into social phenomena of agency labour and trade unions challenges. Critical realism claims that verbal expressions are as valid for a claim, and mental statements about one's beliefs, reasons, or motives for doing something can be as valid explanation of the person's actions (Chisenga, 2014; Putnam, 1999). Mental phenomena in the study context are the causes of behaviour related to whether the increasing utilization of agency workers by the

management is to exploit the workforce and undermine the trade unions or not. Individual intentions have consequences of how people react, think and make sense of what is going on. Neglect of mental phenomena is what qualitative researchers identify as a main flaw in quantitative research. However, in realism, both physical phenomena and mental aspects are considered as real.

Critical realism therefore provides a clear argument to accept the causal role for the outcomes of the growth of agency workers. From the realist perspective, both management motives and trade unions arguments are real phenomena and causally interact with one another, thus integrating a realist ontology and constructivists epistemology.

4.5. Philosophical Argument

Critical realism gives a fundamental insight into this study, which investigated the changing nature of labour and its challenges for the trade unions. The factors, and under what circumstances they have contributed to unions challenges, and how the trade unions responded. In other words, union responses are shaped in the context of an interaction of factors, such as, legal regulation, and trade union structures.

It is important to understand management use of agency labour as an outcome of interacting factors in a certain context. As Edwards (2005: 265) argues, industrial relations institutions and processes are grasped in context. Besides the increasing utilization of agency labour by management, it is expedient to look into the trade unions behaviour towards agency workers, by exploring what has happened at the workplace level through the activities of the unions' leaders and branches. There might be considerable variation in outcomes between the workers, trade unions, and within each union and their branches. In other words, the increasingly usage of agency workers may not be the only factor for this challenge, there might be other contending factors. Thus, this study argues that by carrying out investigations on managerial rationale for the growth of agency labour in the Nigerian oil industry, there might be a risk of overlooking trade unions variations in the workplace.

Given the fact that the extent of workforce polarization in an organisation is strongly influenced by management strategy, the study of trade union branches allows the researcher to evaluate to what extent employment relations and workforce arrangements at the workplace level have an influence on union behaviour. In terms of reconciling common interests among workers on different contract terms, the analysis of trade union branches enables the

researcher to explore the relationship between permanent employees, who are the trade unions members, and agency workers. The latter are possibly to be excluded from the chance of union representation since they are usually segregated from the standard workforce and confined to a different and separate set of tasks (Druker and Stanworth, 2004: 233).

Trade unions members as well as their leaders may not be willing to act in solidarity with agency workers who are considered as outsider due to their triangular employment relationships, particularly, if supporting the latter brings a loss of their own members. There is no dispute, that the growth of agency workers has presented trade unions with a two-fold challenge, as stated in Chapter 2, as to whether or not they include these workers as part of their constituencies, and whether trade unions accept agency workers as part of them for collective bargaining. Since such decisions are taken at branch level, it became increasingly evident that union branches can be also viewed as a generative mechanism. This is consistent with Edward's assertion 'the feature operates only in the context of other factors' (2006: 13). In other words, union responses are shape in the context of an interaction of factors within a social structure. As a result, critical realism descriptive explanation of the relationship between enduring features and the interactions of social actors within these structures provides a compelling response to the debate around the nature of structure, agency and realm of the deep.

Critical realism combines both extremes of the positivists and constructivists paradigm and it has of late become one of the most used research paradigm to investigate various disciplines (Easton, 2010: 119). For example, in industrial relations the study of Edwards (2006) "the link between strikes and payment-by-results systems", the study demonstrated that despite theory that underlines the payment-by-results is likely to promote strikes, this association is not found in some circumstances, which means that the 'causal power' of payment-by-results systems may or may not be actualised depending on the conditions such as the size of workplaces and their industrial sector. Other disciplines are Business Management (Devitt, 2005); Natural Resource Management (Evely et al. 2008); Marketing (Eston, 2010; Fleetwood, 2006); Information Technology (Wikreg, 2005); Media (Lau, 2004); Education (Hatch, 2002).

Critical realism acknowledges that an independent reality exists but that our knowledge of it is relative rather than absolute, but it is knowable and changeable (Benton and Craib, 2001: 120). Bhaskar (1979: 57) upholds that the only way to identify these necessarily unobservable

structures is to examine their observable causal effects. This worldview emphasises the desire to examine patterns of events to uncover the real generative mechanism and use this knowledge to change undesirable or unacceptable realities, hence its emancipatory intent.

Benton and Craib (2001: 120) distinguish four key features of critical realism that differentiate it from other philosophical worldviews. (i), critical realism does not assess whether the truth claims of any given science at any given time are true or not. (ii), the approach is reflexive about the conditions under which knowledge is generated and accepts that there is a variety of ways of representing reality. As earlier said, this research involves several subjective variables and reality is multiple. (iii), critical realism accepts that the appearance of things can be misleading.

In attempt to understand reality and uncover misleading appearances, in-depth analysis and further research is required. For example, there might be contradictory circumstances, it could be possible is not the use of agency workers that is proving as challenge for the trade union mobilization. There is possibility of other factors- national institutions and the unwillingness by the agency workers to join the unions. Such contradictory circumstance would call for further investigation. For instance, during the researcher empirical investigation, a contradictory issue emerged between the management and union on the right of agency workers to be unionised. This contradictory circumstance necessitated further investigation, which saw the inclusion or involvement of agency workers who were originally not in the scheme of work at the beginning to unravel the contradictory situation.

Lastly, the insistence on the existence of an independent reality and the necessity for in-depth research to uncover misleading appearances implies that currently held beliefs would always be subject to correction by future research findings. Critical realism requires a more complex and sophisticated explanatory account of research findings than often seen under positivism. For a critical realist, it is not sufficient to seek to explain 'why' something happens but goes further to seek the unobservable (Outhwaite, 1987: 21).

One of the key significant inferences of critical realism is that reality is itself based on the assumptions of both objective and subjective attributes (Ashley and Orenstein, 2005). For instance, reality stems from the assumption that whatever is understandable is likewise directly observable, quantifiable and statistically measurable outside the observer. Accordingly, critical realism involves facts, value judgement and credible processes that exist in generic patterns (Ashley and Orenstein, 2005).

4.6. Limitation of Critical Realism

Some scholars have however criticised the views of critical realism as being subject to biases by the observers because they interpret their views in a manner that can lead to self-fabrications of meanings. On this premise, it is acknowledged that critical realism combines several attributes of positivism and constructivism research approaches (Edwards, 2006).

It has also been criticised for being abstract and vague, hence, few researchers adopt this philosophical worldview (Hartwig, 2007; Edwards, 2006: 5). However, Bhaskar, interpreted Marx's analysis of capitalist mode of production on whose premise this study is based, as previously characterised social structures, which possess relatively autonomous causal powers and tendencies in relation to the interacting agents who occupy the positions of capitalist, and worker in this structure. From this perspective, this study sheds light on structure and agency interdependency.

4.7. Interplay between Structure and Social Agents

Bhaskar (1979: 32) accounts, which refer to Marx's work, argue that society does not only consist of individuals; but likewise signifies the sum of the relations within which, or the individuals' stands. In other words, conceptualizing social relations between the position one occupies and practices, and not between the persons' who occupies them. In Bhaskar's view, social structure and their connection have to be distinct from persons' presently occupying such positions and their social interactions. Accordingly, the terms people/groups and society radically mean different kinds of thing (Bhaskar, 1979: 42).

For Bhaskar, social structures, which as well constitute society, are associations of internal relations between social positions, abstracted from the continuous interaction between social agents. These types of social structures are relatively independent in connection to the interacting agents that presently occupy the structurally constituted positions, and the causal powers of social structures cannot be ontologically reduce to the social interactions of agent (Fleetwood, 2013). Example of the internally related social positions is the positions of the management (capitalist) and the trade union/employee (labourer) (Bhaskar, 1979: 36 & 54).

The internal relations between these social actors constitute the essential properties of the positions occupied, which thus, dictate causally the privilege for action and social identifications of the individual agents who occupies these positions. Thus, an individual who

assumes the position of a capitalist is not a capitalist himself, except there is the reality of one or more employee (s) as the object of the capitalist exploitative tendencies.

However, for an individual to maintain his or her position as a capitalist, the individual would not only have to act in a manner that is both enable and enforced by virtue of the position, but he or she would also have to obtain the social identity of a capitalist. An individual who presently occupies a capitalist position, is however privilege to move to the position of employee, for instance, by virtue of the person (capitalist) selling his/her possession of the means of production to another capitalist and become hired by the capitalist.

In addition, anyone who occupies the position of a capitalist may at the same time occupies the positions of a president, legislator, councillor, husband and father. Thus, social agents usually interconnect in many structurally constituted social positions at the same time and may likewise change their positions within a social structure (e.g. the Nigerian government and oil MNCs capitalist - joint venture partners).

On the other hand, an employee can likewise move in the opposite direction, though this might prove very difficult (e.g., the capitalist subjugation will never allow any labourer to move smoothly up the hierarchical ladder). The privileges and social identities of the individuals who change their positions are however, unusually changed in the process. Therefore, commodity relations of production, which constitute the positions of management and trade union/employees, remain unchanged, irrespective of the structural position movement in the Nigerian oil industry.

In view of this, Bhaskar (1979: 52-56; 83-91) gave a comprehensive example of social structure of Marx's (1974) early work of the capitalist mode of production. In his analysis and interpretation, Bhaskar described the critical realist ontological, epistemological and methodological views. Thus, relations of production in Marxist theory explains as social structures, which possess relatively independent causal powers and tendencies in relation to the interacting actors/agents who occupy the positions of capitalist and employee. On this premise, the internal relations between the positions of capitalist (management) and employees (trade union) causally dictate the opportunities, interests, functional roles, and resources (psychological and material) of those actors/agents who occupy these positions.

The internal relations between these positions does not, in anyway dictates which privileges agents/actors seize and which causal powers they exercise at any particular time. For example, management as a virtue of the position they occupied does not mean they can formulate

policies or strategies at the detriment of the workers and expect the union not to react. For the fact that actors/agents (management and labour) are capable of making relatively independent choices within their positions as a result of their inherent causal power, indicates that they can exercise their causal power at any given circumstances.

In addition, actors operating in the positions of management and employee are capable to either transform the employment relations of production and, thus their own positions. Transformation of the employment relations of production occurs mainly by unintended consequences of the actors' intentional actions. For instance, an agent (trade union) who occupies the position of an employee would not normally deliberately intend to transform the management employment relations, because the employee's intention of working is generally to earn a living. However, Bhaskar alleged that in order to transform the capitalist employment relations, actors have to acquire at most partial understanding of the real nature of these relations. Following Marxist theory, Bhaskar (1979: 81-90) alleged that actors need to understand the real nature of social reality in capitalism because they are systematically and ideologically deceptive and this is a necessary condition for the capitalist employment relations.

In light of the above, it is important to examine how contemporary employment relations in the Nigerian oil industry fit well with Marx's work. How some of the essential features of capitalism that was common in the capitalist factory when Marx wrote the *Capital*, better describe in its pure sense, today's capitalist state.

The employment relation of production in the Nigerian oil industry is currently about labour commodification and surplus-value/capital accumulation. Workers sell their labour power to the management in a way and manner that is different from the traditional forms of work (see Danesi, 2012). It is undeniable that the relations of labour commodification, exploitation and alienation, which were consistent to the capitalist employment relations in Marxist work, perceived to be in operations in the industry today. This is not peculiar to Nigeria alone, but to almost all the developing economies, which lacks decent labour legislation and organised trade unions. Therefore, the fate of the trade union/workers in the developing countries, particularly in the Nigerian oil industry is as cruel as it was in Marx's times.

Archer's (1995), analytical dualism captures Marx's argument that the conditions in which people make history are inherent from the past. At any given time in history, human action can reproduce or transform these social structures that preceding action has given rise to. The reproduction and transformation of structures is driven by social position of agents as

collective agents (as class or group), and as reflexive agents who possess powers to actualise or block generative mechanism, this is contingent upon how they perceive or define their interests (Archer, 1995: 174-176).

Likewise, action not only has the ability to reproduce, shape and transforms social structures', it can as well transform social agents, and an action defines within Marxism transformative impact of labour on the employee (Pratten, 1993: 417). Similarly, Archer's reveals the dialectical and historical approach in understanding the way the past interacts with the present through the social structures are historically constituted by the actions of past generations of social agents. This prior knowledge, thus, introduced elements of objectivism and inductive research. Thereby facilitating the development of a common understanding on what constitute knowledge of agency labour and trade union resistance, based on critical realism research strategy.

4.8. Critical Realism and Research Strategy

Critical realism does not define methods for analysing the social world; but it guides the researcher in a direction that could unearth the underlying structures and mechanisms that gave rise to agency labour, and the consequent challenges for the trade union. Realism acknowledges mental processes as existent phenomena just that they are not observed. Maxwell, (2008) further argues that a realist design represents what is actually happening, on the context other than what was initially planned. The setting may alter the direction over the conduct of the research, making the present design implemented to differ from the planned design. So, the design finally is the outcome of what was planned, interactions with the physical and social which are external to the initial design, which the researcher may not have been aware of at the beginning. In order words, the design did not only pay attention to what was planned but also what was happening within the study context.

The lack of explicit methodological preferences has been criticised and seen as a major setback of critical realism (Yeung, 1997). Nevertheless, drawn by the attention of the combined importance of previous social structures that restricts and enables social actors, thus interpretations and reactions arising from such relationship, critical realism is able to draw on the principles of both positivism and constructivism for selected insight and methods (Sayer, 1992: 36).

For the critical realism, the nature of the research questions and objectives determines the choices of methodological approaches (McEvoy and Richards, 2006). In this study the mixed-

methods approach was adopted, the combination overcomes the limitations of a mono-method, particularly, with positivist approach. Although, positivist approach to agency labour and trade union challenges, generates knowledge about various facets of employment and labour relations, such as, employment contracts, right to association and nature of work, while the constructivist approach provides a new and useful way of approaching problem by looking at the patterns of events and generate important insights into the phenomenon.

Putnam (1999) argues that subjective statements about person's beliefs, reasons, or rationale for doing something can be as valid explanation of the person's actions. The constructs and conceptualisation that people use to make sense of agency labour represent a valid dimension of reality (Kirkpatrick and Hocque, 2006; Carey, 2007). However, their conceptualization may be partially correct or completely incorrect (Ackroyd and Fleetwood, 2000: 11). For instance, trade union may be experiencing decline in membership because of increasingly utilization of agency workers, but lack a deeper knowledge of the structures that generate the declining nature.

The triangulation of different domains of a stratified social reality enables the researcher to gain in-depth knowledge of the phenomenon under investigation. The intransitive domain, the domain of the deep, which is unobserved, is revealed through theoretical abstractions that serve to explain the phenomena (Edwards, et al. 2014: 319-20).

However, Flick (2002: 227-229) argued, that "triangulation is not a tool or strategy of validation, but an alternative to validation; the combination of multiple methodological practices, empirical materials, perspectives, and observers in a single study understood, then as a strategy that adds rigor, breadth, complexity, richness and depth to any inquiry".

Therefore, concept abstracted from the empirical domain is the lens through which critical realist access the realm of the deep, thereby providing the explanations of the structures from which social phenomena arises. Bhaskar (1993: 339-40) reveals that these theoretical models constitute truth-like theories which aid as a bridge to the intransitive dimension. Risjord et al. (2002) expresses that the validity of truth-like claims about reality depends on the analytical generalizations through a process of retroductive inference, similar to the notion of abductive inference which seeks explanation rather than prediction. According to Danermark et al. (2002: 7), the ideas generated about a phenomenon provides the basis for conceptual framework that can best explain the phenomenon, as theory is refined by repetitively moving between lived experience and propositions about the underlying structures. Accordingly, the analytical generalization, therefore, is premised upon the explanatory power of theory, and it

is through the perceivable or observable realms that theories about the deep, intransitive domain of reality are maintain and develop.

This applies to Marxist criticism of the 19th century explanation of a fair day's pay for a fair day's work. The mode of operations over the working lives of the English proletariat as observed at the empirical level, which was rooted in his theoretical abstractions, which discloses social relations from which surplus value and capital accumulation emerges, thereby revealing the unperceivable structure necessary for the perceivable or observable phenomenon through retroductive reasoning. Critical realism's use of theoretical constructs to apprehend unobservable structures that give rise to observable empirical outcomes is compatible, therefore, with the Marxist distinction between "surface appearance" and "essence". Essence for Marx refers to the nature of phenomena, made knowable through the use of theoretical abstractions (e.g. the operation of the law of value as an ultimate explanation of the accumulation of capital, rather than classical economics' focus on price and wages as phenomena that can be observed).

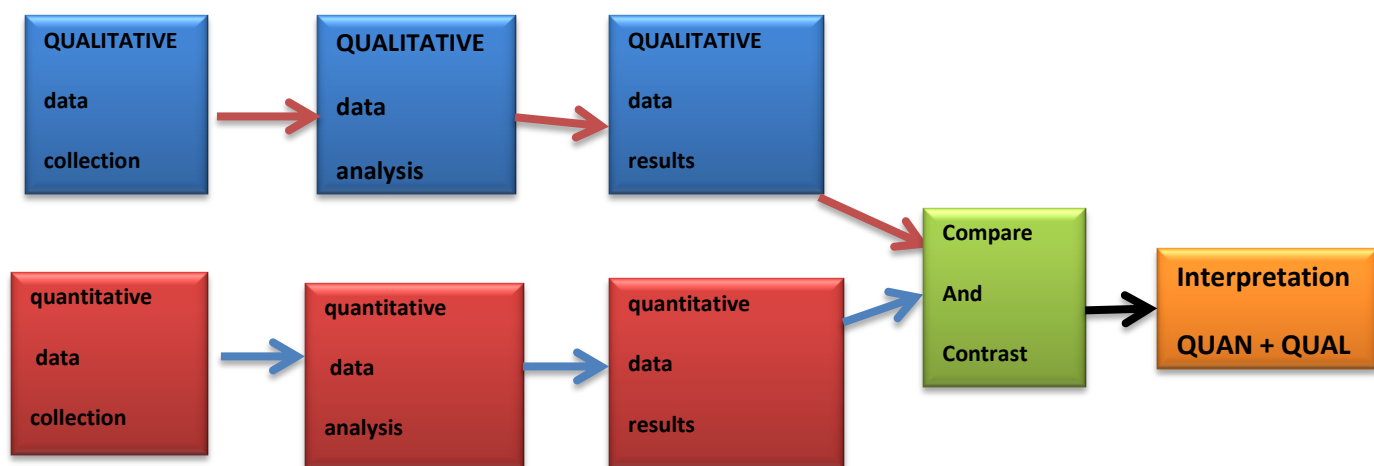
4.9. Research Strategy and Design

Critical realism recognises a deep knowledge of different dimensions to research study (Brown and Roberts, 2014: 300). Therefore, the research strategy applied in this study was premised upon the quest for possible explanation through a broad understanding of the diverse dimensions that feeds into, and constituted the phenomenon of agency labour in the Nigerian oil industry. The motive of integrating diverse sources of data (mixed methods:- qualitative and quantitative) was to get the perceptions of more than one stratified domain to understand the social reality of the phenomenon. The exploration of associated generative mechanisms (Reed, 2005: 1636), enables the researcher to gain knowledge of the domain of the deep not observed at the surface.

4.10. The Mixed Method Design

Researchers using the mixed methods approach are recommended to demonstrate the model that matches their research purpose (Tashakkori and Teddlie, 2010). The design below, is one of the visual model of mixed methods approach developed by Creswell and Plano Clark (2011; 2007:63) and deployed in this research. See Figure 9 below:

Figure 9: Triangulation Design: Convergence Model



Source: Creswell and Plano Clark (2007; 2011)

Creswell and Plano Clark (2011: 66) reveals key factors to be considered when choosing designs- understanding the intent, processes and advantages and disadvantages associated with each design. They went further to identify four determinants of mixed-method designs, they are: time, weighting, mixing and theorising. Timing refers to how best to collect both the qualitative and quantitative data, either concurrently or on a sequential basis. Concurrent data occurs when the researcher carry out both methods at the same time on a single phase. This implies qualitative and quantitative data are collected, results examined and interpreted simultaneously.

While in a sequential form, qualitative and quantitative data are collected one before the other in different time frame and it could be either any one of them first. The significance here is to use the results of one method to structure the other (Creswell and Plano Clark, (2011). By this way, the sequential method enables collaboration and complementarity.

Considering the timeframe for the completion of this study and the financial implications, the researcher adopted the concurrent mixed method approach as the best appropriate option. The researcher collected both qualitative and quantitative data concurrently on the same phase, and also analysed the result separately. The findings were converged at the interpretation stage. The aim of this was to have a robust and well-justified result of the research problem (Creswell and Plano Clark, 2011; 2007:65).

The second determinant is the weighting, Creswell and Plano Clark refers weight to the importance or priority accorded to qualitative and quantitative approaches in answering the research questions. The priority choice here is for the researcher to decide if great importance is to be accorded to one of the methods above the other or if both methods carry equal weight.

In this study, the researcher resolved in giving more weight to the qualitative method, due to its explorative nature in finding answers to the research questions. This indeed provides in-depth understanding of the employers' motives for the increasing utilization of agency workers and the denial of right to association.

The third determinant is mixing, which has to do with how the researcher should mix qualitative and quantitative methods and how the mixing of data should arise. The mixing of qualitative and quantitative methods may occur at different phases; the gathering of data, results, and interpretation or in all three phases (Creswell and Plano Clark, 2007:83). A research project that uses both methods without particularly mixing data collected from each is a collection of multiple methods. However, these authors described three overall strategies of how to combined data, they are: merging, embedding and connecting.

Merging of data is a process whereby the researcher collects both qualitative and quantitative data simultaneously and combines both data sets by transforming qualitative themes into counts and comparing these counts to the more explanatory quantitative data. In order words, separate both results during analysis phase and integrate both data sets at the interpretation phase. In this study, mixing of the qualitative and quantitative data occurred at the interpretation level, with the qualitative findings and quantitative results complementing each other, thus enabling triangulation. The main reason for using the triangular design is for the researcher to either directly compare or contrast qualitative and quantitative information or to substantiate or develop quantitative results with qualitative data.

Embedding of data at the design stage occurs when the researcher's main aim is to collect qualitative or quantitative data sequentially and use one of the other method to give supporting data. This strategy do not either merge or connect across stages, rather, the researcher may decide to embeds qualitative data within a larger quantitative design or conversely (Creswell and Plano Clark, 2007:83).

Connecting strategy applies to the process where the researcher decides to connect both data sets. Connecting may occur in the cause of data analysis of one method which may lead to the demand for other form of data, for example; a researcher may obtain quantitative results that lead to the subsequent collection and analysis of qualitative data (Creswell and Plano Clark, 2007:84). For example *"the researcher obtains contradictory qualitative results that lead to the subsequent collection and analysis of qualitative data from other sample in the study"*.

The last strategy is theorising, is the choice to either explicitly or implicitly use a theoretical stance to direct the research design. The researcher practically addresses research

phenomenon with some form of political connotation, structures or anticipations; these might be made explicit or implicit in a mixed method research design (Creswell, 2014:54). Theories act as the orienting lens when there are explicitly applied, which frames the kinds of research questions asked, the people involved, and how data is to be collected. This study is theory guided and has considerable influence on the research questions asked, the selected samples involved and the methods of data collection. The integration of theoretical descriptive and narrative analysis, perceptions and meanings of social actors, addresses the various (interconnected) levels of investigation, interrogation and analysis through the process of case study (Creswell, 2003; Yin, 2003).

4.11. Research Strategy (Case Study Approach)

Yin (2014: 16) defined “Case study as an empirical research that investigates a contemporary phenomenon within its context, or within a number of real-life contexts. Therefore, by the disposition and exploratory nature of the research questions the case study approach was considered much appropriate for this study. (Yin, 2014: 4). This approach permits for a comprehensive investigation and understanding of management rationale for the increasing usage of agency labour and the oppositions of the trade union in the context of the Nigerian oil industry (Creswell, 2009; Yin, 2009).

In essence, this approach aids the researcher in understanding the phenomenon, more also as it is conducted in a real-life context. Likewise, as most scientific experiments are repeatedly examining by using multiple cases, so also is case study research using multiple exploratory samples on same research phenomenon (Yin, 2014: 4). Hence, this study adopted three-selected oil MNCs (Shell, ExxonMobil and Chevron) from the Nigerian oil industry as cases to be treated. Gummesson (2000) argues that, even in the medical field, doctor’s competence hinges on knowledge based on several people cases. Therefore, the mixed methods strategy adopted, as well as the three companies employed in this study enables some flexibility in terms of generalisation.

Yin, further ascertained, that the singular need for case study, proceeds out of the quest to understand complex social phenomena. This enables the researcher to close on a case and have holistic and important features of real-world events such as the trade unions actions, organisations and management behaviours. The case study requires a face-to-face interaction with the people involved through semi-structured interviews. Yin (2014: 106) recommends other forms of evidence, which can be applicable to case study method, that is distinct from

qualitative and quantitative methods, and observational evidence. Yin provides the following illustrations by evaluating their advantages and disadvantages. See Table 7 below::

Table 11: Yin Source of Multiple Exploratory Samples

	SOURCE OF EVIDENCE	ADVANTAGES	DISADVANTAGES
1	Interviews	Targeted - focuses directly on case study topic. Insightful - provides explanations as well as personal views.	Bias due to poorly constructed Questions. Response bias. Inaccuracies due to poor recall. Reflexivity - the interviewee gives what interviewer wants to hear.
2	Direct Observation	Immediacy - covers events in real time. Contextual - covers context of event.	Time consuming. Selectivity - unless broad coverage.
3	Physical artefacts	Insightful into cultural features Insightful into technical operations	Selectivity Availability
4	Documentation	Stable - can be reviewed Repeatedly. Unobtrusive - not created as a result of the case study. Broad coverage - long span of time, many events and settings.	Retrievability - can be difficult to find Biased selectively, if collection is incomplete. Reporting bias-reflects (unknown) bias of author. Access may be deliberately blocked
5	Archival Records	[No editing for documentation above] Precise and quantitative.	[No editing for documentation above]. Accessibility due to privacy reasons.

Source: Yin (2014: 106)

Based on the above table, the researcher resulted in using interviews and questionnaires. Triangulating these sources of data in a complementarity form provides answers to the kind of questions that are perfectly addressed by case study research, the “what, why” and “how” questions which are posed by contemporary event and mainly concerned with presenting valid representations of reality (Yin, 2014: 10).

The ‘what and why’ questions enquired of the management rationale for the growth of agency workers, ‘why’ the trade union resistance, and the ‘how’ has this attempted to meet the challenges. However, physical artefacts are considered inappropriate, because this study focuses on investigating the managerial rationale for agency labour, and its impact on the employment relationships in the Nigerian oil industry.

A rare strength of the case study strategy is the capability of incorporating a range of information, for instance, interviewing, documentations, and observations. Multiple data sources can aid to address the problem of formulating validity as these provides multiple ranges of the same construct (Yin, 2009). The Multiple methods of investigations also enable data to meet in a triangulating pattern. However, there is the likelihood to see the case studies as purely qualitative; this is certainly not the case here (Bryman, 2008). This case study goes beyond being qualitative; it is a collection of both qualitative and quantitative evidence. The combination and contrasting of different viewpoints can formulate a robust and comprehensive understanding of the phenomenon (Schirr, 2012: 473).

However, a major criticism of the case study strategy is the external validity or generalisability. According to Bryman, (2004: 51) cases are anticipated to provide the right context for specific research questions to be answered and not because cases are the ultimate or very great. However, Yin (2014: 57) indicates that the most significant issue is not whether the findings can be generalised largely, rather how well the researcher generates theory out of the findings.

4.12. The Rationale for the Case Study

More significantly is the socially constructed nature of reality (ontology). Ontologically, the study is an objective reality that actually exists and the investigator believes in both singular and multiple realities.

Epistemologically, the study is objectivist and positivist. It is a positivist because of the phenomenon investigated, which is an objective social reality and required involvement of the researcher by means of interactions and observations and the reviewing of distinctive and verifiable objects and phenomenon. Case study allowed the use of multiple means for data collection and since this research utilises multiple means of data collection, case study is much suitable for the study.

Case study afforded the researcher the opportunity to study the phenomenon in its natural setting and meaningful theory emerged from the observation of actual reality. Also, since this study focuses on contemporary issues, the case study strategy was viewed as appropriate because it enables in-depth insights into the phenomenon investigated in its context.

Welman et al. (2005) emphasized on the use of case studies as a single system of analysis, which involves human beings, companies or groups comprehensively investigated. Therefore, a case study leads towards understanding the distinctiveness and traits of a particular phenomenon in its complexity. Welman et al. (2005) buttresses on the importance of carrying out investigation in its context, it helps to understand the natural situations of the phenomenon.

The case study research goes beyond ensuring an in-depth understanding of complex problems, but can also increase experience or enhances the knowledge of existing research.

4.12.1. Why Three Cases

Yin (2014) argues that the only way to guard against bias is to use multiple cases and “the evidence from multiple cases is often considered more compelling, and the overall study is therefore regarded as being more robust. A major insight is to consider multiple cases as one would consider multiple experiments” (Yin, 2014:57). Likewise, Stake (2005) alleged, to get a better understanding of the research problem, there is need to choose cases that are very significant, thus the three oil multinational companies selected amongst others in the industry.

Voss et al (2002) alleged that although a single case study can proffer an in-depth understanding, but its drawback is in the area of generalizability of the findings. Likewise, a single case study can lead to misinterpretation of the representativeness of a single event and the propensity to amplify data is likely.

Despite the fact that there are arguments on the number of cases that should be used, Perry (1998) believed three cases is appropriate. Voss et al (2002) noted that a smaller number of cases would yield greater depth of understanding.

4.12.2. Justification for the Three Companies Cases

This study conducted an empirical investigation on three-selected oil MNCs: Shell, ExxonMobil, and Chevron Nigerian and these represent a fair reflection of size and diversity. The rationales behind these three companies are:

- i. They are the largest oil producing companies with joint ventures with the Government of the Federal Republic of Nigeria.
- ii. They have the highest number of workers on triangular employment contracts.
- iii. They have the highest number of strike actions
- iv. Yin (2003) suggested that researchers should cautiously select cases to be studied so that each case selected either, predicts similar outcomes or predicts conflicting outcomes, but for predictable analysis. Thus, collecting data from these companies using mixed-methods approach facilitated comparisons across three giant companies and better understanding of the phenomenon.
- v. Before considering research site(s), accessibility should be paramount (Stake, 2005). Silverman (2002) observed that accessibility and accommodation should be the basis, which guides researchers in their selection of case studies, since accessibility aids in providing with relevant and precise information. Thus, in this study, accessibility is one of the major factors for choosing the three companies.

4.12.3. Accessibility

An official letter(s) from the Department of Petroleum Resources (DPR) is the first point of entry into the oil industry for research purposes. Hence, an official letter was sent to DPR (see Appendix 3, page, 308), although, delayed in response from the DPR, prompted the researcher to devised other means of gaining physical access to the oil MNCs. The researcher gained access to the interviewees through the trade unions representatives who are employees of Shell and Mobil, as well as a management staff of Mobil and a senior staff of Shell respectively.

4.13. Sampling

Merriam (2002: 179) noted that the selection of the cases is not done randomly but purposefully, in that, the individual, site, event, process, community, or other bounded system to be studied is selected because the researcher is interested in the characteristics it exhibits. Therefore, selecting the study population in this research, purposive sampling techniques were adopted in choosing the participants that were most suitable in answering the research questions and meeting the research objectives.

Purposive sampling was considered to be the most suitable methods for the study, since the research questions and objectives demands selecting specific participants who are considered well-informed and have the necessary information required to answer the research questions.

Sekaran (2003) argued that purposive sampling is limited to a particular set of participants that can proffer the desired information, either because they are the only ones who have it, or to conform to some criteria set by the researcher. Hence, the selected respondents were in the best position to provide the necessary information the researcher needed.

Accordingly, sample for this research were drawn from various departments that interfaced with human resource practices in the above companies. These includes senior management, professionals in the field of Human Resource Department, Line- Managers, Trade Union Representatives, Employees, Ministry of Employment and Labour, Employment Agencies, and Community Leaders from the Niger Delta region who frequently interacts with the oil companies and from the preliminary investigations, it was revealed that the management of the oil MNCs give them more attention. Besides, the host communities are the major beneficiaries of the social intervention programs of the industry.

Therefore, to have a comprehensive understanding of the growth of agency labour and its threat to employment relationships, it was expedient that the views of various stakeholders who have interests in, or are affected by the practices were taken into considerations. This is essential if the study is to produce a more balance viewpoint on the subject or matter of concern under investigation.

4.14. The Fieldwork/Data Collection

The fieldwork span between the period of May and October 2015, in Nigeria, and the interviews took place in Lagos, Port Harcourt, and Eket. In Lagos, visits were made to the head offices of the Directorate of Petroleum Resources (DPR), Chevron, ExxonMobil, and Shell. Other institutions visited were the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), and Nigerian Union of Petroleum and Natural Gas Workers (NUPENG), as well as Accenture and Kimberly Ryan Ltd. While in Port Harcourt, the researcher visited Shell Office and Ogoni land Community leader, and in Eket, the researcher visited ExxonMobil and a community leader. The government institution visited was the Ministry of Employment and Labour.

These visits were imperative to intimate the participants of the research purposes and to build trust with the participants. An informal discussion based on preliminary interview questions, questionnaires ensued in these visits, and through these discussions, and the researcher was privilege to know the names of the participants to proffer the right answers to the research questions. Thereafter contacts exchanged and appointment for the first interview was

scheduled. However, the informal discussion that ensued based on the preliminary interview questions and questionnaire led to a Pilot study of both the qualitative and quantitative questions.

4.14.1 Pilot Study Aim

A pilot questionnaire is a feasibility approach carried out to clarify or modify the research questions in the event of any challenges in understanding the questions by the sampling group before conducting the final phase of the fieldwork (Pilot, et al. 2001:467). In the same approach, Saunders et al. (2003: 308) argued, "the purpose of the pilot test is to refine the questionnaire so that respondents will have no problems in answering the questions and there will be no problems in recording the data. In addition, it will enable researcher to obtain some assessment of the questions' validity and the likely reliability of the data that will be collected".

The pilot questionnaire helped to understand the practical features and to explore the concept of agency labour at the industry level. Spending time carrying out the pilot study had added advantages. It presented the knowledge to assess the logistics of the fieldwork, such as, appropriateness of questions, response rates, timing, and resources. The Pilot study was a useful mechanism in the planning process of the actual fieldwork; it improved the effectiveness of the research questions.

The pilot study established that semi-structured interview is a suitable exploratory method. They allowed for a formal set of questions to drive the interview forward as well as allowing for the exploration of other issues of concerns should the need arises. In this regard, the researcher could raise issues that warrant more explanation or which are unlikely asked under structured approach. The semi-structured interview requires time management skills, acquired through the pilot study. The acquisition of time management skill was particularly useful at this point, as it helps the researcher identifies areas of interests and focus quickly on the questions. This was very helpful as some of the interviews were conduct during strict official hours.

4.14.2. Pilot Study Technique

The appropriate participants for the pilot study identified through the contact of two senior managers and two trade unions representatives who assisted the researcher to pilot the questionnaires and check for any ambiguities.

The study involved one-on-one interviews with six ExxonMobil managers as well as PENGASSAN and NUPENG representatives in Lagos. This zone harbours the headquarters of oil MNCs, as well as that of the PENGASSAN and NUPENG. This was also within the access of the researcher base, which means that interviews could be arranged at relatively short notice if necessary.

The general observations were that the questions for the management were too many, that no manager has all the time in the world to sit and answer all the questions. The researcher advised to prudently cut down on the questions or modify them. The trade unions representatives discovered that the questionnaire questions, drawn from previous literature, were articulately specific; however, three questions advised to be redrafted for clarity purposes, which the employees might misconstrue. At the end of the Piloting phase, the researcher was confident that both the interview questions and questionnaire were appropriate and acceptable.

The researcher simultaneously administers both qualitative and quantitative methods; this act was more economical and time saving, however, followed by supplementary interviews with the agency workers. With the semi-structured interview, it implies that, the researcher had predetermined themes and questions to be asked; however, there were provisions for contingencies should the need arise as it was later discovered after the informal preliminary discussions. This study adopts the mixed- methods approach, the primary source (qualitative) was used to find out the rationale and extent employers engage in the use of agency labour and why the opposition by the trade union. While the secondary source (quantitative) was used to find out workers' views on this phenomenon.

4.15. Qualitative Phase: Semi-Structured Interviews

The overall approach to the interviews was one of a guided conversation facilitated by a checklist of semi-structured questions (see Appendix 6, pages, 311-12) to be covered. The researcher has anticipated that unforeseen themes would emerge from the interviews, for this purpose, the researcher did not intend to restrict interviews by assigning many predetermined categories to the interview schedule (Patton, 1990). The purpose was to draw out a range of relevant themes, including unanticipated ones (Bauer and Gaskell, 2000).

This study from the outset targeted to interview only key number of informants, using purposive/purposeful sampling. Purposive/Purposeful sampling, is a selection based on how valuable respondents are for the pursuit of the investigation (McEvoy and Richards, 2006: 67), it is a popular sampling technique in qualitative research. However, as the interview

phase progresses, there were emerging contradictory and confusing themes that needed more clarifications, this prompted the researcher to involve agency workers who were not in the original plan from the outset. Agency workers are key informants as well, because they are the cause of the contentious behaviour in the industry.

Key informants are respondents that can provide vital information on the phenomenon under investigation. They can be experts on the phenomenon, either through their official roles, or informally given their absorption in research settings. They may likewise have insight into the wider social, political and economic context. They can also act as a link to individual respondents, and therefore, play a significant role in the research process.

Thus, respondents selected across the three oil MNCs, are significantly crucial to the phenomenon under study. They are of various categories: the management, trade unions officials, employment agencies, ministry of employment and labour, community leaders and agency workers. The total respondents interviewed were 38 in number as shown on Table 8 below. To Bauer and Gaskell (2000: 9) large numbers of respondents do not guarantee a better quality dataset, however, argues that it is more appropriate to employ wider range and variation of experiences, views and perceptions, which will enhance findings.

Table 12: Interviewee Participants:

No.	DESIGNATION	SHELL	EXXON-MOBIL	CHEVRON	TOTAL
1	HR Generalists	2	2	1	5
2	Exploration/Production)Line Managers	2	2	1	5
3	HR Officials(Operations and Compensation/Benefit Specialists)	1	1	1	3
4	Finance	1	1	1	3
4	Trade Unions Representatives	2	2		4
5	Employment Agencies				2
6	Community Leaders				2
7	Ministry of Labour and Productivity				1
8	Agency workers	5	5	3	13
	SUB-TOTAL				38

The researcher asked some introductory questions before the relevant questions. These set of questions sought to provide demographic and employment overview of the participants, as stated below:

- Name of Company
- Length of Time in the job
- Position Occupied
- Work Location

Some of the interviews were conducted in the respondents' offices this provides the privilege of giving the researcher relevant documents and communicate to validate their assertions. Others were conducted outside the office setting as a result of their busy schedules, the respondents' chooses the place and the time that were most convenient for them which was basically in the evenings. The itinerary permits the researcher to spend between 35minutes to 2 hours' maximum with each interviewee. The interviews conducted in English language but with the exemption of the two community leaders who spoke in "Pidgin English".

The researcher made known to the respondents of the recording purpose both in the consent form and verbally, based on anonymity and confidentiality, which some of the interviewees consented before the interview commenced. A Sony Olympus voice recorder was helpful in this regard. Some of the interviews that lasted for two hours were because few of the respondents who wanted to be sure of the information provided, asked the researcher to play back their interview section, which the researcher humbly obliged. The researcher reassured the interviewees of utmost confidentiality of information given, as the researcher could deduce anxiety surrounding an element of prying into company affairs and gaining inside information on the strength and weaknesses of the management. At the end of each interview, the researcher thanked the interviewees for their time.

However, the needed cooperation from the employment agencies was not forthcoming. Armed with the address of these companies, formal letters were sent asking for their cooperation in the fieldwork, there were no responses from them except one, stating that due to the sensitive nature of their business they did not feel comfortable in accommodating the researcher presence.

This disheartening response necessitated the researcher to have a rethink of how to approach these companies to allow access, rather than taking what was in effect a cold calling approach.

The researcher felt the option now, would be an introduction or a link from previous contacts from the oil MNCs.

The only disadvantage of opting for this strategy is that, personnel from the oil industry would recommend employment agencies who comply with their norms. There is this logical tendency to recommend companies with good relationship and this might reflect trade unions bias within the companies. More so, there is the inclination that the oil personnel are likely to pick companies that are compliant with the conditions of the oil MNCs and employment contractors' agreement on agency workers. Likewise, having handpicked companies may contradict the aspects of having random responses from a list of participants. The primary benefit of this approach was that, there was open access to the interviewees both in Lagos and in Port Harcourt. The researcher got access to two of the employment agencies through Shell and ExxonMobil personnel.

4.16. Quantitative Phase

In the cause of the researcher visits to PENGASSAN AND NUPENG headquarters in Lagos, it was advised that the researcher be present at the emergency joint National Executive Council (NEC) meeting between PENGASSAN and NUPENG on the 13th of August, 2015 for the onward distribution of the questionnaires. The researcher had anticipated that activists attending this meeting would be more than willing to participate in the survey, and likewise distribute among their members in their respective zones; the researcher fieldwork itinerary includes covering the three geographical zones and to collect the questionnaire on arriving in each of the zones.

By mid-way into the meeting, they invited the researcher to brief NEC about the research and solicit for their support, thereafter; about 250 questionnaires handed out on that same day to the unions' officials. The response was overwhelming with zonal representatives agreeing to help distribute and collect the questionnaires, although, there were constant telephone calls made by the researcher as a follow-up to the officials before arriving at each zone for collection.

However, the researcher experienced some challenges in collecting some of the questionnaires at the agreed time during the NEC meeting, which consequently saw the researcher staying longer than planned in the Niger Delta region, thus leading to financial constraints. Out of 250 questionnaires distributed, 100 questionnaires were administered to Shell, and 73 were completed and returned. 100 questionnaires were given to ExxonMobil, and 66 were completed and returned. While 50 questionnaires were delivered to Chevron, and

37 were completed and returned. Therefore, a total of 176 (70.4 per cent) completed questionnaires were retrieved by 10th of October 2015.

Table 13: Respondents

Nature of Employment	Shell	Mobil	Chevron	Frequency	Per Cent
Permanent Staff	25	24	11	60	33.1
Contract Staff	26	20	12	58	32.0
Service Staff	7	12	9	28	15.5
Support or Manpower Staff	15	10	5	30	17.14
TOTAL	73	66	37	176	

From the Table 9 above, respondents with various employment contracts participated in the survey. The ratio of the permanent employees' respondents (60) is more than each category of the agency workers (contract 58; service 28; and manpower 30 staffs). However, the total sum of agency workers are more than the permanent employees, this indicates that agency workers are likely to be more in the oil industry.

In summary, it is an interesting mission. It is fair to admit that the fieldwork was a good moment for the researcher to meet and know more people as it relates to employment relations in the Nigerian oil industry. The trade unions and employees were more than willing to provide all the necessary supports they could render in seeing to the successful completion of the study; however, both the NEC officials and two of the senior managers from ExxonMobil and Shell want to have copies of the research at the end of its completion.

4.17. Triangulation, Validity, and Retrodution

Since critical realism believes that our knowledge of the world is incomplete, and that the aim of research is to produce a thorough and robust explanatory account of a phenomenon, procedures involves in evaluating critical research hinges on approach of completeness. For research informed by critical realism, mixed or multiple methods can bring the researcher closer to the nature of the phenomenon through the exploration of its various dimensions, and the triangulation of these numerous methods of data collection (Denzin and Lincoln, 1998:9).

Easterby-Smith et al. (1991) analyses of four types of triangulations namely: data, investigator, methodological, and theoretical. Data triangulation is the acquisitions of data from various sources. Investigator triangulation is when different investigators utilize to

collect the same data. Methodological triangulation has to do with using different methods to collect data (e.g. quantitative and qualitative methods). Theoretical triangulation brings to a successful conclusion when different theories bear the same results. In this study, methodological triangulation was applied to examine transcripts from interviews and data from the questionnaires. This form of triangulation, where researchers employed various resources is highly acknowledged, and the easiest to implement. The methodological triangulation verified the validity of the study (Yin, 2011).

Olsen (2004) argues that triangulation is not necessarily an aim just to validate research but also, and more importantly at deepening and widening of understanding. This is contrary to the positivist approaches to validity, which hold firm to rigorous codification of research procedures, while qualitative approach lacks operationally defined tests of validity (Eisner, 1991: 53). Qualitative research is often criticised for lacking scientific rigour, and one of the disapprovals is that it is strongly subject to researcher bias and therefore, may not be objective (Ghauri and Gronhaug, 2005:58). Notwithstanding the fact that there are arrays of terms within qualitative approaches that act as substitute markers for validity and reliability, for instance, authenticity, credibility, dependability and trustworthiness (Lincoln and Guba, 1985: 53), there is no general agreement as to what validity entails (Creswell, 2003: 196).

However, researchers can only have attained Validity in qualitative research through various forms of crosschecking. Validity is a form of in-built checks and controls, which is construed through four tests of: construct validity, internal validity, external validity and reliability (Saunders et al., 2009). Validity is about efficacy (Silverman, 2011: 275), hence, this research defines it as the extent to which a report accurately represents the utilization of agency labour and trade unions' challenges. Validity is also, about how accurate the flexible work arrangements influence the issue of mobilization.

Internal validity is about causal relationship, whereby certain actions shown to have led to other actions as distinguished from bogus relationships (Silverman, 2004; Easterby-Smith et al, 1999; Yin, 1994: 33). In this study, this was achieved by purposive sampling, which was employed during management, trade unions, workers, and the subsequent addition of agency workers' interviews, which proffers the desired information on the way and manner agency workers are utilised in the industry and the consequent opposition by the trade unions.

Construct validity is concerned with the idea that the research design fully addresses agency labour and unions challenges (White, 2000: 25, Kasanen, 1993; Easterby-Smith et al, 1991:41). Construct validity was achieved through triangulation of the multiple data sources, that is, management, trade unions, government, employment agencies, agency workers and community leaders' interviews with that of the general workers' data from questionnaires. Construct validity was also incorporated within the research design by ensuring the research questions were worded in semi-structured forms for the interviewee. The semi-structured pattern was to enable the researcher probe for further questions when the need arises focusing at the phenomenon from different perspectives (Rao and Perry 2003).

External validity establishes the domain to which a study's findings can be generalised to other oil companies and sectors in Nigeria (Saunders, Lewis & Thornhill, and 2012: 194; Yin, 1994: 33). External validity indicates the ability of the research findings be represented beyond the immediate cases under study (Cresswell, 2007). This research achieved this as it followed a critical realist paradigm and case study, which permits theoretical or literal replication.

Literal replication simply means cases yielding results that are similar for predictable reasons; however, if cases produce contrary results for predictable reasons, it is theoretical replication. Thus, by adopting a critical realism paradigm, the context is influence by other factors like political, social; economic hence selection of cases based on contextual replication. As the study premised on contextual replication, multiple cases employed to improve external validity.

Ordinarily conditions for reliability can only be achieved through the replicability of a study (Gray, 2009). Reliability is about consistency of research, and whether another researcher could use the same research design and obtain similar findings (Gray, 2009; Saunders, et al 2009: 192), or whether the researcher would expect to obtain the same findings if she tried again in the same way (Silverman 2011: 275). In the quantitative research, this is achievable by the consistency of measures, while in a qualitative research; reliability can be increased using semi-structured framework of themes (Yin, 2003). In this current study, the reliability of the interview data was increase by the discovering nature of the interview themes, which subsequently leads to the inclusion of the agency workers in the interview.

In addition, reliability was achieved by producing data extracts through cross-examination of the agency workers who were originally not in the scheme of plan of this study. This move

encourages this helpless class of workers to give more information, which further added vigour to this study. Reliability was also achieved as there was a comparison of researcher's results with those in literature about flexible work arrangements and trade unions struggle (Danesi, 2012; Fapohounda, 2012; Adewumi and Adenugba, 2010; Atkinson, 1984).

As a critical realist, the value of the research project is established through an emphasis on depth and extent of research aimed at building a more thorough, robust, and compelling report and clarification of social life. Several approaches employed by critical realism for evaluating research work are to some extent shared with interpretivist research methodologies, such as Creswell (2003: 196) eight approaches for verifying the accuracy of any research work.

It is feasible to recognised three approaches, which can apply to a critical realist perspective- (i) is the application of various data sources, (ii) clarifying researcher bias through reflexivity (self-reflection) - researchers should adopt a reflexive approach to the data they collect by creating an open and honest narrative that will resonate well to the readers. This point often overlooked in quantitative research where the data takes on an objectivist existence once converted to "manipulatable" statistics. Lastly, (iii) Creswell recommends researcher presents conflicting information that is at variance to themes or assumptions constructs or inherent from the literature. Problems arising from conflicting perspectives can therefore results in a deeper probing, identifying and resolving inadequacies, for example, the involvement of agency workers in this research.

Generally, the aim of this research has been to produce a robust and comprehensive report of the phenomenon, through the interpretation, which can be held up against the various data sources, and the theoretical framework that underpin the study. Hence, the adoption of a critical realist approach to triangulation, which involved corroboration and completeness with a retroduction approach, was adopted (McEvoy and Richards, 2006). Retroductive inference built on the premise that social reality consists of structures and internally related objects but that knowledge can only be attained of this social reality if the researcher go beyond what is empirically observable by asking questions about and developing concepts that are fundamental to the phenomenon under investigation (Meyer and Lunnay, 2013).

Danermark, et al. (1997), argued that in the social sciences, retroduction is a mode of inference that is essential. Retroduction is a means of knowing the conditions fundamental to the existence of phenomena. For example, it could be possible that the growth in the use of

agency labour is to enable organisations to remain competitive in the global market. It could also be a cost reduction motives, or to weaken the labour movement.

Accordingly, understanding the fundamental concepts of this study, confirmation was sought through an examination of various facets of the phenomenon, while corroboration occurs at all levels of data analysis, through the process of retroductive abstraction, and completeness (McEvoy and Richards, 2006: 72). In its wider-dimension, triangulation is the integration of more than one group perspectives, appropriating as much of reality as possible in order to increase the validity of the evidence given and reinforce the accuracy and representativeness of the data (Downward and Mearman, 2006: 79; Denzin and Lincoln, 1989: 89).

The ways and manner these multiple sources are analysed and interpreted likewise influences the potency of the report. According to Flick, (2002: 227) “triangulation is not a tool or a strategy of validation, but an alternative to validation; the combination of multiple methodological practices, empirical materials, perspectives, and observers in a single study understood, then as a strategy that adds rigor, breadth, complexity, richness and depth to any inquiry”. For example, the management of the oil MNCs argued that the Nigerian Oil Industry Content Development Act authorised them to outsource 90% of all jobs in their companies, thus, a justification to engage in triangular employment relations. However, the trade unions refuted this claim. As they have consistently asked, the management to show them the specific provision(s) in the Nigerian Content Development Act that permits them to do so.

In the above scenario, the proven documentation of the Content Act can only justify this argument. Hence, multiple sources enable the researcher to recognise and avoid bias. This study, therefore argues that, while it is essential to acknowledge and make known the standpoint of the researcher, it is inadmissible (and impossible) to completely eradicate bias from the research process. Thus, the findings of this study are shape by the data and by the interpretation given to the data.

The interpretation has been premised upon the philosophical and theoretical positions that were earlier discuss in this chapter. This approach to research is informed by an appreciation of critical realism emancipatory goal (Wilson and Green, 2004). Taking into consideration that readers need to be reassured that data is not simply manipulated to fit the arguments, but the integration of multiple sources, critically analysed according to the logic of theoretical retroduction, seeks to provide a compelling report of agency labour and trade unions challenges in the oil capitalist industry of Nigeria.

4.18. Ethical Approval

The University of Salford Business School Ethics Approval Committee approved the researcher's Ethics Approval Form (see Appendix 1, page, 305) before embarking on the fieldwork. This is important for the protection of the participants and their rights. The researcher was armed with two-sets of letters for the participants, one of the letters contained information of the purpose of the study and what it intends to achieve. The second was a consent letter (see Appendix 2, pages, 306-7), which provided information of consent to participate in the interview and to voluntary withdraw from participating in the interview at any point in time.

The consent letter provides information of the anticipated interview timing as well as audio recording device, which was promised to be very confidential. The interviewees were asked to sign the consent letter to indicate they understood what the research involved and if any queries could be directed to the researcher supervisor whose information was provided in the consent letter. The participants guaranteed that the information provided would be solely used for the purpose of this research under anonymity, confidentiality and securely protected.

McNeil and Chapman (2005: 12-14) indicated six ethical guidelines that a researcher must adhered to: first, all participants must be informed of what the research is about (consent letter). Secondly, must not be deceptive of the purpose of the study. Thirdly, the participants' privacy protected. Fourthly, anonymity and confidentiality should be the watchword and upheld. The fifth, the interviewees should be protected from any harmful object both physical and emotional, and lastly, avoid situations of being drawn into crime of deviant behaviour. However, Burns and Grove (2011) observed that with qualitative method, complete anonymity is impossible, as the interviewer will be aware of the interviewee. To safeguard the interviewee's privacy and confidentiality, the researcher solely transcribed the interview data and conspicuously avoids the use of real names, rather, fictitious names created to represent interviewee's identities.

4.19. Limitations

There were no responses from the employment agencies except one, stating that due to the sensitivity of their business, they did not feel comfortable in accommodating the researcher presence. There was no cooperation from the employment agencies. Having hand-picked well organised and compliant companies by the oil MNCs personnel contradicts the aspects of having random responses from a list of participants.

Another problem encountered was the refusal of tape-recording by the employment agencies, despite the assurance of anonymity. The researcher also had similar issue of recording with some of the management staff of the oil MNCs, but on the assurance of anonymity, most of them agreed. Although some asked for a replay, which was time consuming.

The possibility of bias (researcher and facilitators) in questionnaires may exist. The researcher was privileged to be invited into PENGASSAN and NUPENG National Executive Council Meeting of the 13th August, 2015 for onwards distribution of questionnaires. A total of 250 questionnaires were handed over to all the zonal leaders for onward distribution in their respective zones or branches. However, the researcher had anticipated that activists would be more willing to distribute to their members only. However, from the statistical analysis of the respondents, it was discovered that the questionnaires were evenly distributed among the permanent employees and agency workers, as can be seen from Table 9, page, 119.

Lastly, the researcher would have desired to stay longer in Nigeria, to collect more of the questionnaires, however, due to time constraints and additional cost of the research, particularly because of the financial constraints faced by the researcher as self-sponsored researcher, the research was guided against any extended stay and kept within the bounds.

4.20. Summary

This chapter has presented a comprehensive analysis of the research methodology, whereby after careful considerations, critical realism was adopted, due to its relevance in finding answers to the research questions. The methods utilized in data collections explained, as well as, the approach for data collection through semi-structured interviews, and questionnaires.

A case study strategy was adopted to gain in-depth understanding on the managerial motives for agency labour and the challenges confronting trade unions in the Nigerian oil industry. This strategy permits the researcher to focus on limited cases and other relevant participants.

The rationale for the choice of the three oil MNCs were duly justified. The sample size for the research was discussed and justified. Lastly, the study significantly elaborates on data triangulation, validity and retroduction inference to show the rigor and robustness of the research. The next two chapters present the outcomes of the fieldwork which is both quantitative and qualitative research findings.

CHAPTER 5: Quantitative Research Findings

5. Introduction

This chapter presents the findings from the quantitative survey conducted in this research. The initial plan for the presentation of the data evidence was to present the qualitative results then followed by quantitative responses. However, the responses from management and trade unions necessitated some basic amendments in the questionnaire. This was needed to uncover the underlying conflicting issues between the management and the trade unions, particularly, with regard to the terms of employment contracts of agency workers and their relationships with the trade union, as well as, their attitudes towards unionism.

Employment relationships in the Nigerian oil industry cannot be fully understood without considering the wider employees' views on the growth of agency labour upon which the management formulate their strategies. Therefore, the responses from the broader workforce perspectives through the questionnaire, provides robust data to the afore-mentioned clarifications. This fore-knowledge is needed to unravel the contradiction on management and trade unions views.

5.2 Quantitative Data Analysis and Presentation

This section presents the results of the quantitative data analysis and interpretation. The questionnaires were handed out after the first phase of interview. The statements from some of the interviewees prompted the researcher to redesign some questions to address all the possible points that were raised in order to achieve the purpose of the research. The unit of analysis was mainly drawn from the agency workers of Shell, ExxonMobil and Chevron Nigeria. This is due to the fact that they are the ones at the receiving end of managerial policies and directives which impact on their rights to association, although, both the unionised standard employees and the few unionised agency workers in the industry also participated in the survey. Sekaran (2003: 266) defines a research population as the entire group of people, events, or things of interest that the researcher wishes to investigate. Hence, the entire categories of workforce were well represented in the survey (see table 2); to checkmate every possible bias.

The questionnaire below is divided into eight sections (A-H), which further comprises of sub-sections. Section A-B questions were merely to tick which is applicable. Section C-H was closed-ended questions. It is more of Likert-ordinal Scale which comprises a statement and

five response statements. The respondents were asked to choose response categories that already had figures assigned to them. For example, the response, which was also pre-coded, comes in these forms “Strongly Agree (5); Agree (4); Neutral (3); Disagree (2) and Strongly Disagree (1).

The first section (A) requested the respondents to provide personal information, the name of their company, industry and company experience. This is needed to differentiate the respondents’ company’s level and the level of experience. The second section (B) is about employment and union status, involving: current employment status, annual takes home income and trade union membership. This is to enable the researcher to ascertain if the questionnaire were well appropriated across the purposive sampling, as well as, to acquire first-hand information on which of these purposive sampling belongs to union and which do not belong, and why.

The third section (C) is to discover what the workforce considered as the major rationale for the utilization of agency labour. This is to ascertain if the most perceived factor (s) is in conformity with the outcome from the managerial interviews. The fourth section (D) deals with the trade unions resistance to the growth of agency labour. This is to establish from the broader views which is the most considered factor(s).

The fifth section (E) relates to any perceived wage related issues as a result of two-tier workforce. This section is to determine if there are any consequences as a result of income deferential, particularly as it concerns wages and social benefits. The sixth section (F) is related to trade unions organisation. This is to find out how the workers perceived or relates to union’s representation.

The seventh section (G) is about the likely implications/consequences of the new work arrangements on both the standard employees and agency workers. The last section (H) is related to the causes of the exacerbating conflicts in the industry. This is to ascertain the perceived factors that frequently give rise to labour and management conflicts in the industry and the consequent outcomes, such as strike actions.

Questionnaire

Table 14: Questionnaire administered to the participants

SECTION A: PERSONAL INFORMATION

A1.	Gender	
	Male	1
	Female	2
A2.	What is your marital status?	
	Single	1
	Married	2
	Others(Specify) _____	3
A3.	Which of the following best describe your age bracket?	
	Under 20 years	1
	21 – 30	2
	31 – 40	3
	41 – 50	4
	51 – 60	5
	Over 60	6
A4.	Which of the following best describes your nationality?	
	Nigerian	1
	Expatriate	2
A5	Which of the following best describes your ethnic background (for Nigerians only)?	
	Hausa	1
	Igbo	2
	Yoruba	3
	Niger Delta	4
	Others (Please Specify) _____	5
A6.	Which of the following best describes the highest level of education you have completed?	
	Never attended school	1
	Primary School	2
	Junior Secondary School (JSS)	3
	Senior Secondary School	4
	National Diploma (ND)/National Certificate of Education (NCE)	5
	Bachelor's degree (B.Sc., BA)/Higher National Diploma (HND)	6
	Higher University degree (e.g. Masters, Doctorate, PGD)	7
A7.	How many years of experience do you have in the oil and gas industry?	
	Less than 1year	1
	1 – 5	2
	6 – 10	3
	11 – 15	4
	16 – 20	5
	Over 20	6
A8.	What is the name of your current company?	
	Shell Nigeria	1
	ExxonMobil	2
	Chevron	3
A9.	How long have you been working in this company?	
	Less than 1year	1
	1 – 5	2
	6 – 10	3
	11 – 15	4
	16 – 20	5
	21 -25	6
	26-30	7
	31-35	8
A10.	What is your position in this company?	
	Senior Position	1
	Junior Position	2

SECTION B: EMPLOYMENT AND LABOR STATUS

The focus of this section is to gather information about your current employment and trade union status. In case you have been in any form of employment status before now, kindly focus on the current one and answer the following questions.

B1	What is your current employment status	
	Permanent Staff	1
	Contract Staff	2
	Servicing Staff	3
	Manpower Staff	4
B2	How did you secure the present job?	
	Direct with the company	1
	Servicing company	2
	Contractor	3
	Employment firm	4
B3	What type of contract do you have?	
	Written contract with no fixed term	1
	Written contract with fixed term	2
	Verbal understanding with no fixed term	3
	Verbal understanding with fixed term	4
B4.	In which section of the company do you work?	
	Upstream	1
	Midstream	2
	Downstream	3
	All the sectors	4
B5.	On the balance, are you in this company because you	
	Think this is a good company to work for	1
	Interested in working here mainly for the money	2
	Interested in the kind of work you do	3
	Like very little about working here but cannot find a better job	4
	Like coming to work because of the friends you have here	5
	Work experience here increases your employability security	6
B6.	On the average, your annual take home income is within which range? Please be accurate as possible.	
	Less than N1 million (\$)	1
	N10-20million (\$)	2
	N20-30million	3
	N30-40million	4
	N40-50million	5
	Over N50million	6
B7.	Your wages as compared to that of similar workers in the same or other oil and gas multinational Companies in Nigeria is?	
	Higher	1
	Lower	2
	About the same	3
B8	Are you a member of any of the following trade unions?	
	PENGASSAN	1
	NUPENG	2
	NONE	3
B9	If none, why are you not?	
	Company's policy	1
	Not Interested	2
	Don't know about union	3

SECTION C – INFORMATION ABOUT MANAGEMENT RATIONALE

The focus of this section is to gather information about your views on the new management rationale for outsourcing and contracting of labour. Please indicate to what extent you consider the following reason for the increasing use of non-permanent staff.

C1	If there are preference for the use and increasing use of non-permanent staff; what are the reasons:				
	SD	D	N	A	SA
Technological Innovation					
Cutting-Cost (wages, training, benefits and others)					
Focusing on Competence					
Union Militancy					
Lack of human capital					
Fluctuation in the demands of product market					
Global competition					
Restructuring and reorganisation					
Aiding the community					
To have total control of the workforce					
Focusing on the critical functions					
Efficiency and Expertise					
Shifting responsibilities (health and safety)					
Technological Innovation					

SECTION D – INFORMATION ABOUT TRADE UNIONS OPPOSITION AND WORKERS ORGANISATION.

The focus of this section is to gather information about your views on trade unions resistance to contracting of labour

D1	They have been great oppositions in the camp of the trade unions against the increasing usage of non-permanent staff because				
DQ1	Contract staff are				
	Yes (permitted to join union)				1
	No (not permitted to join union)				2
DQ2	Service staff				
	Yes (permitted to join union)				1
	No (not permitted to join union)				2
DQ3	Manpower staff				
	Yes (permitted to join union)				1
	No (not permitted to join union)				2
DQ4	All non-permanent staff are				
	Yes (permitted to join union)				1
	No (not permitted to join union)				2
D2	If there are preference for the trade union resistance to outsourcing and contracting of labour, what are the reasons:				
	SD	D	N	A	SA
Profit maximization					
Hiring of expatriate					
To have control over the workforce					
Denial of the non-permanent staff to join union					
Affects union membership					
Cutting-cost (hiring and firing at will					
Division among the workforce					
Weakens trade union's strength					
Irrational wages					
Weak Legislature					

SECTION E – INFORMATION ABOUT INCOME AND SOCIAL BENEFITS.

The focus of this section is to gather information about your views on how outsourcing and contracting of labour best describes your income and social benefits.

E1	What are the wage related problems faced as a result of outsourcing of labour				
	SD	D	N	A	SA
No wage problem					
Low wages					
Wage not paid in time					
Cut in wages					
No overtime payment					
No bonus					
No allowance given					
No increment					
Inadequate bonus					
Laying off wages not given					
E2	Besides your monthly salary, do you get any other benefit such as : housing, transport, health, feeding etc.				
	Yes				1
	No				2
E3	Are you entitled to any retrenchment or lay-off benefits?				
	Yes				1
	No				2
E4	Please indicate your degree of satisfaction with the following:				
	VU	U	N	S	VS
Sick pay					
Holiday pay					
Pension provision					
Job security					
basic salary					
Hazardous work environment					
Responsibility at work					
Advancement (promotion)					
Unpredictability of work					
Time spent waiting for another project to come					
E5	What factors would make you consider moving to a different work				
	MU	U	N	L	ML
Better pay					
Better benefit					
Better prospect					
Greater security					
Change in circumstances (demotion)					
Job satisfaction					
Good career move					

SECTION F – INFORMATION ABOUT WORKERS ORGANISATION AND LABOUR MANAGEMENT RELATIONS

To each of the statements below, please indicate the degree of your agreement or disagreement		SD	D	N	A	SA
F1	There is just unnecessary agitations on the camp of the trade unions over the usage of contract workers as the unstable global economy has necessitated these actions of the management					
F2	the union find it difficult in mobilising the non-permanent workers as a result of workers segregation					
F3	There are no any threats, harassment and victimization from any quarters for joining trade unions.					
F4	Both the State and the management of oil MNCs are of the view that unionization disrupt production and increase tension and conflict, hence the restriction on the right to unionise.					
F5	Non-permanent staffs are made to sign a 'yellow-dog' contract by their employers of not joining any trade unions.					
F6	With regards to the Nigerian Constitution workers have right to belong to a trade union					
F7	There should be demand for labour laws reform in conformity to contemporary employment system					
F8	Trade union in your workplace has been very helpful in this regard of workers' rights					
F9	The roles of trade unions in the counter-movement of the employment evolutionary trend is highly applauded					
F10	Flexible form of labour is however admitted and necessary in a competitive market, are these flexible workforces protected under the new labour system					
F11	Employees take-up contract employment because that is what they want (work-life balance)					
F12	The management carried along employees/trade unions when taking decisions on issues affecting the workforce and the company in general					

F13	There are effective mechanisms in place, promoting good working relationship between the management and trade unions/employees (for example, seeking redress in case of violation of rights)					
F14	On balance, do you support the continuation of worker organisation in your company?					
F15	the union find it difficult in mobilising the non-permanent workers as a result of workers segregation					
F16	As a contract employee, do you feel adequately represented by the Union?					
	YES	1				
	NO	2				
	In the last 10 years, I believe that the management has positively change in the following areas					
	From aggression to understanding/dialogue				1	
	From dialogue to aggressive stand				2	
F17	Over the last 10 years, what change has there been in the activities of worker organisation in your company					
	No change				1	
	From militant actions to negotiations/court cases				2	
F18	In what capacity and how often do you participate in workplace organising activities in your unit?					
	As a union member				1	
	Potential member				2	
	Freedom Fighter				3	
	Don't Participate				4	
F19	I did not participate in order					
	To avoid being victimized				1	
	Because I still need my job				2	
	For my contract to be renewed				3	
	Because the struggle favours only the permanent staff				4	
F20	How would you describe relations between management and workers in your workplace					
	Very co-operative				1	
	Somewhat co-operative				2	
	Not co-operative				3	
F21	What do you think is the major issue with workers organisations					
	Workers have divided interests and priorities				1	
	Non-permanent workers believed that the trade unions want to use them as a shield				2	
F22	In your opinion, to what extent would you describe management action/relationship with union					
		SD	D	N	A	SA
	Avoidance					
	Marginalisation					
	Co-determination through information					
	Aggression (union bursting)					
	Bypassing unionization attempts through channels of direct communication with workers through information sharing					

	Bypassing unionization attempts through channels of direct communication with workers through information sharing					
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SECTION G – INFORMATION OF ANY LIKELY IMPLICATIONS/CONSEQUENCES OF OUTSOURCING AND CONTRACTING OF LABOUR ON NON-PERMANENT STAFF

G1	Which of the following do you think is the most likely implication/consequence of non-permanent staff	
	There are no implications/consequences	1
	Kills their morale (seen as second-hand citizens)	2
	Lack of commitment	3
	Sabotage	4
	Bunkering	5
	Crimes (kidnapping, robbery, and bombing)	6

SECTION G2 – INFORMATION OF ANY LIKELY IMPLICATIONS/CONSEQUENCES OF OUTSOURCING AND CONTRACTING OF LABOUR ON PERMANENT STAFF

G2	Which of the following do you think is the most likely implication/consequence of permanent staff	
	There are no implications/consequences	1
	False retirement	2
	Increase workload (responsibilities)	3
	Retaining one position for long	4
	Lack of confidence on their employer	5
	Lack of commitment and productivity	6

SECTION H – This section seeks to understand the causes, nature and extent of the increasing industrial conflicts and its implications?

H1	Did your company face any kind of workers'/union protest during the last 10 years such as strike, boycotting, walk-out and protest	
	Yes	1
	No	2
H2	From the following which would you say are the main causes of conflicts between the management and unions in your company	
		SD D N A SA
	The shift from permanent work to more of contract work	
	Denial of the non-permanent right to unionise	
	Refusal to honour Collective Agreement	
	Union recognition	
	Retrenchment	
	Wage demand	

	Increase usage of expatriates				
	Unlawful termination and victimization of union reps contract				
	Unlawful termination of contract staff contract for joining the union				

THANK YOU FOR TAKING TME IN COMPLETING THIS SURVEY

Key: **SD-STRONGLY DISAGREE**

VU-VERY UNSATISFACTORY

MU- MOST UNLIKELY

US-UNSATISFACTORY

UN-UNLIKELY

N-NEUTRAL

NI-NOT IMPORTANT

The completed questionnaires were manually cross-checked for suitability, and coding was relatively straightforward, although with caution as majority of the questions were pre-coded with figures. The data were computerised into the Statistical Package for Social Scientists (SPSS) software program version 22 for the purpose of analysis. After the first phase of the compute data, the data inputted was vetted to establish this had been keyed-in correctly. Also, the SPSS presentation software was checked for errors by undertaking basic frequency analysis, and performing cross-tabulation.

In order to achieve the objectives of this research, varieties of statistical techniques were applied in the analysis, such as:

Descriptive Statistics (Frequency and Mean)

One-Way ANOVA

Chi-Square

5.2.1. Justification for using the above statistical techniques:

Descriptive statistics, also called exploratory statistics, involves the transformation of raw data into a form that would provide information to describe a set of factors in a situation. Robson, (2011: 424) characterise; descriptive statistics as include frequencies, measure of central tendency (mean, median and mode) and measure of dispersion (range, standard deviation).

The researcher discovered that Descriptive, or Exploratory statistics, is the most suitable technique, since the nature of the research objectives and questions is to explore, discover and explain the current phenomenon (agency labour) in the Nigerian oil industry. As well as, to explore how this phenomenon affects labour and management relationship or what is the relationship between agency labour and the trade union resistance.

Hair et al. (2003, p. 252) argued that “data is collected in business research for two broad purposes: discovery and hypothesis testing. When the purpose is discovery the researcher uses Descriptive Statistics. When the purpose is hypothesis testing the researcher uses Inferential Statistics”. Inferential Statistics makes inferences about the population based on the samples gathered, and hypothesis testing is one form of inferential statistics. However, testing of hypotheses was not originally design for this study, but for the fact that inferences have to be

made about relationships between variables after data collection; to have clear expectation of outcomes thus necessitated some hypotheses testing (Robson, 2011).

In this study, hypotheses testing to determine significant differences among the responses by Company employed were framed. The level of significance is set to 0.05, which means that a p-value less than 0.05 are considered significant and the following Statistical Tools were used: Parametric Statistics was used since the sample size is adequate enough to do so ($n = 176$). The purpose of parametric test is to make inferences from the sample statistic to the population parameter through sampling distributions. Parametric Statistics was chosen because it is more robust and more powerful than its Non-Parametric counterpart, hence One-Way ANOVA (Robson, 2011:451).

A One-Way ANOVA is like the T-Test use in comparing more than two groups, it compares differences in responses by companies. This gives a clear picture whether the groups differ in their views as it relates to the use of agency workers.

Chi-Square which is the only non-parametric statistics used, deals with a measure of the degree of association or linkage between two variables (Robson, 2011; Hair et al. 2003). This was used to determine associations for cross-tabulated data. The use of SPSS software facilitated the statistical analysis and reporting of the data collected, as the output showed the test results and the significance level of the association (i.e., p-value).

5.2.2. Statistical Techniques as Applied to Each Section of the Questionnaire

Descriptive Statistics provides a summary of data in a meaningful way, such that finding patterns emerges from the data (Robson, 2011: 423). The following are the Descriptive Statistics used in the study: Frequency Count was used to determine the distribution of the respondents' Personal Information, Employment and Labour Statistics. This was also used to determine responses for questions F7, F17, F18, F19, F20, and F21 (See Appendix 8, pages, 315-318). Cross Tabulation was used to determine interrelationships between companies for Sections D1, G1 to H1 (Appendix 10, page, 327). This was also used to determine Income distribution by Employment Status. Mean and Standard Deviation were used for items with Likert scales for Sections C, DSEC2, E1, SE4 to SE5, F, and H2. A One Way ANOVA was used to compare differences in questions (C1, DSEC2, E1, SE4, and SE5; F1 to F15, and F22 and H2) by Company.

Chi-Square which is the only Non-Parametric Statistics was used to determine associations for Cross Tabulated data for Sections D1, and G1 to H1 (see Appendix Table 10, page, 327).

5.3. Findings

5.3.1. Employment and Labour Status

The findings from the survey evidently suggest that the three oil MNCs (Shell, ExxonMobil and Chevron) operates dual and triangular employment relations. The labour force is segmented into what Atkinson (1984) termed core (permanent) and peripheral (agency workers). See Figure 8

Figure 10: Atkinson Flexible Firm Model



Source: Atkinson's Model 1984

The internal labour market comprises of few permanent employees who are directly employed by the oil MNCs to carry out core functions, such as oil exploration and production processes, and this are basically engineers and geologist. These categories of employees are termed critical to the success of the organisations. They have long-term employment contracts, largely represented by the trade unions, and fall under the ambit of employment protection laws.

However, Atkinson distinctiveness between the core and peripheral seems not to be fully operational in the three oil MNCs. Findings shows that some of the peripheral (agency) workers are been utilized at the core production areas. This group of workers are

heterogeneous by nature, with varied contractual status, and occupational positions. They are fractionalized into what is known as contract, service and support staff (see Table 15). Their attitudes towards unionism were expected to vary depending on their own status and interests, which this study is about to unveil.

Table 15: Employment Status of Respondents

Nature of Employment	Shell	Mobil	Chevron	Frequency	Per Cent
Permanent Staff	25	24	11	60	33.1
Contract Staff	26	20	12	58	32.0
Service Staff	7	12	9	28	15.5
Support or Manpower Staff	15	10	5	30	17.14
TOTAL	73	66	37	176	

The table above shows the percentage of the total workforce that participated in the survey. The permanent employees have the highest participants 60 (33.1%), while the fragmented agency workers are as follows: (Contract staff 58 (32.0%), Service staff 28 (15.5%) and Support staff 30 (17.14%), although when summed-up agency workers totally out-weight the percentage of permanent employees. Indicatively, agency workers are more utilised in the Nigerian oil industry. Below are their characteristics.

5.3.2. Permanent Employees

Employees classified as permanent staff are directly employed by the principal company (oil MNCs) and work in the core production units. These are the engineers, geologist, and geophysics, as well as, few functional and operational staffs. They enjoy better income, better terms and conditions of work, job security and opportunity for promotions. They are members of (PENGASSAN and NUPENG). They are privileged to have better bargaining power and their employment status is institutionalised through the machinery of collective bargaining. In unity they have found strength to effectively challenge adverse working conditions. Hence as indicated in Table 8 (see Appendix, page, 331), a permanent employee on same qualification and experience (6-10 years) earns annual income ranging from N30-N50 million compared to the contract staff in Table 11 (see page, 154) on same qualification and experience (6-10 years) on salary scale of N10-N30 million per annum. This may not be unconnected to employers' quest for cost-cutting and to generate surplus value.

5.3.3. Contract Workers

The contract workers are on triangular employment relationship, hired through the employment agencies, and work in the core and peripheral areas. Unlike the permanent staff, they work under much less secure and favourable employment terms and conditions, because they are outside the coverage of collective bargaining. Their bargaining power is fractionalised, and individualism terms to dominates. Hence their annual income is much lesser (as shown in Table 16, page, 155), as compared to the permanent employees who are of same qualifications and experience.

Their terms and conditions of contracts are poor, employment insecure and in most cases access to social benefits and bonuses are denied. Contract workers are denied the many fringe benefits accrued to permanent employees. They are not subject to predetermined employment conditions, no income increment, advancement or pension provisions. Contract renewal is subject to profitability of production, and of course the impulse of the global market. These conditions increase the unpredictability of employment terms and indirectly weaken trade union agitation towards the mobilization of this group of workers.

This group of workers work in the premises of the oil companies; they do not belong to the oil MNCs that gain their services, rather that of the employment agency. They are restricted from having any direct access to the management of the oil companies. Indicatively, issues or concerns are not directly channelled to the management of the oil companies, but to their employer (employment agency). The contract workers take instructions from the principal company but cannot communicate their problems and needs back. Instructions flows from the principal company to the contract workers, while the problems and complaints of the workers flows in another direction. Thus, the use of agency workers has become a strategy of shifting responsibility from the principal company to the employment agency, as indicated by Chevron workers, as well as, to weaken the strength of organised and unionised labour.

5.3.4. Service staff

The service staffs are mainly from oil servicing firms attached to the oil MNCs to perform specific duties for a given duration. However, going by the nature of some of these services, some of these workers are usually embedded in the employ of these oil MNCs for the duration of the service.

The workers involved provides specialized services to the oil MNCs, majority are expatriates with technical knowledge. However, there is contentious about the income of these

expatriates, although not evident in Table 8, (Appendix page, 331). It is believed that expatriate that works in the Nigerian oil and gas industry are among the highest paid in the world, with an annual salary of \$140,800 (see Hays oil and Gas Global Salary Guide, 2013:6). The concern was that most of the expatriate learn-on-the-job from the highly skilled Nigerian engineers and technicians.

The underlying assumption was that, as much as these highly skilled indigenous engineers allows their labour and expertise to be used at the discretion of the employers' agents (expatriates), the employment relationship effectively involves an act of subordination. Their annual take-home remains comparatively low as can be seen (in Appendix Table 8, page 332), only one of the service workers is within the range of \$80,000 while majority of them are within the range of \$55,000 - \$66,000. This indicates the height of inequality and subjugation.

5.3.5. Support staff

The support staffs are supplied by the employment agency for the purpose of aiding the workload of the permanent employees. They are found in different units of the organisation structures. This group of workers knows the end of their contract right from the inception. Their employment nature characterised the most precarious situation with a high risk of job insecurity. However, few are privileged to have their contract terms renewed, which depends on the global market economies. Their income is relatively low (as indicated in Appendix Table 8, page, 333) as compared to other categories of workers, despite their qualifications and experience (See Appendix 8 Table 8D, page 333).

The polarization of this workforce is of utmost concern. If agency workers are seen as having the same educational qualifications, and years of experience as that of the permanent staff, the question is, why have they (agency workers) not been integrated into full-employment system in the first place, since the oil MNCs so much desire their services? It appears there is a calculative impulse on the part of the management to fractionalize the labour force, commodify labour power, and maximise profit, as a 'low-road' strategy (Mehaut et al. 2010: 339).

It is therefore argued that the segmentation of agency workers is a strategy through which employers perpetuates its control over the workforce by fractionalizing labour's bargaining power in order to weaken its resistance and make more profit by means of cheap labour. There is an indicative inference that the management adopted these forms of employment arrangements as an effective and efficient way of cutting labour costs, which according to

Armstrong (2009) contributes to the larger percentage of the cost of running an organisation. In other words, labour contracting yields innumerable benefits for management at the detriment of the workers and trade unions. Labour costs and overhead costs are reduced due to low wages and benefits.

In addition, it has been noted that the lack of explicit definition of the broad spectrum of workers under Section 91 of the Nigerian labour law has left agency workers vulnerable. The Labour Act does not apply to all categories of Nigerian workers, but defines a worker to exclude any persons exercising administrative, executive, technical or professional functions as public officers or otherwise.

The Court of Appeal defined a “worker or servant as any person employed by another to do work for him on the terms that he, the servant is to be subject to the control and directions of his employer in respect of the manner in which his work is to be done” (Omehia, 2011:8), this implies that, the overall power is vested on one of the two persons in the employment relationship. The one who exerts control over the other is the employer while the one who takes directives and obeys the order is the worker.

Employers’ hinges on this clause to hire agency workers at will and majority of these workers are hired in jobs which are perennial by nature, see Appendix 8 Tables 8B-D, pages 331-333) in comparison to Appendix 8 Table 8A, page 330) for the number of years spent so far by some of the agency workers. The responses recorded in these tables indicates that some of the agency workers have put-in quite a good number of years and earn far lesser as compared with the permanent employees as indicated in Table 16 below.

Table 16: Cross-Tabulation to determine Income Distribution by Employment Status and Qualifications

Employment Status	Qualification	Income					
		Less Than N10 Million	N10 - N20 Million	N20 - N30 Million	N30 - N40 Million	N40 - N50 Million	Over N50 Million
Permanent Staff	Higher University Degree (E.G. Pgd; Msc; Mba And Phd)	0	0	0	5	9	34
	Bachelor'S Degree(Bsc; Ba/Higher National Diploma(Hnd)	0	0	4	2	1	3
	Senior Secondary School(Sss)	0	2	0	0	0	0
Contract Staff	Higher University Degree	0	3	5	2	2	1
	Bachelor's Degree	0	13	12	0	2	0
	National Diploma	2	4	3	0	0	0
	Senior Secondary School (Sss)	1	7	0	0	0	0
	Junior Secondary School(Jss)	1	0	0	0	0	0
Service Staff	Higher University Degree	0	2	4	0	1	0
	Bachelor's Degree	0	6	13	0	0	0
	National Diploma	0	2	0	0	0	0
Manpower Staff	Higher University Degree	0	3	3	0	1	0
	Bachelor's Degree	0	16	2	0	0	0
	National Diploma	2	0	0	0	0	0
	Senior Secondary School(Sss)	2	0	0	0	0	0

The table above shows that Permanent Staff with Bachelor's Degree and Higher University Degree mostly have higher incomes ranging from N30 – N50million per annum. It can also be seen that higher experienced Permanent Staff had higher income, see Appendix, page 331. While Contract Staff with Higher University Degrees mostly range from N20 – N30 Million and there are some who have higher incomes. It can also be seen that higher experienced Contract Staff had almost similar incomes regardless of qualifications to those with around 6 – 10 years' experience (See Appendix 8B page 331). Those with Bachelor's Degree earns between N10 – N30 Million. Service and Supports Staff with higher university degrees are almost similar to those with Bachelor's degree with incomes ranging from N10-N30 Million.

Indicatively there is an element of income disparities among these workers and the extent of exploitation of labour under flexible work arrangements. In this context, exploitation is not applied in the strict Marxist terms. But it refers to the additional deficit in the share of the

workers return accruing to them as a result of their distinctive dispositions of been agency and non-unionised workers. Most of these fractionalised or segmented workers work under less much favourable conditions of employment due to the unilateral decision of the employment agencies, while the core employees enjoy the dividend of being a union member. On this note, the next section sheds light on workers' perspective on the growth of agency workers in the industry.

5.4 Workers' Perspectives on the Growth of Agency Workers

Table 17: Respondent Response

	Innovative Technology	Cutting costs	To weake n the Union	Competence	Lack of Human Capital	Fluctua -tion of Product Market	Global Compet ition	Restructuring	Aiding the Communi ty	Control over the Workforc e	Focusing on Critical Issues	Efficiency and Expertise
Mean	4.60	4.55	4.33	3.26	2.02	3.40	3.22	2.22	1.90	3.93	2.85	3.96
N	176	176	176	176	176	176	176	176	176	176	176	176
Std. Deviation	.986	.648	.922	1.228	1.017	1.042	1.086	1.037	1.109	.944	1.191	1.271

Workers perspectives on the growth of agency labour in the Nigerian oil industry ranges from, innovative technology, cost-cutting, and to weaken trade union as indicated by the respondents in Table 17 above. Mean and Standard Deviation test was performed on why management uses agency labour and result shows overall Mean of 4.60 which indicates that, management highly preferred utilizing agency workers because of Technological Innovation, Cutting-Cost (Wages, Training, Benefits and others), and to curb union militancy.

The above responses affirm a Marxist prognostic view (Marx, 1939, cited in Wendling, 2009: 2), that at a definite point in the development of production, innovative technology will become a qualitative force of production that can increasingly generates value, thereby making the labour power of a large segment of the workforce unnecessary. Technical skills have displaced traditional skills, thereby making a great number of workers redundant. Management has been criticised for avoiding going through the demanding procedures of retraining and redeployment; rather, they phased-out workers with traditional skills, and hired new ones with the new-knowledge skills through employment agency to remain competitive in the global market (Forde and Slater, 2005). This has brought much concern and anxiety to the workplace, thus challenging the ability of the trade union to protect its members.

Technological transformation has redefined employment relations and opened opportunities for social and political restructuring, opportunities which have only been partially realized. The interpretation of changes and the growing utilization of agency workers conforms to the trends and explanations already identified in Chapter 2. The consensus is that agency labour is increasingly a structurally embedded form of labour, without which organisations would not be able to function and remain competitive. Whilst triangular employment relations are seen as growing at an alarming rate in general, for the Nigerian oil industry agency labour has become the norm (PENGASSAN Official). PENGASSAN representative described the pool of agency labour as an integral part of a system of production premised on the concept of technical skills and competition, in the context of unstable market conditions that relies upon excluding a considerable proportion of the labour force from employment norms, with the aim of producing a pool of easily disposable workers. These disposable agency workers perform as alternative variable arrangement for management who sheds permanent employees while engaging in a parallel process of increasing their dependency on agency labour.

The drive for agency labour extends beyond the necessity of technical knowledge and expertise. It comprises of certain behavioural traits expected of workers in the workplace. Such as, attitude towards work involves being a good worker, who does not question authority, which implies, management and employer could do what they intended. For example, being ready to do overtime work at any time a worker is called upon, without hesitation, and any additional pay. They work harder and accept wages that falls below their efforts without complaint, this feed into the creation of the type of ideal worker neoliberal agenda facilitated

Evidence has shown that the Nigerian oil industry agency workers' overtime pay is embedded in their wages. Wages are set at the lowest salary scale with little chance of incremental progression due to interruption of work. The over saturated labour market, coupled with the changing employment practices in the industry, has left the agency workers with little bargaining power over the issue of salaries, particularly as they are outside the purview of collective bargaining. On this note, the study proceeds to workers' perspective on trade unions opposition to agency labour.

5.5. Workers' Perspectives on Trade Unions Opposition to Agency Labour

When respondents from the three oil MNCs were asked their views on trade unions opposition to Agency labour, the results in Table 18 below indicate that: Affects Union Membership has the highest Average Mean of 4.89; followed by Profit maximization (4.77), cutting-cost (4.63), the denial of rights to association (4.44), and Weak legislature (4.07). Respondents indicatively attributed unions' opposition to the growth of agency labour in the industry, as a result of the negative impact it has on union membership and strength. It suggests that the flexible work arrangements of the workers and its fragmentation may undermine the material base for bargaining and organising, whereby unions operate.

Table 18: Assessment of respondents' response to trade union resistance:

	Profit Maximization	Hiring Expatriates	Total Control	Denial of Rights	Affects union membership	Cutting-cost	Division among the workforce	Weakens Union Strength	Irrational wages	Weak Legislature
Mean	4.77	3.47	3.87	4.44	4.89	4.63	3.33	3.24	3.67	4.07
N	176	176	176	176	176	176	176	176	176	176
Std. Deviation	.593	1.100	1.111	1.083	.426	.550	1.005	1.128	.947	.929

Constitutionally, every worker has the right to join a union, and the trade union as a collective body has the ability to organise and mobilise workers. The 1999 (Section 40) of the Nigerian Constitution empowers workers the right to freedom of association. It states that:

“Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”.

This collective power basically enables workers to exercise collectively the control over their employment conditions, which cannot be obtained individually. Workers primarily join labour movement for the benefits that can accrue to membership, such as social, economic, political and educational benefits. But the process whereby these privileges are denied, trade unions have the moral obligation to resist agency labour if perceived it infringes on their constitutional right, and by extension, their membership. The process of trying to organise these groups of workers to maintain their membership strength and defend them, but are denied as a result of employers' hostility, implies that the constitutional right to association of agency workers is being violated with impunity. This also indicates that not only their constitutional rights are being denied but also their rights to collective bargaining.

As a follow-up question and to be sure respondents know their constitutional rights to association, they were asked the reasons for non-unionisation.

Table 19: Reasons for non-unionisation

Why?	Frequency	Per Cent
Company Policy	87	49.4
Not Interested	12	6.8
No Response	77	43.75

As shown in the above Table 19, 49.4% broadly indicates that they are not unionise due to company's policy, only 6.8% shows they were not interested in unionism. This suggests a desire of the respondents to join the union but due to the company's policy they are limited, and probably, the fear of not getting their contract renewed must have likewise contributed to their indifference. This suggests that agency workers do not have the right to association due to company policy. The absence of trade unions gives employers the privilege to act unilaterally in controlling the employment conditions of agency workers. An indicative fact is that workers' terms and conditions that are unilaterally admitted and not negotiated can as well be unilaterally retreated without benefits.

Suggestively, the oil MNCs dictates the tunes, while the labour intermediaries play the music to the workers, in order to get their own contracts renewed. It is therefore argued, that the employment agencies operate under the mercy of these oil MNCs to survive. For example, the polarization of the labour force is perceived as management strategy which the employment agencies acted out against workers' solidarity, thereby making mobilization difficult for the trade unions. This is why neo-Marxist scholars of power resource theory alleged that labour is structurally disadvantaged in capitalist economies because of the power asymmetry which characterises the relationship between the employer and the individual workers (Offe and Wiesenthal 1985, Coates 2000: 103).

Although, Table 20 below indicates ExxonMobil permits some of the contract and service staffs to unionize as compared to other companies. The percentage is most probably a reflection of the low level of unionisation in the industry. Support staffs that are of considerable number of agency workers are completely outside of the purview of unionization. The implication of this is that, the traditional base of the trade union is rapidly shrinking, and its strength of unity is abating as a result of the relocation of employees from the organised category to unorganised zone where unionism is fiercely denied.

Table 20: Right to Unionisation

Permitted to join union		Company								Chi-Square	df	p-value	Description
		Shell		ExxonMobil		Chevron		Total					
		f	%	F	%	f	%	F	%				
Contract Staff	Yes	27	37.50	32	50.79	12	32.43	71	41.28	3.31	2	0.19	Not Significant
	No	45	62.50	33	52.38	25	67.57	103	59.88				
Service Staff	Yes	22	30.56	25	39.68	11	29.73	58	33.72	1.32	2	0.52	Not Significant
	No	51	70.83	40	63.49	26	70.27	117	68.02				
Support Staff	Yes	4	5.56	3	4.76	0	0.00	7	4.07	1.68	1	0.2	Not Significant
	No	68	94.44	61	96.83	37	100.00	166	96.51				
All the Non-Permanent Staff	Yes	4	5.56	3	4.76	0	0.00	7	4.07	1.66	1	0.2	Not Significant
	No	68	94.44	60	95.24	37	100.00	165	95.93				
Total		72	100	63	100	37	100	172	100				

Still on workers' perspective why trade unions oppose the use of agency labour, in Table 21 below, A One-Way ANOVA was performed to understand whether there are any significant associations among the companies in terms of preference of factors compelling trade union's opposition, thus Hypothesis Testing was conducted.

Null Hypothesis: There are no significant associations in the preferences of the companies (Shell, ExxonMobil, and Chevron) with regards to the trade union reasons for opposing the management of using agency labour.

Alternative Hypothesis: There are significant differences in the preferences of the companies (Shell, ExxonMobil, and Chevron) with regards to the trade union reasons for opposing the management on the increasing utilization of agency labour.

Table 21, indicates the differences between groups and within groups.

		Sum of Squares	Df	Mean Square	F	p-value	Description
Profit Maximization	Between Groups	.00	2	.002	0.01	0.99	Not Significant
	Within Groups	61.39	172	.357			
	Total	61.39	174				
Hiring Of Expatriates	Between Groups	8.97	2	4.486	3.81	0.02	Significant
	Within Groups	202.54	172	1.178			
	Total	211.51	174				
To Have Control Over The Workforce	Between Groups	9.04	2	4.520	3.78	0.02	Significant
	Within Groups	205.67	172	1.196			
	Total	214.71	174				
Denial Of The Non-Permanent Staff Right To Unionize	Between Groups	.51	2	.256	0.22	0.81	Not Significant
	Within Groups	204.61	172	1.190			
	Total	205.12	174				
Affects Union Membership	Between Groups	.18	2	.088	0.48	0.62	Not Significant
	Within Groups	31.54	172	.183			
	Total	31.71	174				
Cutting-Cost	Between Groups	.26	2	.132	0.43	0.65	Not Significant
	Within Groups	52.59	172	.306			
	Total	52.86	174				
Division Among The Workforce	Between Groups	5.75	2	2.873	2.90	0.06	Not Significant
	Within Groups	170.69	172	.992			
	Total	176.43	174				
Weakens Trade Union Strength	Between Groups	.01	2	.003	0.00	1.00	Not Significant
	Within Groups	221.91	172	1.290			
	Total	221.92	174				
Irrational Wages	Between Groups	.66	2	.332	0.37	0.69	Not Significant
	Within Groups	156.11	172	.908			
	Total	156.78	174				
Weak Legislature	Between Groups	.48	2	.239	0.27	0.76	Not Significant
	Within Groups	149.83	172	.871			
	Total	150.31	174				

The ANOVA table 21 above shows significant differences in the preferences for each company for hiring of expatriates and to have control over the workforce which are set at 0.02 and less than p-value of 0.05. Chevron gave a higher preference to these compared to other companies. This indicates that the three MNCs hire expatriates but on different level scales.

There has been resistance against the use of expatriates by the union. For example, in November 2010, Nwaogu, the chairman of ExxonMobil PENGASSAN, Lagos branch accuses the management of the increasing usage of expatriates, which was perceived as violation of all applicable laws on the use of expatriates in Nigeria. This was against the backdrop of April, 2010, when the immediate past President Goodluck Jonathan signed into law the Nigerian Oil Industry Content Development Act 2010 to guide against a paradigm shift in a manner in which expatriates were hired to execute low-status to technical jobs on the flimsy excuses of human capital shortage.

According to Nwaogu, (2010) the expatriate quota policy requires the oil MNCs to first give Nigerians the privilege of vie for any vacant position before sourcing for expatriate to fill such

positions. However, it appears the oil MNCs circumvent this policy by recruiting expatriates from countries where labour is cheap, pay them what they were supposed to earn in their countries but by documentation the employers claim they are paid what oil workers earn in countries such as Australia and the US. This suggests that the mechanism in place for monitoring and coordinating the activities of these oil MNCs are not effective or lacks the will power to execute their duties. Therefore, this study suggests that the Ministry of Labour and Employment should undertake the role of the supervisor in industrial relations instead of allowing unethical labour activities to be the dominant factor in the oil industry. Regardless of the false claim on expatriate wages, and as earlier mentioned, it is evident that they earn higher than the indigenous workers (see Hays oil and Gas Global Salary Guide, 2013, p. 6). Against this backdrop, the next section presents workers' views on two-tier workforce.

5.6. Differential Terms and Conditions of a Two-Tier Workforce: Implications and Consequences

When asked what are the likely implication/consequences as a result of the differential terms and conditions of two-tier workforce, job insecurity emerged as the most significant factor, having a statically high rate of “Not Satisfied” from the respondents of the three oil MNCs as indicated in Table 22 below. Job insecurity can be defined as that subjective consciousness that workers have about the fear of losing their jobs at any point in time (Serrano, 2014: 13). Employment insecurity is an overarching feature of contemporary work arrangement that underpins the division of the workforce, which has a far reaching consequence on how the general workforce experience life on the line, more particularly, agency workers.

Table 22: EMPLOYEES’ LEVEL OF SATISFACTION

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Sick Pay	2.32	1.55	Slightly Satisfied	2.34	1.50	Slightly Satisfied	2.68	1.55	Satisfied	2.40	1.53	Slightly Satisfied
Holiday Pay	2.27	1.46	Slightly Satisfied	2.23	1.33	Slightly Satisfied	2.73	1.48	Satisfied	2.35	1.43	Slightly Satisfied
Pension Provision	2.23	1.49	Slightly Satisfied	2.23	1.40	Slightly Satisfied	2.57	1.50	Slightly Satisfied	2.30	1.46	Slightly Satisfied
Job Security	1.32	0.85	Not Satisfied	1.32	0.83	Not Satisfied	1.35	0.79	Not Satisfied	1.33	0.83	Not Satisfied
Low Basic Salary	3.12	1.55	Satisfied	4.78	11.96	Highly Satisfied	3.24	1.69	Satisfied	3.77	7.41	Very Satisfied
Hazardous Work Environment	1.92	1.06	Slightly Satisfied	1.69	1.06	Not Satisfied	1.73	1.07	Not Satisfied	1.79	1.06	Not Satisfied
Lack Of Responsibility At Work	3.49	1.32	Very Satisfied	5.00	11.92	Highly Satisfied	4.08	1.28	Very Satisfied	4.18	7.33	Very Satisfied
Lack Of Promotion	2.56	1.29	Slightly Satisfied	2.42	1.27	Slightly Satisfied	2.81	1.47	Satisfied	2.56	1.32	Slightly Satisfied
Unpredictability Of Work	1.78	0.75	Not Satisfied	1.77	0.63	Not Satisfied	1.95	0.74	Slightly Satisfied	1.81	0.71	Slightly Satisfied
Time Spent Waiting Between Assignment	2.53	0.85	Slightly Satisfied	2.37	0.88	Slightly Satisfied	2.57	0.77	Slightly Satisfied	2.48	0.84	Slightly Satisfied

As worrisome as the issue of job security seems, it is not only peculiar to the Nigerian oil industry, rather it is a globally recognised problem in the employment relations. In the study of Saloniemi and Zeytinoglu (2005) while exploring the intricacy of flexible work arrangement in Canadian and Finnish labour market, they asked respondents to appraise their job security, and it was reported that the class of workers who viewed themselves as having low level of job security were agency workers. They argued that employers were attaining flexibility through job insecurity.

However, Greenhalgh and Rosenblatt (1984) argued that job insecurity cannot be evaluated as a single unit, rather in a multidimensional form. They argued that the permanent employees' jobs are not highly secured as assumed, the increasing utilization of agency labour pose a threat to their jobs. The authors developed five basic principles for measuring job insecurity; the first four principles apply to the degree of threat to job loss and the severity of perceived threat to continuity in a job. The fifth principle deals with employee inability to prevent the threat which is peculiar to all employees.

While the study of Sverke and Hellgren (2002, p. 28-9) present a brief account of different focus and measurement of job insecurity frequently examined in the literature, with the evidence of the kind of questions relevant to each group. The authors' reveals that some scholars lean on unidirectional dimension for job insecurity, while others rely on multiple indicators. For example, Probst and Brubaker (2001, p. 140) measures job insecurity by evaluating the degree of work activities that could threaten the disposition of each component (e.g. the acquisition of new machinery), and the unit of sources of actual threats; Hellgren et al. (1999) differentiate between quantitative and qualitative job insecurity. While quantitative job insecurity involves employees' perceptive of the continued existence of their job on one hand, on the other hand, qualitative job insecurity concerns employee intuitive views of potential loss of important component of a job such as downgrading (shifting from permanent to agency labour), degeneration of terms of work, lack of advancement, and decreasing income.

All these and much more are a wave of concern and anxiety for both the employees on standard employment contracts and agency workers in the Nigerian oil industry. The strategy of deploying agency workers to the core production areas in order to trivialise workers' job security and their conditions of service does not amount to internationally accepted best practices as campaign by the ILO Convention Nos. 87 and 98.

However, agency workers are the most insecure; their contract can be terminated at any time without genuine cause (Piroe, 2011). Their fear is that the Nigerian law does not protect them against unfair dismissal as compared to the employees on standard employment contracts, by virtue of their disposition as temporary workers.

Despite this great level of dissatisfaction, the immediate intention to move to another job was very weak as indicated by the respondents, see Table 23 below. The most important factor

that would make them change job is, greater job security with mean scores of Shell, 4.78; ExxonMobil, 4.83; and Chevron, 4.76 respectively, and not even higher income. This is how crucial employees perceived the importance of having permanent job which is to a greater extent synonymous to greater job security.

Table 23: Factors that would make employee move to another job

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Better Pay	4.07	1.48	Very Probable	3.92	1.51	Very Probable	3.95	1.56	Very Probable	3.99	1.50	Very Probable
Better Benefits	4.51	1.08	Highly Probable	4.35	1.32	Highly Probable	4.27	1.37	Highly Probable	4.40	1.23	Highly Probable
Better Prospects	4.32	1.25	Highly Probable	4.32	1.28	Highly Probable	3.97	1.57	Very Probable	4.25	1.33	Highly Probable
Greater Security	4.78	0.79	Highly Probable	4.83	0.72	Highly Probable	4.76	0.93	Highly Probable	4.79	0.79	Highly Probable
Change In Circumstances (Demotion)	4.75	0.78	Highly Probable	4.72	0.82	Highly Probable	4.62	1.04	Highly Probable	4.71	0.85	Highly Probable
Job Satisfaction	3.73	1.63	Very Probable	3.45	1.75	Very Probable	3.54	1.68	Very Probable	3.58	1.68	Very Probable
Good Career Move	4.11	1.33	Very Probable	4.02	1.37	Very Probable	4.27	1.30	Highly Probable	4.11	1.34	Very Probable

Besides the issue of job insecurity, other benefit related problems such as low wages, no overtime pay, inadequate bonuses, and lay-off entitlements; appeared to be other major implications/consequences for agency workers (See Appendix Table 16, page 346)

Table 24: Benefit Related Problems

	No problem	Low wages	Wage not paid on time	Cut in wages	No overtime pay	No bonus	No allowance	NO increment	Inadequate bonus	No severance pay
Mean	2.14	3.99	2.22	2.12	4.69	3.30	3.26	3.10	4.23	3.14
N	176	176	176	176	176	176	176	176	176	176
Std. Deviation	1.503	1.166	.915	.857	3.738	1.380	1.369	1.357	1.170	1.280

The respondents indicated “not having overtime pay and lack of bonus” as highly negative implications. Wages not paid on time and cut in wages, with Chevron having the highest negative response on low-wages and Shell scoring highest responses on lack of lay-off wages (See Appendix 15 Table 19, page 343). This suggests that most of the agency workers are hired by different labour intermediaries, who unilaterally negotiate their terms and conditions of work, hence the variations.

There is no doubt that the variations in the terms and conditions of work between the standard employees and agency workers, even among the agency workers, particularly wages, are very

alarming. One of the implications of this is that the knowledge of these disparities by the agency workers may lead to defiant behaviours.

The issue of income disparity has been a great concern to some scholars. Bamber et al. (2011) alleged that equity theory suggest that social comparisons are significant influence on how workers evaluate their pay. Workers make external comparison of their income and the income they perceived are earned by their colleagues within the oil industry. Such comparison is likely to have consequences on workers' behaviour and retention. Workers likewise make internal comparisons between what they earn and what they believe others within the company earns. These forms of comparisons may be anticipated to have implications and consequences, as well as, raise the question of equity.

Given the peripheral nature of agency workers in the industry, it is therefore argued that the main objective of management utilization of agency workers is not only in attaining competitiveness. But, primarily in reducing labour costs through labour intermediaries in defence to the rapid wage increase of standard employees.

5.7. Workers' Organisation and Labour/Management Relationships

The Nigerian oil industry trade unions have consistently been fighting the rapid growth of agency labour since the 1990s. In their struggle against flexible work arrangements, the unions issued a deadline to the Nigerian government before embarking on strike in 1991. This led to a tripartite arrangement involving ministry of employment and labour, management of the Nigerian oil industry and unions representatives.

The tripartite actors arrived at a compromise in resolving the issue by acknowledging the need to unionise agency workers in the industry. However, in 2001, the unions issued another warning to the Nigerian government, regarding their willingness to embark on strike to protest against flexible work arrangements. The mediation from the government led to organisation of a flexible work seminar, attended by the tripartite actors, during which members agreed on several terms, including the unionization of contract workers, transition to permanent employment contracts, and same wage for all workers on similar jobs (Akinwale, 2014, p. 93).

The reality of the situation in Nigeria today shows that management has violated the above mentioned terms of agreement. It is also worth noting that the Nigerian government has

devised several strategies to weaken the power of trade unions as shown in Table 25 below, where 86.3% of the respondents indicate management and employers' aggressiveness and hostility towards agency workers' unionization. In affirmation to this view, respondents from the three oil MNCs (see appendix 8, page 315), with Mean: Shell, 4.93; ExxonMobil, 4.85; and Chevron, 4.70, indicates that labour law should be reform to accommodate the emerging workforce, by regularising their employment conditions. This suggests that the weaknesses in the institutional mechanism in place to protect employment standards have contributed to an observable implementation gap with regards to employment legislation and workers right to association.

It is argued in the literature that the relative weakness of the Nigerian labour law has left unions incapable of sustained resistance to growth and expansion of agency labour. The situation in Nigerian is in contrast to what is obtainable in other emerging economies, such as, China and India, where strict legislative framework, is complemented by strong based institutionalised trade union power, which has prevented management from introducing agency work on a large scale (Huw, 2010), as it has been observed to have expanded from the peripheral into the core production areas in the Nigerian oil industry.

The utilization of agency labour in the core production areas has carried with it considerable changes in employment relationships between labour and management on the one hand, and on the other, between the workforces. In considering the mixed pattern of labour utilization in the core production areas, the unions are acutely aware of the consequences of a two-tier workforce on their membership and strength. Although, it is argued, regardless of the integration of agency workers into the core production areas, they are still treated as external workers, and, through their daily workplace experience, these workers are well aware of the situation (Barley and Kunda, 2006, p. 49).

This perception has adversely affected the ability of the workers to see beyond their diverse interests and join forces together against the common enemy (capital). Findings suggest that there is a great resentment between permanent employees and agency workers on the issue of mobilization. More particularly when interests' priorities are involved as shown in (Table 25 below) where 85.7% respondents claims that the major issue with workers' organisation is as a result of divided interest and priorities.

Table 25: Trade Unions' Challenges

	Frequency	Percent
As A Non-Permanent Staff, Do You Adequately Represented By The Union		
Yes	64	36.3
No	112	63.6
In The Last 10 Years, I Believe That The Management Has Positively Change In The Following Areas		
From Aggression To Understanding/Dialogue	24	13.7
From Dialogue To Aggressive Stand	152	86.3
Over The Last 10 Years, What Change Has There Been In The Activities Of Worker Organization To Your Company		
No Change	16	9.0
From Militant Actions To Negotiation/Court Cases	11	6.2
From Court Cases To Negotiations To Militant Actions	149	84.8
In What Capacity And How Often Do You Participate In Workplace Organization Activities In Your Unit		
As A Union Member	75	42.6
Potential Member	2	1.1
Freedom Fighter	2	1.1
Don't Participate	97	55.1
I Did Not Participate In Order		
To Avoid Been Victimized	14	7.9
Because I Still Need My Job	49	27.8
For My Contract To Be Renewed	26	14.7
Because The Struggle Favoured Only The Permanent Staff	6	3.4
(no response)	81	46.0
How Would You Describe The Relationship Between Management And Workers In Your Workplace		
Very Co-Operative	7	3.9
Somewhat Co-Operative	61	34.6
Not Co-Operative	108	61.3
What Do You Think Is The Major Issue With trade unions Organization		
Workers Have Divided Interest And Priorities	151	85.7
Non-Permanent Workers Believed That The Union Want To Use Them As A Shield	25	14.2

Given that trade union is an organisation to represent, in a precise sense, the interests of its members (Simms and Charlwood, 2010); the more diverse members' interests are, the harder a union needs to put forth efforts to reconcile them. The historical rejection of agency workers by the trade unions, although based in a progressive defence of the permanent employment relationship, had the effect of turning the unions away from adequately representing and defence of agency workers within the framework of their employment contract.

Also, the organisational structures of trade unions do not facilitate the mobilisation of a workforce that is fragmented across different sites of work, which moves from one workplace to another, and is formally separated from the permanent workers they work alongside. Attempts to overcome this by organising workers according to geographical territories have demonstrated the potential of new methods of organisation and mobilisation. Trade unions have since modified their approach and structure to accommodate agency workers, but success has been limited (this more elaborated in Chapter 6).

Drawing on Hyman's (1997: 516) study with regards to trade unions and interest representation, the question of whose interests includes a union's constituency (parameter of membership). Once a union decides its constituency, its preference would be the interests of the specific constituency which could be disadvantage to others. Therefore, setting the bounds of membership is trade union key strategic preference because unions tend to act on behalf of specific constituencies. Hence 63.6% of respondents, (which presumably are agency workers) feel that they are not adequately represented by the trade union.

As earlier mentioned, the absence of legal backing is also a contributing factor of the union's inability to organise these group of workers. Likewise, the degree to which agency workers are not covered and protected by legal provisions is also contributing to their unwillingness to join the union. Against this backdrop, an agency worker is likely to cultivate the image of an ideal worker whose conduct and demeanour conforms to extant organisational norms, with the aspiration of transiting to permanent employment contract (Gottfried, 1992, p. 449). Agency workers can nurture this aspiration in spite of evidence suggesting it is unlikely (Forde and Slater, 2005). More significantly, agency workers tend to maintain good relations with management and their employers to avoid the non-renewal of employment contract, and to secure future assignments.

In this sense, employers are able to set out the "rules of the game" which are expected to be adhered to in order to secure future income, as indicated also in Table 25 above, where 27.8% of the respondents' claims that they still need their jobs, while 14.7% seeks renewal of contracts, 7.9% claimed to avoid being victimized, and 46% chose to remain unresponsive.

The unresponsiveness of the 46% respondents could implied, that they are willing to join the union or not interested. However, those who are willing to engage in collective forms of resistance find themselves at risk of unemployment, thus depriving trade unions of a new generation of potential activists (Danesi, 2012). Indicatively, the most important rules here are work, keep your head down, keep away from the unions, and sustain your livelihood. Thus, agency workers' attitude towards trade unionism are influenced by their employment terms and conditions, including their relationships with the oil MNCs and their employers.

In summary, it might be a misjudgement to allege that trade union represents only the interests of its members. But rather it is the scope of the trade union limit of representation which tends to be compelled and restricted in part by the constraint of the labour law and the unwillingness of agency workers based on the employment contracts. Even if agency workers fall within the trade union boundaries, whether or not their interests get represented depends

partly on how compelling they make their interests known to the union. In most circumstances they are afraid to join or complain to the trade unions for fear of getting their contract terminated or not renewed.

Irrespective of these analyses, it is believed that the regularization of labour legislation will aid in decreasing the gap between the permanent workforce and agency workers in terms of workers' representations and collective bargaining which to a great extent will reduce conflict of interests between the workplace actors. In the light of this, the next section presents workers' views on the causes of industrial conflict in the Nigerian oil industry.

5.8. Causes of Industrial Conflict

One of the important implications of neo-liberal policy in Nigeria was the restructuring process which resulted to thousands of workers becoming redundant, thereby increases the enclaves of unprotected labour, driving the trade unions up against the wall. When the government of Ibrahim Babangida first announced the new policy of Structural Adjustment Programme (SAP) in 1986, in more concrete and explicit terms the response of the trade union movement has been, at best, defensive. The variation has been merely in degree and in fact their perception was that the entire policy package was anti-working class and therefore, not acceptable to them and this was fiercely resisted by union through general strike actions (Onwe, 2014:288). These actions saw to the revocation of the Nigerian National Petroleum Corporation (NNPC) privatization in 2004.

The trade unions are not relenting in their struggle for emancipation, according to the response in Table 26 below, respondents from the three oil MNCs indicated that the shift from standard employment contracts to agency labour is the major cause with a Mean (4.98), followed by the unlawful victimization of trade union members (4.69), and the denial of agency workers the right to unionise (4.49). This is contrary to the position of the Nigerian Constitution and ILO, which states that there should not be barriers by the employers to workers right to association for the purpose of regulating their employment relations (ILO, 1997).

Table 26: Causes of Exacerbating Conflicts

	The shift from permanent work to contract work	Denial of the non-permanent staff right to union	Refusal to honour collective agreement	Union recognition	Retrenchment	Increase in wage demand	Increase usage of expatriates	Unlawful termination and victimization of union members	Unlawful termination of contract staff for associating with union
Mean	4.98	4.49	3.90	3.47	2.34	2.23	2.90	4.69	3.87
N	176	176	176	176	176	176	175	176	176
Std. Deviation	.130	1.031	1.026	1.180	.972	.886	1.138	.684	1.237

However, the employers of labour in the Nigerian oil industry have become pervasive in their work arrangements by fractionalizing the workforces all through the organisational structures and work processes. Before now, employers hired agency workers strictly for the peripheral activities (non-critical work), however, recent years have witnessed the deployment of agency workers into core production areas, performing core functions, with intermittent renewal of contracts terms, thereby denying them the right to unionise. This indicatively has affected trade union membership, hence the fierce resistance of contracting of labour by the trade union.

Labour segmentation theory (Doeringer and Piore, 1971) suggests that core and peripheral labour force are alleged to be in two distinctive labour market segments, which ought not to be in competition with one another as a result of the different purposes they serve (Emmenegger et al. 2012). However, this is not the case with the Nigerian oil industry; most core activities are now performed by workers supplied by labour intermediaries. This supposedly has compelled the trade unions to expand their representation domains towards agency workers, which the employers have vehemently refused. This possibly indicates the exacerbating conflicts in the oil industry as affirmed by the respondents.

However, the incessant rate of conflicts in the industry does not portray good employment relationships among the actors in the workplace. The process where industrial harmony is lacking portends great danger for the Nigerian society, not just by the virtue of oil industry being the major source of income for the Nigerian government, but likewise scares away foreign investors for lack of security (Okolo, 2010).

5.9. Conclusion

Shell, ExxonMobil and Chevron operates two-tier labour markets, divided into the core and periphery segments. The core segment is similar to the character of Atkinson's flexible firm model. This is made up of workers with relatively stable employment, who are usually well remunerated with good benefits that keep them secured against the highly-fluctuating economic conditions in the world. Such contracts also provide enormous opportunities for career progression within the various departments of the organisations. Those in the core are often recruited through formal firm-specific recruitment procedures.

While the peripheral are polarized into contract, service and support staffs. The employment status and working conditions of these groups' of workers are generally characterised by precarious work with fewer employment benefits, limited workers' rights, and/or, little social protection. The trend for increased utilization of agency labour has certainly been controversial, as it has played a role in changing patterns of work and employment. For the management, the utilisation of agency workers could be seen as a way to bring about employment flexibility, due to innovative technology, and to reduce labour costs, thereby enhancing firms' market competitiveness, and the maximization of profit.

However, the changing workforce composition presents significant challenges to the unions, given the growth of agency labour and the subsequent denials of workers right to unionization, there emerge a representational gap. This evidently affects trade unions membership. Furthermore, the challenges facing unions in representing agency workers may likely due to workers' fragmentation, as well as, the variation in contracts durations, besides, workers' attitudes towards trade unionism and the working environment might have various impacts on labour movement depending on the nature of work. In Shell, ExxonMobil, and Chevron Nigeria, agency workers find it difficult to be members of the trade unions as their employer (company policy) made this known from the beginning, or where their contract covertly suggests so.

As the shift towards a two-tier workforce becomes more segregated with pronounced undue company's policies, job insecurity is on the rise, wage is decreasing as the management moves towards offering different terms and conditions for different groups of workers. In Nigeria, there is a minimum wage for public sector workers, which is not enforced by employers in the private sector. As a result, wages and benefits in the oil industry are

determined by the management of the organisation and this differs significantly between the different categories of workers.

As we will see in the next chapter, from the semi-structured interviews with some of the interviewees, it is clear that the oil MNCs operate a system of wage secrecy in which employees are kept in the dark regarding the wages of colleagues. However, information on wages and benefits are usually passed around during informal discussions among employees/workers. In this regard, the oil MNCs has inadvertently increased resentment among individuals right to association. This purposive employer segmentation or flexible strategy incentivised by economic motives provides a scope for internal conflicts of interest between labour and management, and among workers. Thus, the resultant multiple fragmentation of the labour force into various different, separate and sometimes even competing or at least non-cooperating groups, is essentially boosting employers power and the rule of capital. The dissatisfaction with the new forms of work arrangements has created an atmosphere of job insecurity among workers and severely curtailed trade union activity. Hence the exacerbating conflicts in the industry.

Nevertheless, the difference in the position occupied by one group in social production indicates one group to appropriate the labour of another, hence, management appropriate the labour of wage workers through flexible work arrangements. This ultimately would lead to conflict and struggle in the system. This is more elaborated in the qualitative analysis which is the next chapter. This is one of the benefits of a mixed methods research strategy, as discussed in the previous section. The combination of quantitative and qualitative approaches is said to provide a better understanding of research problems and their outcomes than either approach does when used independently (Creswell and Plano Clark, 2007). The search light is now focusing on the qualitative findings in respect of this research.

Chapter 6: Qualitative Findings

6. Introduction

In the previous chapter, the findings of the quantitative study investigation into both the employees on permanent employment contracts and the fragmented agency workers across the three oil multinational companies on their views on management rationale for the increasing utilization of agency workers and trade unions challenges were represented. This chapter now proceeds to build on this evidence by presenting the interview material. The qualitative method was undertaken with respect to specific stakeholders- (management components, unions' officials, agency workers and two employment agencies) with the intention of investigating management rationale for agency labour and the unions' oppositions. The findings from this portion of the study further shed light on the results from the quantitative study.

6.2. Structures of Findings

The chapter is divided into four sections of investigations. The first section presents an account of the management findings on the rationale for the increasing utilization of agency labour in the Nigerian oil industry. Distinguishing the findings based on the three cases (Shell, ExxonMobil and Chevron Nigeria). The second section, presents findings on trade unions challenges. This is further distinguished, based on the two oil industry unions (PENGASSAN and NUPENG). The third section is based on the findings from agency workers' interviews, and lastly, the discussion held with the employment agencies.

Below in Table 27 are the profiles of the management team interviewed and interview participants were secured by personal contact, which is the best approach to build and establish a strong trust and good rapport with participants. They are grouped according to their positions.

Table 27: Profile of Management Participants

No.	Designation	Shell	ExxonMobil	Chevron	Total
1	Senior HR Managers (Generalists)	2	2	1	5
2	HR Line Managers	1	1	1	3
3	HR Talent Advisor	1	1	1	3
4	Head Oil Accountants	1	1	1	3
5	Line Managers (Oil Exploration and Production)	1	1	1	3
	TOTAL	6	6	5	17

6.3. Codes for the Interviewees

The researcher chose to refrain from the use of participants real names in order to maintain anonymity, instead pseudonyms for the respondents were generated, as shown in NVIVO Coding Process Table 28 below:

Table 28: NVIVO Coding Process

MANAGEMENT INTERVIEWS						
Name	Nodes	References	Created On	Created By	Modified On	Modified By
ARIT SHELL	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
DAYO SHELL	0	0	01/04/2016 16:54	Jl	21/04/2016 17:50	Jl
DIEBIRI SHELL	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
EFFIONG CHEVRON	0	0	01/04/2016 16:54	Jl	16/06/2016 16:42	Jl
SAM SHELL	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
EMPLOYMENT FIRM 2	0	0	16/06/2016 16:47	Jl	16/06/2016 16:47	Jl
EMPLOYMENT FIRM1	0	0	16/06/2016 16:46	Jl	16/06/2016 16:46	Jl
ESE EXXON	0	0	01/04/2016 16:54	Jl	16/06/2016 16:55	Jl
GODSPOWER CHEVRON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
HOWARD CHEVRON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
GERALD EXXON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
JOY CHEVRON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
KEN EXXON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
LEDEFUNE EXXON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
MINISTRY OF LABOUR INTERVIEW	0	0	16/06/2016 16:47	Jl	16/06/2016 16:47	Jl
NGO ODUMAKIN AND ODAH	0	0	16/06/2016 16:48	Jl	16/06/2016 16:48	Jl
NUPENG EBIYE	0	0	16/06/2016 16:40	Jl	16/06/2016 16:40	Jl
NUPENG MOSES	0	0	16/06/2016 16:39	Jl	16/06/2016 16:40	Jl
PENGASSAN ADEFOLU	0	0	16/06/2016 16:41	Jl	16/06/2016 16:41	Jl
PENGASSAN PRINCEWILL	0	0	16/06/2016 16:40	Jl	16/06/2016 16:41	Jl
JOSHUA SHELL	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
EDWARD EXXON	0	0	01/04/2016 16:54	Jl	16/06/2016 16:58	Jl
TRICIA SHELL	0	0	01/04/2016 16:54	Jl	16/06/2016 16:57	Jl
SEGUN EXXON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl
GEORGE CHEVRON	0	0	01/04/2016 16:54	Jl	01/04/2016 16:54	Jl

6.4. Data Analysis

Data transcription and analysis were immediately embarked upon after the completion of the fieldwork and the main challenge was how to synthesize this multiple information from different stratified domains which was practically more complex in attaining meaningful results (Miles et al. 1985: 279). Data analysis involves a number of stages namely; data management; generation; interpretation and presentation (Creswell, 2009; Yin, 2009).

The transcription of the interview data posed a kind of challenge as the researcher did not have a foreknowledge application of the existing transcription software (NVIVO). As a result, transcription was manually done using the Sony tape recorder, as strenuous and time consuming this was, it took more than three months to be completed and resulted in the generation of enormous volume of data that was classified as relevance.

The data from the three companies, the trade unions, agency workers and the employment agencies were transcribed separately for a cross-case comparison purposes. Further reading of the transcripts and notes were then undertaken and a structural coding technique (Saldana, 2013) was applied to the interview transcripts using the interview questions.

According to Saldana (2013), structural coding is more suitable for interview transcripts than other data, such as researcher-generated field notes, because it applies a conceptual phrase representing a topic of inquiry to a segment of data that relates to a specific research question used to frame the interview. MacQueen et al., (2008) alleged it is a question-based code that acts as a labelling and indexing device, allowing researchers to quickly access data likely to be relevant to a particular analysis from a larger data set (Namey et al., 2008). Thus, the research questions and interview questions were used as a basis from which to sort, label and categorize the interview data for analysis.

This technique is also considered appropriate for studies employing multiple participants, and for standardized or semi-structured data gathering protocols (Saldana, 2013). A pattern coding technique was also employed to analyse the field notes and to identify emergent themes. Pattern Codes are “explanatory or inferential codes, ones that identify an emergent theme, configuration, or explanation (Saldana 2013). This technique of coding also facilitates “cross-case analysis by surfacing common themes” (Miles and Huberman, 1994: 69).

After the full transcription phase, the researcher however acquired NVIVO knowledge through YouTube tutorial training. This software helps to organise data but does not generate knowledge, such as coding, categorization and generating themes, the researcher has to

generate these categories. The manually transcript files were imported into NVIVO Software, Nodes (Code), Child Node (Categories) and Parents Node (Themes) were generated by the researcher based on the content of the relevant information identified.

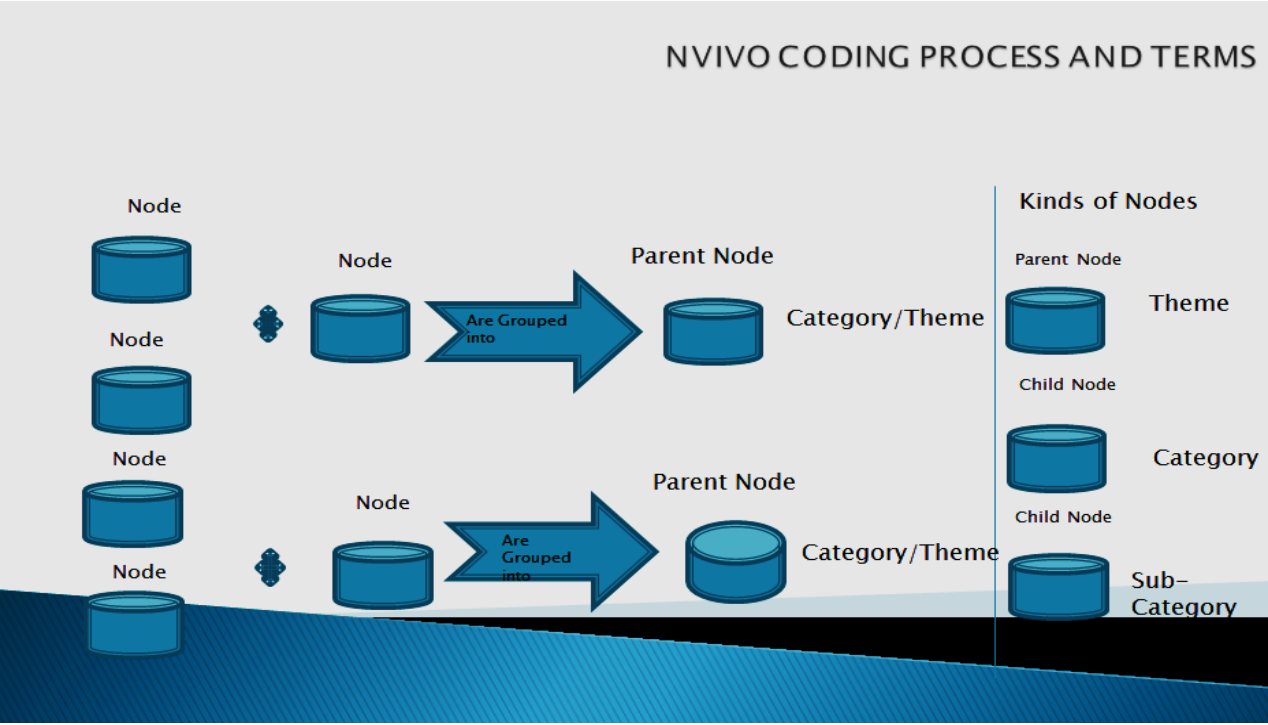
The next stage involved Codification, Categorizations and Themes, which involved a thorough coding of the data.

6.4.1 Codification

A code is a word, phrase or sentence that represents aspect (s) of a data or captures the essence or features (s) of a data (Saldana, 2013). Hsieh and Shannon (2005: 1281) alleged that “coding can begin with one or two strategies, depending on the research question. If the research is to identify and categorise all instances of a particular phenomenon, such as emotional reactions, then it might be helpful to read the transcript and highlight all text that on first impression appears to represent an emotional reaction”. Therefore, code represents an interpretation of the researcher of the exact text in the transcription of the interview (Peter and Wester, 2006: 24).

Open coding process was adopted to analyse the interview transcriptions. Open coding is a careful examination of all the interview transcripts line by line in order to separate the data and generate ideas that fit the data. The view is that conceptual implications may arise which may later become themes. The data was disaggregated and analysed for similarities and differences. The use of disaggregation of data thus helps to generate themes and categories. The researcher labelled and sorted the raw data into themes and categories thus producing a visual understanding of the NVIVO Coding Process (see Table 29).

Table 29: NVIVO Coding Process and Terms



The Nodes (codes) were categorised by general themes that had a page link corresponding to the raw data from which the themes were developed and derived.

6.4.2 Categorization

The categorization of the data entails the copying of bits of data from one context (each interview transcription) to different categories as applicable, and then linked these categories (Dey, 2005: 120); this is to enable the researcher to generate explanation for the research question and objectives of the study. In substantiating this viewpoint, Yin (2014: 142) indicated that the purpose of the basic categorization strategy is to link interview data to some concepts of interest as relates to the research questions, then have the concept gives the researcher a sense of direction in analysing the data.

Hence the categorised data were linked to the research questions and objectives with the anticipation of finding answers to the what, why and how questions. Eight themes emerged initially from the coded data that relates to the specific research questions and were merged into five categories of themes namely: - Optimization of Resources; Securing the future of the workforce; social inequality; Workplace Relationships, and Anti-labour practices. The five categories of themes were developed after a thorough examination of the transcribed data, and were used to draft the research analysis, in accordance to the research objectives and questions.

6.4.3. Words Frequency Query

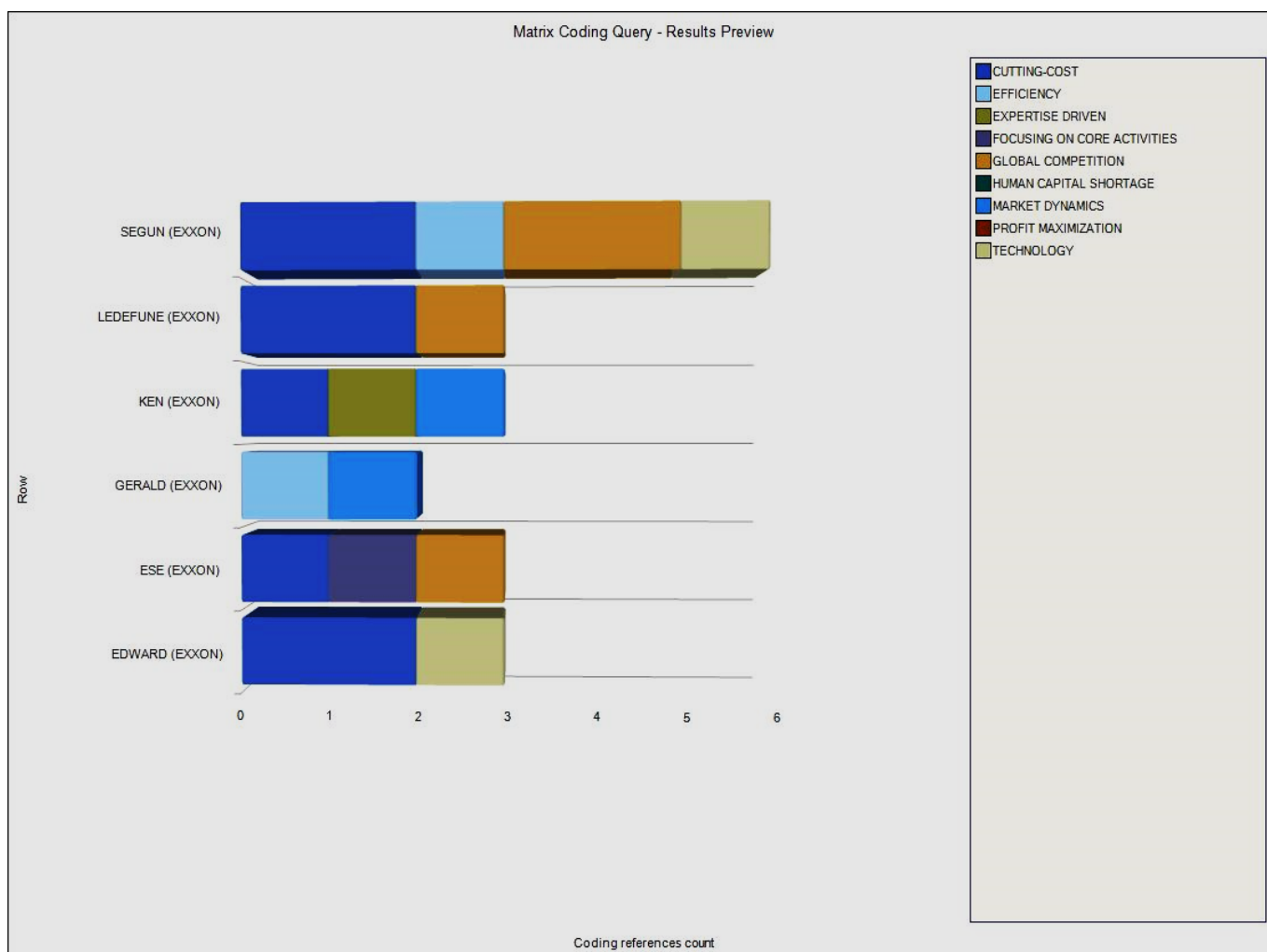
The researcher in a bid to know the kinds of words the participants frequently use ran words frequency query (Table 30 below). Query is all about getting to know your data. How participants responded to your questions, getting to know the kinds of words or phrase they use in describing issues or responding to your questions.

Table 30: Word Frequency: Visual Display of Word Frequency Query



6.5. Management Rationale for the Increasing Usage of Agency Workers.

6.5.1. Table 31: Exxon Mobil Management Responses to Rationale for agency labour



When asked why management use agency labour, all the participants from ExxonMobil enumerated several factors, but the most outstanding factor is cost-cutting, followed by global competition as indicated from the Matrix Coding Results in Table 31 above.

Ledefune (respondent) alleged that agency staffs serves as a significant value to the managements of oil multinational companies because it permits them to escape the inevitable expenses it would otherwise incurred if it had to fire permanent staff. He noted that the absence of dismissal costs is a huge financial relief on the management, hence the increase usage of agency workers. These expenses do not only involve severance costs and other dismissal expenses, but an indelible consequence, such as reputation damage, which can hinder such company's ability to attract competent and highly skilled potential employees. He said:

“Presently, there is a great market competition both at the national and international level. Therefore, for a company to remain afloat, it is prudent for the management to sanitise their operations and keep or attract only the highly skilled core workers with rare knowledge”.

He emphasised that the ability to attract and keep competent employees who are critical to the long-term success to the company has become more crucial to the management. However, because there is no psychological contract and long-term relationship between the oil companies and the agency workers, management can discontinue their working relationship without incurring any of these charges. For management, dismissal expenses are reduced and this aid in reducing barriers to employment and thus increases their productivity and profitability.

Segun (respondent) taking a global dimension emphasized that global competitive climate has promoted capital-intensive technologies, which necessitated skills for innovative technological efficiencies. He mentioned four strategic key drivers why management uses agency labour as: Cost-cutting; Global competition, technical competencies; and to great level trade unions militancy.

He stressed on the attributes of a technical competence of an engineer which includes: educational qualifications and experience; rare knowledge, industry knowledge, and technological expertise. He noted that in most circumstances it is rare to find qualified personnel with such bundle of skills within the ambit of time and within the context in which the company operates, the management may decide to liaise with oil servicing company or employment agency, which gets expatriates to fill in such positions.

Elaborating further, Segun noted that the hiring of such personnel with the requisite technological and technical skills may undeniably leads to the laying off of some employees who failed to meet the required skills and expertise fit with the company's goals. Emphasising, it is a competitive world, rare and inimitable knowledge is what every company needs to remain in today's competitive market. This key point was likewise noted by one of the interviewees from Chevron (Joy, An HR Talent Hunt Manager) who illustrated by giving an example of what took place in Chevron Nigeria when she went to head-hunt for engineers. She said:

“In Nigeria, there are scarcities of engineers, if I see an expatriate who has the skills for core activities; the company definitely would hire such on contract terms. There

was a period Chevron Nigeria needed 10 engineers, and we ended up getting 2 that fits the criteria needed. However, they were some who were mechanical engineers but did not meet the needed criteria in terms of qualifications and skills rather have lower qualification but by the virtue of their exposure and experience by working in another company as mechanical engineers, such were recruited not as permanent staff but as contract staffs”.

However, data from the trade unions interview did not totally agree with this view. The trade union argues that, when these expatriates are hired, there are deliberate attempts by the oil MNCs to resist the transfer of technical knowledge. They only train low and medium level technical assistants and few engineers; they restrict the transfer of technical know-how to a great extent and occupy the key positions such as, line-managers and supervisors. This is further discussed in the trade unions findings in the second part of this chapter.

Ken (respondent) agreed agency labour is a necessity in an adversarial market environment such as the oil industry, and he was quick to add that it is an issue of supply and demand. A company that operates in a market environment that experience high fluctuations in demand has a higher need to adjust its labour force, otherwise the company would be placed at a competitive disadvantage. In recent times management are more and more inclining towards flexible workplace practices in an attempt to meet market fluctuations and increase productivity and efficiency. He further explains that a company’s labour force may be anticipated to increase speedily when there is increase in production demands and to reduce when there is less production, which implies, hiring may be on the increase today and firing tomorrow.

He stated that:

“The current fall in crude oil price has caused most of the oil companies globally to cut-down on their staff strength and have to hire more of agency workers to meet the business cycle fluctuations, so this is not peculiar to Exxon Mobil alone.”

While admitting that the management of ExxonMobil contract out labour, Gerald (respondent) was swift to say, it is a strategy for efficiency and optimization of resources due to market dynamics. He noted that the management expectation is to focus on the areas or activities that are critical to the company and how to optimise the key personnel or resources due to market complexity. He emphasised, it is all about what is critical to the management and has a long-term benefit to the company. Hence the operational system is thereby

segmented into the key and non-key activities. He uses the means of getting employees to the rig as an example, he said:

“Prior to this time, the company had helicopters to fly staff to the rig, but now there is a very reliable and efficient company (Bristol Helicopters) with fleets of helicopters that can render the services at cheaper rate, so why would management not utilized such service and do not need to worry about maintaining fleet of helicopters and keeping crews of permanent employees. This enables management to focus on their core business. Therefore, the key motive for agency labour is to enable the management focus into the areas of their core; which is considered as more efficient alternatives”.

Gerald was also quick to defend that some cyclical activities that are ad-hoc in nature could be core activity to the company but has a life-span. This could be a project that may last for six months or one year. Again, it is time bound; it does not make any business sense to hire permanent employees for such project, it is better to use agency workers. He laid more emphasis on career purposes, he noted that there are highly specialised positions such as the (Medical Doctors) that do fixed job, which have very limited career progression in the industry, in such positions, the management would not want to hire an individual or person (s) who remains in one position for years, such an employee would end up as an unhappy and disgruntled person. Taking a global dimension, he stated:

“Agency labour is something that has come to stay and is not peculiar to the Nigerian oil industry alone, it is a global issue. Please, you tell me why an organisation should employ a permanent staff for a project or work that the end is already known? At the expiration of such project what would such employees be doing? People should understand that an employee is hired, irrespective of the kind of contract, for what the employee can offer in serving the need of the company. The noise about agency labour and their unions are absurd. Rights has been given to the trade unions to organise agency workers, he availed the researcher a duly signed communique agreement between ExxonMobil, Trade Union and labour intermediaries to that effect”.

PENGASSAN however take a swipe on Gerald’s notion on the signed communique agreement by the tripartite parties. Princewill (union official) said “yes there is a duly signed communique” but in reality, it is not operational. Challenging the management, he declared the degree to which this agreement was to be implemented were determined by so many factors. Common amongst these factors are, the fragmentation of agency workers, short-term

employment contracts of the workers and the non-cooperation of employment agencies (employers). It could be argued, in order to avoid getting their (employment agencies) own contracts terminated by the oil MNCs, they proactively embarked on shortening the contract terms of new agency workers and their unwillingness to renew the contracts terms of the existing workers. Princewill accused both the management of the oil MNCs and Ministry of labour and employment of not been committed to the implementation of the agreement. He queried the fact that there is no effective mechanism in place that monitors the implementation of every agreement reached. In his words:

“The government needs to put in place an effective implementation monitoring mechanism that will monitor the extent to which the management of oil MNCs and their collaborators (employment agencies) adhered to every agreement reached”.

Ese has a different viewpoint why management uses agency workers, besides costs-cutting, global competition, technological competences and focusing on core activities that had already been mentioned. He noted that the use of flexible workers has to do with the relationship with the communities in which the oil multinationals operates. He alleged that, the management hired some of the natives through employment agencies as a way of giving them a sense of belonging and to learn new skills. He perceived this as providing some of the natives the opportunities to gain innovative work experience and the necessary human capital that can launch them into the labour market for more desirable and permanent jobs. He gave an example of what happened in July, 2002, he said:

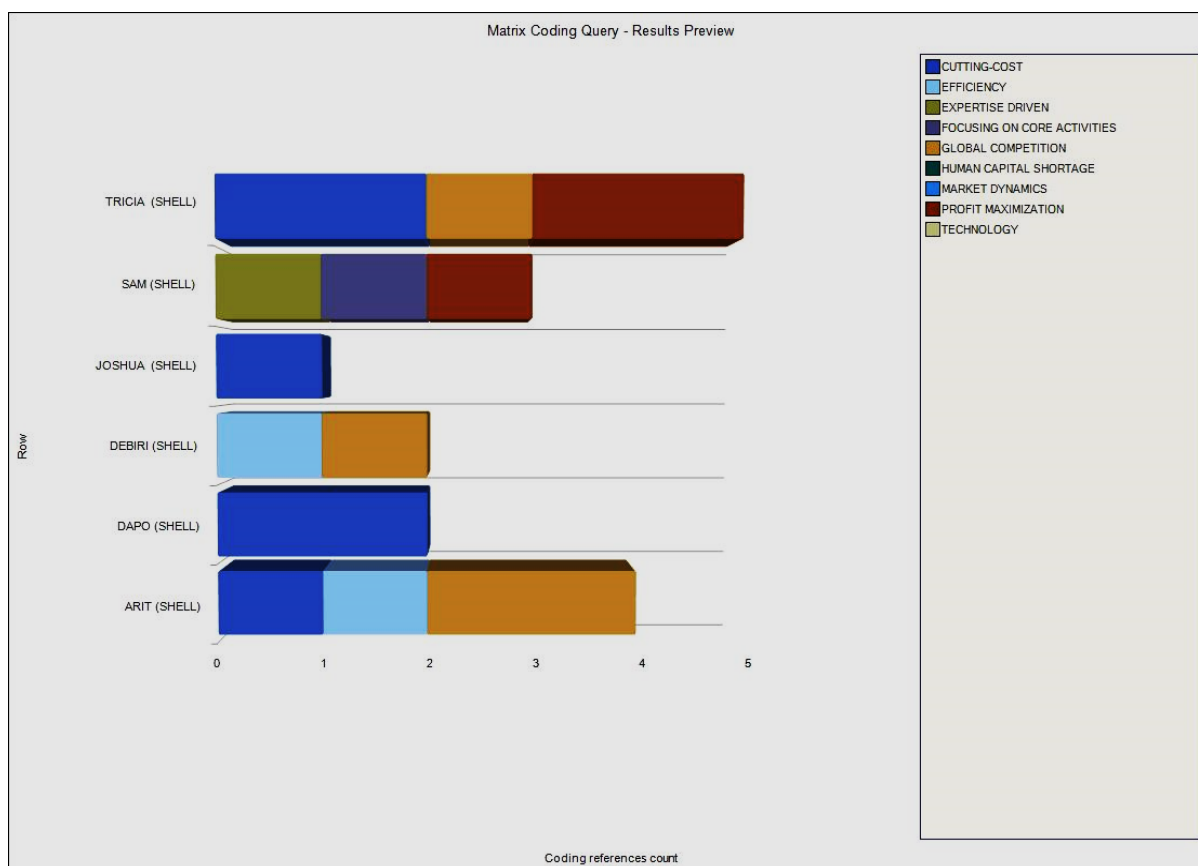
“The women of Niger Delta region went stark naked to protest against Shell, Mobil, Chevron, Texaco and other oil MNCS operating in their communities. How they have succeeded in destroying their livelihood by polluting their land and waters and demanded that the 50 members of the communities who were agency workers should be upgraded to permanent status. They requested that more jobs should be given to their children rather than other tribes, that when they get old someday and becomes weak, it is their children who would feed and take care of them. If our children are not given jobs, then we the mothers and fathers cannot survive”.

Ese further gave a brief detail of how the management of the oil MNCs have improved the living standard of the average natives, despite the fact that majority of them are agency staff, they enjoy relatively better wages compared to some permanent employees in other sectors.

But one of the arms of the trade unions (NUPENG) argued that not all categories of the workers enjoy the supposed better wages and conditions of work such as the casuals and workers on probations. He argues that before these groups of workers could attain their permanent positions (those on probation), the management would terminate their appointments and re-engaged some of them as agency staff. He highlighted, that the “supposed” better wage in the industry earned by these workers is not enough to compensate them for the risks they face in the cause of their jobs, most particularly those on the rigs, and the wage earned by these workers was as a result of the trade union militancy.

In summary, management of ExxonMobil attributed the rationale for agency labour to costs-cutting, competitive market environment, technological innovations, changing aspects of technology which requires expertise and flexibility in labour use so that the number of employees would not be fixed always, and a way of giving back to the communities. In this context, the management opt for flexible work arrangements to support the changing market demand. Hence the use of agency workers enables management to achieve both employment flexibility and cost adjustment objectives.

6.5.2 Table 32: Shell Management Responses to Rationale for Agency Labour



When asked why the management uses more of agency labour. Tricia alleged that there are many factors militating against the company to contract out employment, primarily, are salaries and benefits which are perceived as the major financial burden for management, more particularly in the phase of global competition and drop in the crude oil price. In justifying this view, Dapo corroborating Tricia's view alleged that using agency labour is an approach by the management to cut-down on organisational cost. These collaborate with the NVIVO Matrix Coding Table 32 above on why Shell Management uses agency workers. Result shows several factors, but the three outstanding are: Cutting-Cost, Global Competition and Profit Maximization.

Dapo emphasized that there are considerable pressures on and opportunities for management to cut down on labour costs by subverting the aspects of standard employment relationship through the much availability of labour intermediaries to supply non-permanent workers at cheaper cost. He alleged that as the pressures for efficiency increases, so the problem of labour costs intensifies. Arguing that the rising levels of global competition, coupled with pressure from the trade unions, particularly the extent to which management regards the

provisions on unfair dismissal as inhibiting their capacity to remain competitive, management therefore are compelled to seek alternative means to efficiency at cheaper cost. Dapo emphasized that in the present world of technological innovations and market dynamics a company with high proportion of unskilled workers, dismissal or the threat of it remains an important form of managerial control. Hence the pay-off and early retirement of low-skilled workers to pave the way for skilled workers, they could be permanent or non-permanent workers. This is highly perceived by the management as the most sustainable path to competitiveness. He stated that:

“It is wise to have a two-tier workforce where permanent employees are retained for core activities and below them are agency workers. It means that even in severe economic situations the company can still remain afloat. Work flexibility should be promoted because it enables the management to react so much faster to economic conditions as it evolves”.

Similarly, Tricia alleged that oil companies operate like organism that goes through some metamorphosis. In the phase of this transformation, they have to fine-tune their structure and in the process, it is imperative, that some employees may have to go. Staff reduction is the only option available for the management to cut-costs and increase profit. When this happens, the management implements some HR policies that deemed beneficial for the successful operations of the companies, which is where agency labour may come into play.

However, she observed, that most of the core job vacancies are filled with just few permanent workers which indicates a steady decline of the permanent workforce in the company. She said:

“That the way and manner in which agency workers have been utilized in Shell does not seem contingency, pragmatic and calculative rather she argues that this appears a deliberate act by the management of Shell which becomes clearer when some core positions were filled with agency staff”.

Concurring to this view, Joshua observed, that currently Shell is maintaining limited number of core labour force. Given that Shell Nigeria makes more profit than its other subsidiaries in other nations. He alleged that the permanent workforce should be increase rather than increasing the non-standard workforce. Sam equally noted that presently, Shell Nigeria deliberately maintains small core labour force which was not consistent with the practice in other nations such as the Netherlands and UK. For instance, in 2012, Shell Netherlands

maintained that the company had approximately 9,000 core employees and 6,000 employees in its subsidiaries across the country. While he ascertained that Shell Nigeria in its payroll has more than 4,000 permanent employees and more than 30,000 agency workers.

In view of this, trade unions (PENGASSAN and NUPENG) claimed that Shell Nigeria directly hired 520 core employees, and argued that the excess figures work in the core production areas but as agency workers. It is presumed that the rapid change in the work arrangements is having a serious effect on union membership.

Furtherance to this line of arguments and in a different view, Debiri emphasized that Shell is a multinational company, and the management implements different labour policies for different economies and nations. Tricia take a swipe on the Nigerian government for the nation's weak legislation that gave the oil MNCs the prerogative to cheat and enslaves the labour force. She noted that most of the oil MNCs disrespects the Nigerian labour law and as a result, agency workers are left at the mercy of the employers to accept whatever is offered as salary. Hence, today employment relations subjects' workers to a system of employer control fashioned to maximise input which the workers comply for salary.

However, the colleague who shares the same office cautioned her and said, do not forget that the 'walls has ears'. By this caution, the researcher observed that interviewees were cautious of the kind of information provided, however, she surmised with the following:

“A company exist to make profit, if not for anything else, for the sake of competition. Otherwise the company will be kicked out of the industry by competitors. It is a simple mathematical arrangement; it is more cost efficient to hire agency workers for functions that are not core or critical to the success of the company”.

On the issue of Global Competition, Arit was quick to make reference to the lifting of international sanctions against Iran. The implication of this is that, Iran as an OPEC member will now be able to export oil, thereby sending a wave of fear across the already weak market which has been plagued by crude oil supply surplus. She emphasized that global market competition brought about uncertainty and fluctuations in the crude oil market which necessitated re-structuring and re-strategizing, hence the paradigm shifts in work arrangements. She alleged that for a company to remain competitive they have to keep strategizing their operational system to remain afloat. That is why some job functions that are critical to the success of the company, the management makes deliberate attempt to hire permanent personnel, or keep some agency staff termed critical to the company for years,

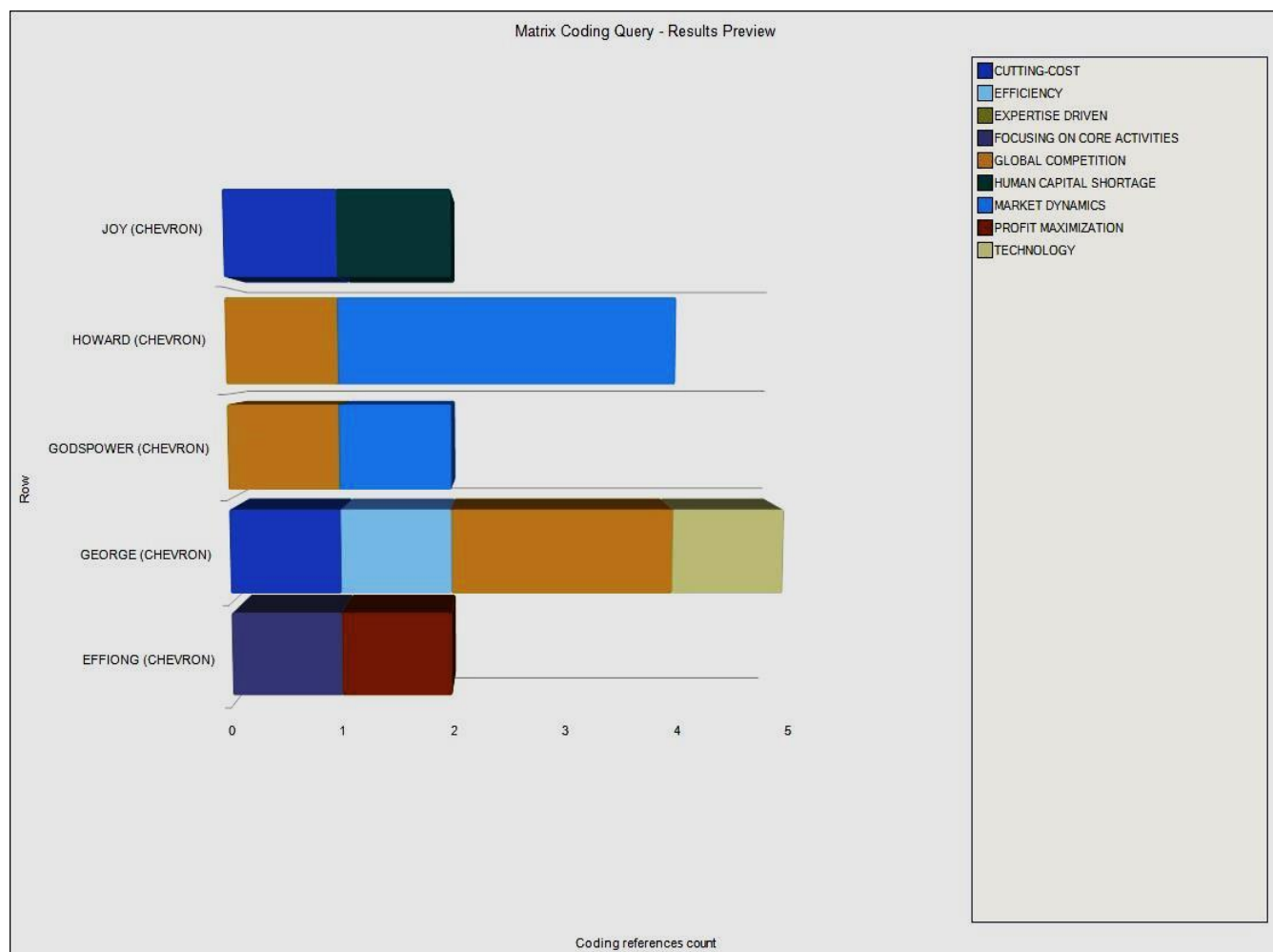
such as the engineers, geophysics, and geoscientist to mention but few, these are the highly skilled and skilled workers and they are the life wire of the company.

Substantiating on this, Debiri attested that the retrenchment and compulsory retirements that took place from October 2014 still on-going in 2015 at the time of this interview, was not targeted at neither permanent nor agency staff, rather it was based on the job functions that were termed critical to the existence of the company. For example:

“Placing of pipeline is a core project, and time-frame is usually allocated to such project which depends on the miles/kilometres they have to cover, which workers are expected to strictly work towards and after the completion of such project, the workers are relieved”.

However, there is general consensus among Shell interviewees that agency labour is a necessity and critical to the existence of the company, although there are numbers of factors notably cutting-costs have been the primary cause amongst others.

6.5.3 Table 33: Chevron Management Responses to Rationale for internal labour Contracting



Armed with the question of why Chevron Nigeria uses more of agency workers, the most outlined factors by the respondents were market dynamics, global competition and cutting costs amongst others. Howard noted that agency labour is a successful management strategy to adapt to market dynamics, and this strategy favours the employers more. Highlighting that agency workers are easily laid-off when their services are no-longer needed or when their criteria no longer fit into the company's goals. He however declared that the Government should strengthen the legal positions of this class of workers in a more sustainable way, whereby, were employers use them as a strategy to reduce cost and increase productivity, it should be made to balance with the improvement of equal-treatment of a commensurate pay and rights.

In agreement with Howards' view, Godspower asserts that using of agency labour lowers hiring costs since advertising and interviewing costs are shifted to the hiring firms. Employers have discovered this as a means of cost effective solution to remain competitive and profitable. He declared that most of these agency staffs are mainly use for seasonal variations and in demand on short-term basis, they function at both core activities and peripheral, it all depends on the department and needs. It is not viewed as a scheme to prevent trade unionism as being speculated. He also harped on the issue of high rate of unemployment in the country and the influx of job specialist firms as additional motivating factor why oil companies uses agency labour. Regrettably, he alleged that, Nigeria is a proud producer of thousands of graduates on a yearly basis without any commensurable jobs to meet these great populations. He lamented:

“It is disheartening that our government has failed to eradicate the decaying ills of the system, and allows some industries that would have generated jobs migrated, and the few remaining taking advantage of the high rate of unemployment. This is the result of what you get in the midst of plenty with a handful of companies. Let the government first of all put his house in order, before you can fight the oil MNCs”.

George attributed the motivating factors to global competition and changes in the product market. He alleged that the global competition in the oil industry has taken a fierce dimension and it is only the fittest that can survive. He said:

“The Nigerian oil industry is currently as never before, being exposed to the effects of global economy. The stormy competitive market has placed so much pressure on the management to increase production capacity as at when necessary. In such circumstances, the primary aim for most of the oil companies becomes cost reduction and the way to achieve this, is by cutting down on staff strength, which affects mainly the permanent staff whose functions are not core to the business. Management perceived the monthly income and benefits of the permanent staff as huge financial burden and rather go for agency workers who are perceived to be non-financially burdensome”.

However, he asserts, that there are some exceptional cases; most of these agency staff benefits the company by bringing in valuable knowledge such as the industry best practices, as well as, being a catalyst of innovative skills. He said, for example:

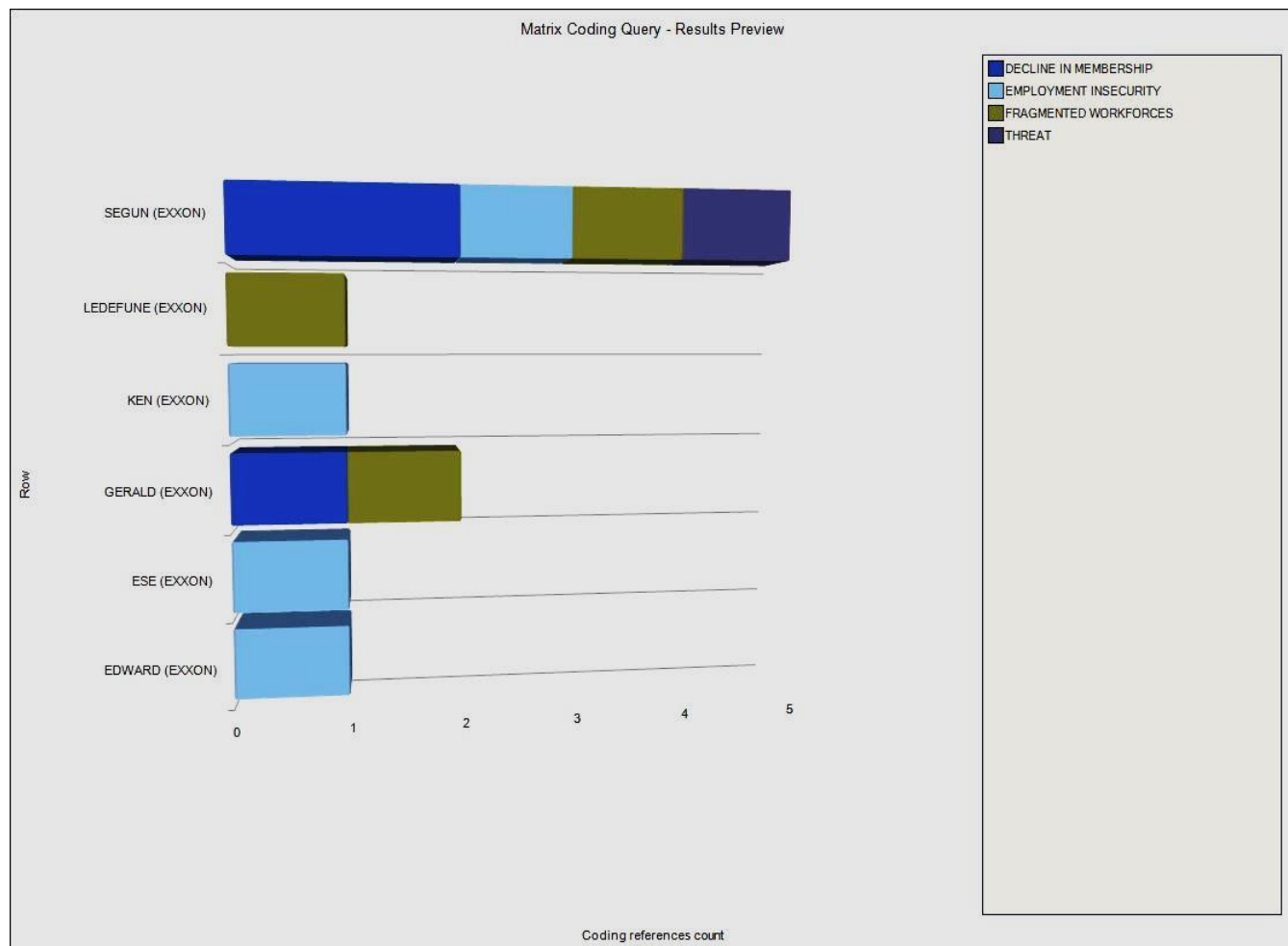
“One of our staff was highly celebrated of recent as a result of his retirement after putting in 40 years of his life working for Chevron. If the company needs to re-hire such person as a consultant or contract staff, with his wealth of knowledge and experience, the management cannot pay him. Before retirement his salary was about \$100,000 monthly, if for any circumstances the company needs to bring him back, chevron would probably pay him like \$135,000 for his wealth of experience”.

Joy and Effiong have similar views, although Joy added that there is a dearth of human capital in Nigeria, particularly with regards to technological skills and this has given rise to the proportions of skilled agency workers in the oil industry, hence the influx of expatriates. Stressing on the issue of turbulent global market, Effiong noted that today’s management is efficiency driven, and how to maximise profit for its shareholders is foremost in their agenda.

In summary Chevron management rationale for agency labour was mainly attributed to global competition, product market dynamics more importantly dearth in human capital with regards to technological skills. However, the insensitivity of the Nigerian government towards the regularization of the anomaly in the industry in a more sustainable and equitable way has likewise been attributed as a contributing factor.

6.6. The Growth of Agency Workers and Trade Unions Challenges

6.6.1. Table 34: ExxonMobil management responses on union resistance



Regarding the issue of unions' challenges as it concerns the growth of agency workers, all ExxonMobil participants except Ledefune and Gerald as shown in Matrix Table 34, attributed the reason to employment insecurity. Segun noted that the increasing usage of agency labour is almost synonymous to the extinction of permanent employees and this is particularly a contentious issue among the trade unions.

Employees who feel insecure are more likely to be resistant and opposed the use of agency workers. They feel their jobs are being threatened as well as membership. He however added that, strategically and tragically, management know that the Nigerian Labour Act makes provisions for retirement. Accordingly, they retired some workers with the notion that their jobs no longer exist. But then they bring in agency workers into the same positions, although, PENGASSAN and NUPENG have occasionally succeeded in preventing management from

retrenching permanent employees and filling their positions with agency workers. For the fact unions have been victorious in some battles, they however, seems to be losing the battle against the use of agency workers, as their presence continue to increase and the government remains unwilling to address or regulate the issue of the temporarily workers, as well as, the employment agencies.

Most of the interviewees also ascribed union resistance to the polarization of the workforce. Ledefune asserts that the fragmentation and expansion of the labour force is almost by definition also unorganised labour. He expressed that labour movement is committed to a homogenous workforce, but the fragmentation of the workforce probably proved as a challenge to the trade union to mobilise. Also, the growing trend of agency labour could be perceived as a threat to permanent employees' terms and conditions of work. Trade unions have direct representational interests in maintaining the wages and working conditions of their core members, as well as, protecting their jobs. So the influx and fragmentation of agency workers are viewed as a big threat to their existence.

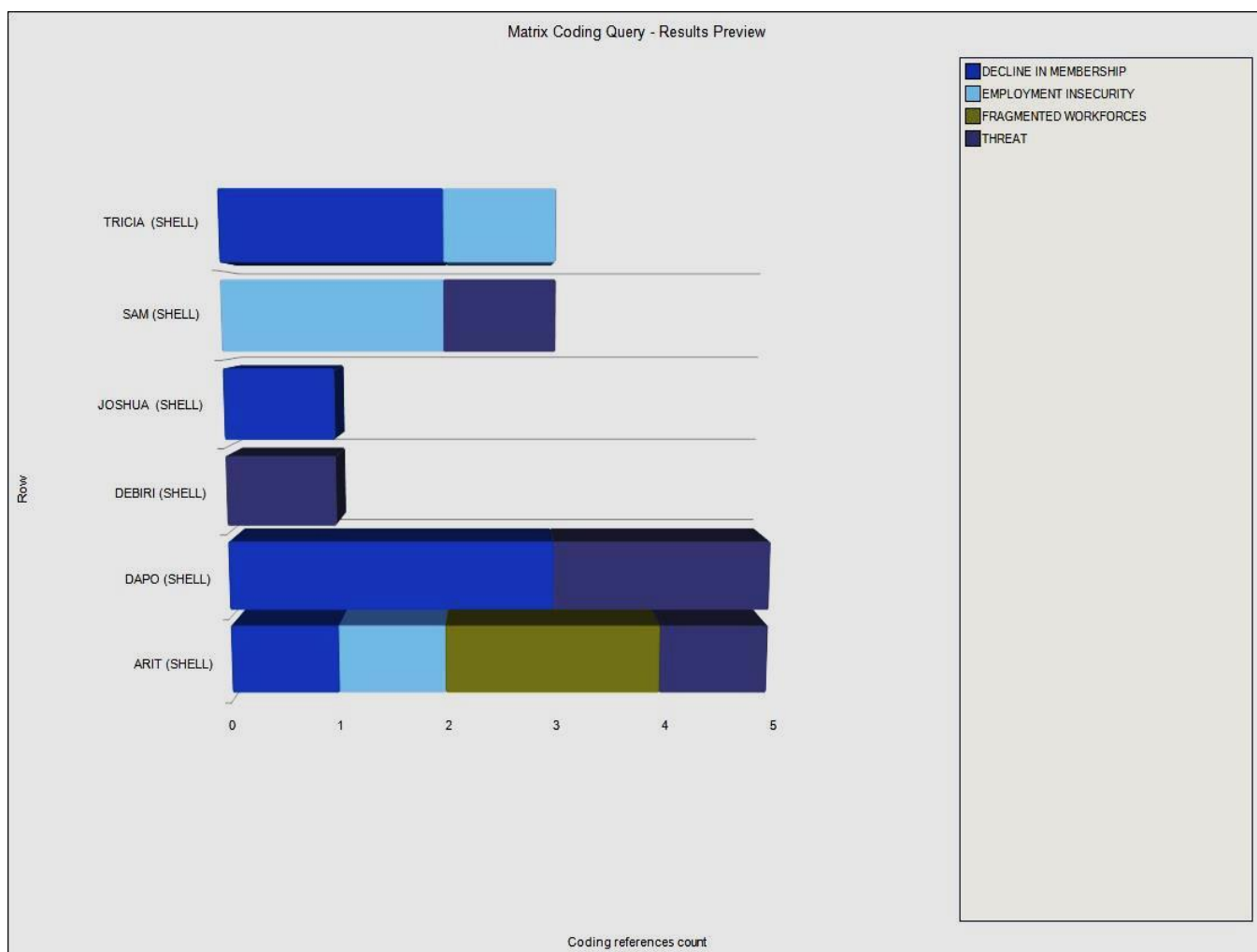
The evidence suggested that trade unions are not totally barred from mobilizing agency workers, the issue is the inability to effectively organise them as a result of their fragmentation and short-term contracts. Likewise, the upsurge in flexible work arrangements has been associated with increasing employment insecurity which is also perceived to be driven by the pool of agency workers. Indicatively and in this context the feel of employment insecurity seems to be higher for permanent employees. As far as labour market features are concerned, been a union member provides relief for job security. However, in the process whereby union membership is being depopulated through early retirement, and the influx of agency workers, there is bound to be a reaction, hence the unions opposition.

Segun and Gerald acknowledged that union resistance is nothing shortfall of the indirect demobilisation of trade unionism in the prevailing market conditions. Segun alleged that the supply of these temporary workers assumed the role of a safety valve for the management. These categories of workers form an integral part of the management mechanism to continually adjust the parameters of labour supply to the cyclical and seasonal movement in business activities. He alleged, this possibly may have a profound effect on trade union membership. Trade unions are generally bestowed with permanent employees, while the union's presence among agency workers is limited.

He however stressed on the idea of placing undue pressure on the management to hire and fire worker. Agency work must be seen as stepping stone for both management and workers. It is for both parties good. He summarised:

“Even though the company does not automatically regularize agency workers, however the experience gained by these groups of workers in any reputable oil MNCs can pave the opportunities for securing good jobs in another sector or same industry. The trade unions should also see them as a buffer, which is why most of them are still in this company”.

6.6.2. Table 35: Shell Management Responses on Union Resistance



On the question regarding the growth of agency labour and trade unions challenges, Shell Management enumerated the likely causes for the agitations as indicated in Matrix Table 35, which ranges from decline in union membership, employment insecurity, fragmented workforce, and threat. However, Dapo, Tricia, Arit and Joshua collaboratively alleged that the company is operating under a compelling force to optimized resources as regards to lean production. For example, Tricia specifically stated that:

“Why would a company have 60 permanent personnel in the human resource department to do recruitment, same applies to accounts department, these are all supporting departments and not technical, these ancillary services can easily be outsourced to firms who are specialist in these fields, or bring in agency workers to do the job”.

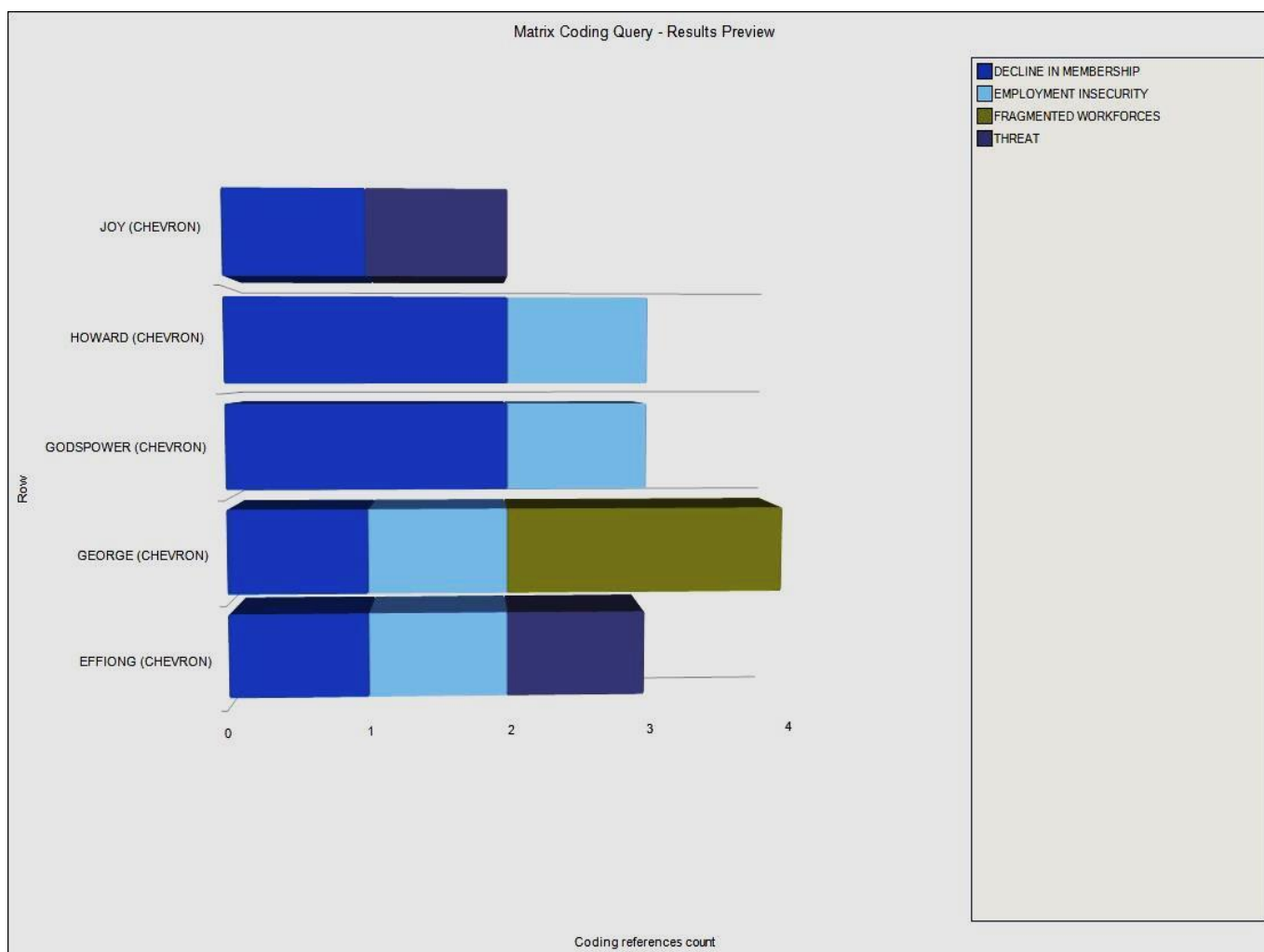
In buttressing this assertion, Arit clarifies that the non-critical jobs, such as security, cleaners, catering are subcontracted to the labour contractors. They are mainly hired on a short-term basis; on few instances their contracts are renewed based on circumstances surrounding such projects, but oftentimes the end of such contracts, marks end of job for the workers. She emphasised that the supplied workers are no longer direct hires of Shell and are not anticipated to earn some benefits and have same rights as those who are direct hired. Besides, the new permanent employees who are directly employed are no-longer privileged to benefit from the job-for-life scheme; the new company policy has abolished such privileges.

She however summarised with the following:

“For all the issues confronting management, employees issue is the most sensitive; it makes life easier for employers or Chief Executive Officers (CEOs) to use third party staff. The sensitivity and unpredictability of human nature is what scares management for using agency labour, thereby shifting that part of responsibility to the employment agencies. But they will not agree out rightly, they justify it by telling the world it enables them to focus on the core functions and to figure out on how to move the business forward”.

It could plausibly be summarised from her conclusion, that agency labour, particularly the filling of permanent positions with agency workers can be viewed as a calculated impulse by the management to shift responsibilities to labour intermediaries and weaken the existing power of the trade unions.

6.6.3. Table 36: Chevron Management Responses on Union Resistance



All the interviewees of Chevron indicatively attributed trade unions challenges to the impact the growth of agency workers may possibly have on union membership.

Howard noted that the trade union has always opposed any resolution that would adversely affect its members, so opposing the use of agency workers is not least expected of the labour movement. He alleged that trade union would have anticipated that the growth of this labour force would consequently lead to reduction of permanent employees both through retirement and redundancy, and in effect on its membership, hence the agitation. He emphasized that the impact is not only on the trade unions, but also on every single permanent employee on the company's structural hierarchy. In his assessment, agency labour makes for de-centralization of the workforce, and this may probably impact on union's ability to hire and mobilize workers.

Joy boldly declared that trade unions are opposing to agency labour because the industry did not accord trade unions recognition to mobilize and bargain within the outsourced workers and this is affecting their membership. She maintained that her company and PENGASSAN had an agreement that covers only permanent employees which are but few as compared to the agency workers. She maintained that management had never and by extension their employment agencies inclined to trade unionism in the workplace. She also declared that union's inability to mobilize agency workers appears to have extended the frontiers of influence or role of some powerful personalities who negotiates promotions and protect jobs of some individuals within the oil MNCs in Nigeria. She mentioned that these powerful personalities who are found in the political arena and ethnic affiliation have to a high degree, undermined the trade unions. She noted that management are utilizing these personalities as a divisive mechanism in their control of the labour force. Joy maintained that this approach is perceived to be threatening collective bargaining which is the central point of trade unionism.

Taking swiipe again on the issue of unemployment rate in Nigeria, Godspower noted that the precarious situation in the Nigerian labour market has given rise to the vulnerability of workers to be enslaved by the oil MNCs in terms of cheap labour. He said the workers are compelled by the excruciating unemployment to sign any contract of employment just to have a job. The terms and conditions of work might possibly include denial of the right to unionise.

This implies that from the onset, such worker had already signed-out himself/herself the right to unionization. Though in most instances, these contract agreements were never entered on equal terms but forced down the throat of the applicants by the realities of the nation's labour market. This he said often heightens tensions and creates insecurity in the work environment. Godspower noted that agency labour is perceived by the trade unions as a "hydra-headed monster" in labour relations, which the unions viewed as a deliberate attempt by the management to weaken their capability to collective bargaining and threatens their very existence.

George is of the view that trade unions are opposing agency labour because of the observable influx of these workers and the integrations of such into the production process which is known as the core unit. This trend has changed employment practices and how employees' rights are exercised. In a twist he argued that management has good justification for this approach, its objective is driven by expertise, efficiency, cost saving and demand and supply factors, on the contrarily unions view things differently. George equally said from the management perspective, they are contributing to the reduction of high unemployment rate in

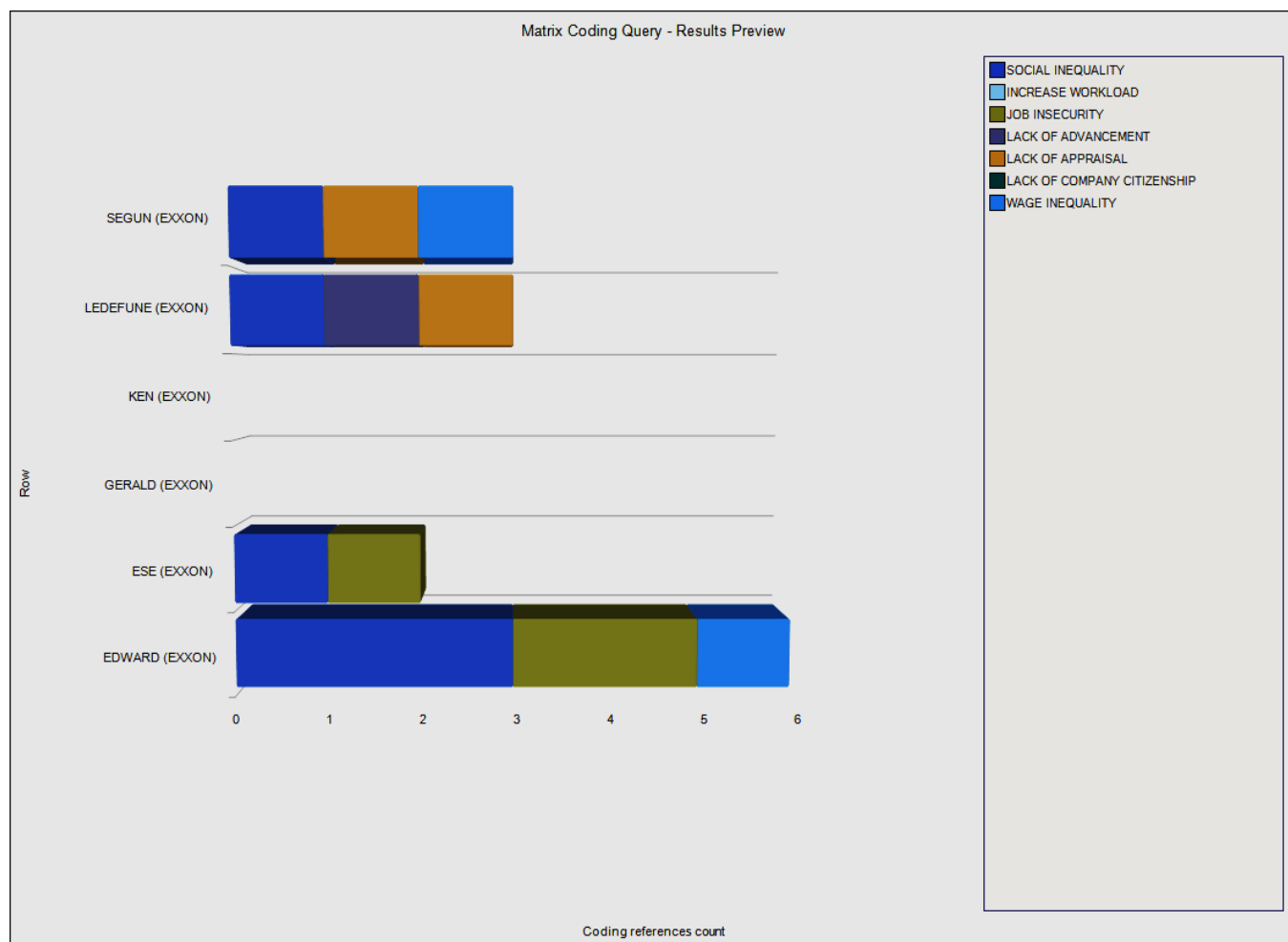
Nigeria, while on the contrary, trade unions are opposing, because they possibly perceived this strategy is characterised with uncertainty which may introduce complexities into the employment relations such as threat to job security and division among the rank and file of the employment relations.

Effiong emphasized that the fragmentation of the labour force, could be the driving force for trade union opposition for agency labour. He maintained that the present work arrangements in the industry seemingly poses a challenge for trade unions as most of these groups of workers are on short-term contracts and as such, might not see the need to belong to any trade union. This approach may likely weaken the strength of the union. He opined that the rapid movement from permanent work towards forms of low-costs flexible work arrangements and short-term contracting, by extension fragmentation of the labour force, is an attempt to weaken collectivism, as well as, breaking unions' strength, thereby pitting workers against themselves in a struggle for job security.

In summary, as the shift towards flexible work arrangements becomes more entrenched with resentments, management has inadvertently increases resentment among workers. This purposive management work flexibility strategy motivated by economic rationale plausibly underpins trade unions challenges. This strategy is opposed by the trade unions who perceived the purpose is to cause division and undermine their strength to collectivism, as well as, threat to their jobs.

6.7. Differential Terms and Conditions of Two-Tier Workforce

6.7.1. Table 37: ExxonMobil Management Responses on the Likely Implications on Two-Tier Workforce



From the Matrix Coding in Table 37, job insecurity, wage inequality and lack of appraisal system are termed as the most likely implications of a two-tier workforce by ExxonMobil respondents.

Social inequality seems to be an overwhelming feature of the likely implications of two-tier workforce according to Edward and Ese. According to Edward, the duality of the labour market promotes a process where one segment of the labour market faces inferior working conditions and greater insecurity, while the other segment relatively has better job security and career progression.

Labour market segmentation points to unequal risk-sharing; not only between standard and agency workers' regarding job security and income inequality, but also between agency

workers and employers in terms of economic adjustment, agency workers disproportionately bear the brunt of economic adjustments.

Edward also noted the concern for job insecurity, he lamented over the high rate of labour turnover among the agency workers. His view corroborates PENGASSAN and NUPENG'S on management and their employment agencies deliberate act of firing agency workers through the process of re-strategizing by bring on-board new "compliant" workers on short-term employment contracts. This was perceived as a deliberate act to prevent the workers from unionization.

Ese equally agrees to job insecurity as another key implication, however, has a different viewpoint from Edwards. He noted, reforms and the introduction of flexible work marked the point of departure for job security for both permanent and non-permanent workers. In his words,

"Job insecurity simply means that though an employee is working yet the person is being chased by the ghost of unemployment".

Making allusion to job insecurity, he revealed that job insecurity may results to too many precarious conditions, such as, motivation and stress if not well managed. For motivation, it may lead to lack of satisfaction for the agency workers. The undeniable fact is that the majority of the workers in the oil industry in Nigeria are agency workers who are also within the young adult age brackets (25-40). Stress may have more impact on male than female workers. This may not be unconnected to the fact men bears most of the family responsibilities especially in a nation like ours (Nigeria). He emphasized, the implications are enormous, because the fear of job insecurity affects employees greatly as not working at all does.

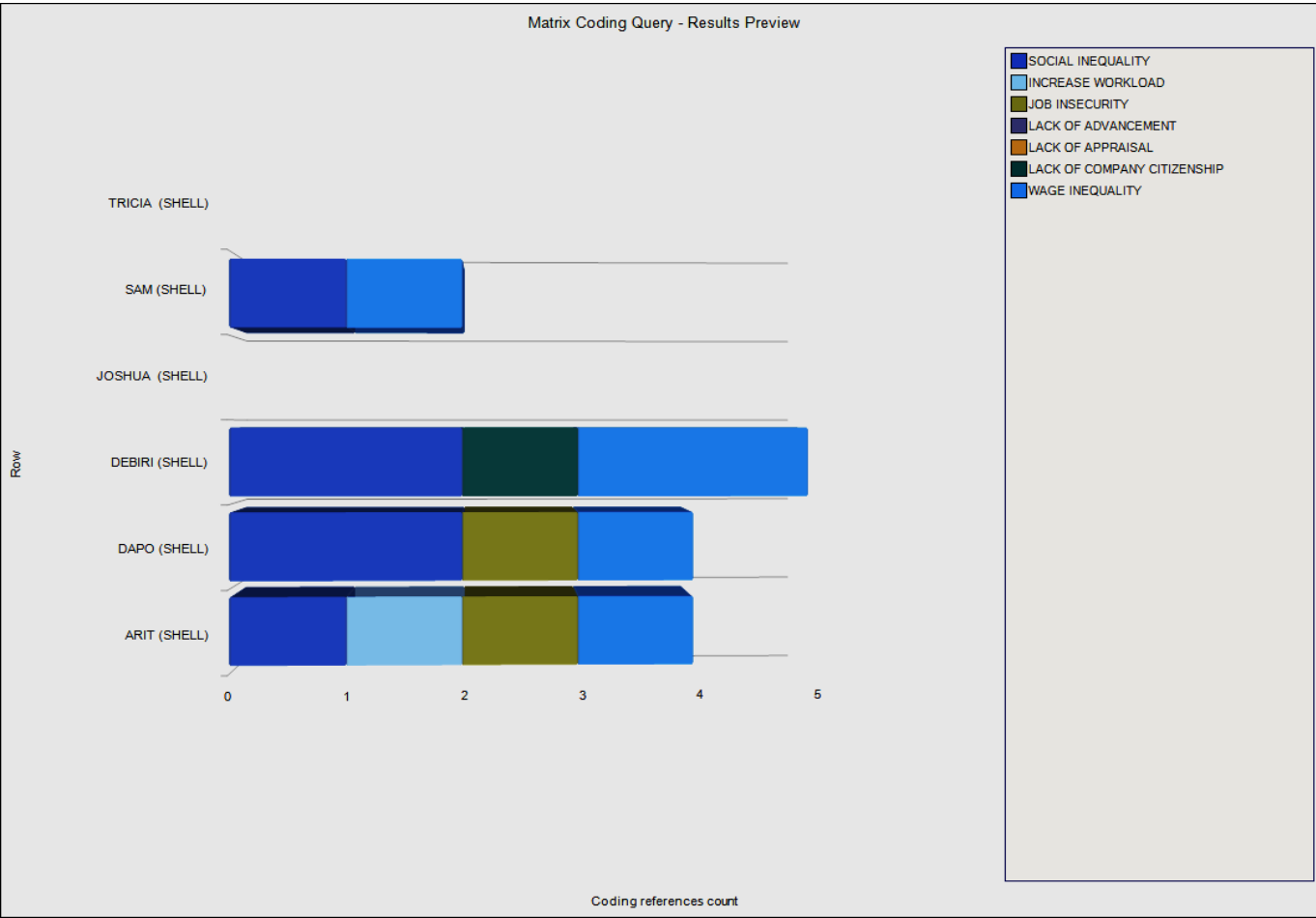
Wage and lack of appraisal are perceived by Segun, Edward and Ledefune as the most likely implications of a two-tier workforce. Segun admitted that the agency workers' wages are set at the lowest salary scale and stagnated with little or no chance of incremental progression due to interruption of work. He attributed this anomaly to the employment agencies as agents who facilitated the process of driving down income due to over-saturated labour in Nigerian.

He noted that the high unemployment rate in Nigeria, coupled with the shifting employment system in the industry, has left agency workers with no form of appraising system in determining their career progression, promotion and income increment. He stressed on how wage inequality is worsened by the exclusion of these workers from additional increases to

wage such as productivity bonuses, or the thirteenth month pay that the permanent workers are entitled.

However, Edwards argued that the usage of a two-tier workforce also has implication on the permanent employees’ salaries. He declared that the progressive increase in salaries of the permanent workforce slows-down. Maintaining this is not officially referred to, but that is the fact.

6.7.2. Table 38: Shell Management Responses on the Likely Implications on Two-Tier Workforce



On the likely implications of a two-tier labour force, Arit, Dapo, Debiri, and Sam collectively indicated as shown in the Matrix Coding Results Table 38, that social inequality and wage inequality are the most likely notably common features among the permanent and agency workers. Arit alleged that the permanent staffs may, unconsciously or not, find themselves in a position of power in relation to agency workers, which they can employ to their own benefit. She noted that the relegation of agency workers to the worst positions and expected to

work harder is a significant feature of the likely implications of two-tier workforce. Referring to a workplace accident that happens to an agency worker, she said the post of the worker was assigned to two permanent staffs.

Sam attested to this as a common practice in the industry, whereby strenuous and unrewarding jobs are assigned to agency workers. Stressing further, the workers cannot say no or complain of any tasks assigned as compared to the permanent employees. He declared that permanent employees have been witnessed to have evaded difficult tasks at the detriment of the agency workers. This is because of the job security accorded the permanent staff by virtue of being a union member.

Arit attested that agency workers are not privileged to share the official transportation system provided by the company with the permanent staff. This could make them feel lack of organisational citizenship and possibly affects their morale and productivity. She however bemoaned the high level of unemployment rate in Nigeria and declared, irrespective of the precarious situation, one must show a good worker face in a struggle to stay in employment.

Dapo noted that the existence of power differentials is most evident in the relationship between the permanent staff and agency workers, even among the agency workers' inequality exists. Dapo explains, what is interesting to note here is the reproduction of power differentials based not only on different knowledge and work experience levels but also its consequence, which is the type of work being performed. The power differential between the permanent staff and agency workers is also reflected in the wage gap that exists between them.

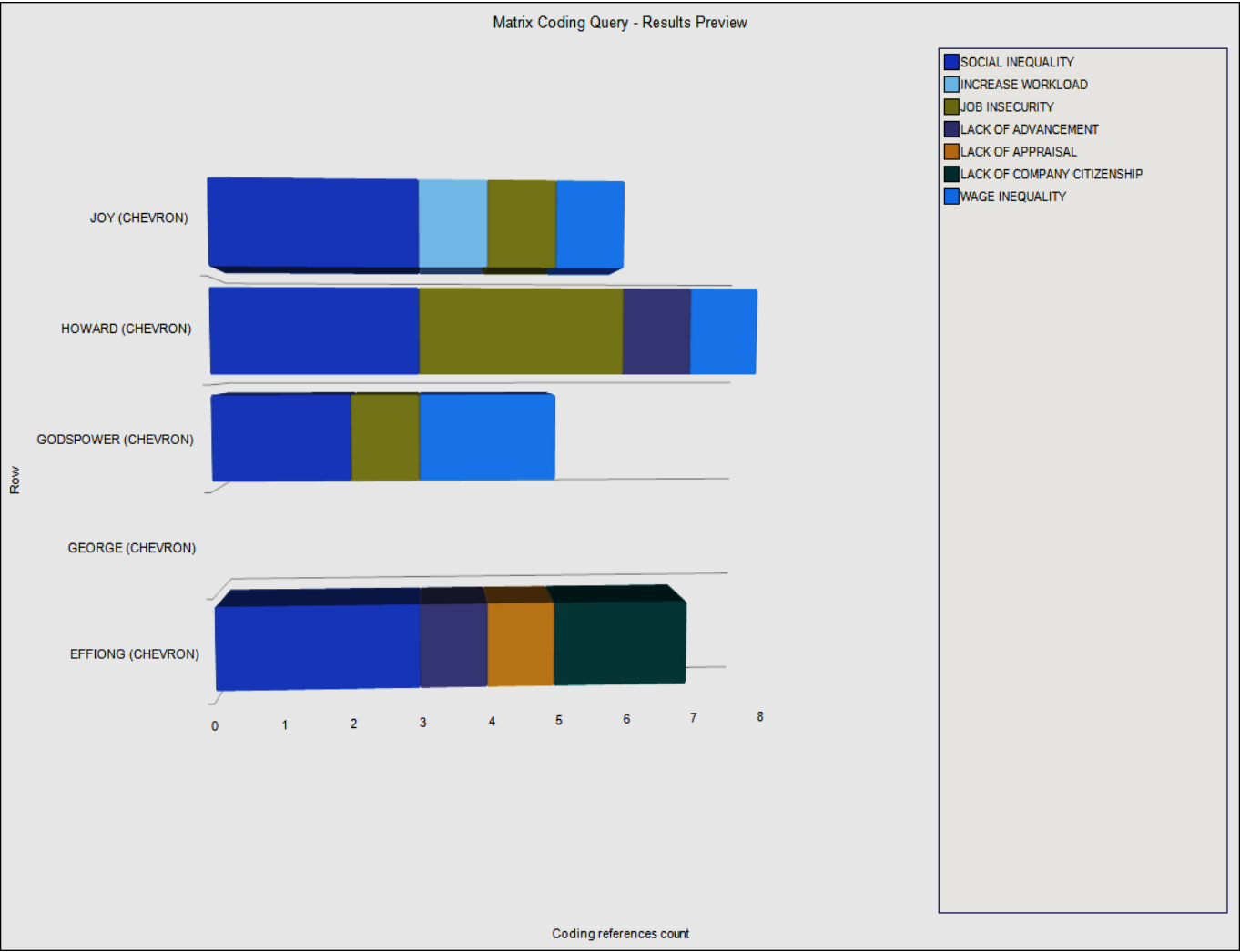
Majority of Shell management staff interviewed agreed that wage inequality is a likely implication. Debiri asserts that flexible work arrangement has gradually changed the nature and terms of employment from employment relationship to a commercial relationship with the worker at the receiving end. He however bemoaned the situation of the declining once robust employment relationship that traditionally existed in the industry to the present day commercial employment relationship that enables management to make use of labour power at a lower cost without health insurance, pension scheme and benefits. He maintained that most benefits which are associated with permanent staff such as training, medicals, bonus, retirement plans and welfare packages are all lacking in the terms and conditions of agency workers.

Dapo further added that unionization is usually low or non-existence among agency workers. While on the other hand, the increase usage of these workers, decreases the number of permanent staff, which likely affects union membership, thereby weaken their power to collective bargaining, which could keep the permanent staff on one salary scale for a long time. He reminisced that agency workers are hired to cope with seasonal variations in demands thereby reducing employment costs; however, their growth in the industry, indicatively, can be perceived as a strategy to avoid trade unionism. He stated: for example,

“Those workers on short-term contracts are prone to enslavement and lack the mechanism to protect them from being enslaved. More pathetic is the situation where there is no statutory law protecting this category of workers”.

Sam would not agree less of Dapo’s view, he alleged that job insecurity is a fundamental issue associated with workers on temporary employment; management can easily dispense their services at will without and any obligations. Agency labour is characterised by uncertainty with regards to job continuity and this can lead to stress which impact on workers’ health, attitude and commitments. The implication might be lack of job satisfaction for the agency worker.

6.7.3. Table 39: Chevron Management Responses to the Implications of a Two-Tier Workforce



The likely implication of a two-tier workforce from the Matrix Table 39 above indicates social inequality, job insecurity, and wage inequality, lack of advancement and lack of company citizenship. These factors are quite similar to what Shell and ExxonMobil indicated. However, Howard noted that permanent employees hired by the principal company enjoy higher wages, better conditions of employment, work stability and opportunity for advancement. They are members of trade unions, they enjoy higher bargaining power and their contracts of employment are institutionalised through the machinery of collective bargaining.

Howard emphasized, in unity they found strength to effectively challenge any unfavourable employment conditions. Agency workers work under less unfavourable conditions. Their

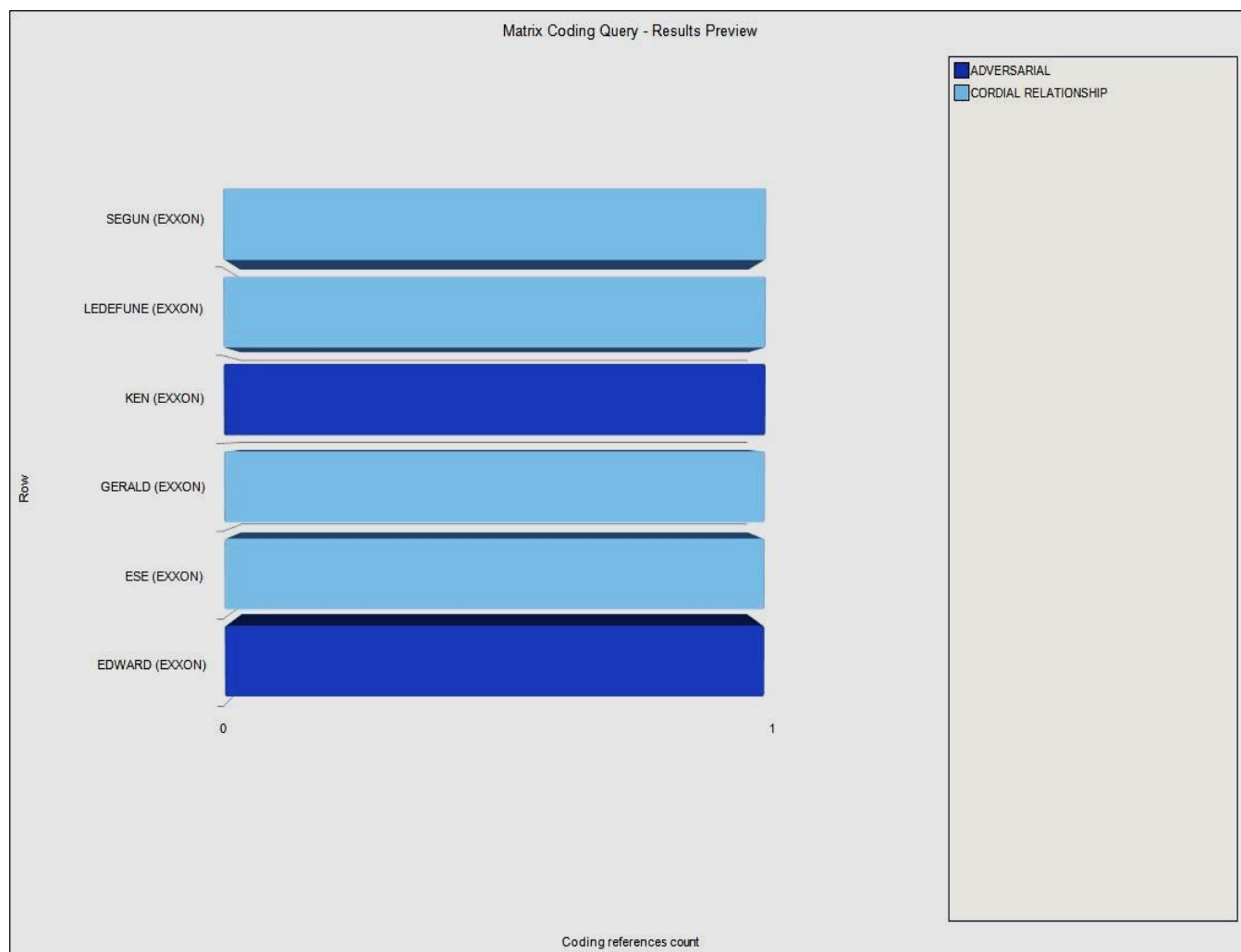
bargaining power is fractionalised as they bargain on individual basis, “that is, if anything of such still exist in the industry”. The high rate of joblessness has compelled applicants to accept any salary offered them without negotiation. Their salary is very low; perks are not available, condition of employment appalling, job instability, and no right to association. He said, despite majority of them having equivalent qualifications and skills as their permanent colleagues. They are so reduced that they look at themselves as unskilled and feel like second-hand fiddle, and as such, they may unlikely to find satisfaction and fulfilment in executing their duties, which can possibly, affects productivity.

Effiong in agreement with Howard noted that agency workers feel less organisational affiliation. Lack of company citizenship is a quality he considered as a crucial element in a meaningful employment relationship. He maintained that despite some of the workers work in the production unit, they are still seen and treated as outsiders, which they are fully aware. He added, this perception reflects organisational barriers between permanent staff and agency workers.

Godspower is of the view that wage inequalities do not only affect the good living standard of a family, it likewise means a high level of poverty. He maintained that, if you have more people in the secondary work system, it means the nation is living in poverty. Poverty if not checkmated can lead to ill-health and crime, this can place burdens on the economy and subsequently hinders the economic growth of the nation. He stressed, you see, the implication encompasses every facets of the society.

6.8. Workplace Relationships

6.8.1. Table 40: ExxonMobil Management Responses to Labour and Management Relationships



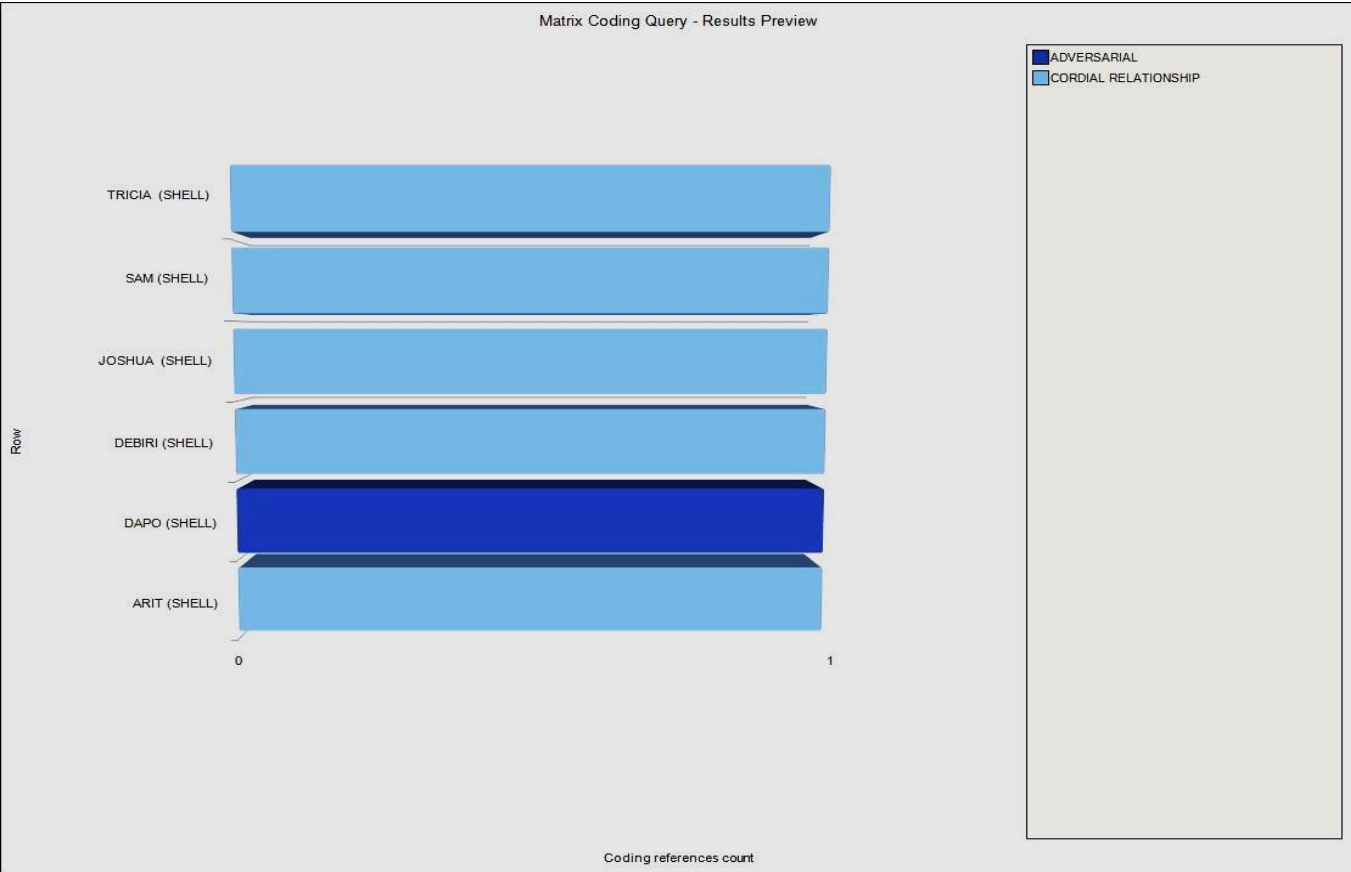
Majority of the ExxonMobil participants said there is cooperative working relationship between labour and management. Ledefune mentioned that the prevailing economic condition allowed for the introduction of social partnership. He emphasized that in 2012, the initiative of the management to call for a joint consultative meeting between labour, management, and the employment agencies as it concerns the rights of agency workers to unionise, demonstrated a conviction of harmonious working environment between labour and management.

Ken however added that management assumption is that, workers are being adequately represented. But majority of the agency workers interpreted the joint consultative meeting as a channel for passing on necessary information and communication regarding managerial

decisions. Ken noted that in reality, and as far as the agency workers are concerned, there is a separation between being represented, and just receiving information concerning the company's activities.

In Edwards view, such social partnership is patent by management dominated agenda, basically reflecting more of management interests and union compliance relations, rather than partnership. Commenting further on the issue of social partnership, Edwards emphasized that when there is imbalance in the power relations arising from economic conditions, outcome could be in favour of either of the parties. Quite often, in such market conditions, trade unions are more weakened in terms of power base and resource, which then make the management secure more gains at the detriment of labour. He stressed on the aim of partnership is to seek for a balance of interests and to maintain cooperative labour-management relations and if this is not feasible, conflict may ensue as a remedial.

6.8.2 Table 41: Shell Management Responses to Labour and Management Relationships



Respondents from Shell except one indicated adversarial working relationship between management and labour. Tricia in her opinion alleged that management claims property rights, while labour claims civil rights. These concepts enable the parties to work out their mutual rights and responsibilities. She observed that management often expect their employees to make themselves available for work, and exhibit loyalty and commitment to the organisation. Likewise, labour wants a commensurable reward for such obligations, however alleged that there is always a consensus between labour and management on issues of concern.

Even though Arit corroborated Tricia on the issue of loyalty and commitment of employees to the management, she was quick to add that the relationship between management and labour is perennial by nature and the application of social equity will lead to the effective utilization of the entire workforce, in terms of their loyalty, commitment, and efficiency. She emphasized on the importance of unionization of agency workers, and argued that when labour feels relegated into insignificance in favour of profit maximization or decisions on workers not effectively communicated to them, in such cases, it is to be expected

that disruption of business activities might result as union conscientiously react to the insensitivity of management.

In a different perspective, Dapo asserts that the most characteristic form of labour's opposition is not against the management but against work itself. He further explains that labour-management relationship depends on how supposedly the working relationship is being perceived by both parties. Often labour is much more concerned about some decisions of the management which leads to labour resistance to work such as absenteeism, going-slow and sabotage.

He affirms that the pressure of work and the feelings of precariousness usually proceeded beyond absenteeism and going-slow into more confrontational channels involving acts of sabotage as revenge against the management. Sabotage is perhaps the most powerful weapon of workers struggle right now, and can only be based on a deep consciousness of the antagonistic interests between labour and management. He also uses strike action as a dire consequence which labour uses to challenge the supremacy of management.

All these actions by labour challenged the intensity of work-time, and undermined management drive for efficiency and productivity. He asserts, this indicatively could also be responsible to the shift from full-time employment to agency labour by the management to precisely intensify the work pace.

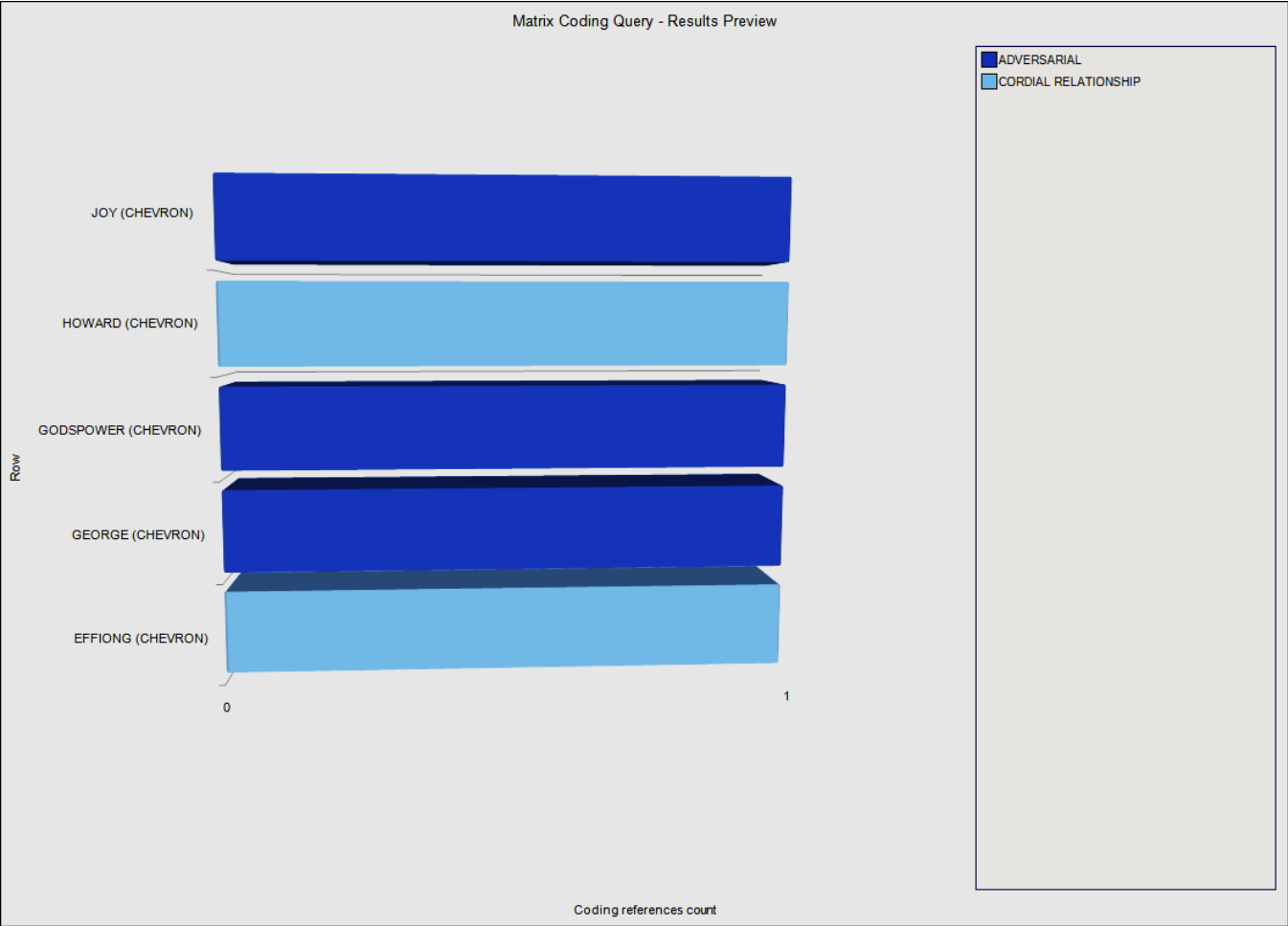
In a twist, Dapo emphasized that strike constitutes the ultimate function of labour movement as the par excellence expression of labour struggle. However, owing to the varied interests of the two-parties and their bargaining powers, collective agreements are frequently arrived at, which in most cases is in favour of the trade union, even when some of these demands are exorbitant and unrealistic. Because of the catastrophic effects of industrial action, the management dread to shut down production for a second and as a result many strikes ultimatum are always averted. He surmised:

“The issue of agency labour has come to stay, it is a question of labour and management going back to the drawing board and work out every modality as it concerns all parties involved”.

Sam whose position on the issue of collective agreement did not tally with Dapo's view, noted that collective bargaining, though is the core apparatus in any viable management and labour relationship; alleged that in most joint consultative meetings, collective agreements are most times not honoured by one party (the management). This he declared, always put a strain

in labour and management relationship. He emphasized that until recently it was discovered that, most of the collective agreements have had no legal backing. This makes most of the enforcements of collective bargaining difficult where one of the parties reneged on an agreement. This deficiency frequently leads to conflicts between labour and management.

6.8.3. Table 42: Chevron Management Responses to Labour/Management Relationships



When asked whether the utilization of agency labour has in any way affected labour-management relationships, From the Matrix Coding Table 42, results show that George, Godspower and Joy indicated adversarial, which implies labour – management relationship is not as cordial as indicated by Howard and Effiong.

Joy expressed that relationship is met to be a partnership, where both parties contributes equally. She noted that on the one side, workers are expected to commit their energy in meeting the economic objectives of the management. In return, management is expected to

share the economic returns with employees and invest those returns in ways that promotes long-term economic security of the labour force. But in the process where one party is not living up to its expectation, there is bound to be conflict. She emphasized that conflict and partnership therefore are two sides of the same coin. The extent to which each can be evaluated or judged as good or bad or healthy will depend on the ends to which each is related.

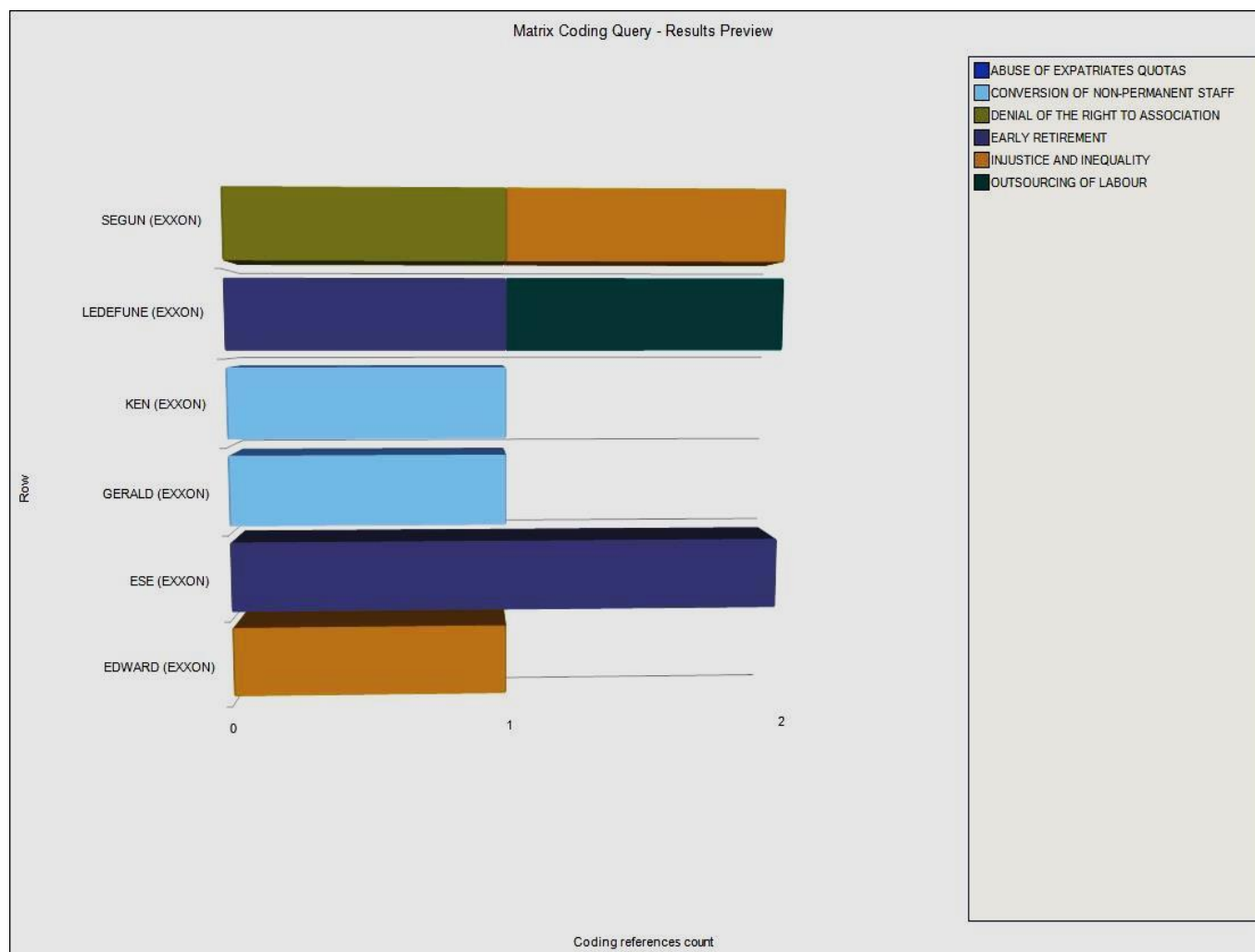
George supported Joy's analysis, and said as far as conflict remains a permanent feature in labour and management relationship, any partnership tendencies between both parties would only reduce or minimise the frequency of conflicts and that does not mean they are having good relationship, it only means there is an interaction between them. But to say labour-management relationship is cordial is far from reality and to eradicate strikes completely from labour –management relationship, is a mission impossible. He maintained that if management really wants a harmonious working environment, they should cultivate participatory management style that would foster labour participation at the planning and implementation stages, particularly when it concerns the workforces, direct participation and representative participation is recommended.

However, Howard emphasized that though conflicts and strikes cannot be completely eradicated in labour-management relationship, but partnership building enable the parties to transcend and work through their differences towards successful achievement of the company's objectives.

Godspower in his opinion noted that environmental changes such as global competition, technology, market dynamics, political and legal, further escalated detrimental effects on labour – management relationships as a result of the rapid nature by which management introduced changes, particularly when the overriding effects of such changes have stimulated labour turnover, downsizing, retrenchment and early retirement thereby giving birth to deteriorating trade unions.

6.9. Causes of Exacerbating Industrial Conflicts

6.9.1. Table 43: ExxonMobil Management Responses to Causes of the Exacerbating Conflicts and Strike Action



Matrix Coding Table 43 above, ExxonMobil participants attributed the major causes of conflicts in the industry to early retirement. ESE lamented over what happened in 2004 and 2005 whereby employees were placed on early retirement on the account of aging and unproductiveness. Surprisingly, some of them were immediately re-engaged as contract staffs through the employs of employment agency, this led to days of strike action. Which implies that their services were still needed despite been labelled as aging and unproductive. Trade unions waded into the issue, and some of the employees were discovered to be erroneously dismissed and recalled. This cannot be said to be cost effective or reposition actions. He bemoaned, this is currently and sadly repeating itself again in a different dimension, this time not for aging and unproductive purposes, but early retirement due to market dynamics and fall in the price of crude oil.

Ledefune who would not agree less, uses the current happenings in the industry, he said for example what is currently going in NNPC, is already causing agitations and anxiety among the labour force on the way and manner the restructuring exercise is being implemented. He Stated:

“Who should not be worried as a 50-year-old employee, only to be alerted by a colleague of his or her dismissal on the pages of Newspapers? It is a very sad way to end an employee’s career. I am talking about crop of professionals who have laboured under the very difficult and a politically manipulated system. The only offence committed was to have been dedicated and work for so long with the company. Majority of the employees retired abruptly had served the company without fault, except the management are indicating otherwise”.

Ledefune identified two categories of employees retired early as: first, those who are likely to have held some sensitive positions in which the searchlight of management is being beamed. He mentioned how some middle management staffs in the trade unions are always being watched and monitored during protest or picketing from the CCTV installed in the top management offices, which before now was unknown to the trade unions. The second category are those management staffs that still have about five or more years to their constitutional retirement periods. He said,

“When an employee who did not take office at the pleasure of politicians is retired in the media before they are officially handed their retirement letters, that action cannot be said to have been fair and followed due process”.

He however bemoaned that as far as one cannot restrain management from managing its workforce for productivity, management must be guided by the existing labour laws in the execution of their moral and depository obligations towards their workforce. Doing the contrary, will always be tantamount to industrial relations crisis and this should be avoided in a challenging time as this when the nation is going through economic recession. I am saying this because, the significance position this industry occupies in the Nigerian economy has given trade unions the enormous advantage, as a result could bring the economy activities to a complete halt whenever they decided to strike.

In agreement with the views of Ledefune, Ken emphasized on why job security is as crucial to permanent employees as it is to the agency workers. He noted that in the past few years many permanent employees have lost their jobs while many jobs have been migrated from

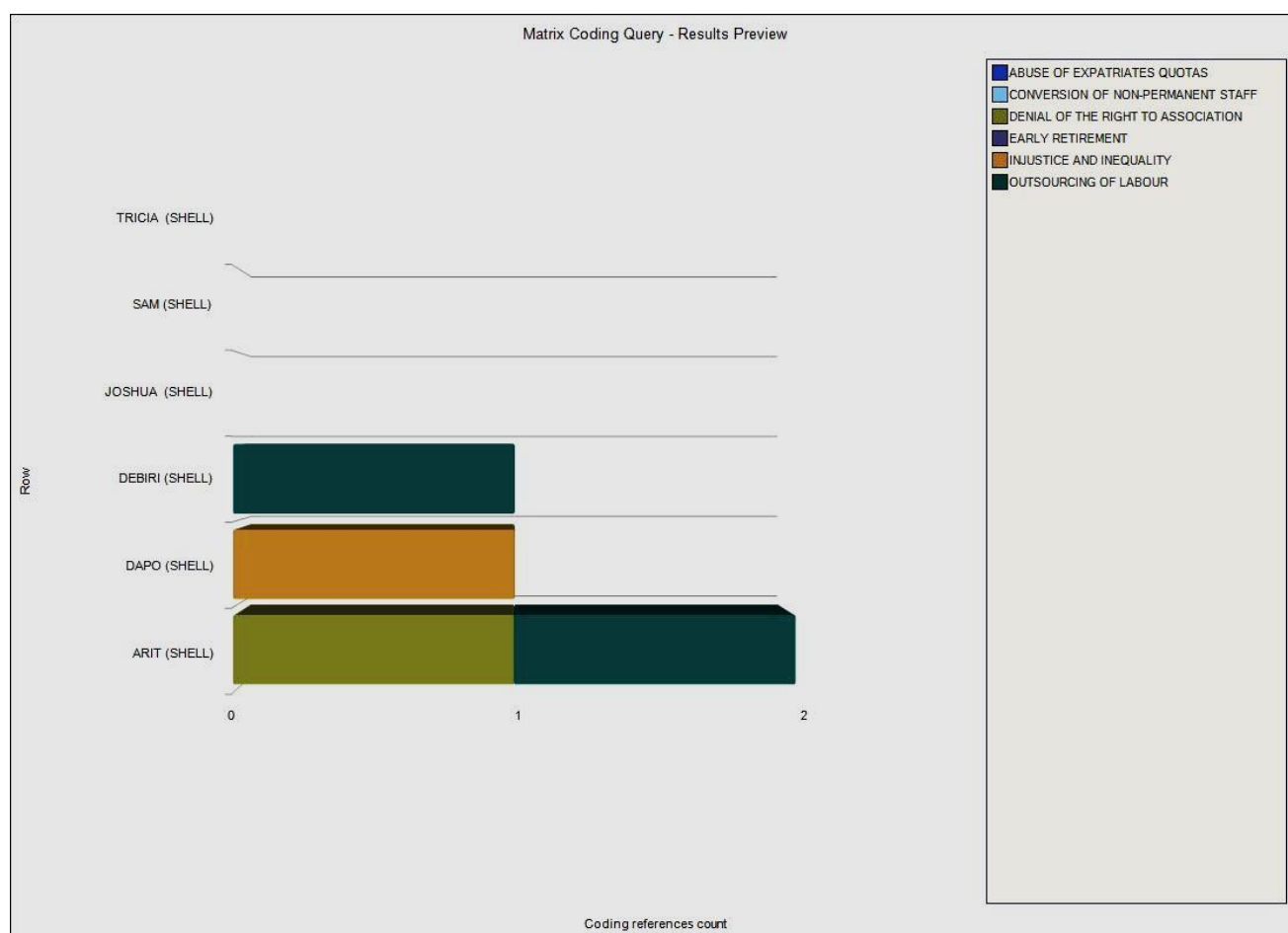
permanent to contract and service employment. Though the major issue confronting the industry is divestment, most of the oil multinational companies are selling off their onshore and shallow water assets and this is greatly impacting on the jobs of the permanent workforce, by extension depleting union membership.

In his response to the causes of the exacerbating conflicts in the industry, Edwards stated injustice and inequality as the major factors. He noted that conflicts take place within a structured framework of relationship dominance, resulting in an unequal relationship. As one party termed to be more powerful and dominates the other party; the struggle by the disadvantage party in such a relationship could lead to fierce conflicts.

Commenting further, he lamented on the injustice done to the communities in which these oil MNCs operates. Oil spills have destroyed the environment, contaminating the surface water, ground water, sediment and air. He bemoaned the extensive pollution and destruction of the mangroves which had negative impact on the fish cycle. The pollution has also damaged the soil; our aged parents can no longer do their farming and fishing which is their main source of livelihood. These communities have cried out for their wards to be awarded decent jobs as compensation so that they could have a good standard of living and the right to continuous improvement of living conditions. The denials of such requests often times compel the unions to act.

In summary, there are several factors as expressed by the participants leading to conflicts in the industry, commonly among them is the early retirements of the permanent employees and the reengagement of such in same positions but as contract staffs without the right to benefits and unionization.

6.9.2. Table 44: Shell Management Responses to Causes of the Exacerbating Conflicts and Strike Action



On the question regarding the causes for the exacerbating conflicts in the industry, Arit noted that the Nigerian oil industry has indeed experienced incessant industrial conflicts (strike actions) over the years arising from interests and rights disputes. This she particularly attributed mainly to the use of agency workers, which the trade union anticipated as a deliberate act by the management to undermine their strength, which however is not the case. The jobs performed by these workers are project-based, once the project ends, that means end of their jobs at that moment. Corroborating this view, Debiri attributed the incessant conflicts to all shades of unfair labour practices such as labour contracting and all forms of work flexibility. He noted that some of these anti-labour issues have given rise to recurrent industrial action in the industry.

He however observed that due to the strategic importance of this industry to the development of national economy, the trade unions (PENGASSAN and NUPENG) have attained considerable bargaining power through collective bargaining and they have repeatedly

exploited this to their advantage in the cause of championing the demands of their members. This is evident in the measure of both financial and non-financial perks that the unions have gained for their members both in the past and present day.

Emphasizing on collective bargaining, Debiri noted that to a high degree, collective bargaining has gained root in the Nigerian oil industry and has been deployed in the regulation of employment relationship. He said:

“In recent times there have been continuous processes of dialoguing, consultation and bargaining between management and labour on a wide range of issues such as work arrangement, unionization, early retirement, termination of appointment, hiring and welfare packages, which have abated the tension so far”.

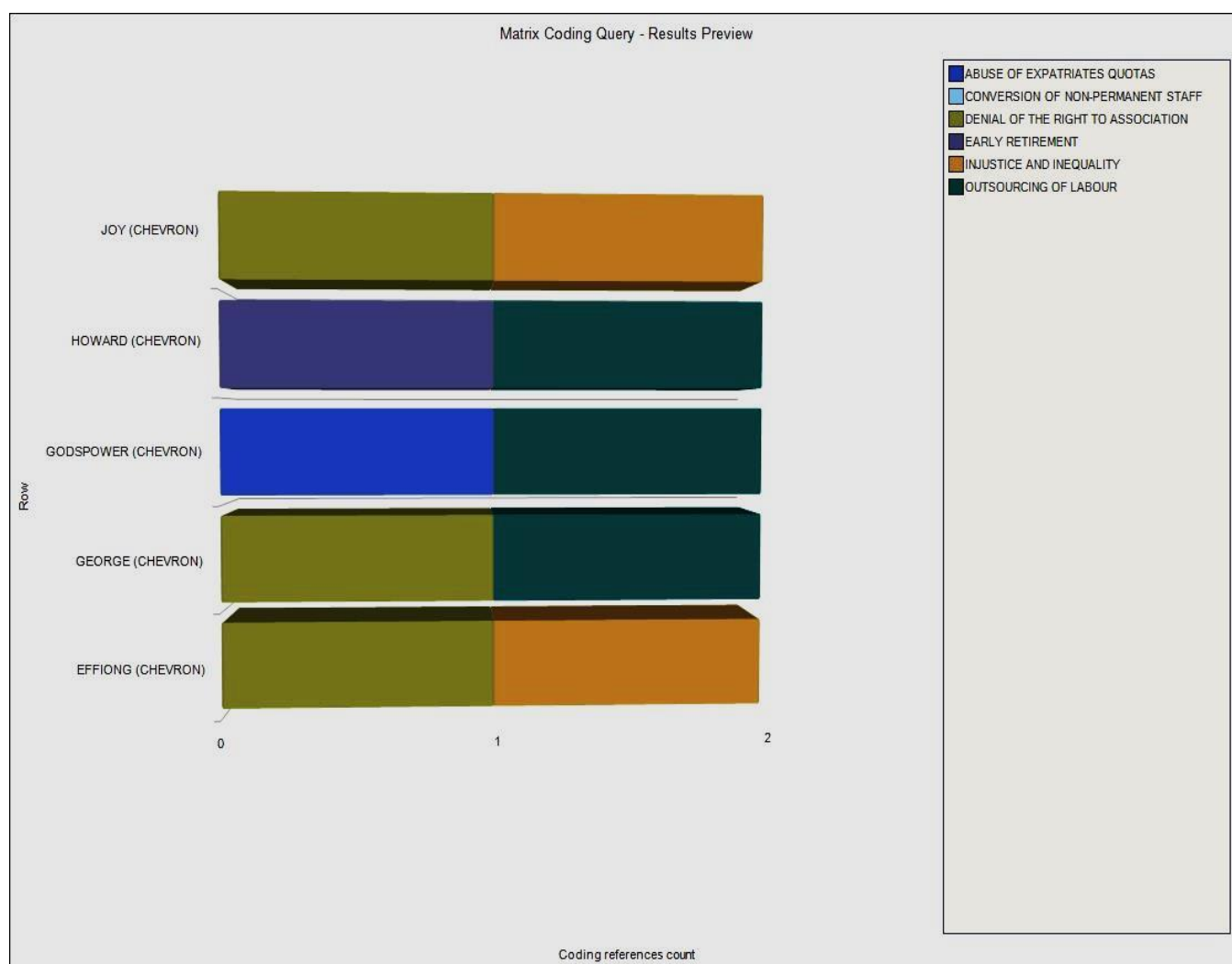
Arit who earlier harped on the need of synergy between management and labour maintained that the presence of a union in any organisation can be unsettling to the management. She noted that there is always a general resistance to the formation of union in any organisation. Such resistance often leads to interruption of business activities. She submits that the management cannot efficiently achieve its objectives even with hi-tech machineries without human effort and therefore admonished management to reconsider their stance on the drive for unionization. Particularly where there are prevailing demand and support for such demands.

She said in her words:

“It is not unusual to encounter cases whereby management pledges support for the unionization of agency workers only to turn around to do everything possible to frustrate the trade unions through diverse policies and strategies leading to threats; coercion and victimization. In some instances, unionization is encouraged all the way to the negotiating table where management resorts to intimidate labour to agreeing with certain terms. She expresses worry over some of these policies and strategies by saying there is no gainsaying those policies by management is definitely ill-considered thereby flaring organisational conflict”.

Basically, the overall interest of the labour and management is both competing and complementary. Most of the labour demands represent cost to the management. For business to remain viable, cost must be minimised in order that profit can be maximised.

6.9.3. Table 45: Chevron Management Responses to Causes of the Exacerbating Conflicts and Strike Action



All the interviewees from Chevron indicated the use of agency labour and the denial of the workers right of association as the causes of conflicts in the industry as shown by the Matrix Table 45 above. George noted the issue of conflict is mainly on the subjection of permanent workers to contract staff (transfer of permanent staff to third party vendor) and denial of right to unionization. He stated,

“In 2010, the Port-Harcourt Zonal Branch of PENGASSAN resulted in the issuance of a 7-day ultimatum. It required that Chevron Nigeria to address the issues of unfair labour practices or face strike action. One of the unfair labour practices was the subjection of some of the permanent employees to the status of contract workers, which implies they no longer have the right to negotiate and had to agree to conditions of service and could be subjected to arbitrary dismissal”.

He declared lack of communication is a major issue here, when operational changes are not being effectively communicated to labour, there is bound to be a reaction.

Effiong noted that conflict in the workplace is centred on the opposed nature of the interests of labour and management. These interests often conflict with one another. The management is seeking the greatest possible output at the least cost. Thereby constantly seeking to lower wage rate, increase the working hours, maximise workers' inputs, fires and dispose of workers whenever it is temporarily economical. While on the other hand, the trade unions which represent the working class is seeking continuous employment for its members at the highest possible conditions in respect of hours of work, security and continuity of work, safety, comfort and opportunity for self-actualization. He however opined that internal sources of conflicts can better be understood by considering grievances that come from labour and management as separate sides within any work setting.

He however declared that management likewise complains about unfair labour practices from the trade union. This often includes the misrepresentation or interpretations of management policies, particularly when it concerns the workforce, misinterpretation of contracts, for instance,

“A worker whose contract of employment stipulates terms and conditions and duly signed, later turn-around to say he/she is denied the right to unionize or not entitled to certain privileges, or contract terms are not renewed. He declared if such worker is not satisfied, he/she can resign or alternatively go to the tribunal if feel cheated”.

Commenting further, management grievances also stems from dissatisfaction with some workers, particularly those covered under labour umbrella. Sometimes management may extend workers attitudes to work to the trade unions, if the expectation or performance level seems not to improve; management has the prerogative to treat undesirable worker's case as unsatisfactory performance and get rid of them. This action of management in some cases does not seem to be acceptable by the trade union. The union usually misinterprets such decisions and threatens to call for industrial actions if the workers are not recalled.

He maintained that the conduct of union activities during work without following the necessary due process, such as: illegal encroachment on management functions and other aspects of trade union indiscipline, are but a few of unions' unfair labour practices in the industry.

6.10. The key similarities and differences of the three case companies

Economic crisis and globalization have affected the Nigerian oil industry, which like any other industry culminated in trends of rightsizing, downsizing and employee dismissal and the ultimate engagement of agency workers. Shell, ExxonMobil, and Chevron outsources most of its labour needs to employment agencies that recruit skilled, semi-skilled, and unskilled workers on their behalf. Below are some of the similarities:

6.10.1. Similarities

1. Findings indicate that Shell, ExxonMobil, and Chevron are increasingly utilizing agency labour in a variety of their organisational activities from the core to peripheral functions.
2. The three oil MNCs operates two-tier workforce similar to Atkinson flexible firm model. A two-tier employment relation was seen as a deliberate policy of the oil MNCs who created it in place of permanent employment.
3. The rational for operating a two-tier workforce were very much similar. The three oil MNCs indicated costs-cutting as the major rationale for using agency labour, followed by technology, global competition and efficiency amongst others. In general, financial independence seems to be the major concern. Hence their workforces are heterogeneous by nature.
4. Shell, ExxonMobil and Chevron have policies of directly employing limited proportion of permanent employees, without the benefits of job-for-life as it was in the past. The clause “job-for-life” was abolished due to global competition and cost pressure.
5. There seems to be a great drive by these powerful oil MNCs to externalise their internal labour market and this is speedily impacting on trade unions membership.
6. The three oil MNCs wield so much power within the Nigeria state and communities by virtue of their partnership with the government. They have been able to explore,

extracts and exploits both the citizens and environment without any corresponding development.

6.10.2. Dissimilarities

1. Different culture and dynamics plays out in these three oil MNCs. Shell operates mainly in the downstream, hence makes extensive usage of both permanent and agency workers. Consequently, a great number of the employees were made redundant and compulsory retirement was imposed during downturn.
2. While in ExxonMobil, valued core employees are more protected. In the cause of the interview with the management it was noted that ExxonMobil from inception, had always maintained cost-conscious approach so that the difference between the core and the peripheral do not surpass the other. Hence, in the phase of the present financial crisis in the oil industry the majority of their core employees were secured.
3. To a great extent ExxonMobil permits the unionization of agency workers, there is a duly signed tripartite agreement between the Management, Employment agencies and the union of right to organise agency workers. While the right to freedom of association is highly curtailed by Shell and Chevron.
4. Exxon Mobil made effort to improve conditions of employment for agency workers by providing medical insurance schemes; this scheme is not applicable to Shell and Chevron agency workers.
5. Chevron is more into upstream operations, hence, hires more of expatriates than the other two oil MNCs.

6.11. Summary of Management Findings

The success of any organisation is said to largely depend on the expertise, skills, morale and commitments of its workforce (Fernando, 2011:38). Thus, contracting of employment is the process of attracting and selecting presumably these competent personnel for jobs and the employment agency is powerful niche in the labour market that supplies these expertise and competence to the oil MNCs. This is because Shell, ExxonMobil and Chevron management are increasing utilization agency workers.

The three oil MNCs indicated costs-cutting as the major rationale for using agency labour, followed by global competition and efficiency amongst others. In general, financial independence seems to be the major concern. Hence their workforces are heterogeneous by nature.

Shell, ExxonMobil and Chevron are progressively using agency workers in both their core/peripheral activities. This is because flexible labour may allow companies the flexibility required to function productively in the phase of market fluctuations. However, none of the management of these three oil MNCs want to be obligated by offering a long-term contract employment any more, since most jobs seems to be project-based, coupled with the current fall in oil price amongst other factors. Thus flexible work arrangements have been seen as the prevailing means of eliminating labour dearth in the industry, as well as, maximizing profit.

The management staff of the three oil MNCs, argued that agency workers are not their direct workers hence are not entitled to the welfare perks and privileges accrued to their direct hires, particularly, the pension and medical scheme. The pension scheme operated is concomitant by nature, with the management paying a comparable sum as the employees. Permanent employees along with four dependants have rights to medical treatment all through their life time. They likewise have access to car and housing benefits, including other benefits such as: end of business year profit sharing allowance, Christmas allowance, maternity allowance, holiday pay, performance award, generator and fuel allowance. These are some of the overhead cost and responsibilities the management intended to eradicate, hence the growth and usage of agency workers.

The permanent employees who occupied the core positions of these three oil MNCs are termed as “residents’ employees” they are the standard workers who are direct employees of these companies and are privilege to unionized. However, these secured valued core employees are more protected in ExxonMobil, in the cause of the interview with the

management it was noted that ExxonMobil from inception, had always maintained cost-conscious approach so that the difference between the core and the peripheral do not surpass the other, hence, in the phase of the present financial crisis in the industry the majority of their core employees were secured.

This is quite different from the culture and dynamics that plays out in Shell Nigeria. Shell makes extensive usage of both permanent and agency workers as a result of the numerous projects they execute. Consequently, a great number of the employees were made redundant and compulsory retirement was imposed. Presently, Shell, ExxonMobil and Chevron have policies of directly employing limited proportion of permanent employees, however, without the benefits of job-for-life as it was in the past. The clause “job-for-life” was abolished due to global competition and cost pressure. Regardless of this clause, the internal labour market of these oil MNCs, still remains a highly treasured niche for both graduates and professionals in Nigeria to occupy.

However, there is an agreement between the management of ExxonMobil, trade unions and labour intermediaries of the rights of contract staffs to unionise, although this was refuted by the trade unions who declared that the agreement is operational in papers and not in practice. The trade union argued that, since the communique was signed in 2012, employers’ no longer hires workers on long-term contract of employment, rather, workers are hired for three months to one year, thereafter the employers terminate such appointments, and re-hires them or bring on board new workers. This trend the trade union perceived as a ploy to deny agency workers right to unionization. More of this argument is discuss in the next section on the trade unions findings.

6.12. TRADE UNION RESPONSES

6.12.1. Introduction

This section presents trade unions findings on management rationale for the increasing usage of agency workers and their oppositions. Four senior unions' officials, who are also employees of the oil MNCs, were interviewed. Below are their profiles.

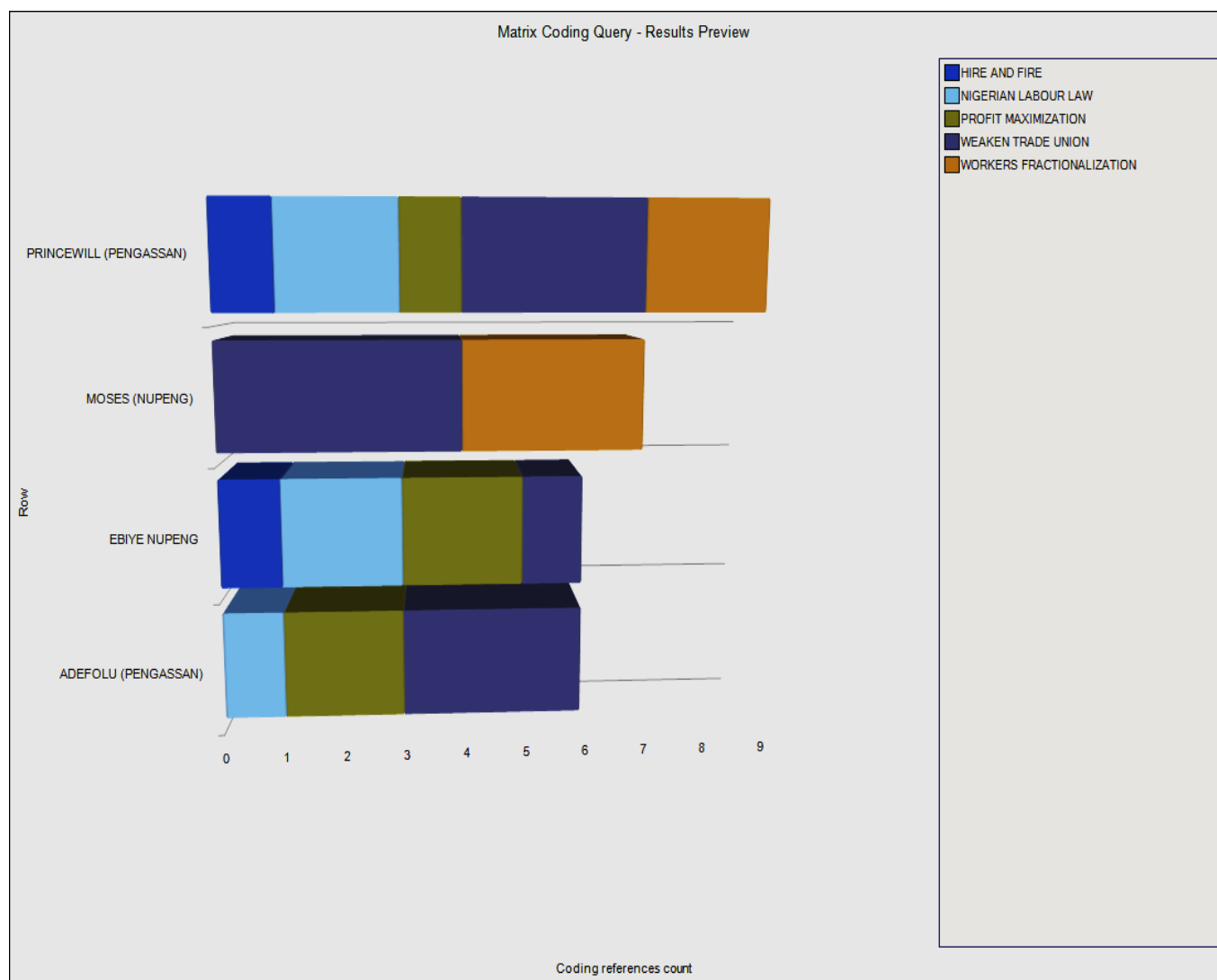
Table 46: The Profiles of Unions Representatives

No.	Designation	Shell	ExxonMobil	Chevron	Total
1	PENGASSAN (Public Relations Officer and Deputy President)	1	1		2
2	NUPENG (National President and General Secretary)	1		1	2
	TOTAL	2	1	1	4

6.12.2. Trade Unions Responses to why Management Contract out

The Matrix Coding Result Table 47 below expresses Trade Union's perspectives on the determinants why the management of the Nigerian oil industry uses agency labour.

Table 47: PENGASSAN and NUPENG Response



When asked why the management of the Nigerian oil industry increasingly use agency labour. NUPENG acknowledged that this is a global issue, but he was quick to add that the increasing usage of these workers in the Nigerian oil industry threatens the jobs of the permanent employees and the existence of the trade unions, particularly, the deployment of this workers into the core production areas without the right to unionization. He alleged that NUPENG is not completely against the use of agency workers, rather is the dimension it has taken from ancillary jobs to core production areas, from direct contract to triangular employment relationships and the fragmented work arrangements. He said:

“Contract workers in the past were hired directly by the oil MNCs as a cover-up arrangement and to cope with some short- term projects. But this is no longer the case. It was observed that agency workers are now hired through labour intermediaries to perform functions of our members that were forcefully retired in order to undermine the labour movement. They think we don’t know what they are doing. They retired employees on permanent employment contracts; restructure the system and hires agency workers through employment agencies to fill such positions, thereby denying them of their fundamental human rights”.

He disclosed that agency workers have different contract terms; some are contract staffs, service workers, and manpower staffs. He lamented that the management in collaboration with the employment agencies so disintegrated the workforce that there is no more spirit of collectivism. He observed that the growing fragmentation of the workers increases pressure on the permanent workforce, and declared we will not fold our hands and allows oppression and slave labour to take over collectivism that traditionally characterises trade union.

NUPENG taking a swipe on the government, criticises the Nigerian government for taking the issue of agency labour with laxity. He alleged that the legal framework did not make adequate provisions for these workers. He is of the view that the government should reform the existing labour law to integrate these emerging groups, and maintained that the issuance of guidelines in addressing issues of this rapidly growing workforce is no-longer enough. He therefore calls for legislative intervention that will reinforce the section of the labour law that says “workers after putting three months in service should be regularised”. He maintained that legal regulations will aid in reducing the gap in wages and working conditions between the permanent and agency workers, as well as, giving agency workers collective rights. He lamented that:

“The Nigerian factor and deficiency in policy implementation are making it permissive for the oil MNCs to operate the way they wanted. Let me also state that the indigenous employees and the trade unions have championed the struggle for the increased involvement of Nigerians in decision making hierarchy of the oil industry. But what do we get today, regret. The same Nigerians who are beneficiaries of our struggles are the ones that now formulate all kinds of anti-labour policies channelled at suppressing and weakening the same body that saw them to where they are presently and gave their very own for slavery”.

He emphasised, that the existence of trade union as a representative body of the working class is at stake. The shrinking of manpower in standard employment is automatically reducing the power of organised labour and unionised workers. The industry now uses flexible work arrangements as a strategy in fragmenting the workforce thereby creating a divide and rule among the rank and files of the labour force, and this makes it more challenging for recruitment. He said:

“The inability for the trade unions to organise agency workers and voice on their behalf as a result of the employment fragmentation system is very challenging. The most worrisome of this whole thing, is that as much as the unions try to organise these workers, the more their contracts of employment are being shortened or terminated”.

PENGASSAN alleged that the kind of complains the union gets from both their members and potential members are very worrisome. He said the oil MNCs are destroying themselves, because, I don’t understand why management should set-up a division among the rank and file of their employees and expect teamwork of labour efficiency. He declared that in an attempt to organised these fragmented workforce, one of the contract staff said: what is the essence of joining a union, as this will put her job at risk. She said:

“Why should I join the trade union and make myself a sumptuous meal of attack for the employer. My contract is just for a year and there is no assurance that the trade union can fight for me to be a permanent staff or to renew my contract. Rather, my joining the union can only put me in trouble”.

When confronted with this allegation of employers threatening agency workers with dismissal or denial of contract renewal, a manager with one of the employment agencies, Kimberly Ryan said:

“It is not right to say we threaten our workers with dismissal when they join the union, every contract regardless of its terms, either tenured or fixed-term, have explicit contract terms detailing expectations. But frankly speaking, while should an agency staff of a fixed-term contract, be a member of the trade union? Such worker’s employment contract is just but for a short while and the union will only collect his/her money without gaining anything in return. Remember the trade union is not a cooperative society where such worker is expected to get his money back”.

NUPENG noted that the unethical labour market fragmentation in the Nigerian oil industry has had negative cause and effects on the influence of the trade unions. He emphasised,

employees basically join trade union based on the benefits that they may gain as members, and these benefits may include: economic, social, training, political perks. But both the trade union and agency workers are confronted with a great dilemma of being unionise and being members of the trade unions. He pointed out that:

“Since the inception of Structural Adjustment Programme and privatization, it has always been warfare to organise workers and this has continued to undermine the strength of NUPENG. Several attempts have been made to get the employers of these agency workers on the side of the union; however, the union later discovered, that the oil MNCs threatens not to renew their contract should they cooperate with the trade union. Agency workers are not cooperating either; they are scared of losing their livelihood”.

Apparently, in agreement with the views of NUPENG, PENGASSAN noted that the anticipated impact of privatization and restructuring that took place in the industry was coordinated to have negative influence on labour movement and employment relationships. He emphasised that the government economic policy was known from inception as an anti-union motive, a deliberate attempt to shrinks union’s membership, increase repression of employees and undermine the unions. He noted: the growing replacement of direct labour for atypical labour since the inception of privatization has greatly affected their membership and power in the workplace. He explained:

“The typical Nigerian job has always been standard employment without fear of dismissal, early retirement or redundancy. The nature of the employment relations is work-for-life, as social security is obviously a non-existence aid in Nigeria and the only way a citizen can augment for the inadequate distribution of social amenities is by having a permanent job, and the denial of this is tantamount to a gloomy outcome”.

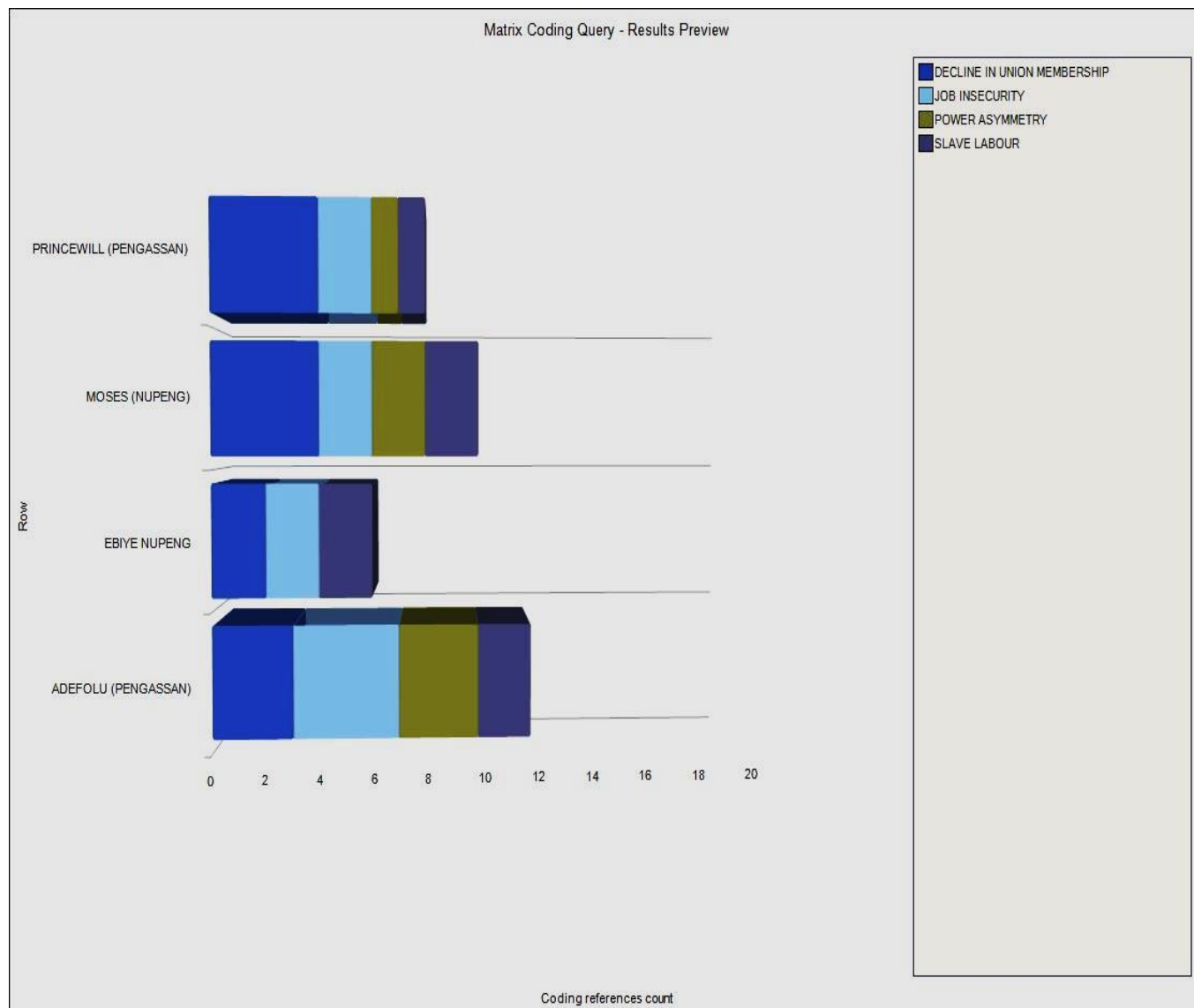
He noted that the continuous shift towards fragmented workforce in which most of the indigenous workers have been sentenced to the unprotected secondary “theatre” of the oil MNCs labour market, evokes a clear sense of ill-feeling among the employees who seems to have the notion that work should be for life. He stated:

“Loss of membership is definitely loss of income, losing members by extension your check-off is likewise affected, and the capacity to fight collectively is weakened. So basically, and far more importantly is loss of membership”.

The trade unions are not only accusing the oil MNCs for the growth and deployment of agency workers into the core productions areas and the fragmentation of the labour force, but also the government has a brunt of their anger for its inability to appropriate adequate legislation. The unions argued that the insensitivity of the Nigerian government towards workers' plight paved the way for the management of the oil MNCs to engage in various sorts of flexible work arrangements all in a bid to weaken labour movement. They maintained that the dehumanization of indigenous workers through unfair labour practices of employers has continued unabated in clear violation to the present labour laws, the Nigerian Constitution and ILO Conventions ratified by Nigeria. They argued that the fragmented work arrangements in the industry are not just a violation of the fundamental rights of workers, but a clear violation of the Nigerian labour laws.

6.13. Trade Unions Responses against Agency Labour

Table 48: PENGASSAN and NUPENG Responses



When asked why the trade union is resisting the use of agency labour. PENGASSAN declared that the battle against agency labour has been on since 2000. The advent of globalisation and by extension privatization brought about job insecurity, membership decline, threat to standard of living, increased unemployment, perpetual exploitation, repression and above all the sudden dwindling of the traditional form of employment relations in the industry to fragmented labour relations, as well as, the increasing usage of agency workers in the core production areas, in the name of human capital shortage in the required skills and expertise. He said:

“The trade unions traditional base is declining; its bargaining power has been diminishing due to contemporary work arrangements, since it is all about technology,

let the management train their existing employees, they have the capacity of doing that. Employees are being reassigned from the organised to the unorganised segment where trade unions presence is restricted thereby trying to weaken the strength of the union”.

Giving an account of the aborted plan of the Nigerian government to privatise the Nigerian National Petroleum Corporation (NNPC) in 2004, he mentioned that this was the first time in the history of Nigeria privatization, that the government was compelled to renege their decisions as a result of the trade unions agitation, by this act, the government and the whole nation gave prominence to the strength of both unions (PENGASSAN and NUPENG).

In recollection, he reveals that practically every staff of the oil industry was either a member of PENGASSAN or NUPENG before privatization in the 1990s, and declared PENGASSAN had membership strength then of about 59,000, but experience a sharp decline to 31,296 after privatization. Several employees were made redundant in 2004 due to privatization, new people were hired directly, but on temporary basis, and these workers were fought for and unionised which saw membership to increase to about 36,451. However, in 2005, there was an amendment in the labour law, which put a cap on union automatic membership; this further stunted the growth of membership. This marked the beginning of steady decline in memberships. With this singular act, the union perceived that government, the management of the oil MNCs and the employment agencies are not being transparent in their dealings with the workers, and noted that excessive powers have been accorded to the management, he stated:

“The corruption and exploitation in the industry is unquantifiable and if the trade union does not fight for this, the wealth of the nation will only be in the hands of but few, which is already happening”.

With reference to Gerald’s earlier argument on a signed communique agreement between ExxonMobil, trade union, and employment agencies in 2012 to organise agency workers, PENGASSAN declared that the trade unions indeed were able to mobilise some of these workers, which further increases their membership in 2013. However, as time progresses and employers noticed that the conditions of these workers were improving, they came up with another strategy of reducing the contract terms. He noted:

“The management strategy is to deprive new workers from unionization by refusing the renewal of contract of the existing workers, thereby hiring new workers on a short-

term basis. The new workers are compelled to sign an undertaken not to join the union. This strategy is a huge smash on the trade unions, more particularly, NUPENG the junior workers. We (PENGASSAN) are professional and skilled workers, the company will always take these groups of people on board. However, our present grievance is that, these oil MNCs are using their foreign suppliers to hire expatriates and few other indigenous workers in the core production areas and more of the agency workers”.

Both NUPENG and PENGASSAN lamented about the deployment of agency workers into the core production areas and declared that this is more worrisome. They mentioned that in the past trade unions had accepted the use of temporary workers for some specialised activities, but not the influx of these workforce, and expatriates who now occupies senior and permanent positions. NUPENG perceived this is directed at degrading labour standard and conditions of work. Although the resistance is not against the use of temporary workers on some specialised activities, but, however declared that irrespective of these special skills and competence, there is need for training and knowledge transfer.

PENGASSAN flaws the assumption of the management on the increasing utilization of agency workers as a necessity due to global competition and market dynamics, he resented the fact that the use of these workers is not only for competitive advantage but has been discovered to be a profit making strategy of the management.

He alleged that it is a strategy of the management to suppress the trade unions and exploit the workforce. The absence of a collective voice to regulate the terms and conditions of agency workers implies that employers can fashion their relationship without any restraints. He therefore declared that these workers are however powerless to exert control over the type of labour they rendered. This indicates the concern for appropriate legislation and institutional protection for agency workers. He stated:

“The Nigerian Labour Act did not specify the rights of agency workers and most of the employers are catching on this clause to externalised their workforce and exploit them, they are cheap to use”.

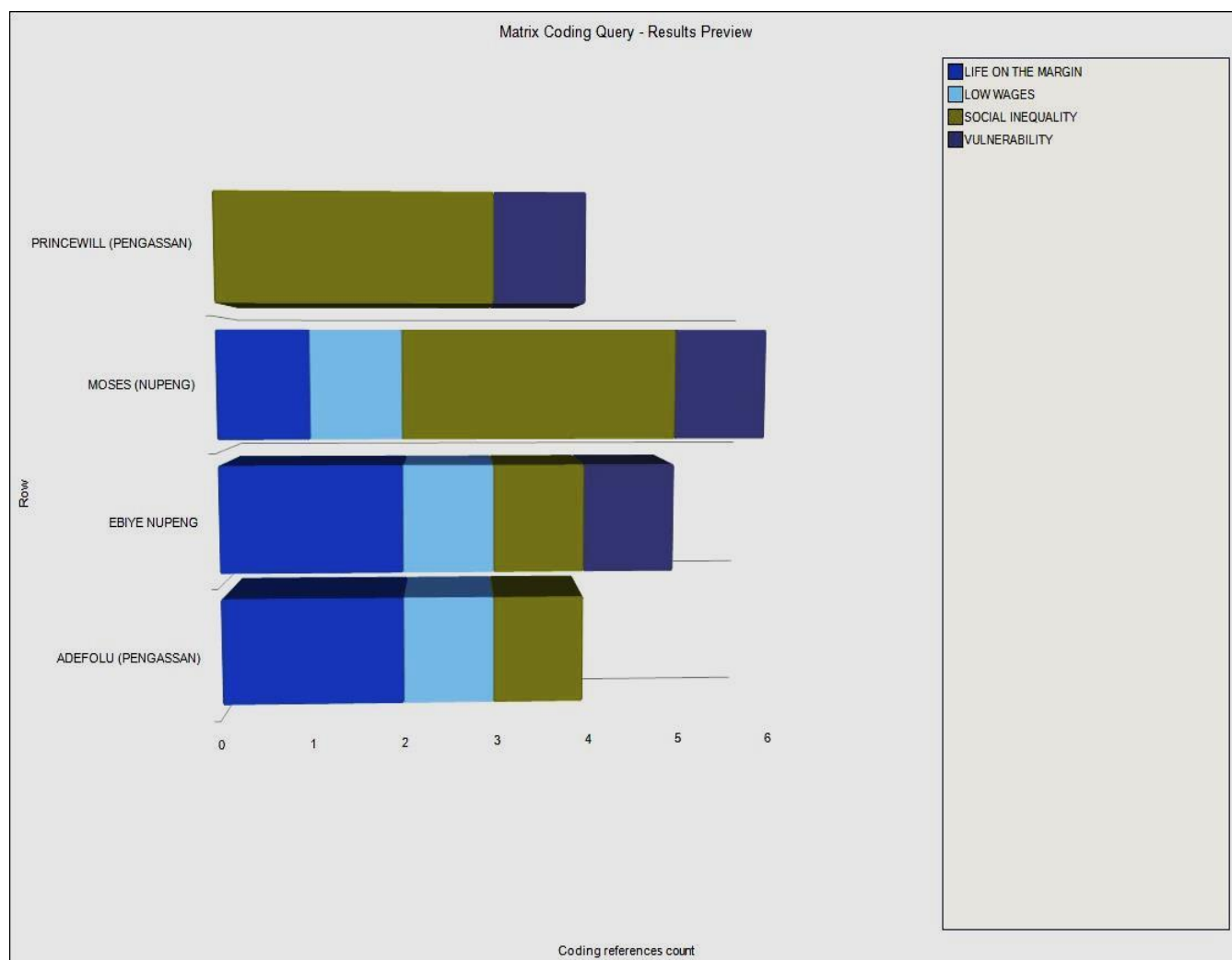
In summary and from the investigations, it was discovered that the union were not totally against the use of agency labour, rather, it is the dimension it has taken and the salient involvement of the Federal Government that is causing the agitations. The union observed that some of the oil Multinational Companies were awarding labour contracts in ways and

manners ostensibly to de-unionise workers and create disaffection and jurisdiction crisis among the workforces. PENGASSAN and NUPENG accuses the management of importing their foreign brothers to take up temporary-permanent employment contracts who are immensely well paid, but find it more beneficial to place indigenous workers on contract terms to deny them the benefits attached to their jobs. The union lamented not only for the fact that this is impacting on their membership, it has increased the rate of capital flight in the country, and renders the workers, who are supposed to be the major beneficiaries, impoverished and completely hopeless.

6.14. Trade Unions Responses to the Likely Implication of a Two-Tier Workforce.

The result from the Matrix Coding Table 49 below shows all the interviewees indicated social inequality as the most likely implications of a two-tier workforce.

Table 49: PENGASSAN and NUPENG Views of the Implications of a Two-tier Workforce



PENGASSAN responding to the question of the likely implications of a two-tier workforce reveals the issue of social inequality between indigenous permanent employees and expatriates. He noted that there are distinctive margins in the terms and conditions between these two workers. Using Shell Nigeria as an example, he revealed that from inception an indigenous permanent staff often commenced from a disadvantaged position. He pointed out that:

“An indigenous permanent employee joining the company is hired on job group 7, while an expatriate who joins the same company on same day and on same qualifications is hired on job group 5 (this is a senior position). On ratification of

appointment after six months, the expatriate is promoted to group 4, while there is no promotion for the Nigerian colleague. The impact of this promotion and injustice is very evident and most often this expatriate becomes the manager of the indigenous colleague”.

He alleged that in 2011 there was a memorandum of understanding (MOU) between the employers of the oil MNCs, the trade unions and the ministry of labour and employment on the issue of employment contracting and suggests implementable solutions to unethical labour arrangements in the industry. He alleged that, some employers have refused to implement these agreements, notwithstanding that this was an outcome of the negotiation by the tripartite body. Unfortunately, many of these employers are strategizing new ways to circumvent this agreement. He availed the researcher a copy of the guidelines and stated that:

“The most worrisome is that, the mechanism set-up by the Ministry of Labour and Employment for monitoring and evaluating these guidelines is very weak due to their corrupt tendencies”.

PENGASSAN observed that, when it comes to the management restructuring, it is the indigenous employees that are most affected. For instance, in Shell Nigeria, the mass redundancy and imposed early retirement that happens towards end of 2014 and early 2015 caused some unions’ members their jobs and affected more than 2000 employees who are mainly permanent workers. He admitted that this act was not devoid of internal politics by disclosing that:

“The management’ deliberately aimed at the most senior employees and trade union activists to undermine the union’s strength. This is the various means in which management reduced the indigenous permanent workers and fill such positions with few expatriates and more of agency workers. Likewise, employees who fail to accept their package for early retirement saw their workload increased to unmanageable levels to force acceptance or get poor performance appraisal which will be tantamount to dismissal or retrenchment”.

NUPENG also criticised the management of engaging expatriates to work in Nigeria when there are more qualified indigenous employees who could do same job. However, this accusation was denied by Debiri (Shell Management) who argued that the allegation was wrong, that for Shell Nigeria, they operate radical national policy on expatriates. He declared that Shell Nigeria has 4,300 permanent staffs out of which, only 243 are expatriates. The

employment system and operations in Shell is very Nigerian with indigenous employees in management and supervisory levels.

In disputing Debiri's argument, PENGASSAN maintained that the managements of oil MNCs lack transparency and marginalised indigenous workers, as well as, the indigenous employment agencies. He argued that their mode of operations violates the International Labour Organisations standards which states that MNCs should cultivate a non-discriminatory employment policies and promote equal job opportunities. He pointed out that:

“Since 2007, that Shell Nigeria launched “Securing Our Future” (SOFU); the management has consistently been operating anti-indigenous managerial strategy. It is the Nigerian workers’ that faces early retirement, redundancy, dismissal and demotion from permanent position to contract status, thus impacting negatively on their income and consequently affecting standard of living”.

He noted that in early 2013, PENGASSAN challenged the management of the industry on the influx of expatriates; they (management) came up with the claim of the expatriates having the required technical capacity for their business development. He claimed that the oil MNCs keep hiding under human capacity gaps to bring in their nationals under various guises into the Nigerian oil industry. He further expresses his displeasure over management relegating the trade unions, and not been involved on issues that concerns recruitments. He said:

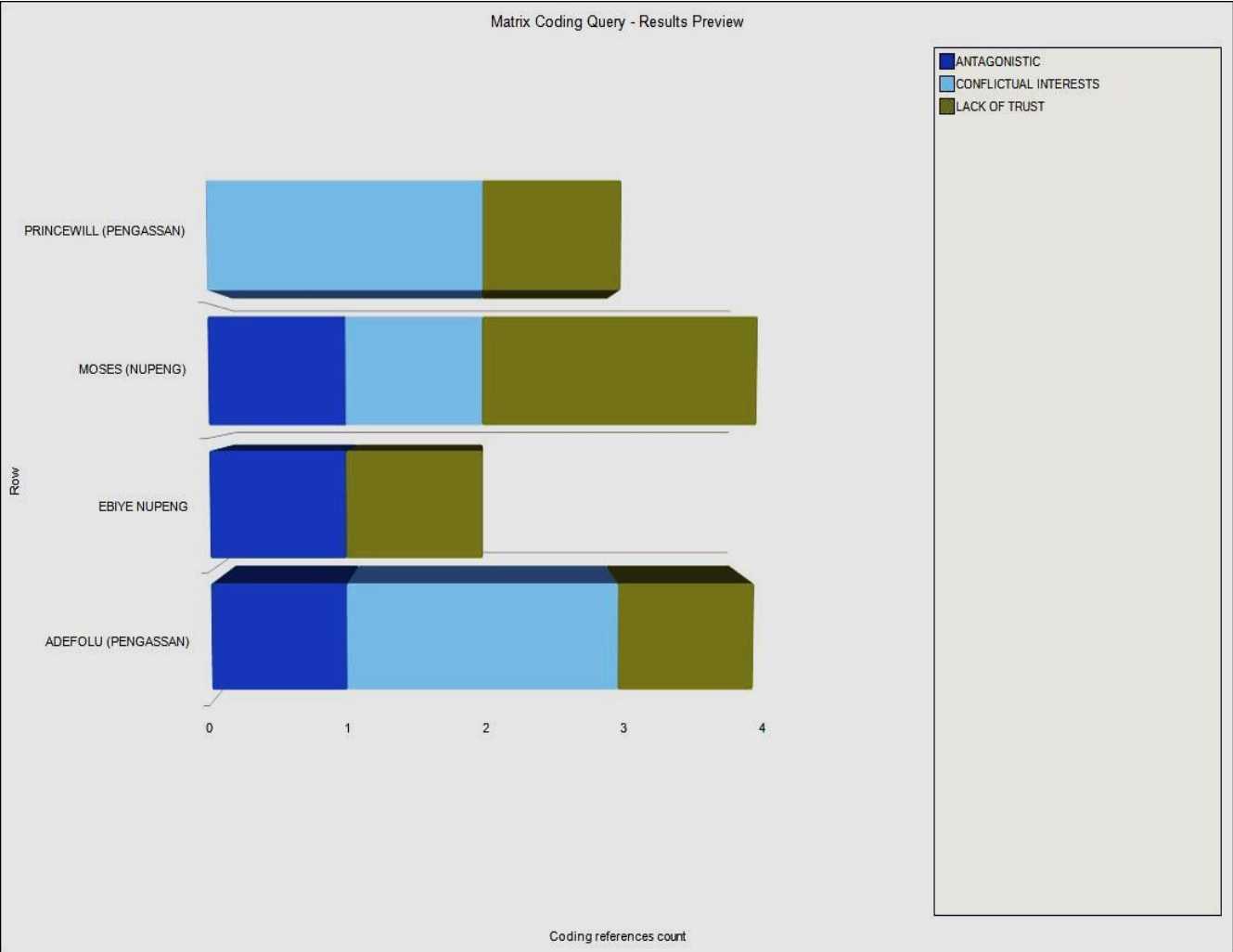
“The trade unions are not carried along when decisions critical as hiring, particularly that of the expatriates is taken. As far as the union is concerned, it is always a unilateral decision, and this disposition does not just augur well for management and labour relationship, rather, it is creating the rule of division among the rank and file of the labour force. Union representatives should be consulted as social partners on critical issues as recruitment to make their input”.

In summary, trade union indicated social inequality among the employees with particular reference to the expatriate workers. From union responses, it can be perceived to be rather a hegemonic struggle between super-ordinated and subordinated groups. Indicatively this is the way and manner management appropriates positions and resources in the Nigerian oil industry. Their argument stems from the power and benefits accorded to the expatriates due to their technical expertise as argued by the management and the indigenous workers who benefits little and bears the social and environmental cost of slavery. However, in an attempt to whittle down the abuse of power and position allegation, the management had earlier

argued that the use of capital innovative machinery demands high wage employment only for few workers with the technological skills and little employment for others.

6.15. Trade Unions Responses to Labour-Management Relationship

Table 50: PENGASSAN and NUPENG Responses



From the Matrix Table 50 above it indicates lack of trust and conflictual interests as the underpinning factors of labour – management relationships according to the trade union.

PENGASSAN affirms that in any work organisation, labour-management relationship is characterised by conflict of interests. He emphasized that in this industry conflict is unavoidable; however, there must always be ways to enact peace for work activities, growth and development purposes.

He maintained that management had already gained upper hand in the running operations of the industry by virtue of their capital, which is why they always want to suppress labour as the

representative voice of the workers not to be heard. Most of their decisions are unilateral, thereby not recognising trade union as a social partner. He stated for example:

“Market viability on the part of the management creates constant pressure to minimise cost and this leads to the pressure to either retrenched workers or cuts on benefits. In either way it is to the workers’ disadvantage. Unions are not always consulted at the decision level on issues of downsizing and restructuring. What labour demands in a process such as this, is a mutual consensus and compromise from both parties, but in the absence of this, then the managements are calling for war”.

He opined that consensus agreements enable social partners to transcend and work through their conflictual interests towards successful accomplishments of the company’s goals and objectives.

PENGASSAN noted that trade unions are oftentimes neglected in the issues that concerns employees. He emphasized the concern for a joint- consultation in workplace on matters of common interest which is not items for negotiation. The lack of involvement tends to portray the limited power associated for being a representative and a social partner. He declared, when the unions resolved to challenge some of management decisions, it always ends as unpleasant situation just because the policies of the companies are rarely open to negotiation. He emphasised that:

“A true partnership wherein no particular group or a class is greater than the other and where distribution of mutual interests exists from a base of equality is the way the management of a robust employment relationship should be between the management and trade unions/employees”.

However, he declared this is not the case here going by what we experience in the industry. This is why we are fighting for the enactment of the Petroleum Industry Bill (PIB). He handed the researcher a prototype of the PIB.

Moses asserts that labour/management relationship in this industry is characterised with distrust and dislike which often leads to antagonistic behaviour. He alleged that the most important aspect of labour and management relationship is the existence of trust between the partners and these relationships can better be understood in the context of collective bargaining and negotiation of collective agreement. He emphasized, that several collective agreements have not resulted in productive outcome either because the process is defaulted or agreements reached are not implemented. In a situation as this where one of the partners

reneged in fulfilling its part of agreements, or seek other means to circumvent such agreements then such partner is asking for unrest. He said:

“Trust is very significant in any relationship and if this is lacking in labour and management relationship then it will be very difficult to have a harmonious working environment”.

In affirmation, PENGASSAN maintained that the oil MNCs are perceived to have been indulging in the approach of keeping the trade unions in the dark. He said:

“If workers are to be hired, the unions need to be consulted of who is going to be hired, why, what are their requirements and their positions within the company. But the inclusion of the trade union on issues of engagement is not acknowledged, and neither the constitution nor the labour law deem it necessary for trade unions to be involved in employment decisions”.

Further declaring his resentment on the hiring of expatriates as one of the major concern in the realm of employment relations, he argues that this poses genuine questions concerning the ethical obligations of the oil MNCs, since before and after Nigeria independence. The nation has witnessed expatriates occupying sensitive positions, and this raises the issue of legitimacy. He noted for years, training and technical education have been seen as a key to provision of skills for the workforce in order to improve the technical and technological skills required in the industry but this has never been the case. He said:

“The management of the oil MNCs are making so much profit from Nigeria, rather than use part of the profits for more technical innovative skills acquisitions for more sustainable employment opportunities for the workforce, they rather embark on human capital flight by bringing in expatriates”.

PENGASSAN accuses the management of deliberately hiding under human capital gaps to undermine the law, by hiring expatriates and denying the indigenous employees of their rights. Stressing further, he noted that the oil MNCs renege on the agreement of partnering with the Nigerian Universities to promote collaboration in research and technology transfer to the Nigerians; rather, they extend financial support and research grant to their home universities. Regrettably he said:

“Some of these practices they are doing in Nigeria will not happen in their home country. They are only taking advantage of the sluggish nature of the Nation’s

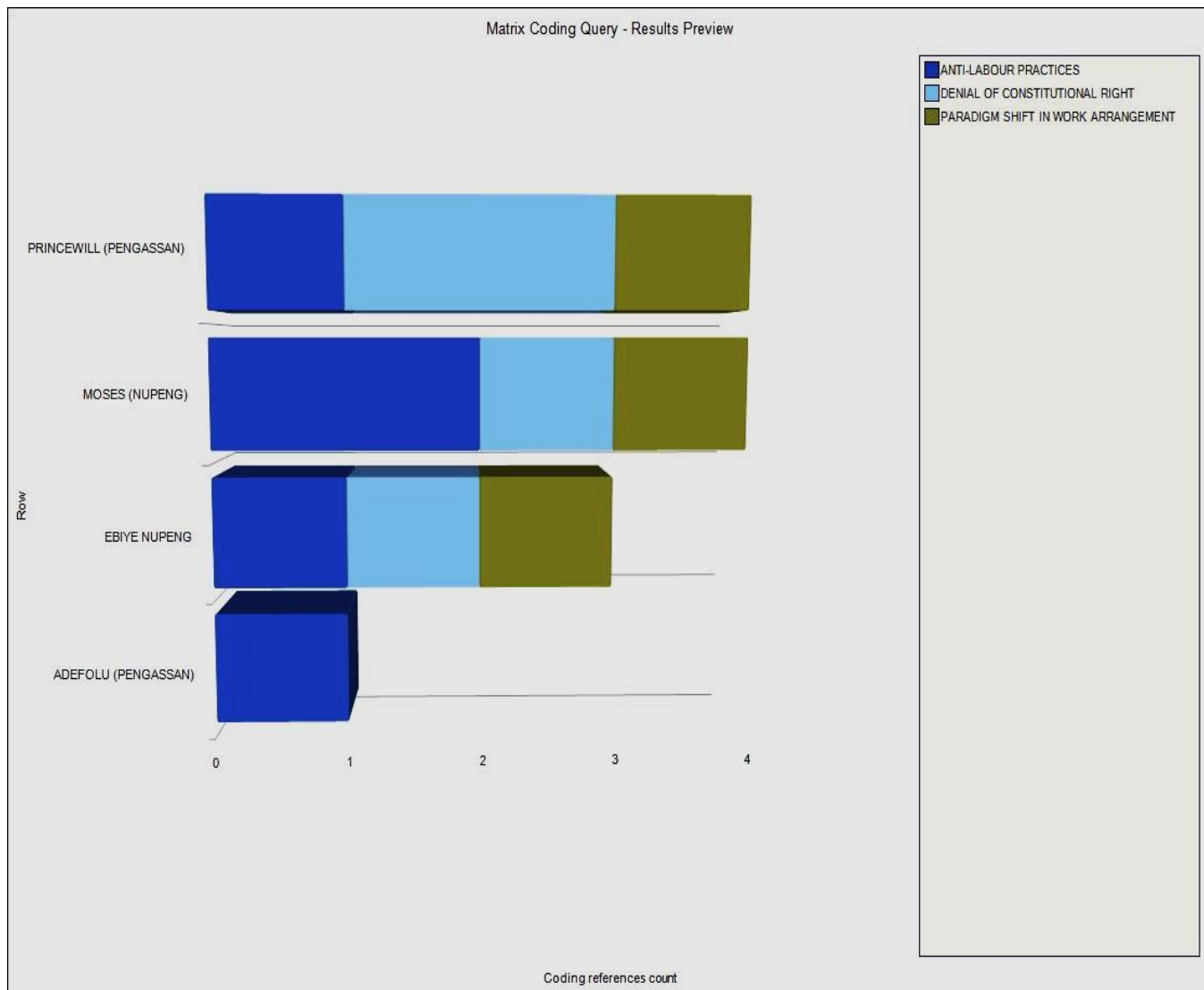
economy, the weak legislation and the high rate of unemployment to deny Nigerians of their rights”.

From the on-going there seems to be love lost between labour and management in the Nigerian oil industry. Majority of the interviewees declared conflictual interests and distrust as the bane of the erstwhile harmonious workplace.

6.16. Trade Union Responses to Causes of Exacerbating Conflicts

The Matrix Table 51 below indicates anti-labour practices as the most outstanding factor amongst others as the causes of exacerbating conflicts in the industry.

Table 51: PENGASSAN and NUPENG Responses



All the interviewees attested to anti-labour practices as the major cause of conflicts in the Nigerian oil industry, which often leads to strike actions. NUPENG noted that there are extensive anti-labour practices going on in the industry, particularly on the issue of casualization. He said:

“The struggle to put an end to casualization started in 2002, and this has since been the employment practices by this industry. In October 21, 2014 the union gave ultimatum to the government to get the oil MNCs (ExxonMobil, Chevron, Addax and Petrobras) to correct the anomaly of the growing trend of agency labour, and their continued victimization of union leaders, who were sacked unjustly simply for fighting against casualization. The government however failed to implement these within the stipulated period, then PENGASSAN and NUPENG embark on 7 days long strike action and this hit a gas supply to Nigeria’s power plants and its neighboring country Ghana, which gets its gas through the West African Pipeline”.

In a similar affirmation PENGASSAN declared that in August 2014 PENGASSAN and NUPENG petitioned the Federal Government of Nigeria over alleged anti-labour practices by AGIP Oil and Plantgeria Company trying to frustrate their members and undermine Nigeria’s local content act. They alleged that problem started when AGIP Oil subcontracted parts of its operations to Plantgeria company, by transferring a project previously handled by another company ARCO Petrolchemical whose current workers were supposedly to be rolled over to Plantgeria Company as a result of their skills, but Plantgeria declared that if they are to accept these workers they would have to sign an undertaking with them not to join any union and 60% of the workers will be disposed by AGIP’s directive. He lamented that:

“We have lost members to sack, victimisation and humiliation contrary to labour best practices. With this antecedent of Plantgeria Company and AGIP, it indicates how desperate the oil MNCs and their employment agencies are committed in enslaving Nigerians by constantly denying them the right to association, this, the trade union was prepared to resist at all cost”.

PENGASSAN asserts that there are several unresolved issues of concern going on in the industry that frequently leads to conflicts, for example, in 2012, during the general strike action, agency workers were utilised, and this is against labour ethics. He expressed that in the last few years, many union members have lost their jobs while many job functions have been migrated from permanent to more fragmented employments.

He stated:

“NUPENG gave 14 days’ ultimatum to the Government either resolves the issue of anti-labour practices affecting Chevron agency workers, or the trade union would embark on a nation-wide strike. PENGASSAN is solidly supporting NUPENG on this. He stated that there is an on-going retrenchment of NUPENG’s members in Chevron. Chevron and its labour intermediaries in a bid to deplete the numerical strength of NUPENG, embarked on massive retirements of its members without following due process, this the union would resist at all cost”.

He likewise lamented, that presently the major issue confronting the trade union is divestment. Oil MNCs are selling off their onshore and shallow water assets and this is greatly impacting on jobs of our members, as many of our members are being released to the labour market. This is why job security is the most significant to union now. Besides the issue of divestment, another more worrisome is the outsourcing of some key departments by oil MNCs out of Nigeria on the ground of insecurity. He said for example:

“Shell has outsourced key departments such as IT to Hague, ExxonMobil to Fairfax and Austin, Texas-United States, and Chevron to Houston also in Texas, while others, Total to Paris, and AGIP to Milan. This resulted in job migration to those places and job loss for Nigerians. Likewise, Shell, Chevron, Agip, Total and Addax are divesting offshore blocks off to stakeholders in Nigeria”.

He bemoaned that union greatest concern is the loss of jobs and the increasing utilization of agency workers from the divestment process. He emphasized on the instability and uncertainty strongly affecting the industry and declared that PENGASSAN has lost 40% of its members to various divestment purposes since 2012 and lamented that the figure may be on the increase with the new intention by Chevron to release 55% of its workforce to the labour market.

PENGASSAN lamented that the government’s inadequacies to provide appropriate guidelines for divestment activities, gave room for massive retrenchment and flexible work arrangements without opportunity for protective conditions of employment for her citizens and the trade unions.

All the interviewees have similar responses; NUPENG who likewise attributed the causes of the exacerbating conflicts to anti-labour practices lamented that the worst unfair labour practices by oil MNCs in Nigeria, specifically referring to Shell, Chevron and Agip, accusing

them of inflicting inhuman treatment on indigenous employees. He particularly mentioned Agip Nigeria of retrenching 93 agency workers that had worked between 25 and 35 years, without benefits. He further accuses Chevron of not only converting workers from permanent employment contracts to agency labour but also denying them the right to collective bargaining agreements and right to unionization. He declared, as this interview is going on now, Agip agency workers in Port Harcourt are on strike, and threatened if the situation is not resolved as soon as possible, it would degenerate into a nationwide strike. He bemoaned:

“The unions can no longer fold their arms and watch their fellow Nigerians to be enslaved in their own nation. In 2013 Chevron Nigeria restructured its operations, retired and rolled-over some of the direct temporary staff who had put-in more than 20 years of service to employment agencies, thereby denying them their constitutional rights. This implies that their jobs are no longer protected, and can be sacked at any given time without notice”.

He maintained that, union grievance is basically the anti-labour activities perpetuated by these oil MNCs, imagined “Chevron paying a month basic salary as severance benefit to the retired workers”.

In summary, PENGASSAN and NUPENG reported that several anti-labour practices are going on in the Nigerian oil industry. They fault the Ministry of Labour and the Federal Government in collaborating with the oil MNCs to disrespect the constitutional rights of the workers to join union and bargain collectively. Another key trend highlighted was the degeneration of permanent employment contracts and the increasing use of agency labour. The respondents argued that the shift away from permanent employment is an attempt to replace unionised employees with non-unionised workers, who are rarely protected under any legislative law or coverage.

6.17. Conclusion on Trade Unions Findings

Generally, PENGASSAN and NUPENG were discovered not to be against the use of agency labour, rather, is the deployment of this workforce into the core areas- supposedly the permanent employees' positions. The growth of agency workers in the industry is sure boosting profits for management; hence, their growth in the industry threatens the existence of the permanent employees.

In addition, the shrinking nature of unions' membership is perceived to necessitate the agitations. Particularly, their quest to recruit the fragmented workforce and the challenge encountered in the process. However, it was also noted, that the decline in membership has not in any way affected their militancy position in the fight against enslavement of the workforce, as both unions still considers strike actions as a weapon of last resort.

Notwithstanding the trade unions individual identities, it was discovered that they stand a common ground on issues, such as expatriates taking over the jobs of qualified Nigerians, early retirement, arbitrary dismissal, increasingly usage of agency workers, the use of agency workers as buffer and government corroborative stance with the management. It is noted whenever the issue of mutual welfare arises both unions removes their artificial barriers built by the separatist piece of constitution to fight a common cause. Their commitment is to protect and defend job security of the permanent workforce which is paramount and cannot be sacrificed.

Despite the different forces that the trade unions have to fight, one undisputable fact is that, they have however survived the onslaught and remain standing.

Lastly, not only do the findings in Chapter 5 and 6 help to broaden the understanding of management rationale for the increasing utilization of agency labour and trade unions challenges, but also gave insight into the relationships that exist among the social actors and the existing structures that underpins their operations.

This study reinforces the argument, underlying the importance of investigating the problem of agency labour and the interplay between workplace actors. In advancing this argument, the next section presents findings from agency workers, and two of the employment agencies.

6.18. AGENCY WORKERS RESPONSES

6.18.1. Findings

In order to unravel the underpinning arguments between the management and the trade unions on the issue of agency workers' rights to unionizations, two basic questions were asked to decipher the contradictory responses. The first question was whether agency workers have the right to unionization, and the second question was related to wage and benefits.

Table 52: Profile of Non-Standard Workers

No.	Designation	Shell	ExxonMobil	Chevron	Total
1	HR Official (Support Staff)	1	1	1	3
2	Welcome Team (Contract Staff)	1	1	1	3
3	Logistics Units (Contract Staff)	1	1	-	2
4	Engineer (Service Staff)	1	1	1	3
5	Account officer (Contract Staff)	1	1	-	2
	TOTAL	5	5	3	13

Out of the 13 respondents, 9 of them claimed to have been working for the oil industry for over 7 years, while the rest 4 alleged to have been in employment as agency workers for between 5 and 2 years respectively.

They were asked the right to unionization? Particularly those working for ExxonMobil were asked if they were aware of the communique signed by management, trade unions and their employers on the right to unionization.

6.18.2. ExxonMobil

As shocking as it sounds, the respondents queries the need to join the trade unions, they generally believed identifying with the trade union will threaten their livelihood, which is their jobs. One of the agency workers from Mobil declared:

“Forget that communique, a good number of us, will not participate in trade unionism, reason being that management will not openly declare don’t join union, but if you are wise and still need your job, better face your work and forget about union”.

A member of the welcome team from Shell declared, I should join trade union and expose myself to employer’s attack. I am only, but a contract staff, and there is no assurance that

trade union can permanent my contract, rather my association with union would only put me in trouble”.

The fear of losing one’s job and the assumption of not getting any benefits for being a union member is a major concern for many agency workers, and this has contributed as to why a considerable number of them lose hope in the capability of the trade union. An engineer from Mobil said,

“I am not interested in being a member because majority of us do not get our contracts renewed, so there is nothing they can do for me, because the contract terms are very clear. So, the fact that I am lucky to have my contract renewed is not to the glory of any trade union but God”.

An Account officer from Mobil, declared: “trade unions have no case; they are more concern about their dues – everyone was ready to embark on strike action when there was a breach on the renewal of collective agreement, only for the union to agree on certain terms with the management”.

6.18.3. Shell

An engineer from Shell maintains that, “I don’t attend union’s meeting, because they are not interested in what concerns me, nobody listens to me – they only want to use us. I will gain nothing, because they belong to a different class, why I belong to another class. If the company is retrenching today, I and my colleagues would be the first group to go, while the unions (permanent workers) will be rejoicing, they just want to use us – not because they have our interest at heart that they want us to join union”

Another respondent from Shell declared, “there is no benefit joining the trade union, we are dispensable at will, sometimes we are fired and later re-hired through same agency or another. There are few favoured workers whose contracts get renewed intermittently, while many are less fortunate”.

6.18.4. Chevron

Another worker from Chevron Human Resource department viewed it exclusively from the monetary perspective, she declared: “what is the excess of joining the union as an agency worker, as a union member, I would be required to pay due on monthly basis, and my contract is only for five years and I have been told it could end before the five years, so you see, it can end anytime, and there is no guarantee of renewal. Let’s even assumed the contract will end in

five years, and renewed again, it is as good as starting all over again, because I will be made to sign a new contract, as some of my colleagues have experienced. Which means all the dues I had paid would be a thing of the past. Please, tell me, where is my gain? Yet my employer is very hostile towards trade unionism, so, why would I want to put myself in his black list”.

A member of the welcome team from Chevron who happens to be an engineer by profession, and found himself in the welcome team due to lack of job has this to say,

“I am an engineer, a graduate of second class, but here I found myself as welcome officer in Chevron. What other options do I have, having sought for employment in my profession without success? Then when I got this, although not a permanent job, I immediately accepted it. To a great extent the wage is relatively better compared to what my colleagues in the public sector earn, and you want me to go and join union for what”?

Findings revealed that some of the agency workers considered their wages to be good in relative to what is prevalent in the public and other sectors, hence, do not see the need to join the union. However, there are some workers who disagreed with their wages by comparing their output with that of the employees on permanent employment contracts who earns higher pay and benefits, as claimed by one of the account officers from Shell, who stated that:

“I am not pleased with what I earn, compared to my colleagues on permanent employment contracts; some of them do not have the educational and professional qualifications that I possess, yet are highly paid than myself. Of course, I agreed that when you compared my wage as an agency worker in the industry with what is paid in other industries in Nigeria, I should be grateful, but you know how mentally agonising it is when you are deprived of your worth”.

The account officer is not alone on this agonizing state, as it appears the oil multinational companies use agency workers for costs advantage. Another support worker from the logistics department of Shell declared, “How can I be happy with my earning, when I compared my take-home to that of my colleagues on full-time employment, we are in the same office, doing the same job, and ended up going home with different pay, I am talking of a wide margin. We don’t earn pension allowance; lacks free medical services; not privilege for car loan, or housing benefit and many more benefits just like the permanent employees. If I make a simple comparison between my colleagues on permanent employment contracts and those of us on triangular employment contracts, the disparity is substantial, agency workers’ earnings only about 55% of the average monthly salary of regular workers. What can be more agonizing and

depressing”? This discrepancy is in affirmation with Eun, (2012:86-87); and Forde and Slater (2005) arguments in addressing employment agencies wages, it was observed to be on average of 68% to that of the employees on standard employment contracts.

He further lamented that “the management of these oil multinational companies cannot claim the inability to pay us agency workers what they pay the full-time employees or accord us full-time positions. After all we know how much money they are making, and we see how the expatriates and executives among the indigenous employees live large and travel with their families. Some of them we know their homes, where they live, it shows the affluence they possess. They are taking advantage of the fact that agency workers are voiceless and the labour regulation that is supposed to protect us condemned us the more. The trade unions cannot do much for us because it is beyond them”. With a legal framework that has determined to restrain the power of trade unions against the backdrop of high unemployment rate, the unions had not particularly been powerful forces in bargaining wages, for agency workers.

Although the claim of lack of benefit was denied by one of the employment agency, who claimed for example, that overtime pay is embedded in agency workers’ wages. Also, ExxonMobil made it compulsory for employment agency to offer medical services and pension scheme for agency workers. To do the contrary is putting their contracts with the oil MNCs at risk, because the workers discuss and work directly with the oil company. Of course, the benefit may not be compared with the permanent employees, I believed that is understandable.

With this conflicting statement in view, the researcher confronted the HR officer of ExxonMobil whether or not they are entitled to benefits, the officer stated, “Yes we are told of medical services, but I think it is a way of cutting our wages. For example, my employer deducts #15,000 (\$94) monthly for medicals, neither I nor any members of my family have been sick. As a matter of fact, few colleagues of mine who have visited the medical centre claimed poor services as they were given just pain killers, that you can just buy over the counter. I would rather prefer no deduction from my wages and take care of myself and family when ill.

It is apparent there is a medical facility provided by ExxonMobil employment agency for their workers, which differs from the medical facility offered for ExxonMobil permanent

employees; however, evidence suggests that the workers are not satisfied with the services provided.

6.19. Summary of Agency Workers Findings

The agency workers interviewed from Shell, ExxonMobil, and Chevron, shows lack of interest in joining the trade unions on the ground of keeping their jobs, which is their means of sustenance. They likewise indicated the inability of trade unions to help them, since the law of the land did not recognise them. Also, for the fact that they cannot gain immediate dividend for being union members due to their unstable jobs, indicates their lack of interest in unionization.

Workers generally join the trade unions for the benefits that may accrue to them; these benefits include economic, social, educational and political benefits. However, in Shell, and Chevron Nigeria, agency workers are overtly deprived from being members of PENGASSAN and NUPENG. Although, agency workers from ExxonMobil are not overtly restrained from joining the trade unions, but covertly shows they are not permitted to join union.

Findings also revealed a considerable proportion of income disparity between agency workers and the permanent workforce, taken into account, the benefits accrued to permanent employees, which suggest a wide margin in their take-home pay at the end of every year. There is no doubt, that the remarkable differences in earnings between the permanent employees and agency workers, would certainly aggravates negative feelings or interests towards trade unionism.

Beside the issues of trade unionism, low wages, and benefits; job insecurity and lack of legal framework appeared to be the major concerns of agency workers. Although, ExxonMobil shows concern for the wellbeing of agency workers. For the fact that ExxonMobil shows little concern for the workers wellbeing, needs to be applauded irrespective of the monthly deduction from workers' salaries. While on the other hand, nothing of this nature from Shell and Chevron Nigeria. On this note, this thesis looks at the roles and operations of some of the employments agencies.

6.20. Discussions with the Employment Agencies

When the needed cooperation from the employment firms was not forthcoming, the researcher got access to two employment agencies (Accenture and Kimberly Ryan) through a recommendation from ExxonMobil and Shell senior HR personnel. The only disadvantage of opting for this strategy is that, the employment agencies were recommended by personnel from the oil industry and there is this logical tendency to recommend companies with good relationship and this might reflect trade unions bias within the companies.

More so, there is this inclination that the oil personnel likely picked companies that are considered to be well organized and compliant with the conditions of the oil MNCs with respect to the communique signed by the tripartite parties in relation to the unionization of agency workers. Likewise, having hand-picked companies may contradict the aspects of having random responses from a list of participants. Nevertheless, below are the findings from the little time granted the researcher?

6.20.1 Findings

Employment agencies are very crucial in the labour market of the Nigerian oil industry; this is because the three cases under investigation are increasingly utilizing them to their advantage. The relationships between the oil companies and the employment agencies are purely contractual to supply temporary workers. The contract of work is a formal arrangement whereby the employment agencies undertake the responsibility of the oil companies. The work contract enables the agencies to provide its workers with employment contracts so that they can enter the oil companies' premises and perform tasks assigned. Thus, the oil companies attempt to avoid an employer's responsibilities or employment relationship with the temporary workers.

When asked the managers of the two employment firms (Accenture and Kimberly Ryan) what are their relationships with the oil MNCs, and how their agencies obtained contract awards to supply workers?

Accenture manager responded: the company has a formal contractual business working relationships with most of the oil MNCs. However, I will only deal with you on the basis of the oil company who directed you here. He indicates that, it is a total misconception for anybody to deduce that oil multinational companies find it easy using temporary workers to execute their jobs. The process of engaging an employment agency with any of the oil companies is not so direct, and usually costly. The oil companies are required by law to

advertise for labour intermediaries and screen them before the contracts could be awarded. This is no way economical, and when you look at what is contracted out, it ranges from the supply of workers for the very technical field of core activities to the peripheral activities”.

Although the manager attested that a number of contracts have been awarded to some ethnic elites with the prevalence of nepotism, without necessarily going through the formal procedures. The two managers with the two firms alleged that the process of bidding for contract in these companies is highly subjective competition. The manager from Kimberly Ryan argues that, biddings can be won or lost before the management even places such jobs in the market for a bidding exercise; a lot depends on how highly influential your contact is. If the shareholders of the agency are influential, the chances of getting the contract would be high. The bidding exercise sometimes is nothing but an attempt to fulfil all procedures. The management would have already decided on the employment firm to award such contracts.

So, your company supplies technical workers. Are they recruited nationally or internationally?

The manager from Accenture, declares in affirmative, the circumstances determine whether to source for the technical personnel locally or internationally. However, in a process whereby the agency is unable to find a qualified person locally, they go international, and it also depends on the urgency of the need. When you have good working relationships with these oil MNCs, they trust the employment agencies to supply them suitable hands, and this we strive to accomplish in order to secure our contract. Understand there are lots of competitions out there, there are certain traditions and standard we have to adhered, a little compromise here and there to secure our contracts. In this era of economy of scale, there are predators that take advantage of workers in order to secure contracts and denied workers of their legal rights.

This indicatively suggests that the employment agencies are compelled to compete with other competitors who are willing to oblige to every dictate of the oil multinational companies. This implies for an employment agency to be assured of contract renewal, such an agency must play by the rules and satisfy the management. This shows the trend towards intensified competition in the temporary employment industry, and how the oil MNCs takes the advantage to shop around for the best deal of commodifying labour power. Interestingly, employments agencies also find themselves in similar situations just like their workers whereby they are discarded if they refused to play the rule and dictates of the oil MNCs.

The response on this issue from Kimberly Ryan was dispirited; the manager was reluctant to express his dissatisfaction with the tight control over their business by the management of oil

MNCs, and the limited opportunities for increasing their income. Nevertheless, interviews with the two employment agencies reveal some frustration, he said, “in the past, we had autonomy, but presently, there is no autonomy any more, operations of the agency are dictated and decided by the oil MNCs. Because of this, we cannot help but have issues in our relationships with the workers”.

6.20.2. Playing the Agenda of the Oil MNCs

In playing the agenda of the oil MNCs, the employment agencies assert some measures of control in hiring workers, according to the oil MNCs dictates. For example, when it is necessary to hire new workers, employment agencies utilise a shrewder selection process, and screen for the tendency of potential worker to trade unionism, and their personal loyalty to both the oil companies and their employers. This recruitment approach is perceived as management/employers strategy to prevent the young workers from participating in trade union activity.

This suggests a considerable hostility towards trade unionism. It also implies that, the measures taken by management to forestall agency workers from unionization– includes pressurising the employment agencies to play to their terms, hence, the negative response or lack of interest exhibited by agency workers towards unionism.

The experience with Kimberly Ryan was not in any way different from the Accenture Group. When confronted with the issue of the firm threats to fire workers, should they join trade union or participate in union activities, an official of the firm stated unequivocally:

“It is not right to say the firm threatens any worker with dismissal or contract renewal if they join or participate in unionism. Every contract of employment, regardless of its terms, permanent or temporary, have explicit employment contract terms specifying expectations, and so it is, with every other employment contracts. But in honesty, why should a temporary worker such as the ones in our employ join the trade unions? Their employment is temporary and the trade union will only collect their dues without the workers getting anything in return. Remember trade union is not a cooperative society where they can get their money back”.

Indicatively, and from the foregoing, the utilization of agency workers by the management of oil MNCs in Nigeria has cause and effect on PENGASSAN and NUPENG. However, for the

sake of an effective and holistic account, the next chapter begins by triangulating the key findings of this study, summarising and drawing together data from all the stratified domains.

Chapter 7: Discussion

7. Introduction

This chapter presents an integrated discussion of the quantitative and qualitative findings in light of the literature. The research reported in this study was undertaken with the aim of investigating management rationale for the growth of agency labour in the Nigerian oil industry and trade unions challenges. In order to achieve the aim of the study a mixed-methods research study was adopted, which involved a combination of quantitative and qualitative research methods. The quantitative survey and qualitative research were conducted simultaneously. Data was collected from management, trade unions, agency workers, and employment agency. Also a supplementary data was collected from ministry of labour and employment, as well as, the community leaders from the oil producing communities.

This study was guided by a number of research objectives, and the findings from the quantitative and qualitative research were presented separately. The quantitative study was conducted so as to unravel the generative mechanism that gave rise to the growth and increasing utilization of agency workers in the oil industry, and the subsequent deployment of this group of workers into the core production areas.

The qualitative study explored the rationale for the increasingly utilization of agency workers and unions challenges from management perspective of the case study companies, and stakeholders, such as, trade unions, agency workers, employment firms and other supplementary interviews from ministry of labour and employment, and community leaders. It highlighted the ways in which the employment practices of the companies were perceived to have affected employment relationships and labour movement. It also identified specific actions trade unions embarked in passing their grievances across to the management in order to influence management policies and practices. Finally, it identified employment agency involvement in promoting two-tier workforce, and the imposition of the case study companies' autonomy over the firm's operations, thereby breeding disgruntled labour force who do not see themselves as workers.

In keeping with the broad aim of presenting a holistic account from the point of view of management and stakeholders, this discussion is divided into subsections with focus on different aspects of the phenomenon under investigation. As mentioned earlier in chapter 1, previous studies have tended to focus on different aspects of flexible work arrangements and

the problems workers face (Williams, 2017); casualization and the constitutional rights of workers (Danesi, 2010), and have focused relatively on low wages, terms and conditions of work (Fajana, 2005; Kalejaiye, 2009). This study has attempted to tie these different aspects of the growth of agency labour together to provide a more holistic and richer narrative, as the utilization of agency workers has well grown beyond the peripheral into the core activities of the case study companies. The main findings are hereby recapitulated.

This section presents the major findings from data analysis carried out in Chapter 5 and 6. Results suggests that Shell, Exxon Mobil and Chevron Nigeria operate a two-tier workforce. The internal labours of these companies are segmented into the core and peripheral categories which are similar to Atkinson Flexible Model (Atkinson, 1984). However, some peripheral workers were discovered to also work in the core production process and not strictly legal employees of these three oil MNCs. These categories of workers are of various employment contracts terms such as, service, contract, and support staff. They are generically used here and refer as agency workers, since they have more or less the same conditions of work which depicts a job subject to austere employment conditions.

The deployment of diverse workforce and integrated work process involving permanent employees and agency workers have impacted organisational structure and labour relations in various forms. It is important to note that the new work arrangements and reconfigured work organisation have emerged in the course of promoting organisational flexibility. Agency workers are located within the work teams of standard employees as a matter of course, and as the former are hired to carry out similar duties to those of the latter, the demarcation of tasks has largely disappeared in recent years. These changes have led to close working relationships between standard employees and agency workers.

In this regard, this research found that the functions of agency workers have changed dramatically as these workers have been progressively utilized in core activities of the oil MNCs. Such changes are frequently resisted by the trade unions, who believed this strategy negatively impact on their membership; as a result, trade unions are seen to act in ways that are ostensibly against the interests of the management, thereby segregating them from the labour process. Based on this perception, conflict in the Nigerian oil industry is not just as a result of the antagonistic actions of the trade unions or unseemly management policies and practices. Nor is it simply the product of competing interests in the workplace, rather, it is the

outcome of the very nature of employers' exploitative motives and the unequal distributions of proceeds from joint production (Abbot, 2006: 195).

7.2. Key Findings:

7.2.1. Rationale for the Growth of Agency Labour

The three oil MNCs indicated, that the utilization of agency labour is an attempt to implement flexible work processes to compete more efficiently in the competitive market, both to remain afloat and improve their positions. The implementation of these processes necessitated a restructuring in the nature of work production and technological changes that affect management ability to control the work process and the work itself.

By restructuring management can oversee, manage, and inspect work performance. These mechanisms, though costly, but allow higher hierarchy of managerial control and manage the entire organization. The availability of this organizational tool for the efficient acquisition of labour power presents management with an important choice: either to integrate workers within the organization or to keep them at a distance outside the organisation. But more importantly, is the cutting of organisational costs in order to meet the unpredictable challenges and maintain a competitive advantage. In this regard, the oil industry operates like an organism that goes through some metamorphosis, and in the phase of adverse market challenges, management embarks on HR policies that are beneficial to the organisations. Key amongst such policies is the organisational restructuring to cope with the market environment. On this note, this chapter discusses the restructuring processes, and other HR policies adopted.

7.2.2. Restructuring

Restructuring is the key word in the phase of business challenges (Forde and Slater, 2010). This implies the dissecting of production processes into various segments, to determine the areas that are critical (core) to the business, and by this act, some workers whose functions were considered non critical were relinquished of their jobs. Hence, the use of agency workers with the required company's specific skills, and others for areas considered non-critical (periphery). Agency workers are not direct hires of the oil companies, this strategy contributes immensely in reducing uncertainties for management, and helps to swiftly react to the fluctuations in demands, thus reducing labour costs. Houseman et al. (2003:107)

observed that the economic benefits can be greatly high when product markets fluctuate because management are relieved from the tensions of raising wages to pay permanent employees.

Empirical findings revealed that the use of agency labour has way gone beyond the peripheral into the core production units of these companies. The three oil MNCs have kept a good number of these workers in the core production areas on same status for years, without any advancement, and outside the purview of collective bargaining. To Smith, (2016), this is super-exploitation. Agency workers were found to work alongside with standard employees, in most cases, they are engaged to carry out same tasks as those on standard employment contracts. Thus, the distinction of tasks has largely disappeared in this dispensation of industrialist mode of production.

Barron et al. (1991) with other labour market segmentation scholars argued that these categories of workers should be acknowledged as employees of the principal companies, particularly when they have put-in quite a number of years. This study argued, that mobility from the secondary to primary segment in the Nigerian oil industry internal labour market is often limited. This brings to agreements with (EuroCiett, 2012; Barron et al. 1991) who argued that workers in triangular employment contracts are bedevilled by the fact that movement across the frontiers of these segments are confined. This study therefore, rejects the functional flexible model, since there are basically no differences in terms of job functions perform by standard employees and agency workers in the core production areas of the case study companies.

Likewise, it is evident agency workers are made immediately redundant when the workload reduces during economic crisis or once the projects they are hired expires. Since the oil MNCs do not have any contractual relationship with these workers, they can be flexibly sent back to their employers when their services are no longer needed. Discontinuing with their services does not depend on legally binding transformation periods and do not produce costs like severance payments. This cost effective redundancy provides an incentive for the management of the oil MNCs to engage these workers. This study argues that flexible firm model is aimed at finding ways to improve production output of business from management perspective, without due regards for workers.

Agency workers are confronted with poor working conditions, financial and job insecurities, as well as, the absence of institutional protection. This condition signified two key effects. Firstly, this dispensation of flexible work arrangements has positioned the management of the

oil MNCs in a strong bargaining position and minimised the degree of economic uncertainty they are confronted. This has a reversed correlation with the degree of uncertainty and bargaining position of the labour force. Secondly, the use of agency labour has altered the way and manner jobs are performed through innovative technology by concentrating the knowledge of work in the hands employers. These technical evolutions are inherent to the logic of contemporary forms of industrialist mode of production, which are believed to be the result of the ever-present necessity for employers to find new ways to employ labour more efficiently and economically. Hence, flexible work arrangements.

7.2.3. Work Flexibility

Work flexibility appears to be another significant factor that influences the decision of management of the oil MNCs in the use of agency labour. Lawton and Michaels (2001, p. 91) anticipated that the world market would advance to the level at which only companies with the most flexible frameworks would remain afloat in the heat of the competition. It was also suggested by Corbett, (2008: 5494) and Atkinson, (1984) that strategic flexibility should be the very approach to an unstable market environment. Thus, findings show that workforce flexibility improves the opportunity for the three oil MNCs to achieve competitive advantage of providing solutions to the business instabilities, pressures of changing market demands and technology (Rubery, et al. 2010: 9; Weil, 2009; Hall, 2006: 163; Remery et al. 2002: 480).

However, flexibility theorists who were quick to generalise the need for companies to adopt flexible firm model through restructuring, fails to address the limitations that would originates as a result of the adoption and implementations. The implications originating from restructuring are very rarely considered in the flexibility debate; consequently, the implementation of flexible labour relations has both direct and indirect effects on the mechanism through which workers are managed.

Firstly, finding a balance between employment, wage and work process flexibility necessitate changes in labour regulation which may require the imposition of beneficial constraints on economic actors, particularly the workers, thus giving rise to a different type of regulation. For example, the Nigerian Labour Law 1974, before the reform in 2005, deduction and contributions were made from workers upon registration, which made them automatic members upon recruitment and compulsory recognition of trade unions by employers and members.

However, the 2005 reform saw to the abolishment of that automatic trade union membership and employer's recognition, this grossly contributes to the rise of work flexibility in the Nigerian oil industry. This Amendment gave government and employers legal powers to destroy all the manifestation of democratic expression of the working class to struggle to protect their economic and political interests in the face of relentless assaults on these interests by the owners of the means of production who dominates the Nigerian society.

This is what Hyman termed "regulated deregulation" involving the replacement of direct and uniform substantive legal regulation by alternative regulatory regimes under procedures that still rest ultimately on legal sanction (Hyman, 1994:18). That is, the real world of the Nigerian legislation, one which is overwhelmingly dominated by partial and piecemeal flexibilization (Esping-Anderson and Regini, 2000:2). Thus movement towards increased reliance on labour flexibility reflect the reconfiguration of the bureaucratic organisation of production.

Furthermore, the growth of numerical flexibility in the form of incorporation of agency workers can be attributed to three factors: firstly, agency labour is cheap to hire with the help of numerous and aggressive employment agencies, with great networks sprawling all over the globe. The complexities of this contractual work relationships between the oil MNCs and the employment agencies reflects the commodification of labour, in which labour force are simply no more objects of the process of production, but rather commodities controlled by the employers. These workers are usually not entitled to any benefits that are accrued to permanent employees. Hence, this study argues that management are able to respond to unpredictable fluctuations in production without having to bear the costs of engaging large, permanent workforce, and in an attempt to avoid non-wage benefits, management easily escape bearing the costs of severance pay, pension and provident fund, as well as, medical aid schemes.

Secondly, agency workers are found to exert themselves in performing their tasks. This is because they are at risks of being dismissed at any time, they perform any job assigned. This is not the case with the permanent employees – they can refuse to perform certain tasks for health and safety purposes. This is because standard employees have rights that are granted and protected by labour legislation, and are more likely to be unionised, therefore, cannot easily be disposed as compared to agency workers. This study suggests that the essential driving force behind work flexibility is profit maximization at the expense of the labour force.

Thirdly, agency workers are easily obtainable as buffer during strike actions. Management do not want any restrictions on their ability to plan for, and manage business continuity during strike action. However, this step is much criticised by trade unions, thereby, legally challenging the management of the Nigerian oil industry and their employment agencies. In few cases, management of Shell Nigeria has used periods of long-drawn out strikes as opportunities to reward “perceived” deserving loyal agency workers by moving them across the boundary of peripheral to core segment. Although this seldom happens, just rare opportunities for vertical mobility, which made agency employment a dead end, job (Booth et al. 2002). This study suggests that the changing nature of employment necessitates reform in the codes of regulation, which is presently not aligning with reality. The demand for the legislature is to bring national policy in line with today’s workplace reality. Although, this might not be total remedy for all identifies excesses and extremities of the use of agency labour, but a reform may helpfully address some concerns.

Finally, as the move towards flexible labour force becomes more established with pronounced labour fragmentation and job insecurity, the oil multinational companies have inadvertently increased resentment among workers and host communities. This purposive management flexible or segmentation strategy incentivised by economic motives provides a scope for internal work conflicts, which often spill over to the host communities. These communities are also agitating for permanent positions for their wards. The dissatisfaction of trade unions, and workers, as well as, the oil communities with flexible work arrangements has led to increased tension in the work environment.

The management interest lies in accumulating profit derived from exploiting labour, and minimising costs of engagements. The management dominant positions serve them in both ventures (Smith, 2016). This study argues that the more economic pressing need of the workers, the unequal balance of power between capital and labour can lead to social unfairness (Smith, 2016: 32-34). Particularly with regard to agency workers, this can be exacerbated by the fact that these workers to a large extent remains outside the purview of the regulatory framework governing labour in Nigeria and this consequently paved way for labour fragmentation (Fajana, 2005; Burgess, et al. 2004; Davidov, 2004).

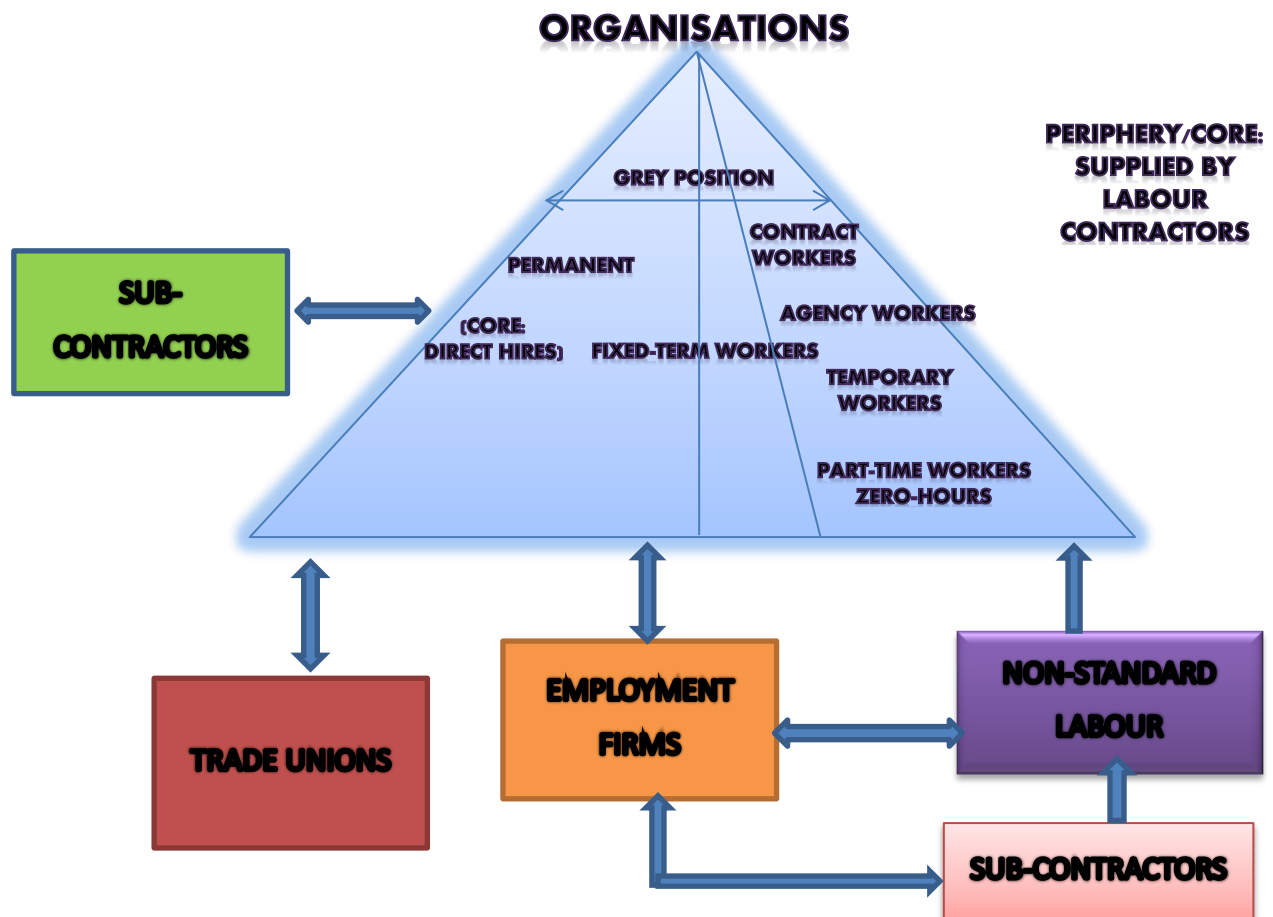
7.2.4. Labour Fragmentation

The management of the oil MNCs objected to labour fragmentation as a means of exploiting the unprotected workers, nor to maximise profit, rather, they argued that the nature of project at any given period determines the employment contract terms. Although these workers are

fractionalized into what is known as contract, service and support staff (see table 1) with short-term contracts that does not have explicit or implicit contract terms, hence the dilemmas of the trade unions to mobilise and effectively represent this vulnerable group of workers.

The employment system in the oil industry is complex and complicated (see Figure 1); the employment agencies are contracted by the oil MNCs to supply workers when the need arises, however, in the process where an employment agency cannot easily find a suitable qualified worker according to the oil company skills specification, they liaise with any of their affiliated networks to supply such, it could be indigenous or expatriates. While on the other hand, the oil MNCs outsource some services to sub-contractors directly, who brings in their workers and supervises them. Figure 2 below gives a visual understanding of the fragmented workers in the Nigerian oil industry.

Figure 2: Triangular and Fragmented Employment Relationships



Given the various forms of employment status of agency workers, the conditions under which such workers engaged in their work are so diverse, for instance, the grey position on Figure 2 above, and some of the fixed-term workers reflects workers hired by servicing companies

who have been on long-term employment contracts by virtue of their intermittent contract renewal. Their functions extend into the core productions areas of Shell, ExxonMobil and Chevron; this practice confirms Huws, (2012) and Sanchez, et al. (2007) arguments of what began as a measures of improving profitability and equity market by reducing labour and organizational costs has now escalated to professional's positions (Forde and Slater, 2005). This shift in the work arrangements sure threatens the existence of the permanent workforce, and trade unions in general.

These fragmented agency workers are expunged from the oil MNCs collective agreements and imposed on private employment agencies where trade union organisation is highly prohibited. Consequently, the traditional base of the trade union is rapidly shrinking, and its strength of unity is abating as a result of the relocation of workers from the organised category to unorganised zone where unionism is fiercely denied. Hence the direct core employees and the third party hires came to be managed by different institutional realities.

Besides the precarious work effects on trade unionism, there are no explicit guidelines within the Nigerian labour law to define who the worker and employer are in the context of triangular employment relationships. This consequently leaves agency workers vulnerable in terms of statutory rights, as neither the oil MNCs nor employers are willing to undertake employers' responsibilities. For instance, findings discovered that in the case of any industrial accident, expenses incurred are deducted from the worker's wages. In most cases, these underprivileged workers find that their right to take either the oil MNCs or the employer to court is in fact illusive, because the court often finds triangular employment relationships as a difficult task to manage. This study therefore argues that it is not practicable for this exploited waged workers to be involved in legal battles, besides the lack of financial means and time, to have justice with such employers in the Nigerian context is a mere wasting of precious time.

This study therefore argues that the existing labour law in Nigeria may not be adequate to prohibit the ongoing exploitation of the labour force. Therefore, suggest that the deficits in the labour law can be mitigated through the identification of gaps, and provides a framework just as some other emerging economies did such as China and Indonesian (He, B and Xie, Y. 2012: 426) to prevent both the management and the employment agencies using these flaws to their own advantages. Given the low-salary levels, high rate of inflation and the lack of national unemployment insurance scheme, legal backings becomes all the more necessary for the welfare of the exploited and already vulnerable workers.

Therefore, a practicable legal right for these groups of workers to collective representation is needed, regardless of the legal status of the employment contracts. Thus, the emphatic disposition of Atkinson labour rigidities in this context is rather questioned (Atkinson, 1984), because majority of workers in these three oil MNCs are not protected under the labour law. Rather the findings align with dual labour market segmentation theories, which anticipates that workers' progression within the market will be hindered due to rigidities surrounding the process of contracts of employment rather than the rigidities in labour regulations (Doeringer and Piore, 1971; Edwards, 1979; Piore and Sabel, 1984).

The reality is that, the Nigerian labour market is, to a great extent not regulated. The labour law applies only to less than 30 per cent of the workforce. With regards to these 30 per cent, there is need to overhaul the regulatory framework in a way that it is not lopsided, but in a manner that is friendly towards both industry and labour. The power elites of Nigeria most importantly, the law makers, should be concern about provision of minimum decent working conditions and social security to the great numbers of workers not covered by the present labour law.

Finally, labour fragmentation is already working to the advantage of the oil industrial capitalists. Fragmented workforce implies less chances of unionisation, thereby creating opportunities for management and employers to exploit the workers with minimal resistance. The trade unions reflect an awareness of this divisive strategy, as management ploy to divide the workers and have bureaucratic control in the workplace. This study argues that if trade union, as the custodian of worker's rights do not actively engage with such process of opposition, they are likely to experience a sharp decline in membership, as agency workers seems to be more favoured in terms of employment over permanent employments contracts, but not in terms of working conditions.

Empirical findings revealed that most of the agency workers engaged in extra and sometimes conflicting interests outside of normal work environment. This is simply because these categories of workers find it difficult to survive in the precarious situation they found themselves. Some of them have to augment their wages with side business, while some goes as far as involving in criminality. In retrospective, the management of Exxon-Mobil argues that workers earn according to their qualifications and skills, basically on monthly basis with the exception of few with other payments arrangements. The following section elaborates more on wages, and the differential terms and conditions of work among the two-tier workforce in relation to the three cases under investigations.

7.3. Differential Terms and Conditions of a Two-tier Workforce

The fragmentation of the workforce into various, separate and sometimes even competing or at least non-cooperating groups, is essentially boosting management power and the rule of the capital. This is because the Nigerian oil industry operates a two-tier workforce, the standard workers, though few in number are direct hires of the oil MNCs. They enjoy good pay, better working conditions, work stability and career advancement. They are members of PENGANSAN and NUPENG.

Under these umbrellas, they enjoy higher bargaining power and their work conditions are institutionalised through the machinery of collective bargaining. In unity they have found strength to effectively challenge unfavourable employment conditions. While on the other hand, the fragmented agency workers are hired through employment agencies under less favourable employment conditions. They are not obliged the rights of freedom to association like their colleague on standard employment contracts, thus lacks that bargaining power to bargain collectively. The management and the employment agencies bargains and reached agreements on their terms and conditions of work, which is explicitly or implicitly communicated to them. Although a great number of these workers are verbally informed about the conditions under which they are hired without any written statement which is an infringement of Section 7 of the Labour Act of 1974, which stipulates the following:

7.3.1. Contracts of Employment

Section 7 (1) stated that not later than three months after the beginning of a worker's period of employment with an employer, the employer shall give to the worker a written statement specifying-

- (i) The name of the employer or group of employers, and where appropriate, of the undertaking by which the worker is employed;
- (ii) The name and address of the worker and the place and date of his engagement;
- (iii) The nature of the employment;
- (iv) If the contract is for a fixed term, the date when the contract expires;

(v) the appropriate period of notice to be given by the party wishing to terminate the contract, due regard being had to section 11 of this Act;

(vi). the rates of wages and method of calculation thereof and the manner and periodicity of payment of wages.

The above stipulations indicate that workers no matter their status, whether standard or non-standard have the right to explicit written contracts of employment. An employer is therefore, obligated by this act to automatically give a written contract of employment to workers which covers each of the particulars mentioned in the above sub-sections. But this has not been the case with the employers, majority of the workers see their contracts terminated by the end of three months and rehired, or new workers are brought on-board. This deliberate avoidance and non-compliance, employers do with impunity since it is anticipated that the government will not act, after all, the government equally abuses workers' rights in the public sector. For example, all the Doctors in the public service of Lagos State Government that embarked on strike actions in March, 2012 were dismissed 5 days into the strike, after all avenue of law were sought including warning strike and no response from the government. However, this is outside the jurisdiction of this research.

The variation in the form of employment contracts and remuneration rates has traditionally been one of the most important means of allocating the workers into different categories, thereby creating monetary and status hierarchies. The traditional distinction of the salaried from the waged worker, is that the former is paid on a monthly and the latter on a weekly basis, although, this is still presently operational, but has lost most of its descriptive significance in the discussion of labour force segmentation. Presently, the traditional waged yet low paid jobs, such as, cleaners, are not the exceptions any more, today's capitalist mode of production has created some weekly paid occupations involving relatively rare skills and are quite highly remunerated – such as, technical and specialised skills.

The difference in remuneration rates produces and reproduces hierarchies not only between, but also, within occupations. Skilled workers today are not merely a small specialised social segment enjoying a privileged status within salaried/waged labour. But there are also many others, who are more or less treated as a commodity in the same production process, employed in the best case scenario on a grey position (they are neither permanent nor non-permanent) with low monthly salaries.

As far as the case companies are concerned, profit accumulation is the basic essentiality that underpins their mode of production. Therefore, profit maximization hinges on a social relation, which necessitates the legal separation of the producers from the commodities that they produce through their contracts of employment. In this regard, the production of commodities for profitable exchange, automatically involves the reproduction of the legal, moral and social framework which ensures that labour power exist as a commodity (Marx, 1975). This implies that markets cannot survive distinctively of the social context within which they are embedded. This study argues that there is always an inherent connection between economic and extra-economic institutions, therefore cannot reasonably look at the production sphere (economic) without possibly discussing the sociological realm - mentioning the networks of extra-economic relations which underpins capital accumulation.

The precarious work system in the three oil MNCs is a situation in which the wages of agency workers are entirely determination by market forces. While the salaries of permanent employees are decided at, although, by purely social institutions outside of the market such as, through collective bargaining agreement or by legislation, therefore, study consider the wage in this context as being determined by extra-economic factors. A common financial value determined unilaterally by market forces.

The denial to collective bargaining, the erosion of constitutional rights, and the invasion on terms and conditions of employment, all of these characterised the infringement of the economic, and the logic of commodification that goes with it into the extra-economic realm. This study argues that increase in the precarious work arrangement is an attempt to increasingly commodify labour power. Importantly, this implies that management can treat labour as an object of production process, disposable, replaceable and driven not by social rather by market institutions. Therefore, agency labour is not simply an economic problem as neo-liberal advocates makes the world to believed, rather, it is basically an issue of social forces, which imperatively involves in practice, an imbalance of power in the capitalist society (Jessop, 2001).

Conceptualizing this argument, this study presents a comparative wage analysis between the different workforces in three oil MNCs see Chapter 5, Tables 11A-11D (see pages 140-143), for the differences in wages. The over-saturated labour market, and the evolving employment practices in the industry, has left the fragmented agency workers with no bargaining power over the issues of wages and benefits. This set their salary scale at the bottom with little or no chance of incremental progression as a result of employments interruption. While on the other

hand, their employers are able to maintain wages at low rate due to the high demand for employment.

The income earned by agency workers represents only a fraction of the value they collectively generate. The surplus is accumulated by the management as profit, and rent to government, this is in affirmation to Marx's democratic critique of the owners of the means of production, who unilaterally dispossessed the surplus value created by the extra labour of the workers, as enunciated in chapter 2.

As lamented by one of the agency worker from the human resource department of Chevron: "The oil MNCs cannot claim any inability to pay us contract staff what they pay permanent staff or even hire us on a permanent basis. After all, we know how much money they are making, and we see how the expatriates and executives among the indigenous ones live large and travel frequently with their family. They are capitalising on the fact that we are voiceless and the employment law here is weak". To augment this point, Solidarity Centre (2010:19) reveals that Shell petroleum in its production alone pays \$3.5 billion in fees and taxes to the Nigerian government, by this revelation, it is undeniable to say that the oil MNCs cannot not afford to hire workers on permanent employment contracts, rather, the drive for surplus accumulation brought into effect nothing but labour repression and super-exploitative tendencies (Smith, 2016).

Despite these differences, the standard employees are also placed at a disadvantaged position. For example, the increasingly use of agency workers is likely to increase their supervisory/training responsibilities without increase in their salaries (Broschak and Davis-Blake, 2006: 37; Davis-Blake, 2003: 476). Although, the researcher was not privileged to gain access to expatriates' earnings, this was considered as classified information, however, was privileged to understand that most of them have relatively rare skills (specialised technical functions), and are highly remunerated.

The costs benefit of maintaining a great number of agency workers on the lowest wage scale was spelt out by Hindi, (2005), who maintained that labour contracting saved enormously for organisations. For example, assuming there are 65 per cent of agency workers, or more, working in a company, that means 65 per cent or more of these workers earn low wages. Then assumes these workers were on permanent employment contract their wages would evolve. So there you have 65 per cent who remains on the lowest wage without moving, despite the long

working hours and overtime in generating surplus value for the owners of the means of production. This Smith (2016) termed super-exploitation.

7.3.2. Working Hours

There are no standardized working hours for the standard employees who work for 9hrs daily. Their resumption time varies, some resumes 8am-5pm; 7am-4pm; 9am-6pm; besides those on the rig who are on shift basis. However, agency workers work for not less than 12 hours on daily basis. This is because in most cases a whole shift of overtime work is imposed on them without a commensurable pay. The HR senior management interviewed, claims that the organisations bargains overtime rates with the employment agencies and pay them accordingly. The labour intermediaries interviewed maintained that overtime pay is embedded in the workers' wages. Although, trade unions refuted this, and alleged that majority of these workers' wages are not detailed to know how they are paid.

7.3.3. Annual Holiday

Except for permanent staff who has their terms and conditions of work explicitly documented and know when due for holidays, this cannot be said of the agency workers. The oil MNCs arranges with the employment agencies for workers that have put-in 12 calendar months to be granted seven days' holiday. Although these workers preferred to remain on duty than accepting the holiday, explanation for such decision is that, they are not paid for the period of holiday nor receives any holiday pay. A crucial fear is that, once agreed to proceed on holiday, the tendency of them being replaced is petrifying, thus, agency workers are not keen on going on holidays for the fear of replacement and loss of subsistence.

7.3.4. Dismissal

In the issue of dismissal or redundancy, agency workers are made redundant without any compensation nor benefits. Notice of termination is an issue between the oil MNCs and their employers. The employers are privileged to know when and why such exercise would take place by the oil MNCs. The workers are accordingly informed. Likewise, where the intention is initiated by either the employers, the oil MNCs are accordingly informed. But most often, agency workers are fired by their employers without notice or when they suspect militancy activities.

7.3.5. Industrial Accident

In the case of industrial accident or sudden health issue at the workplace the oil companies take care of the wounded agency worker. Thereafter, whatever costs incurred, the expense is deducted from the employers confers, who subsequently deducts the amount from the wages of the wounded worker. In effect, neither the oil companies nor the employers are liable for the medical care arising from the workplace accident.

Findings discovered that a great number of agency workers have fallen victims to severe industrial accidents without any form of help from their employers. According to trade union representative, employment agencies who supplies more than twelve workers are under obligation to insure their workers under the Health Insurance Scheme. The reason for the Scheme is to protect workers in the event of industrial accidents, should in case of any disability attracting workman compensation; the insurance company will be responsible for the payment. However, it was revealed that most Insurance Policies in the possession of the employment agencies were not genuine. Even in circumstances when industrial accident attracts disability compensation, before the injury healed for an assessment to be made, the worker is fired and ultimately suffered the disability unaided by both the oil MNC and the employer.

7.3.6. Work Insecurity

Work insecurity is an overarching characteristic of agency work, and this has consequential impacts on how agency workers experience life on the line. Within the three oil MNCs, empirical findings reveal that the intermittent ending of agency workers is very well obvious due to turnover rate. Although the unions resounded of a massive redundancy in 2012, that affected both the standard employees and agency workers through a process of restructuring production process. They emphasized on the instability and uncertainty strongly affecting the oil industry and declared that PENGASSAN has lost about 40% of its members to various divestment and restructuring purposes since 2012 and lamented that the figure may be on the increase with the new intention by Chevron to release 55% of its workforce to the labour market due to crude oil crisis.

PENGASSAN and NUPENG maintained that the most worrisome is the outsourcing of some key departments by oil MNCs out of Nigeria on the premise of insecurity. He said for example: “Shell has outsourced key departments such as IT to Hague, ExxonMobil to Fairfax

and Austin- Texas-United States, and Chevron to Houston also in Texas, while others, Total to Paris, and AGIP to Milan. This resulted in job migration to those places and job loss for Nigerians. Likewise, Shell, Chevron, Agip, Total and Addax are divesting offshore blocks off to stakeholders in Nigeria”.

The representatives lamented that unions’ greatest concern is the loss of jobs and the increase in flexible work arrangements from the divestment process. The insecurity of employment experienced by permanent work force creates a de facto hierarchy between standard employees and agency workers, based not only on the concern of job loss, but also on the externalization of the internal labour market in the management drive for profit maximization. Whilst management argued that permanent employees should feel more secure where agency workers are present, because as long as there are agency workers, their employment is secured. But where there are none, there is no buffer, if there are issues, such as what the oil industry is experiencing right now; it will definitely be the permanent employees who are hit.

Therefore, the existence of two-tiered workforce can create a collusion of perceived interests among the social forces of production. Standard employees may, inadvertently or not, find themselves in a state of confusion in relations to agency workers, which can either work for, or against them. While the relegation and the exploitation of agency workers was a significant factor in defining the experience of work, one which is rooted in their insecure status. It is generally acknowledged that agency labour has been used in circumstances that not only stretch the interpretation of the legal framework, but also in instances that are clearly beyond the legal framework. The following section presents legal framework as it applies to agency workers in the Nigerian oil industry.

7.4. Regulatory Framework

This study investigated the regulatory framework in connection to agency labour, and in relation to trade union responses. Findings revealed that there is lack of explicit regulations on the terms and conditions of a worker on triangular employment relationships. The Nigerian labour law does not define what agency labour is and does not provide a legal framework for the regulation of conditions of these new work arrangements (Danesi, 2012). Section 7 (1) only specifies that workers should not be hired for more than three months without regularisation of such employment contracts. This implies, after three months all workers, including those on non-standard employment must be regularised by the employers

by giving an explicitly written terms and conditions of employment. However, this seldom happens to agency workers.

The deficiency in the Labour Law concerning legal categorization of workers is one of the propelling factors for the growth of agency labour in the Nigerian oil industry. Only one class of worker is defined in the Labour Law, and that is a worker is: “Any person who has entered into or works under a contract with an employer, whether the contract is for manual labour or clerical work or is expressed or implied or oral or written, and whether it is a contract of service or a contract personally to execute any work or labour” (Labour Act, 1974, Oshintokunbo, 2015: 414).

This description does not recognised workers in triangular employment relationships. This can be interpreted to the fact that the present labour law was enacted in 1974 when flexible work arrangement was unknown to the industrial relations environment. Unfortunately, this labour law has since not been reviewed to address the present actualities in the workplace, which further encourages management to increasingly utilised agency workers (Antonio and Jahn, 2009; De Cuyper, et al. 2008); the consequences of this however, is that agency workers are outside the purview of the protection and rights accorded to permanent employees under the labour law. This form of work arrangement is therefore characterised by lack of right to organise and collective bargaining. Findings found that this legal context also influences trade unions conservative decisions in organising agency workers as would later been seen as the discussion progresses.

Besides the Nigerian Labour Act, the operations of these three oil MNCs, with regard to employment relationships are regulated and mediated by other structures and institutions which are located within the framework of labour management system. The Federal Ministry of Labour and Employment particularly the department of Trade Union Services and Industrial Relations Department, including the Industrial Arbitration Panel and Inspectorate are institutional framework for ensuring compliance with laws and standards, as well as, protecting workers' rights. It is the essential duty of these institutions to enforce labour legislation and to offer solutions to the various and complex problems that arises in the workplace.

The inspectorate department is the central department of the Ministry, which is saddled with the task of ensuring compliance with both national and international labour regulations concerning terms and conditions of employment, amongst others. However, this monitoring

mechanism has failed in its duties, due to lack of resources to execute its functions. For example, empirical findings revealed, that there is a shortage of staff to carry out functions nationwide. This development has, in turn weaken the ability of the structure to deliver even when there is the desire. By the department estimation, about 275 inspectors are needed for effective inspection, but they only have 102 inspectors as the time of this interview. A representative of PENGASSAN claimed that there are only seven industry inspectors in the whole of South-South region, which is far inadequate to monitor the operations of the oil companies alone.

In addition, the Ministry complains of paltry budgetary allocations which likewise contribute to the lack of efficiency on their part, for instance, utility vehicles to expedite inspection visits to the workplaces are not readily available. The respondent likewise stated, at the time of this interview, that there was not a single utility vehicle for inspectorate department, yet 85 utility vehicles are required to expedite inspection visits to workplaces.

Undoubtedly this deposition by the Nigerian government should not be surprising, since the implementation of neoliberal agenda, it is of the obvious the government is more involved in safeguarding the interest of capital. Hence the paltry budgetary allocation to the ministry to ineffectively monitored the scheming activities of oil MNCs and their labour suppliers. This tendency has been evidently exhibited by the way and manner the government easily concedes to the coercive strategies of foreign investors who practically insisted on lowering labour standards as one of the prerequisites for investing locally. The oil MNCs are well-known for this. In the true sense, they dare not try the employment practices they implement in Nigeria in their countries of origin.

This is unlike what is obtainable in other nations, for example, in the United Kingdom (UK), agency workers are protected under the Transfer of Undertakings Protection of Employment (TUPE), irrespective of TUPE criticism on the basis of limited coverage and narrow effects; at least TUPE forms the basis for these workers' terms of employment and collective rights. With TUPE as a regulatory body in the UK, trade unions were more likely to adopt inclusive strategies towards agency workers without much confrontation from employers, and with less effort to forge common interests between workers on different employment contracts. In this regard, this study suggests that the higher the level of legal protection for terms and conditions of employment contracts, and collective rights of agency workers, the more actively PENGASSAN and NUPENG would have to mobilised and represent them.

Although it could be argued that legal regulations, such as TUPE, may weaken PENGASSAN and NUPENG efforts to mobilize agency workers since it could be possible that such mechanism may discouraged agency workers from joining the union. This is because the workers may hold-on to the fact that they are protected by these legal provisions without being a union member (Baccaro et al. 2003). In reality, this is not the truth, trade unions in the UK have utilised these legal provisions as privilege to draw agency workers by monitoring compliance with the law, which has led to more inclusive union strategies.

This study argued that the inefficiencies from the Ministry of labour and employment, due to lack of resources, and the lack of explicit legal mechanisms in the Nigerian labour law regulating labour relations, hinders agency workers from being given legal protection in terms of both individual and collective rights. This is why Marx's theory conceptualises State regulations as beneficial constraints, this means, an institution which supposedly function as a facilitator turn out acting as a constraint in achieving certain goals (Iyayi, 2009).

The fact is that government does not have any intention of protecting workers from the overindulgence of oil MNCs. It would appear that at best government is insensitive to workers plight and this explains why it finds it difficult to deal with infringement of statutory provisions. For example, the refusal of management to honour collective agreements, rather for government/ministry of labour to compel management to honour the terms of agreement, they would rather persuade the trade unions to consider renegotiations, violations are treated with levity.

These motives of the government are essentially meant to justify the ideological position of management for unilateralism in managing employment relations. The management of oil MNCs are taking due advantage of the weak institutional and regulatory frameworks at the expense of the workers. As long as this circumstance continues, workers' rights would continuously be curtailed. The point is that, management do not want to share the control of employment relations with neither the trade unions nor workers. That is why they are financially frustrating every possible means for workers' respite, thus bringing in new managerial ideologies to justify their positions, which discourages the mobilization and representation of workers. This act encourages individualism instead of collectivism; of course, this contemporary trend in employment relations is nothing other than the situation that has been promoted by the dominance of neo-liberalism as the framework of economic policies universally.

This is the core of human resource management (HRM) approach of employment relations. As a labour strategy, the preference for individualism underpins HR approach, rather than collectivism. This philosophical hostility towards collectivism and trade union movement has engendered HR to be regarded as anti-union, a Trojan horse for trade union avoidance (Bratton and Gold, 2015:498). As stated by union representatives in the course of the fieldwork, at the very point of recruitment, agency workers are made to sign a dismissal letter (known as “yellow-dog”) once caught to be involved in militancy, and made to believe that trade unionism is inconsequential to their employment renewal, with total commitment to their employers, they are reassured of contract renewals. This is against the backdrop that, without the trade union or any collective platform to address common interests, workers become more vulnerable, while management takes total control of the workforce and employment relationship.

The State power to enforce labour law effectively has decline and the continued ideological hegemony of neoliberalism has greatly weakened the capacity of the government to enforce labour law rights as it concerns agency labour (volscho, 2012; Edwards, 2002). The next section sheds more light on the role of the Nigeria State in promoting agency labour as argued by the trade unions.

7.5. The State

In retrospect to chapter 2 and 3 non-standard work became an item in the Nigerian labour market in the late 1980s when the government implemented the neoliberal policy recommended by World Bank, and International Monetary Fund (IMF). A major outcome of this strategy led to privatization and redundancy in the public sector which resulted to high unemployment rate. The private sector that was to be empowered by the government neoliberal policies to engage these laid-off employees could not, consequently, a great number of the employees were subjected to the status of non-standard employment contracts which means they lacks the privilege to bargain and had to succumb to terms and conditions of contract, and subjected to arbitrary disengagement, since there is no legal framework that regulates their terms and conditions of labour.

Although PENGASSAN and NUPENG fiercely opposed this move, but was never a success, it met with stringent counter-attack which saw some of the unions leaders imprisoned and fired. Hence, unions’ perception of the Nigerian government, who initiated and encouraged the use of agency labour, which they perceived as means for higher rent, capital accumulation and de-unionization of the labour force. This counter-attack also contributed to some unions

branches to adopt conservative approach with focus on existing members' interests rather than extending their representational coverage.

It is obvious that the implementation of neoliberal policies in the Nigerian oil industry results in deplorable socio-economic situations that have created antagonistic behaviour among the actors in the employment relations. Unfortunately, these policies, such as deregulation has seen a great number of workers outside the purview of collective bargaining which has contributed to high level of workers' exploitation. This study argues that the growing trend of agency labour is not only about cost reduction, but can also be perceived as a factor in the wider neoliberal process of disintegrating the working class and the retreat of collectivist and solidaristic values which are labour movement identities (Paleologos, 2006; Howell, 2005; Hyman, 1999). This act has forced trade unions to take a defensive position, by trying to protect as much as possible the core of the workforce who are still their members, rather than trying to extend organisation to fragmented labour force. The next section elaborates more on trade unions opposition and responses to the organisation of agency workers.

7.6. Trade Union Opposition to Agency Labour

The growth of agency workers and by extension into the core production units has come with considerable changes in employment relationships in the three oil MNCs. The previous sections demonstrated some of the changes that occurred in work organisations. Along with the aspects of restructuring and flexible work arrangements, workers' representation also constituted an important part of the changes that have occurred in the context of the changing market environment. This section is thus devoted to examining unions' oppositions and how the increasing usage of agency labour has affected workers' representation.

Trade union plays a significant role in regulating the labour market and employment relationships. Given the hierarchical structure of organisations and their asymmetrical management – labour relations, union representation and collective bargaining have been used to effectively narrow the power gap in the workplace. Workers who are affiliated to trade unions are in a better position to negotiate pay and working conditions compared to those who attempt to bargain with employers on individual basis.

Findings revealed that the organisational role of the trade unions and their capacity to represent the workforce has been weakened in the case study companies, due to the subjection of internal labour market to secondary market, increasing utilization of agency workers,

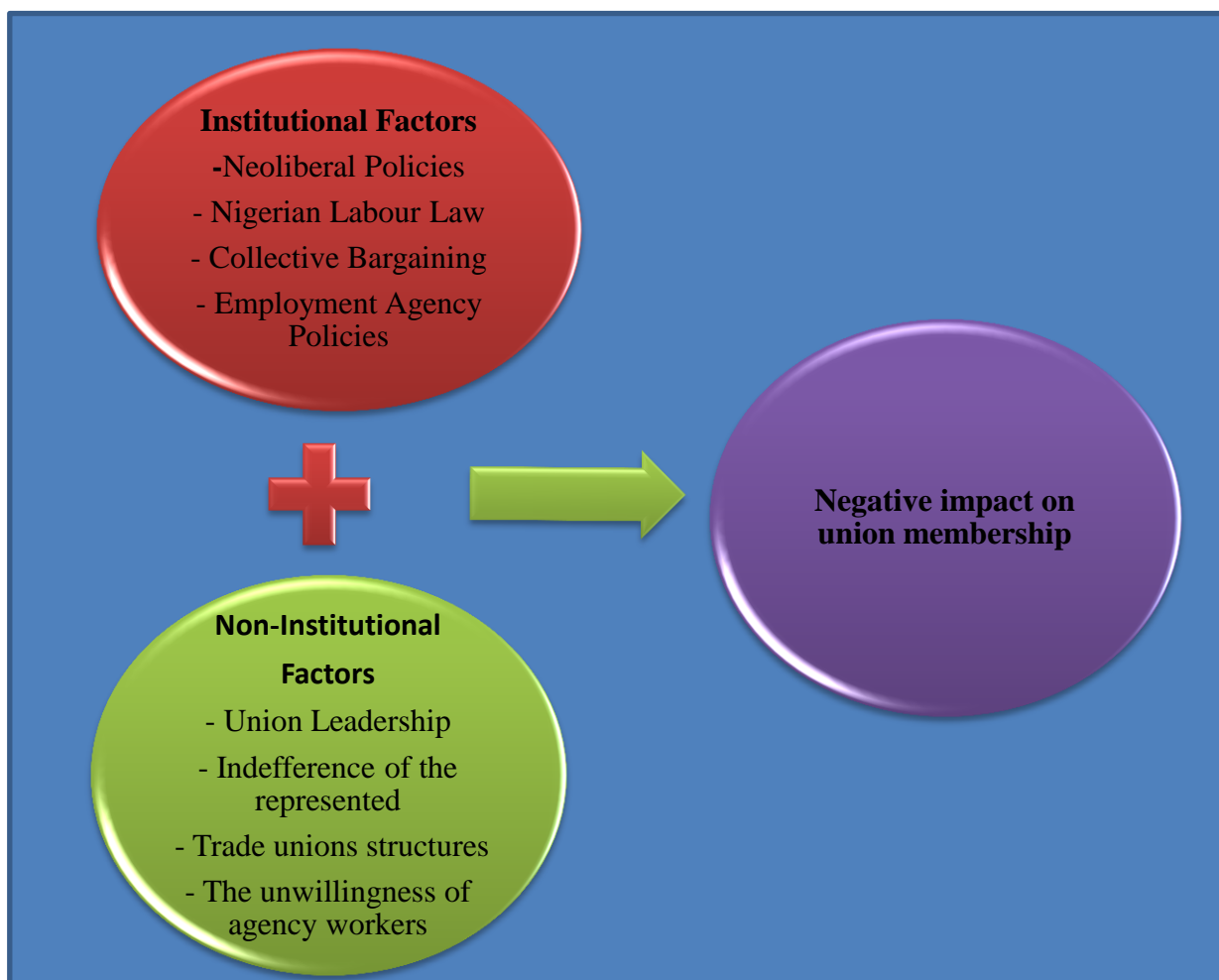
workers' fragmentation, forced retirement of the permanent employees, and lack of regulatory framework. The impacts of these phenomena are reflected in the declining nature of union membership, decline in the popularity of collective bargaining, lack of recognition of trade unions by management and employers, and the abating trade union influence in socioeconomic policy formulation.

Although the trade unions have been largely unsuccessful in their attempts to check the growth of agency workers, especially as it has grown beyond the peripheral into the core areas, and not able to function efficiently in their representation of these workers, has been a major concern for the unions. One of the major reasons for these shortcomings lies in the form that trade unions have taken.

The most interesting finding was that, besides management and employers' hostility towards the representation of agency workers, there was indifference in mobilization resolution between unions' leaders and the represented on recruiting agency workers, and the agency workers themselves. Such a representation gap reflects the resultant tension between the coexisting internalised and externalised employment relations.

Although, some branches of PENGASSAN had made proactive conscious efforts to include agency workers into their fold, while others remain passive. Before now, NUPENG was never really disposed to include these workers nor accepts them as colleagues, rather, NUPENG utterly opposed the use of agency labour. Accordingly, this study uncovers the importance of an integrated approach between institutional and non-institutional factors (see Figure 11 below). These factors are very significant to help explain why the typical responses of PENGASSAN and NUPENG. It is therefore important to elaborate more on some of the identified institutional factors that have contributed to the challenges that unions have to deal with in the face of increased work flexibility and labour fragmentation in the workplace.

Figure 11: Institutional and Non-institutional Factors



Source: Iteboje, (2018)

Empirical evidence suggests that different institutional arrangements in the Nigerian oil industry played a significant role in shaping employment relationships. The implementation of neoliberal policies and the reform of the Nigerian Labour Law were interpreted by the trade unions to have caused massive unemployment, and promote precarious work arrangements, thereby undermining trade unionism. These institutional factors were argued to have given excessive powers to the management of oil MNCs, hence, both the management and the employment agencies were criticised for not been transparent in their dealings with the workers. However, the compelling findings of this study indicates that institutional factors alone, were not sufficient enough to explain unions responses and the decline in membership.

This study derived some factors other than institutions from the fieldwork such as the role of union leadership, indifference of the represented to accept agency workers and the unwillingness of agency workers to join the unions. All these factors have played important role in the declining nature of trade union memberships. For example, PENGASSAN has approximately 20,000 paid up members - a decline of approximately 50 per cent members

since 2005. Same applies to NUPENG. The unions have experienced many fluctuations in membership. These fluctuations are attributed to the fact that on a daily basis, the oil MNCs are constantly restructuring to make their companies as flexible as possible, in order to cut costs and to effectively responds to production and market demands.

The table below shows the changes of unions' memberships in the Nigerian oil industry, as at the time of the fieldwork in 2015. These figures are subject to changes presently as the industry has experienced massive retrenchment due to the oil crisis (recession) globally.

Table 2: Trends in Trade Unions Memberships

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
PENGASSAN											
MALE	33,283	31,281	31,008	29,097	28,328	28,143	28,359	27,234	27,904	24,256	19,207
FEMALE	3,324	3,100	3,012	2,279	1,908	1,900	1,881	1,907	1,580	1,033	793
TOTAL	36,607	34,381	34,020	31,376	30,236	30,554	30,240	30,141	29,484	25,289	20,000
NUPENG											
MALE	32,760	32,450	31,875	30,219	29,671	29,352	29,008	28,877	26,798	23,981	18,240
FEMALE	4,247	4,132	4,143	3,769	3,498	3,199	3,109	3,102	2,363	1,210	917
TOTAL	37,007	36,580	36,018	33,988	33,169	32,551	32,117	31,979	29,161	25,191	19,157

Source: PENGASSAN and NUPENG 2015

The unions expressed frustration in membership fluctuation. A particular emphasis was laid on Shell Nigeria that embarks on numerous projects. The project-based nature of the work performed often necessitates a great use of agency labour and a few numbers of permanent staff. The argument is that, even when this group of workers are permitted to unionise, the fact remains that membership rate will constantly fluctuate as at, and when, the projects starts and end. The unions lament that this has the potential to bear negative consequences for the unions in terms of taking part in collective bargaining processes. This is a challenge for the unions because the replacement of the internal labour for external labour market does little to increase union membership.

The rate of workers turnover notwithstanding, the perceived view held by some agency workers, about unions' primary aim on the protection and representation of permanent workers, hinders their interest of becoming a member. The logic is that, if these helpless workers are less likely to join union, and if the union is unable to recruit them and increase their membership in order to be recognised by management, taking part in collective bargaining processes in the workplace may prove to be a herculean task. Hence, there is need to strengthened relationship with allies and within the agency labour community, this is

similar to the logic of Heery's inclusion strategy. In view of this, the next section analysed trade union's challenges in mobilizing agency workers in the Nigerian Oil Industry

7.7. Challenges of Union Mobilization of Agency Workers

The trade union constitute more importantly, the organisational form in which employees' collective interests are represented and protected. However, not all workers see trade union positively as their representatives, or the protectors of their interests. Particularly, agency workers have negative opinion of the trade unions. Many view them as compromising with the management, or indifferent to their interests.

Based on the above discussion, this study examines more closely trade unions challenges in mobilizing agency workers, through empirical evidence. Results suggest that many young workers both unionise and non-unionise expressed their displeasure with the trade unions, particularly, NUPENG. One of the interviewees declared that "trade unions have no case; they are more concern about their dues – everyone was ready to embark on strike action when there was a breach on the renewal of collective agreement, only for the union to agree on certain terms with the management". This study suggests that the impression about the trade unions was indeed a significant factor that arises from the empirical work. A great number of these youthful workers' view trade unions as incompetent machineries of struggle and in representing them. Their impression is that trade unions should be fighting on a daily basis for their rights but they do not. This aspersion is believed to have taken a total depreciation on trade unionism in the industry.

Furthermore, the possibility of bias by the trade unions in favour of the welfare of their members is probably noticed by the agency workers and constitutes a factor that maintains the distance between them and the unions. An agency worker maintains that, "I don't attend union's meeting, because they are not interested in what concerns me, nobody listens to me – they only want to use us. I will gain nothing, because they belong to a different class, why I belong to another class. If the company is retrenching today, I and my colleagues would be the first group to go, while the unions (permanent workers) will be rejoicing, they just want to use us – not because they have our interest at heart that they want us to join union". This possibly affects the consciousness of the labour force in that they do not necessarily see themselves as workers; rather they do not view their struggle against capital as the same,

which consequently may affect workplace solidarity, and the emancipation Marx anticipated (Marx, 1978; Hyman 1999).

Consequently, the inabilities of the trade unions to mobilize agency workers, or the challenges of doing so for several reasons, besides the institutional factors, are: standard employees' self-centred resistance and the agency workers indifference. This reinforces the division of the labour force, hence the distance between the standard employees and agency workers. The division between the employment relation with the employment agencies and the work relation with the oil MNCs creates a contractual and physical separation between the various elements of labour relations which is management divide and rule strategy to have total control over the workforces and create resentment among labour force.

This study anticipated that for trade unions to gain the confidence of agency workers in the oil industry there is need for the unions to map out strategies on both educational and political programs not only for their members, but to the general labour force that would bring about trust and solidarity.

This is because the drive for high road business strategy to remain competitive by the management of the oil MNCs is insatiable. They have succeeded in creating false-consciousness among the workforce, by pitting the workers against themselves, so they can have total control over them and manipulate their labour power in a commodity form, for profit maximization.

Therefore, examining unions' representation in relation to agency labour is essential because it enables the researcher to understand whether existing trade union representation structures and functions are able to incorporate the interests of the emerging class, particularly focusing on the unions' branches as the unit of analysis.

7.7.1. Dilemmas of Trade Union Structure

Firstly, given that a trade union branch, as the key element of union organisation, is primarily based on the oil companies' premises and agency workers, by view of belonging to another employer provides union branches with the question of whether to accept workers with different employers. Although, PENGASSAN and NUPENG gave their branches scope to include some of these workers by allowing branches to form their structure beyond the permanent employees. The branches visited struggled with the fragmentations of workers in

that it necessitates them going the extra mile to reconcile potential different interests among workers with different contractual employment terms, they however lamented, it is quite challenging, and most of them are not willing to join the union, due to their employers' threat.

Secondly, other branches are confronted with the challenge of how to deal with the issue of agency workers on short-term contracts, whether to accept them as union members. Their dilemma stems from the fact that some branch leaders and the represented perceived this as conforming to this form of work arrangements. Even if this agitation is basically associated with trade unions ideological positions, it is evident that their perceptions of agency workers had an influence on their responses in either positive or negative ways. Despite trade unions having dual-purpose strategy, evidence in Chapter 5 and 6 shows that Exxon Mobil (PENGASSAN Lagos Branch) made effort to improve conditions of employment for agency workers through collective bargaining with the oil company and their employment agencies.

Although, results reveals contradicting outcomes on the negotiations between the management of Exxon Mobil and trade union (PENGASSAN), but there is a duly signed tripartite agreement between the management, PENGASSAN and the employment agencies of the right to organise these workers. However, PENGASSAN argues that the agreement is operational in theory and not in practice, due to labour fragmentation and its complexities. On this note, it can be interpreted that PENGASSAN made a compromise between their ideological positions and practical issues in the light of their insufficient power resources to include agency workers into their fold.

However, it was not unanticipated that there were other branches that have hardly done anything in relation to accepting these workers, as played out by PENGASSAN. This position can likewise be interpreted, that the ways in which these branches reacted are predicated upon their principles intended at the rejection of agency labour in the industry. This may be closer to reality to say that their action was due to organisational indifference, or more specifically, lack of ability to deal with the challenges relating to agency workers, such as the complexities associated with triangular employment relations.

Thirdly, if granted or resolved to represents these workers, PENGASSAN and NUPENG branches may need to form an appropriate representational structure. Although it may be alleged that handling the issue of agency workers is not a new challenge confronting trade unions, representing them requires fresh forms of representation that break from the dominant, workplace pattern (Heery, et al. 2004b: 20). This research discovered that some

organisations that represent agency workers formed a structure beyond the workplace or work closely together with the workers.

This study suggests the need for both PENGASSAN and NUPENG to create union structure at a level above the workplace constituency to articulate solidarity which has likewise been recommended by some scholars who studied trade union representation of agency workers (Kretsos, 2011; Darlington, 2009; Heery, 2009; Wills and Simms, 2004; Heery et al. 2004b; Hyman, 1999). This study does not anticipate to claim that this is the best strategy for PENGASSAN and NUPENG to adopt in representing agency workers, but it adds the evidence of previous literature with a focus on the representation structure beyond the union constituencies.

Confronted with the changes in the employment relations, trade unions have to resolve whether or not to represent these categories of workers by including them into their structures (Heery, 2004; Cervino, 2000). Unlike the standard employees who are direct hires of the oil MNCs, the issue of agency workers necessitates the expansion of representation beyond the workplace level (Heery et al. 2004b: 31), because failure to include these groups of workers can lead to further growth in their usage and complete extinction of the internal labour market. Although some branches of PENGASSAN have gone to a considerable length than others and there remains a considerable scope for the trade unions to develop their work in this area of inclusion. This study suggests Heery's (2009: 432) recommendation of a shift in trade union's traditional policy on non-standard workers from exclusion and subordination to inclusion and engagement.

This is because Heery (2004: 435) systematic classification clearly works with the features of triangular employment relations operating in the Nigerian oil industry. As earlier stated in Chapter 2, and also revealed by empirical findings, agency workers are of various characteristics in terms of contracts of employment as compared to permanent workers. However, the fragmented workers share a common feature, i.e. the triangular employment relations involving at least two to three parties. Thus, Heery's typology is very useful in classifying trade unions responses to agency workers and shows its applicability in the context of the Nigerian oil industry.

Although, some studies with a focus on classification of trade union attitude have problem in developing an understanding of why union's respond in a specific way. As Klerck (2000: 110) reveals, existing studies in industrial relations have paid more attention either to explain union rejection of agency workers or to classify various types, structure or identities of

unions. Nevertheless, there are other studies with a focus on trade unions strategic choices in collective negotiations over labour contracting (Doellgast, 2008; Hayakawa and Simard, 2001), but not adequate attention has been exerted on how trade unions have responded to agency workers. Thus, this study contributed to existing industrial relations literature by going beyond formulating and classification, and by uncovering factors shaping a particular form of responses.

From the ongoing discussion it is explicitly recognised that PENGASSAN and NUPENG did not create the atmosphere to unionise this class of workers. They were initially perceived as intruders who have come to collect their jobs and weaken their collective bargaining, and the more union fight management over agency labour, the more aggressive the management becomes in hiring them. Moreover, there is no law in Nigeria that prohibits them from engaging such nefarious act. This may likely contribute to the unwillingness of the agency workers to join the trade unions, since they felt unwelcomed by the represented, and not duly protected under the labour law.

Interestingly, the unions are not totally against the use of agency labour, but opposed to the growing trend and deployment into the permanent positions without right to unionization. Trade union considered the permanent circle as a central unit of strength in terms of membership and collective bargaining, and therefore perceived the increasing usage of agency labour and labour fragmentation as attack on their existence. One of the trade union representative asked a question – “going by the growth of agency workers, what would the industry collective agreement mean, if there are no more permanent employees, but only outsiders who are under the employment contract of external employers”? In this regard, the next section discusses trade unions’ responses to collective bargaining as a tool with which social regulation of the employment relationship is achieved.

7.7.2. Implications for Collective Bargaining

Among the distinctive nature of trade union approaches, collective bargaining is perceived as the strategic part of industrial relations since it regulates the terms and conditions of employment (Marchington et al. 2011; Clegg, 1976). Although, these scholars argued that variations in collective bargaining can explain differences in trade unions attitudes and approaches. But the empirical findings do not wholly support this argument. Some other scholars also criticise this assertion based on causality and deterministic view (Heery, 2009; Frege and Kelly, 2003). For instance, the Nigerian oil industry trade unions operates on enterprise level and the case of PENGASSAN (Exxon Mobil Lagos Branch) shows that the

reform of union structure to accommodate some of agency workers led to a reform of collective bargaining structures (the Communique), although it is impulsive to say that the reformed bargaining structure has been well secured and standardized. But to a great extent PENGASSAN fought and won the battle of mobilizing these workers in their collective bargaining units and negotiated terms and conditions on their behalf.

Findings indicates the underlying differences in the terms of employment status have led to unions different responses in organising these workers and not variations in collective bargaining. This study suggests that the more formalised and stabilised the employment system, the more favourable atmosphere for PENGASSAN and NUPENG to mobilise and represent agency workers. However, the steady decline of the traditional employment relations, has the potential to generate tension and resentment between labour and management relationship. This is because contemporary employment relationship is not a voluntary exchange; rather it is antagonistic exchange of socially based mechanism of dominance/control and super-exploitation (Smith, 2016; Hyman, 1975: 12). On this note, this study discusses the effects of this contemporary work arrangements on labour – management relationship.

7.8. Labour – Management Relationships

Contemporary work arrangements in the Nigerian oil industry has had a negative impact on the representation and rights of agency workers, as well as, on the organisational strength of the trade union in terms of resources, both human and capital. This study argues that the interests of the workplace actors are bounded together in complex ways, particularly with the increasingly utilization of agency workers, by extension in the core production areas. Such a conclusion sheds light on conflicts of interest between labour and management.

Firstly, empirical findings reveal social hegemony of unitary perspective as most evident in the three oil MNCs, although, this hegemony is neither thorough nor robust enough. Its fragility was made obvious through the participants from the three oil MNCs. As the interview entered into the realm of rights and interests, workers and even line-managers that generally adhered to liberal conception of employment relations admitted that there is conflict of interests in operations between labour and management. Some line-managers who spoke about the good character and the generosity of their management at other points in the interview referred to the trade unions as the protector of their interests and rights from actual and potential violations by their management.

The management style is said to have become aggressive and autocratic in comparison with the traditional employment relations. The two-way formal mediating institution between management and employees seems to be dysfunctional; unions are perceived to be side-lined at most of the consultative decisions. It has degraded to a unilateral top-to-bottom management style. There is no more open door policy, the curtains seem to be drawn against the trade unions. The management has been very antagonist and not well disposed to trade unionism. Labour – Management relationship has become tensed and this has made the unions to become hysterical and restive.

Secondly, labour plays a minimal role in processes that take place in the workplace, processes such as, restructuring as it affects workers, the recruitment and placement of new workers, as well as the problems that confronts the industry. The perspective that such processes are largely within the managerial prerogative and not unions, hence, unions are not accorded the privileged to participate. This may be attributed to the challenges confronting unions in terms of declining membership due to increased usage of agency workers and labour fragmentation. Thus management undermines union strength.

The fact that trade unions are undermined in processes such as recruitment is attributed to the limited awareness that unions tend to have, particularly, with regards to employment decisions. Most of the key strategic decisions and policy making are mainly carried out at the oil MNCs home corporate headquarters. In this regard, it is easy for the management to say they are following the company policy. This argument is similar to Michels (1999) claims of “the iron law of oligarchy”, which states that, at a point in company’s size, it will become virtually impracticable for all members to equally take part in the decision-making process. Thus, this study suggests for trade unions to meaningfully engage in such processes, it may be fruitful for union to negotiate for involvement at the workplace policy-making level, particularly, policy that concerns employment procedures.

Taking part in the workplace policy-making where trade union organise effectively means that the unions will be taking part in determining the direction and vision of the company, as partners in the workplace. However, this desire is not always met favourably by the management. Results found that PENGASSAN and NUPENG are generally kept in the dark about the key direction and strategies of the companies. It is always a struggle, as they insist to be involved in consultations and determining the direction of the organization, including where the profits must go because before this present recession, productivity has been very

high in the Nigerian oil industry, but the derivative of the productivity never comes the way of the workers.

Thirdly, results suggest that contracting of employment and the emergence of agency workers in the core production units are major issues also affecting labour – management relationship. One distinctive feature impacting their relationship is workers' representation, which has earlier been discussed in this chapter. In the multitude of these groups of workers, the ability of the trade unions to mobilise them due to their fragmentation and short-term contracts, has proven to be a dilemma.

Lastly, the circumstances surrounding agency labour are very complex and the unions' representation of these categories of workers is very limited. Hence the representational gap between standard employees and agency workers. This study argues that there is a great drive towards making the Nigerian Oil Industry a secondary labour market and this is speedily impacting on union's membership. This reflects the resultant conflicts between labour and management which constantly leads to series of protest and strike actions. Conflicts are nothing but another means of competition at different level of development and conflictual economic interests, giving rise to the exacerbating conflicts in the oil industry. Next section discusses causes, extent and nature of exacerbating conflicts in the Nigerian oil industry.

7.9. Causes of the Exacerbated Conflicts in the Nigerian Oil Industry

Marxists acknowledged that conflict is an endemic characteristic in the work place, and conflict is located within the various interests of capital and labour (Darlington, 2012; Lukacs, 2000; Howard, 1994; Hyman, 1975). These authors argued that the advance interest of one party must be at the expense of the other. Accordingly, the owners of the means of production remain the most powerful in the employment relationships. Contemporary employment relations in the Nigerian oil industry has seen power and control in the hands of management, and their unending drive to accumulate, to expand and shape more people lives activity into the commodity form, underpins the unceasing power struggle in the industry (Hyman, 1975: 26).

The conflicts between labour and management in the Nigerian oil industry are not only significant because labour is being exploited for the enrichment of just a few, but also because this exploitation relation is a major mechanism in the dynamic growth of capitalist social

formations in general. Therefore, this contention is not only an organisational event of contrasting demands and tensions at the workplace; rather, it is a product of an inequitable distribution of power and wealth in wider society (Darlington, 2009). The conflict that takes place at the organisational level between labour-management is considered by Marxists as a constant feature of capitalism and one that is produced by the concentration of social, economic and political authority in the hands of the property-owners (Omoyibo, 2012).

Consequently, the dialectical relation between labour - management conflict and the consistent restructuring generates a continuous shifting “conflictual terrain” on which both present and future struggle will continue to unfold. Therefore, conflict of interest and thus conflict between labour – management is not simply a function of where one stands, but significantly, what one stands for (Howard, 1994, as cited in Larry, et al. 2008: 11). According to Darlington (2012: 519) it is the legitimate demand that encourages labour to revolt at management action. Although, labour – management conflict is not a new development; it is the form it has assumed in contemporary employment relations that is causing exacerbating conflicts in the Nigerian oil industry (Jawadu and Adenugba, 2014).

7.9.1. Causes and Nature of Industrial Actions over the Years Stemming from all Forms of Unethical Labour Practices such as:

- i. The increase utilization of agency workers, particularly in the core production areas and failure to ensure standardised terms and conditions of work
- ii. The subjection of direct hires to a triangular employment relation
- iii. Denial of rights to unionization
- iv. Non-implementation of collective bargaining, such as compensation for early retirement
- v. Expatriate quota abuse. Trade unions requested for the engagements of more indigenous citizens in managerial positions.
- vi. Unions demands to be involved in the industry’s decision-making process; especially when such policy concerns the workforce
- vii. Redundancy in the cause of restructuring.

On the one hand, the Nigerian oil industry trade unions are generally concerned with the welfare of their members/workers, while on the other, the management of oil MNCs and government are after profit maximization and rents. Given the vicious nature of government policies (labour law) and the economic power of the oil MNCs, the inclination is for labour to

lean more towards overt modes of revolts. According to Bukharin (2003: 12), a capitalist system is unimaginable without uncertainties, it is inconceivable without battles. Therefore, a system that thrives on the imposition of the interests of the powerless in the workplace can only arouse social chaos, agitations and conflicts. Hence the Nigerian oil industry has experienced series of revolts in different forms, and the most common, is strike actions. This is generally attested by the unions as the only language the management and government understood; Table (53) below, highlights cause and series of strike actions in the industry from year 2000 – 2017.

Table: 53- Causes and Series of Strike Action in the Nigerian Oil Industry: 2000-2017

	COMPANY	ISSUES	PERIOD
1	TOTAL	Call to disengage the Managing Director, for the intention to remove indigenous employees from senior management post	02/02/2000
2	Halliburton	Management failure to honour the tripartite agreement of standardizing contract workers	28/04/2000
3	Major oil producing companies	Unethical labour practices. Management charged with biased treatment on Nigerian workers over the expatriates, and issues of casualization.	27/11/2000-07/12/2000
4.	Texaco	Deadlock on Collective Bargaining	09/05/2001-13/05/2001
5	Major oil producing companies NUPENG	Casualization, termination and victimization	28/06/2001
6	NAOC	Unfair treatment of indigenous workers. Managers' arbitrary application to company rules.	18/03/2002-02/04/2002
7	Transocean	The refusal of management to allow workers to put forward their grievances to the visiting officials of the parent company from France.	07/03/2003-18/03/2003
8	NNPC	Restructuring	03/08/2003
9	ExxonMobil	Unions demand more employment for indigenous citizens rather to expatriates	2004
10	Major oil producing companies	Increasing number of expatriate workers in the industry Externalising the internal labour market	11/04/2005-14/04/2005
10	Chevron	Management refusal for an attempt for contract employees to join labour	15/06/2006-22/06/2006
11	Major oil producing companies	Indiscriminate sales of the Nations Refineries	21/5/2007 – 24/05/2007

11	Chevron		PENGASSAN strike action over job appointments and safety standards.	23/06/2008-28/06/2008
12	Shell		Sudden firing of 21 contract staff who have put in 15-25 years' service after attempting to join union	10/10/2008
13	Major producing companies	oil	Trade unions strike over concerns for workers security in the industry	09/09/2009-12/09/2009
14	ExxonMobil		PENGASSAN indefinite strike action over the sacking of 84 workers and expatriate quota violation, as well as the issue of contract labour	30/11/2010
15	Major producing companies	oil	Three days warning strike over sporadic kidnapping or oil workers	10/10/2011-13/10/2011
16	Shell		NUPENG industrial disputes with management on casualization. Warning strike over unjustifiable mass	28/01/2012-30/01/2012
17	Major producing companies	oil	disengagement and migration of workers to contract staff and casuals in the downstream, unfair labour practices and anti-union activities-failures to engage PENGASSAN on issues in the petroleum industry bill.	16/04/2012-19/04/2012
18	Major producing companies	oil	Over the sack of 2,500 tanker drivers and the poor states of the country refineries.	26/07/2012-29/07/2012
19	Major producing companies	oil	Refusing oil workers union rights stop casualization	13/02/2013-16/02/2013
20	Shell, Chevron and Agip		NUPENG three days warning strike over inhuman treatment by these three multinational companies; inability to implement signed collective bargaining agreement with petroleum tanker drivers and non-adherence to guidelines on contract staffing/casualization and the abuse of expatriate quotas.	01/07/2013-03/07/2013
21	Major producing companies	oil	PENGASSAN and NUPENG strike action over casualization of work, and the use of contract staff in the core production areas. Insensitivity to the health and safety of workers in operational areas, career progression as well as undue delay of the on-going collective bargaining agreement.	30/07/2014-31/07/2014
22	Major producing companies	oil	Non-payment of oil subsidy grounded	11/05/2015-25/05/2015
23	Major producing companies	oil	PENGASSAN went on six days strike for failure of government and partners to honour collective agreement and planned restructuring without carrying the union along	07/07/2016-13/07/2016
24	Major producing companies	oil	PENGASSAN and NUPENG 3 days' strike action over indiscriminate sack of workers without benefits. Casualization of the workforce	11/01/2017-13/01/2017

Source: Fajana (2005:20), Oluokun, 2015; Dodondawa, 2017

Besides the general strike actions in which all the trade unions participated, there are also patterns of organisation in which branches of the unions mobilize on the basis of any particular neo-liberal invasions on the rights of individual regional branches, or on the basis of addressing specific unethical labour issues as retrenchment without severance pay. For example, the recent case of union revolts against Shell Nigeria whereby NUPENG requested management to address the issues of unethical labour practices, such as, the sacking of over 4,000 workers without severance pay, balkanization of the ongoing disinvestment system, the subjection of majority of employees to the status of contract workers, and the non-implementation of collective agreements or face an indefinite strike action. This threat drew the attention of the Minister of labour and employment, and the Minister of state for Petroleum who called for a meeting between the Lagos branch of NUPENG and the management of Shell Nigeria, however, the meeting ended in deadlock, which saw NUPENG issuing a 3-day ultimatum warning strike, which took effect from January, 11th – 13th, 2017 (Dodondawa, 2017).

NUPENG President (Achese Igwe) lamented on how the oil MNCs have refused to respect the existing labour laws. He stated in displeasure how a good number of employees have lost their jobs and sent away without severance pay and has been unable to meet family obligations. He bemoans how huge sum of money running into trillions was being held down in the industry in the name of debt and buy back by the Asset Management Company of Nigeria (AMCON). Igwe recalled how AMCON took over a company, Sea Drill Nigeria Limited, in the pretence of debt buy back and discharged all the employees without their due benefits in 2013 and hired agency workers.

The fact that the Nigerian government has not completely divested its interest in the oil industry, contributes immensely to the active involvement of trade unions in series of threats of action, particularly, strike actions. For example, in 2007, towards the end of President Obasanjo's regime, PENGASSAN and NUPENG were not disposed to the sales of two out of the four Nigerian refineries, which were quickly sold at ridiculous prices, and called for Nation-wide strike, this compelled the successor, President Yar' dua to rescind on the sales. Trade unions agitation was based on the lack of transparency and fairness, and maintained that Nigeria as an oil producing nation should own and manage these national refineries (NLC, 2007:9).

For PENGASSAN and NUPENG, the weapon of strike remains central to trade unionism, it sets the context both of the past and the future. The unions have no other option but to talk about strike both as past struggle and as future possibility, drawing the lines as it both concern protecting their jobs and putting a stop to exploitation in the industry. Strike was indicated as a weapon that always shakes both government and management, and there is no middle ground for neutrality.

A strike, when things are eventually led towards that direction, is effectively a workplace war. It is often a psychologically disturbing situation as social relations become antagonistic while two opposing groups are formed. As it is in the industry of workers' polarization, one is compelled to choose and join a camp, and is subjected to social and political pressure both from the unions' representatives, as well as, companies' management. As the open class struggle unfolds the stakes are set high, some may lose their jobs or risks being subjected to social ridicule either way.

Furthermore, the pressure of work and the feeling of exploitations may at certain times proceed beyond confrontational channels of strike actions, to a greater extent of sabotage as revenge to both oil MNCs and government. Sabotage of the process of production and distribution of petroleum products is primarily carried out by jobless youth of host-communities in collaboration with some of the precarious oil workers. This is seen in the light of both expropriation and re-appropriation of the part of the valued produced

7.9.2. Extent of Conflicts

Sabotage is probably the most intense form of labour struggle and can only be based on a deep consciousness of the antagonism of interests between labour and capital, and within the exploited itself. In this regard, findings revealed contradictory tendencies of convergence and divergence between the struggle of trade unions and the oil hosts communities. A union respondent stated that in a petition to the Nigerian National Assembly, demanding that the anticipated Integrated Joint Venture Companies (IJVs) included in the Petroleum Industry Bill (PIB) should include oil hosts communities in the landowner structures.

This was channelled towards the trade unions intent to identify with the interest of the communities, while at the same time condemning the attack on the workers and petroleum pipelines by the community youths. As earlier discussed, the 2007 national strike actions by PENGASSAN, and NUPENG, witnessed the participation of other trade unions such as NLC and the TUC, except one of the oil hosts community (Warri National Congress WNC) in

Niger Delta Region, that refused to participate, on the ground that it was of no benefit to the people of the Niger Delta- and threaten to lead a protest against the strike.

Though it was historic because no general strike in Nigeria has ever made plight of the oil hosts communities an important issue in the custom of demands. The oil hosts communities are, however, swift in responding to workers' actions, once they are certain that they stand to benefit from the workers struggle. Besides the tension between labour and management, the above discussion reflects the tensions in relationships between labour and host communities, rather than their cooperation.

This mirrored capitalist's contradictory nature – the tendency to unite the workforce and its allies through mutual or shared experiences of expropriation and separation and at the same time, the tendency to divide and rule. This study suggests for the collective interest of both workers and communities to thoughtfully build an alliance. This approach often referred to social movement unionism or community unionism, and viewed as emerging from Marxian kind of struggles. For instance, the 1994 trade unions strike action supported by some NGOs mainly from Niger Delta Region, such as, The Movement for the Survival of the Ogoni People (MOSOP) greatly affected productions, not only in Ogoni land, but throughout the nation. This is the tradition to consciously and officially build-upon, it is a pathway to that self-consciousness class that Marx agitates and the solidaristic nature Hyman anticipated that would bring about emancipation and freedom.

7.10. Summary

This study has found evidence in support of the body of literature that attest to cost-reduction as the primary aim of the road to bottom phenomenon. The management of the three oil MNCs openly appreciated the utilization of agency workers because they are cheaper than employees on standard employment contracts and can easily be dismissed without redundancy costs. This is because, agency workers' terms and conditions of employment are exploitative by nature and favour the economic progress of the management, rather than the well-being and job security of the workers.

The oil MNCs make use of these workers to limit and further reduces costs of running their companies. Moreover, because they do not wish to bind themselves to offering long term work for employees, oil MNCs companies whose work tends to be project-based, such as Shell Nigeria. In others words, the use of agency labour is seen as an instrument for avoiding employment protection legislation for standard employees and trade unions collective agreements. However, because social regulation tends to depend on power plays, the trade unions can be argued not to wield the power to overcome the adverse relationship that tends to exist in industrialist production system. Empirical findings explicitly acknowledged an imbalance of power, in which the owners of the means of production uses their superior power to influence events.

While some studies argued that agency workers constitute a volatile segment of the labour force, which occupies unskilled positions, this study found among the key rationales for using agency labour and the associating transformation of employment relationships, was the promotion of organisational flexibility. Shell, Exxon Mobil and Chevron Nigeria hires agency workers in the core production units and attested that this has increased companies' capabilities to tailor labour force capacity according to production plans and to facilitate efficiency.

A great level of flexibility has been achieved by the greater integration of this labour force into the production process, thus working alongside with standard employees. Experienced and skilled agency workers are supplied by employment agencies, who, in this way, do not need training and can productively work in the core production areas, this is due to the fact that, they already had that production and industry experience, hence, the demarcation of tasks has largely disappeared in recent years. This study clearly argues that although core and peripheral labour markets may indeed interact by working side-by-side, however, permanent

employees may be exposed to pressure of insecurity by the pool of agency workers in the workplace.

The increasingly utilization of this labour force in the main production units has altered the organisational structure of the trade union and its representation of workers, which developed on the principle of a bilateral management-labour relation in the past. The promotion of organisational flexibility through the use of employment agencies promotes the fragmentation of work (Marchington et al. Eds. 2005). Given the fragmented labour force, not only are legal and structural constraints imposed on agency workers in terms of union participation and interest representation in the workplace, but labour fragmentation also poses a challenge to the organisational ability of the trade unions.

The impact of agency labour on the collective nature of the employment relationships is clearly demonstrated by examining the representation gap between employees on standard employment contracts and agency workers and the associated problems. Such analysis highlighted a substantial disparity between these two categories of workers in terms of representations, which also revealed their diverse interests. On this premise, triangular employment relationship has a negative effect on the representation and rights of agency workers, as well as, on the organisational strength of the trade unions.

Although, in the case of Exxon Mobil (PENGASSAN Lagos Branch), a closer working relationship among agency workers and the permanent employees excites the interest of representations and the outcome of such was the emergence of inclusion of agency workers in 2012. However, the attempt by Exxon Mobil (PENGASSAN) to extend membership to agency workers indicated the potential for innovation in the organisational structure of the trade union. There is thus little doubt that the representation and rights of these workers in Exxon Mobil Nigeria will continue to evolve, while some other union branches are still at dilemma, due to the issue of interests and traditional position.

CHAPTER 8: Conclusion

8. Introduction

Based on the case companies (Shell, ExxonMobil and Chevron Nigeria), this study set out to explore the growth of agency labour in the Nigerian oil industry and the trade unions challenges. Flexible work arrangements in these three oil MNCs has a greater significance, than simply an increase in the usage of agency labour. It indicates a shift away from the traditional processes of companies' activities, which involves the restructuring of organisation, and employment practices, leading to a restructuring in work arrangements, functions and relationships between workplace actors, these consequently leads to conflicts of interests arising as a result of this new work arrangements among the social actors.

Undeniably, this new form of work arrangements posed a challenge to the traditional knowledge of the use of agency labour. In recognising empirical and conceptual gaps in the literature, this research explored how the growth and utilization of agency labour affects employment relationships. Data was drawn from an investigation of stratified domain into the various facets of employment relationships, involving, management, trade union, the workforce, ministry of labour and employment, employment agencies, and community leaders' perspectives. The findings of the research addressed issues associated with the growth and utilization of agency workers in the core production areas of the three oil MNCs and its implications on trade unions' representation and strength.

The findings of this study were centred on two arguments. First, the dynamic interplay between workplace actors and how they intertwined in the context of employment relationships. It shed light on the manner in which the interaction of workplace actors impacts employment relationships. This gave an in-depth understanding of the complexity arising from the growth and utilization of agency workers and the reactions of the trade unions to changes in their work environments. Secondly, this research also put forward the argument that the classification of organisational changes driven by increased work flexibility achieved through the use of agency labour is filled with tension, the essence of which lies, in the pursuit of workplace flexibility and representational rights.

This study explored the ways and manner in which the case companies have pursued organisational flexibility and the issue of the rights to association that has emerged as a

consequence. This exploration uncovered contradictions associated with the utilization of agency workers with little or no benefits in the core production areas. It was found that such anxieties and contradictions were complicated by both cooperation and conflict between and within workplace actors.

This discovery reinforces the first argument, underlying the significance of investigating the issue of employment relationships and the interaction between the actors in order to advance the conceptual tool for analysing the growth and usage of agency workers. Such analysis helped this thesis investigate the way in which inherent tensions play out in shaping employment relationships.

In this concluding chapter, the major findings of the research are summarised by drawing together material from previous sections of the study. It considered three relevant issues, (i) the changing nature of employment relationships in the context of organisational flexibility and the increasing utilization of agency labour; (ii) the contradictory nature of the use of these workers, and (iii) the denial of their representational rights. Followed by the implications of the findings of the case companies (Shell, ExxonMobil and Chevron Nigeria). Research contributions and consideration is also given to areas for future research that could further add to the knowledge of the use of agency labour in the core production areas and employment relationships in general.

8.1. Management Restructuring towards Work Flexibility and the Employment Dynamics

The empirical findings indicate significant changes in the employment relationships, whereby the customary employment system of direct relationship with one employer has given way to multiple and complex employment structure in the case companies (Shell, ExxonMobil and Chevron Nigeria). Indeed, the employment relationships that occur in the context of flexible work arrangements are more complex, such as the growing trend in the use of agency workers and the subsequent deployment of these workers to the core production areas. It was found that the functions of agency workers and permanent employees have become blurred as a result of the integration of the core and peripheral workers in similar tasks.

The three oil MNCs demonstrated that the deployment of agency workers to the core production areas has increased the ability of the companies to implement numerical flexibility according to consumers' demands. Significantly, a high degree of flexibility has been attained

by greater integration of these workers into the production process and by utilising them side-by-side with permanent employees.

The integration of both labour forces has affected employment practices and the organisational structure of the trade unions. It is worth noting that the contemporary work arrangements and restructured work organisations have arisen in the course of the promotion of organisational flexibility. In retrospective to Atkinson (1984) flexible firm model and segmentation theory in Chapter 2, agency workers are concentrated in low-skilled, peripheral job functions, which lie beyond the traditional representation scope. While on the other hand, standard employees occupy positions characterised as core necessitating highly skilled, and benefits from workplace representations (Osterman, 1987).

While previous studies suggested that flexible workers constitute a volatile labour force segment which occupies semi-skilled or unskilled positions, this study found that Shell, ExxonMobil, and Chevron Nigeria hired highly skilled agency workers from employment agencies, who in this way, do not need training and can productively work in the core production areas. This is because they already have industry experience with the organisational practices and machineries, hence their deployment to the core production areas to performed similar functions to those of the permanent employees. Indicatively, the division of functions has largely disappeared in the contemporary industrialist mode of production. These transformations have led to close working relationships between employees of standard employment contracts and agency workers. In light of this, this research found that the traditional function of agency labour has dramatically changed from the peripheral activities into the core functions these oil multinational companies.

This is the most compelling insight gained out of this exploration of reality. The increased utilization of agency workers in the core production areas of the three oil MNCs implies that the traditional conceptual analysis of the core-periphery theory is unable to fully explain recent workplace changes and the corresponding shifting in employment relationships. The flexible firm model and segmentation theory are useful for analysing the peripheral services of temporary employment industry, and the segmentation of labour in the labour market.

However, these theories are narrowed in their scope of interpretation of the complexity of the employment relationships that arises from the increasing usage of agency labour in the core production areas, and the roles of the workplace actors' in the changing nature of labour.

Thus, this study examined the dynamic interaction between workplace actors. Such an examination helped to better understand the changes in work arrangements and the impact that this had on employment relationships in the Nigerian oil industry. The increasing utilization of agency workers in the core production areas has great potentials in undermining workers' rights and trade unions organisations.

Given the aggressive growth of these workers in the workplace, several authors, particularly in the US and UK, had already begun to argue since the 1990s that this phenomenon threatens the existence of the standard employment relationship and represent the end of the distinction between core and peripheral labour market segments (Ward et al. 2001; Osterman, 1996). This is because agency labour is more economical and seems to be the pathway for organisations to generate value (Williams, 2017; Elmuti, 2003: 33). With a contracting strategy, an organisation can benefit from cost reduction (Dekker and Koster, 2016: 3; Forde and Slater, 2005: 252). For example, the wage of agency workers was observed to be on average of 68% to that of the full-time employees (Eun, 2012: 86-87; Forde and Slater 2005). Reasons have been that agency workers lack fringe benefits, cost of health insurance and employer funded pension plans, and can easily be disposed without redundancy pay. In essence, the use of agency workers is seen as an instrument for avoiding employment protection legislation for permanent employees and collective agreements.

Although, most literature on the growth of agency labour in some developed nations, such as Netherlands, Sweden and Germany, have maintained a core-periphery structure. This is because they have more regulated labour markets and stronger industrial relations than most developing nations, and the production framework traditionally relies on standard employment and labour-management coordination (Hall and Soskice, 2001).

Thus, this study has looked at what, why and how agency labour has been growing in the Nigerian oil industry to such an extent to become a relevant labour force segment for trade unions to mobilize. This study first evaluates the explanatory power of management interest in coordinated labour market outcomes as opposed to the role of labour power resources, concluding that previous literature has overestimated management interests in maintaining coordinated and flexible labour market segments in dual equilibrium. In contrast, management use of agency labour puts core workers under pressure and even triggers competition between the two labour market segments. This core-periphery dynamic questions the stability of labour-management arrangements which supposedly rely on the protection of core workers at

the expense of the peripheral labour force; instead, this dynamic is argued to explain why unions have started including agency workers in their representation domain.

The growth and the shift of agency workers into the core production areas brings with it greater involvement of the trade unions, it was found that the move towards greater flexibility based on the utilization of these workers, involves cooperation and conflict between and within workplace actors. The organisational drive for agency labour has prompted the trade unions to extend membership to this emerging group of workers. This indicates the potential for innovation in the representational structure of the trade unions as adopted in the case of ExxonMobil in chapter 6.

The deployment of this segment of workers in the core functions of the companies has practically changed the organisational structure of the trade unions and their representation of employees, which developed on the principle of a bilateral employer-employee relation in the past. Thus promotion of organisational flexibility and implementation of flexible work arrangements through employment agencies involves the fragmentation of organisations and work (Marchington et al. 2005).

However, given the fragmented labour process, legal and structural constraints are imposed on agency workers in terms of trade union participation and interest representation. The differences in interests between agency workers and the permanent employees proves as a dilemma for their organisation and representation, which negatively impacted on union memberships.

At the heart of these organisational flexibility and new work arrangements is the assertion of greater control over the operations of the companies and the entire workforce. The heavy intervention of management over the affairs of the employment agencies has greatly influenced the employment practices of the employers, and the working conditions of their workers, resulting to the loss of employers' business autonomy and the subsequent erosion of workers' rights to unionization. In view of this, this study argued that increased managerial autonomy and control over the affairs of the employment agencies and workers, led to employers' hostility towards trade unionism and the lack of interests exhibited by agency workers towards unionization.

Although, empirical findings revealed that in the case of ExxonMobil, closer working relationships between the permanent employees and agency workers stimulated the interest of the workers in union representation, and of course, with the cooperation of the represented.

The outcome of such effort was the organisation of agency workers in 2012, although, PENGASSAN criticised this outcome as being operational in theory and not in practice due to short-term contracts terms now awarded to workers. Certainly, the organisation of agency workers is constrained by structural barriers that are rooted in their terms and conditions of work. However, the attempted move by PENGASSAN to extend their membership of inclusion, indicates the possibility for innovation in the organisational structure of the trade unions. There is no doubt that the representation and rights of agency workers at ExxonMobil will continue to be subject of evolving modification that will likely extend to other branches of PENGASSAN and NUPENG.

The Nigerian oil industry trade unions (PENGASSAN and NUPENG) have been under attack by the powerful owners of the means of production. The erosion of labour rights associated to the race-to-bottom employment practices in the industry is particularly a matter of concern in the drive for low road labour practices. The insensitivity of the management and repressive measures that the powerful industrial employers possess, supported by the state machinery, have been in operations over the past two decades. Although, there is nothing new about this, Marx has always seen the state as promoting the affairs of the bourgeoisie against labour, and the history of trade unions anywhere is nothing but a repetitive attack after attack on the dignity and rights of workers, particularly, in this modern industrialist mode of operations, promoted by neoliberal agenda. Neoliberal economic policy promoted exploitative economic growth in Nigeria, thereby widening the gap of social inequality in the workplace.

8.2. Neoliberalism a Precursor to the Increasing Utilization of Agency Labour in the Nigerian Oil Industry

This thesis also found that labour market deregulation and eroding industrial relations institutions promoted the growth of agency labour in the Nigerian oil industry. The major relevant institutional changes were the deregulation of the labour market and the Nigerian labour law reform in 2005, whereby automatic trade union membership clause, and the right to strike were abolished (Fajana, 2005). Significantly, these institutional changes have previously been interpreted as the catalysts to flexible work arrangements.

With flexible work arrangements, workers have become the unfavourable categories in the process of economic globalization. Neoliberalism has driven the global world into competition in different forms, which mainly reflects in business and employment

relationships. This agenda advocated for the removal of state control, regulations and protection of any business sector, promoted the free market policy that has the capability to regulate the labour market and wages. Deregulations and liberalisation opens up loopholes employers can exploit by circumventing legal and collectively agreed standards (Doellgast, Batt et al. 2009; Jaehrling and Méhaut 2012).

Although, the International Labour Organisation (ILO) was never disposed to deregulation and liberalization because of the monopolistic control by MNCs and by few industrialised countries. This arrangement is perceived to be unfavourable to the developing nations, particularly Nigeria, who was believed to be coerced to adopt the neo-liberal ideology through the implementations of various anti-social and anti-people policies (Omoyibo, 2012; Fapohounda, 2012). The active role of government in deregulating the labour market have been taken into account as factors promoting the growth of agency workers and the shifting balance of power in favour of employers.

One of the effects of these anti-social policies is the externalization of the internal labour market in the Nigerian oil industry, which is steadily eroding the size of the traditional permanent workforce that represents the core of the trade unions. A deliberate attempt by the unions to represents the external labour force met with great challenges due to employers' hostility, workers' fragmentation, short-term contracts of employment, and the lack of interest exhibited by the represented and the agency workers. The conflictual interests between the two-tier workforce is definitely promoting the game of the employer, divide and rule strategy to have absolute control over the labour force who do not see themselves as workers. These phenomena present new challenges for the organised labour, which naturally represents workers in permanent employment contracts (Gumbrell-McCormick, 2010).

This study revealed that agency workers' attitudes towards trade unions participation are influenced by the strategies of their employers' policies, their employment status and conditions. By examining the propensity of agency to union participation, this study demonstrated different interests among the various group of workers. It was also revealed that the representational problem is compounded by the conflicting interests and compromise between workplace actors.

The conflicts between labour and management in dealing with agency workers representation are reflected in the contradictory approach of the management of oil MNCs in the context of employment relations. Here the key factor relates to the strategic options unions have for

aligning their interests with either the agency workers or management, which proves critical in explaining these strategic choices. These strategic options are, in turn, shaped by changes in the institutional setting, which reconfigure constraints and opportunities for actors.

In addition, the proliferation of neoliberal policies shifted power and authority to employers and marginalized the trade unions. At the heart of these policies is the assertion of flexible work arrangements, and greater control over operations of employment relations through the employment agencies. In this circumstance, the fundamental argument of this study which is more than fully supported by evidence indicates that equitable labour practices cannot emerge in management driven work flexibility organisations on a generalized basis and be sustained in labour surplus markets in the open economy context of neoliberal globalization.

The inequitable employment relations contributed to the marginalisation of the agency workers from trade union representational scope. As the institutional limitations on the usage of agency labour weakened by neoliberal reforms, employers were found not only greatly involved in the use of agency labour, but far way beyond the peripheral activities into core production areas of their organisations, which thus questions the flexible firm model of Atkinson (1984), and the dual labour market segmentation theory of Doeringer and Piore (1971) and the issue of trust between labour and management.

A critical problem that has arisen from the move towards greater organisational flexibility is the fact that it has not been accompanied by any innovation in working practices or improvement of industrial relations. For example, it was found that standard employees' terms of employment had become more rigid following the pool of agency workers in the workplace. Neither has the employment security guarantee agreement for existing permanent employees between management and the trade unions been directly reflected in the promotion of mutual trust between labour and management.

Not surprisingly, through observing the dismissal of a great number of their colleagues, and the subsequent large-scale recruitment of agency workers, trade unions have become increasingly sceptical about explicit employment guarantees. This is another great insight gained out of this research, which is the fear of losing job in the presence of the growing and expanding agency workers. More worrisome it becomes seeing positions once occupied by permanent employees now filled up with agency workers, who are not keen in participating in trade unionism.

8.3. The Contradictory Nature of Employment Relations

The key findings of this study is the contradictory nature of the use of agency workers as it extends its scope from peripheral functions to the core production activities; as well as the contradictory data on trade unions mobilization of these workers in ExxonMobil Nigeria. This study highlighted series of contradictions inherent in the use of agency labour in the Nigerian oil industry. One of the significant factor of these contradictions is the deployment of agency workers with fewer employment rights into the core production activities. The attainments of greater flexibility through the use of employment agencies indicate the substitution of bilateral employment relations while maintaining a distance contractual responsibility. Nevertheless, organisational stability and efficiency remains important to management's pursuit for flexible work arrangements, despite attempt to circumvent employers' obligations to their workers.

The dawning awareness and adverse effects of agency workers in the core production areas, which includes the potential threat to job security and weakened of trade unions strength, caused the perception and attitude of the trade unions to move against further growth, by adopting the inclusive strategy towards the externalised labour force. This move was only acknowledged by ExxonMobil management on its approval for PENGASSAN to represent workers on triangular employment relationships. Despite its approval, PENGASSAN had the challenge of mobilization due to the fragmentation and short-term nature of their contracts terms. Hence the union argues that the right to mobilize is only documented, but not practicable. The inability by the union, posed a greater challenge, which has tentatively leads to series of conflicts between labour and management, which consequently culminated into strike actions (see Table 48 of chapter 7).

These conflicts of interests exist not only in relations between labour and management, but also between standard employees and agency workers, as well as among the represented and union officials. For example, despite the industry trade unions implementation of a more inclusive policy for agency workers in recent times, some of the union branches are still indisposed to pursue the change of inclusive strategy. Study reveals that such an ambivalent position of the trade unions and the represented is connected to the growth and use of agency workers in the core production areas. While on the other hand, this study found that agency workers' attitudes to union participation were influenced by both the oil MNCs and their employers' policies, coupled with their unrecognised status by the Nigerian legal framework.

Despite all these impediments to the mobilization of agency workers, the issue of membership inclusion, still remains a key reform agenda for the Nigerian oil industry trade unions.

In summary, the shifts in the attitudes/perceptions towards agency workers' representations, calls for more educative forum for both the represented and non-represented to deal with the issue of conflicting interests, this would possibly reshape the practices of the use of agency labour, as well as workplace representation. It is feasible that the changes in the representation of agency workers and the challenges faced will be altered as agency labour evolves in the Nigerian oil industry.

8.4. Contributions

This research study has contributed to the existing literature by demonstrating the dynamics between core and peripheral labour market segments. It has challenged Atkinson flexible firm model and labour market segmentation theory on the argument that both the core and peripheral belongs to two distinctive markets. It has shown tension between labour and management based on these two segments, and the outcome which depends on the power balance between the actors and the strategies implemented. This study argued that institutional changes undermined workers' homogeneity, and increases managerial control over employment relations, thus, paving the way for management to increasingly utilized agency workers, thereby, steadily eroding the size of the traditional core workforce and undermining the trade unions.

Thus, this study has argued that the concept of core and peripheral substitution relies on the misinterpretation of the dynamics between core and peripheral as distinct labour market segments. On the contrary, this study revealed that the growth of agency workers, by extension into the core production process can threaten the permanent workforce, compelling trade unions to expand their representational constituencies to the externalised workers. Although, Heery and Adler, (2004) study on the revitalisation of union strategies has already argued that trade union is likely to include these workers when its membership and resources have been declining. Other literature also indicates that strong institutionalised trade unions can adopt revitalising strategies departing from the traditional way (Turner, 2009; Greer, 2008).

However, existing studies have mainly focused on exceptional union campaigns for organising agency workers, preventing an analysis of the conditions under which unions abandon insider-focused strategies to adopt inclusive strategies and then to institutionalise them in the long term. This study has shown that the triangular employment relationships and fragmentation, as well as, the short-term contracts of agency workers constitute unions' exclusive positions on these groups of workers. While on the other hand, the substitution dynamics between core and peripheral workers provokes unions' inclusive strategies towards agency workers.

In addition, this study has shown that the opposition against agency labour, particularly, as it concerns the increasing usage of agency workers in core production areas, has to be pursued outside the industrial workplace and escalated to other sectoral and institutional levels as workplace representation could not prevent the growth of this labour force. By setting sectoral standards and including agency workers in their representation constituencies, labour movement thus strengthens its power at each bargaining level. By this act, it extends the possibility of adopting Heery (2004) typology to the study of trade unions responses to agency workers. This study likewise suggests that labour movement solidarity is necessary in an increasingly fragmented labour market for delivery positive outcomes for the workforce (Marx, 1977; Simms and Dean, 2014).

Furthermore, drawn on industrial relations studies regarding trade unions' strategic choices, which help understand why differences in trade unions responses, within a given industrial context and same institutional settings, this study arrived at a conclusion that was drawn from empirical findings, the need for a unified and solidaristic approach between institutions, unions leadership and workers' roles against the powerful industrial predators in the Nigerian oil industry. Several studies are in support of the integrated approach (Darlington, 2009; Lee, 2009; Frege and Kelly, 2003), however, these studies have basically focused on attempting to present the possibility of an integrated approach as explanatory power with detailed empirical evidence drawing on different cases. In this regard, this study contributes to scholarly efforts in a multidimensional and detailed form notably with reference to the challenge of broadening trade unions' strategic choices beyond their standard constituencies to agency workers. In the process, it reveals the necessity to integrate both institutional and non-institutional factors into a single analytical framework.

It further contributes to the current discussion on workers' exploitation and the 'decent work concept' of the International Labour Organisation (ILO, 2009), and its associated policy agenda, as advocated by the trade unions. It is hoped that it provides the possibility to appreciate the impacts of the growth and expansion of agency labour not only on the trade unions and workers, but the society in general.

8.5. Practical Policy Implication

The use of agency labour is fast becoming less seasonal and more built into business model like never before. Economically, the utilization of this labour force seems logical; it increases the ease, and reduces the cost of responding to changes in business fluctuations, making the business market more versatile. The obligation to pay high wages and to retain employees led to employers organisational restructuring to accommodate flexible work arrangements and undermine trade union. The neoliberal economic-political institutions do not support workers' representation, high wages and employment security, rather agency labour by nature developed out of the pursuit of employers need for organisational flexibility and profit accumulation.

The flexible work arrangements close off this route by establishing the ease with which employers can offer and withdraw work, as well as the deprivation of the means of control. Marginalising agency workers from collective representation reinforces the power of the employers, and weakens that of the union. This raises the issue of legal implications. The law is such that agency workers have few, if any, employment rights.

This study appeals to policy-makers to carefully consider the implementation of regulatory body similar to Transfer of Undertakings Protection of Employment (TUPE) in the UK, with such regulatory body in place, trade unions are more likely to adopt inclusive strategies towards agency workers without much confrontation from employers, and with less effort to forge common interests between workers on different employment contracts, or just like the Chinese government's enactment of a new Labour Contract Law in 2008 to accommodate these emerging workers (He, B and Xie, Y. 2012:426) .

Academics and policy makers have promoted these reforms as an equitable mechanism for bridging the inequitable segmentation between internal and external labour force (Bentolila et al. 2012). As argued in chapter 2 and 3, the increase of precarious work has implications not only for workers' representation and industrial democracy but also for the welfare of the society in general (Standing, 2011; Dorre, 2013).

Furthermore, some crucial policy issues were raised in this study. The evidence suggests that even the employment agencies supplying these labour force, appeared as unregulated labour suppliers (when inadequacies or gaps exist in the legislation, including the interpretation of legal provisions and their implementation. One area that lacks this legal clarity is agency labour) and have serve as a catalyst for the externalization of labour thriving within the oil industry. In addition, the growth of this workforce seems deliberate, systematic, and calculative act not only to relinquish management obligations, but also to undermine the trade unions that are the voice of the powerless. The externalization of employment relations, through the use of employment agencies do not only affects trade unions negatively, in terms of membership strength and collectiveness, but also for the general wellbeing of the wider society (Standing, 2011).

In documenting the way in which the use of agency labour had worked to the advantage of management and disadvantage of workers and their trade unions, this study raises important implications for Nigerian policy makers and workplace industrial relations actors. It, therefore, becomes a matter of policy concern in relation to the economic wellbeing of the powerless and vulnerable workers, because the increasing utilization of agency workers in the Nigerian oil industry suggests that it is unregulated.

The importance of the policy implications with regards to agency workers in triangular employment relationships is not new. In the 1980s, (Atkinson, 1984) posited that changes in consumers' demand creates pressure for greater flexibility and demands for low-costs and easier labour, and therefore will result in higher availability of this labour force.

Pollert (1988) argues that one of the many flaws of Atkinson's Flexible Model was the disregard for policy implications. Particularly, policies on different non-standard work arrangements, that would allow choices for workers and would also avoid the legitimacy of employers' assertions that flexible work arrangements need to be considered given the market circumstances. In addition, labour deregulation, which may be connected to lack of employment protection, reflects the need for negotiation between management, employers, and trade unions. These concerns remain open and urgently necessitate the attention of government and policy makers. Besides, today's triangular employment relationships, necessitates the need for new policies that will promote equality in the workplace and put an end to workers' subjugation.

8.6. Future Research

This study has provided a detailed empirical analysis of the rationale for the growth and increasing utilization of agency workers in the Nigerian oil industry and unions' challenges. However, there are some crucial issues that emerged that call for further investigation. A very significant concern that should further be explored is the State Regulation (Gaps in labour legislation). It is well acknowledged that the prevalence use of agency labour has been recognised to be varied across nations, and that a regulatory approach of this form of work depends on a specific socio-economic context of the individual state. On this note, an investigation of how and to what extent state policies and regulations influences the usage of agency labour in different national and industrial setting is essential. Such comparative analysis would however, be beneficial in understanding the changes in employment relations, the polarization of the workforces and employment practices in different contexts. It would also aid to draw policy implications for the development of more effective labour protection measures for agency workers.

Furthermore, there is need to investigate and address the issue of human capital shortage which underpins one of the rationale for the increase utilization of expatriates and the lack of skills transfer in the industry. Such an investigative research can uncover themes, which possibly would lead to skills enhancement and development and subsequently put an end or minimised the use of expatriates and agency labour.

8.7. Implications, Recommendations and Implementations

This study highlighted series of contradictions inherent in the use of agency labour in the Nigerian oil industry, for example, the growth and the increasing utilization of agency workers in the core activities. The use of agency labour is fast becoming less seasonal and more built into business model like never before. Their status has become temporary-permanent without an end-date to their contract of employment, due to the intermittent renewal of contracts, thereby undermining the core areas of employment conditions and strength of trade unionism.

One interesting findings was that both institutional and non-institutional factors played a pivotal role in the declining nature of union membership. On the one hand, trade union desired to organise agency workers, but are apprehensive of undermining the conditions of the represented. However, since the increasing usage of agency workers is negatively impacting

on their membership the strategy of inclusion has been adopted by PENGASSAN, although this strategy proves more challenging because of the heterogeneous status of the workers.

While on the other hand, agency workers desired strongly to be represented and have some collective defence, however, they are concerned that the trade unions are not really the best or reliable vehicle for them due to the views held (union is more concerned about the represented) and the “yellow dog contract” forced to sign by their employers, coupled with their unrecognised status by the Nigerian labour law.

Nigeria as a nation has made major strides in attaining international labour standard sets out by ILO, such as the enactment of Pension Reform Act 2004, and Employee’s Compensation Act 2010. However, the reform of the Trade Unions Act 2005 tends to demonstrate one step forward, and two steps backward in the process. The reform did not take into considerations the interest of employees, particularly, the non-standard workers, and has been widely criticized by both national and international bodies. The reform is perceived not to be in harmony with international labour standards (ILO) and the practice of industrial relations. In view of this seemingly negative impact of the reform on workers, and from the finding, this study recommends the following:

1. The Nigerian oil industry trade unions are in need of three-pillar policy, (i) to protect the rights of all workers and (ii) to combat the growing alienation between unions and the agency workers, (iii) between union leadership, and the represented in having a common goal. The present individualised leadership, fragmentation on political lines and motive to gain monetary benefits for their members alone do not provide the ideal platform for the mobilization of agency workers. Therefore there is need to evolve internal democracy within trade unions. To accomplish this, it is necessary that the union leadership, the represented and branches should be united with a common voice and goal. If they need to survive, then they have to go in this direction.
2. They must rise up to the challenge of providing quality services, dynamic leadership style, transparent democratic principle towards the protections of not only their members, but also to the non-unionized agency workers.
3. Trade union leadership needs to be more proactive, pay more attention to the changing market environment, in terms of innovative technology, economic and social transformation, as well as the new management style. In view of this, the union must

redefine their role in the new environment and adopt an appropriate strategy to tackle the problems posed by the new order, in terms of training. Without such changes, it will be difficult for them to mobilised and unionised agency workers.

4. Trade unions must intensify and determined in their aggressiveness to mobilize agency workers and remain resolute toward labour unity. They must all fight non-standard labour with one voice. There should try and resolve all their differences in this struggle of fighting workers exploitation.
5. The unions must unite; form solidarity to counter the power of capital in this age of neoliberalism that has eroded labour standard. They should see themselves as labour against capital, and let go off the divide and rule strategy of the employers in causing confusion and disunity in their midst.
6. Trade unions need to concentrate on organising the temporary agency workers by forming one general union in the unorganised sector. Enterprise unions cannot do much going by the new management strategy; such an area based general union can take care of agency workers of individual employment agency in the matter of negotiation with management. This area based general union also need to have link with the oil industry and national level united trade union centre. If unions move in this direction, there may still be a good future ahead. But if not, the present situation is not promising for them.
7. For the employers, it has been observed that globalization, technology, increased competition and more are forces behind the growth of agency labour. Economically, the utilization of this labour force seems logical; it increases the ease, and reduces the cost of responding to changes in business fluctuations, making the business market more versatile. In view of this, it is recommended that more attention should be given to capacity development for efficiency and effectiveness, because high rate of job turnover associated with agency labour has some measure of negative impact not only in achieving organizational goals and objectives, but also on the living standard, self-esteem and the general well-being of the workers.
8. The government on its part should not only enact laws that will reflect the realities of contemporary employment relationship, but also address all forms of unfair labour

practices and implements same to serve as deterrent to organisations that are found of exploiting workers. Employment relationship should be structured in such a way that there is no gap in employment benefits between permanent employees and agency workers, especially when carrying out same job functions.

9. Also, making agency work an option for the intending worker would create an atmosphere and the enabling environment for the worker to engage based on personal preference for the nature of employment arrangement. This is because agency work could be designed in such a way that it creates opportunity for the worker to be involved in other activities of interest, as well as enjoying work-life-balance.
10. Finally, there is need to adopt and implement some (if not all) of the conventions and declarations by the ILO, which promote the decent work agenda. The government also has to look at the re-regulation of the labour market and taking back the power to hire and fire workers from the employers, and set-up effective independent body to look at any queries before firing worker as it is done in Netherland and UK (TUPE). The important thing is that any labour legislation passed by the government, should conform to international labour standards and best practice.

APPENDICES

Appendix 1



College of Arts & Social Sciences
Room 633 Maxwell Building
The Crescent
Salford, M5 4WT
Tel: 0161 295 5876

11 May 2015

Joan Itegboje
University of Salford

Dear Joan

Re: Ethical Approval Application – 140025

I am pleased to inform you that based on the information provided, the Research Ethics Panel have no objections on ethical grounds to your project.

Yours sincerely

Deborah Woodman

On Behalf of CASS Research Ethics Panel

Appendix 2

Joan Itegboje
Salford Business School
Maxwell Building,
5th Floor Salford
M5 4WT
Tel: +44 (0) 7879726081
E-mail: j.o.itegboje1@edu.salford.ac.uk

08/03/2015

INFORMATION LETTERS TO INTERVIEWEES

Dear Sir/Madam,

My name is Joan Omone Itegboje, a PhD student, at the College of Business and Law, Salford Business School, The University of Salford, United Kingdom. I am conducting a research on:

‘The Growth of Agency Labour in the Nigerian Oil Industry and its Challenges for Trade Union Organisation’.

The main aim of carrying out this research is to assess the way the shift from standard employment to contract jobs in a crucial Nigerian arena of employment has been a source of on-going dispute between employers and trade unions in the Nigerian oil and gas industry. The study intends to understand the factors influencing managerial decisions on outsourcing/contracting of labour and why workers take up employment of contract status.

As part of getting the research objectives, the views of some management personnel, line-managers, HR professionals, trade unions representatives, employment agencies, community leaders and the ministry of labour will be accessed through structured and unstructured interview. Similarly, questionnaires will be administered to the employees of the industry.

- The interview will take relatively 45minutes to an hour
- Participation is completely voluntary
- Participants are free to recede their consent at any time
- Data and information gathered will be analysed by the researcher only for the purpose of this research, and will not affect any participants by any means
- The researcher intends to record each interview, with the consent of the interviewee. The researcher will take down notes in the cause of the interviews and use the recording version to cross-check the accuracy of the transcribed notes
- At the end of the data analysis, both the recorded and transcribed notes will be discarded accordingly to avoid misuse
- The final written thesis will ensure anonymity by not using real names or identifying features of any interviewee except otherwise specified.

This letter seeks your indulgence to be part of this research. Please signify this in the section at the end of this letter.

Kind Regards

Joan Itegboje.

Note: If you have any concern of the conduct of this research, please contact:

Professor Ralph Darlington
Director of School of Business
The University of Salford
Salford
Greater Manchester
M5 4WT
Tel. ++44 (0)161-295-5456
Email: r.r.darlington@salford.ac.uk

Thank you in anticipation for all participants

Please signify approval for your participation in the research by deleting as applicable. **I wish/I do not wish** to participate in the research titled: Assessing Outsourcing and Contracting of Labour in the Nigerian oil and gas industry.

Signature

Appendix 3

08/03/2015

Department of Petroleum Resources
7 Kofo Abayomi Street
Victoria Island
Lagos State
Nigeria.

Dear Sir/Ma,

The bearer, Ms Joan Omone Itegboje, is a full-time postgraduate research student at Salford Business School, University of Salford, UK. She is studying for a Doctorate Degree in Contemporary Employment Relations: Critical view on **The Growth of Agency Labour in the Nigerian Oil Industry and its Challenges for Trade Union Organisation** and she is my supervisee.

Ms Itegboje is researching on the factors influencing managerial decisions on agency labour in the Nigerian oil industry and the trade unions challenges: A case study of the Nigerian Oil Industry and would need your department assistance in gathering the necessary data for her study. She would be collecting primary data via interviews and questionnaires.

Whatever information your department provides her would be treated with utmost confidentiality.

Your kind cooperation would be most appreciated.

Kind Regards,

Prof. Ralph Darlington
Professor of Employment Relations and Director of Post-Graduate Research
Salford Business School, College of Business and Law
University of Salford,
Salford, Manchester, M5 4WT, UK
Tel. ++44 (0)161-295-5456
email: r.r.darlington@salford.ac.uk

Appendix 4

08/03/2015

Operations Controller
Department of Petroleum Resources
7 Kofo Abayomi Street
Victoria Island
Lagos State
Nigeria.

Dear Sir,

Request for Permission to Access Oil Companies for Research Purposes

I am a postgraduate research student at the Salford Business School, University of Salford, UK. I am studying for a Doctorate Degree. The research is a professional doctorate degree that is fashioned to address contemporary employment relations issues of concern with the aim of providing relevant and practicable recommendations to business organizations.

I wish to request for permission to access selected oil companies in the oil and gas industry for the purpose of data collection. My research project is titled: "Assessing Contemporary Employment Relations: Critical View on **The Growth of Agency Labour in the Nigerian Oil Industry and its Challenges for Trade Union Organisation**". I choose the Nigerian oil and gas industry as the context in which to study this subject, because of the exacerbating disputes among the social partners and of its significance to the Nigerian economy.

In particular, I have chosen to study this process drawing cases from specific multinational oil companies in the industry. I wish to collect primary data through interviews and questionnaires from the following companies in the industry:

1. Shell Petroleum Development Company
2. ExxonMobil Corporation
3. Chevron Nigeria Ltd

Data collected from the above companies would be treated with utmost confidentiality.

Thank you for your kind consideration.

Yours sincerely,

Joan Itegboje
Email: j.o.itegboje1@edu.salford.ac.uk

Appendix 5

08/03/2015

ExxonMobil Corporation
Mobil House
1 Lekki Expressway
Victoria Island
Lagos State
Nigeria.

Dear Sir/Ma,

The bearer, Ms Joan Omone Iteboje, is a full-time postgraduate research student at Salford Business School, University of Salford, UK. She is studying for a Doctorate Degree in Contemporary Employment Relations: Critical view on **The Growth of Agency Labour in the Nigerian Oil Industry and its Challenges for Trade Union Organisation** and she is my supervisee.

Ms Iteboje is researching on the factors influencing managerial decisions on outsourcing/contracting of labour in the Nigerian oil and gas industry and the trade unions oppositions. She would need your company's assistance in gathering the necessary data (via questionnaires and interviews) for her study.

Whatever information your corporation provides her would be treated with utmost confidentiality.

Your kind cooperation would be most appreciated.

Kind Regards,

Prof. Ralph Darlington
Professor of Employment Relations and Director of Post-Graduate Research
Salford Business School, College of Business and Law
University of Salford,
Salford, Manchester, M5 4WT, UK
Tel. ++44 (0)161-295-5456
email: r.r.darlington@salford.ac.uk

Appendix 6

MANAGEMENT INTERVIEW

Section A:

Name of Company:

Sex:

Age:

Length of time in job:

Company:

Status:

Work location:

Union membership:

Section B: The primary question posed by the research has been framed as thus:

1. What are the management rationales for the increasing usage of agency labour?
2. Are contract workers on pathways being permanent employees or they are used to cover up?
3. Besides the upsurge of agency workers, there is a new twist of subjecting permanent workers to contract staff, what is your view on this?
4. Are contract workers more economical than permanent workers?
5. What nature of job are they (contract employees) mainly used for? (Core or Peripheral)?

Section C:

1. Why are the trade unions opposing the use of agency labour in the industry?
2. These workers, do they have the right to unionisation?
3. In some quarters, it is believed that management are unduly shifting employees' responsibility to a third party, especially in a process where they perceived the trade unions representing the workforce as militants and also to cut-cost: how factual is this statement?
4. Do the trade unions have a role in the decision that concerns employees' engagement?
5. Recently there have been agitations by the trade unions against the management of the oil and gas industry, what are the causes of this unrest. Can you elaborate on the nature and extent of the exacerbating conflicts?

Section D:

6. It is believed in a triangular form of employment system there are differential terms and conditions of employment among a two-tier workforce (core and peripheral) what are the implications/consequences (if any) on employees under this new employment system as well as the company

Section E:

7. With this triangular form of employment relations, how would you describe the relationship between management and the trade unions/employees?
8. If flexible form of labour is however admitted and necessary in a competitive market, the question now is, how protected is the workforce under the new labour system.
9. What preventive measures do the company have in place for occupational health hazards?
10. What are the relevance challenges or issues in this area?
11. To what extent does bad working conditions has been seen as a reflection of precarious employment condition and to what point is it viewed as a result of segregated work, lack of training, unfair treatment; and lack of integration?

Appendix 7

TRADE UNIONS INTERVIEW

Section A: Background Data:

1. Age:years
2. Sex: Male () Female ()
3. Name of Company:
4. Educational Qualification (Highest):
5. Name of trade union
6. How long have you been with the trade union?
7. Status:
8. No. of employees covered
9. Typical Membership (in terms of permanent and contract employees; gender, hours of work and age)

Section B: Knowledge of the Subject Matter

10. There has been an upsurge in the use of agency workers what is the trade union stand on this issue of concern?
11. What are management rational for the increasing usage of agency workers, and why the oppositions from the trade unions?
12. How many of your members are contract employees?
13. What nature of job are they mainly used for? (Core or Peripheral)?
14. Agency workers, have rights to unionisation?
15. How do you mobilise agency workers?
16. Can trade union actually represent agency workers?
17. Does the trade union experience challenges in representing agency workers?
18. In what areas are you able to represent agency workers and to whom (employment agency or professional indemnity)
19. Has the union ever handled any issue raised by agency worker (s)? What kind of issues, can you give me some instances?
20. Do trade unions have any relationship with the employment agencies? What kind of relationship?
21. Do you engage in collective bargaining with the employment agencies?

Section C:

22. To what extent do the differential terms and conditions of a two-tier workforce have negative consequences on employees as well as the company under contemporary employment system?
23. Do they have same responsibilities and benefits as the permanent staff?
24. Do they have same rights as the permanent employees?
25. Are they equally treated as directly employed staff by management and colleagues?

26. Would you say that the balance of power within the workplace is in favour of the employers going by the triangular terms of employment contract and the arbitrary fixing of wages without collective bargaining?

Section D:

27. What has been the relationship between management and trade union as a result of this new work arrangement?

Section E:

28. In recent times there have been agitations by the trade unions against the management of the oil industry, what are the causes of these unrest. Can you elaborate on the nature and extent of the exacerbating conflicts?
29. What is your view about expatriate quotas- are the MNCs respecting this quota?
30. What is the bill of local content all about?

Appendix 8

Table 8A: Permanent Workers (Respondents' Employment Status, Qualifications, Experience and Annual Income

Employment Status	Qualifications	Years Of Experience In The Oil And Gas Industry	Income					
			Less Than N10 Million	N10 - 20 Million	N20 -30 Million	N30 - 40 Million	N40 - 50 Million	Over N50Million
Permanent Staff	Never Attended School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Primary School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Junior Secondary School(JSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Senior Secondary School(SSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	1	-	-	-	-
		Over 20 Years	-	1	-	-	-	-
	National Diploma(ND)/National Certificate Of Education(NCE)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Bachelor Degree(BSC; BA/Higher National Diploma(HND)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	2	-	-	-
		11-15 Years	-	-	1	2	1	1
		16-20 Years	-	-	1	-	-	1
		Over 20 Years	-	-	-	-	-	1
	Higher University Degree (E.G. PGD; MSC; MBA And PhD)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	1	-	-
		6-10 Years	-	-	-	2	2	-
		11-15 Years	-	-	-	1	4	5
		16-20 Years	-	-	-	1	1	20
		Over 20 Years	-	-	-	-	-	11

Table 8B: Contract Workers

Employment Status	Qualifications	Years Of Experience In The Oil And Gas Industry	Income					
			Less Than N10 Million	N10 - 20 Million	N20 -30 Million	N30 - 40 Million	N40-50 Million	Over N50 Million
Contract Staff	Never Attended School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Primary School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Junior Secondary School(JSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	1	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Senior Secondary School(SSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	1	-	-	-	-	-
		6-10 Years	-	1	-	-	-	-
		11-15 Years	-	1	-	-	-	-
		16-20 Years	-	1	-	-	-	-
		Over 20 Years	-	1	-	-	-	-
	National Diploma(ND)/National Certificate Of Education(NCE)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	1	-	-	-	-	-
		6-10 Years	-	1	1	-	-	-
		11-15 Years	1	2	2	-	-	-
		16-20 Years	-	1	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Bachelor Degree(BSC; BA/Higher National Diploma(HND)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	3	1	-	1	-
		6-10 Years	-	6	5	-	-	-
		11-15 Years	-	3	2	-	-	-
		16-20 Years	-	1	-	-	-	-
		Over 20 Years	-	-	-	-	1	-
	Higher University Degree (E.G. PGD; MSC; MBA And PhD)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	1	-	-	-
		6-10 Years	-	6	2	-	-	-
		11-15 Years	-	-	2	2	1	1
		16-20 Years	-	-	-	5	-	-
		Over 20 Years	-	-	-	-	-	-

Table 8C: Service Staff

Employment Status	Qualifications	Years Of Experience In The Oil And Gas Industry	Income					
			Less Than N10 Million	N10 - 20 Million	N20 - 30 Million	N30 - 40 Million	N40 - 50 Million	Over N50 Million
Service Staff	Never Attended School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Primary School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Junior Secondary School(JSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Senior Secondary School(SSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	National Diploma(ND)/National Certificate Of Education(NCE)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	1	-	-	-	-
		11-15 Years	-	1	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Bachelor Degree(BSC; BA/Higher National Diploma(HND)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	2	-	-	-	-
		6-10 Years	-	3	9	-	-	-
		11-15 Years	-	1	4	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Higher University Degree (E.G. PGD; MSC; MBA And PhD)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	2	1	-	-	-
		6-10 Years	-	-	3	-	-	-
		11-15 Years	-	-	-	-	1	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-

Table 8D: Support Staff

Employment Status	Qualifications	Years Of Experience In The Oil And Gas Industry	Income					
			Less Than N10 Million	N10 - 20 Million	N20 -30 Million	N30 - 40 Million	N40 - 50 Million	Over N50 Million
Manpower Staff	Never Attended School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Primary School	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Junior Secondary School(Jss)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Senior Secondary School(SSS)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	1	-	-	-	-	-
		6-10 Years	-	-	-	-	-	-
		11-15 Years	1	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	National Diploma(ND)/National Certificate Of Education(NCE)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	1	-	-	-	-	-
		11-15 Years	1	-	-	-	-	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Bachelor's Degree(BSC; Ba/Higher National Diploma(HND)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	1	-	-	-	-
		6-10 Years	-	15	1	-	-	-
		11-15 Years	-	-	-	-	-	-
		16-20 Years	-	-	1	-	-	-
		Over 20 Years	-	-	-	-	-	-
	Higher University Degree (E.G. PGD; MSC; MBA And PhD)	Less Than 1 Year	-	-	-	-	-	-
		1-5 Years	-	-	-	-	-	-
		6-10 Years	-	2	-	-	-	-
		11-15 Years	-	1	3	-	1	-
		16-20 Years	-	-	-	-	-	-
		Over 20 Years	-	-	-	-	-	-

Appendix 9

Respondent Response

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Technological Innovation	4.67	0.85	Highly Preferred	4.54	1.09	Highly Preferred	4.57	1.07	Highly Preferred	4.60	0.99	Highly Preferred
Cutting-Cost (Wages, Training, Benefits And Others)	4.56	0.65	Highly Preferred	4.57	0.59	Highly Preferred	4.49	0.77	Highly Preferred	4.55	0.65	Highly Preferred
Focusing On Competence	3.16	1.26	Preferred	3.31	1.21	Preferred	3.35	1.23	Preferred	3.26	1.23	Preferred
Union Militancy	4.26	0.97	Highly Preferred	4.26	0.94	Highly Preferred	4.57	0.77	Highly Preferred	4.33	0.92	Highly Preferred
Lack Of Human Capital	1.84	0.96	Subtly Preferred	2.12	1.04	Subtly Preferred	2.19	1.08	Subtly Preferred	2.02	1.02	Subtly Preferred
Fluctuation In The Demand Of Product Market	3.53	0.93	Very Preferred	3.34	1.11	Preferred	3.22	1.13	Preferred	3.39	1.04	Preferred
Global Competition	3.32	1.03	Preferred	3.06	1.12	Preferred	3.30	1.15	Preferred	3.22	1.09	Preferred
Restructuring And Reorganization	2.07	0.93	Subtly Preferred	2.32	1.12	Subtly Preferred	2.35	1.09	Subtly Preferred	2.22	1.04	Subtly Preferred
Aiding The Community	1.77	1.01	Not Preferred	2.06	1.20	Subtly Preferred	1.89	1.15	Subtly Preferred	1.90	1.11	Subtly Preferred
To Have Total Control Of The Workforce	3.84	0.94	Very Preferred	3.88	0.96	Very Preferred	4.16	0.90	Very Preferred	3.92	0.94	Very Preferred
Focusing On The Critical Functions	2.60	1.08	Preferred	2.92	1.25	Preferred	3.19	1.22	Preferred	2.85	1.19	Preferred
Efficiency And Expertise	3.88	1.30	Very Preferred	3.82	1.36	Very Preferred	4.35	0.98	Highly Preferred	3.95	1.27	Very Preferred
Shifting Responsibilities (Health, Safety And Legal)	4.56	0.96	Highly Preferred	4.46	1.06	Highly Preferred	4.68	0.75	Highly Preferred	4.55	0.96	Highly Preferred

Appendix 10

Assessment of respondents' response to trade union resistance:

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Profit Maximization	4.77	.51	Highly Preferred	4.77	.61	Highly Preferred	4.76	.72	Highly Preferred	4.77	.59	Highly Preferred
Hiring Of Expatriates	3.30	1.08	Preferred	3.40	1.17	Very Preferred	3.89	.94	Very Preferred	3.46	1.10	Very Preferred
To Have Control Over The Workforce	3.78	1.10	Very Preferred	3.71	1.17	Very Preferred	4.30	.94	Highly Preferred	3.86	1.11	Very Preferred
Denial Of The Non-Permanent Staff Right To Unionize	4.40	1.09	Highly Preferred	4.43	1.12	Highly Preferred	4.54	1.04	Highly Preferred	4.44	1.09	Highly Preferred
Affects Union Membership	4.86	.48	Highly Preferred	4.88	.45	Highly Preferred	4.95	.23	Highly Preferred	4.89	.43	Highly Preferred
Cutting-Cost	4.60	.57	Highly Preferred	4.62	.58	Highly Preferred	4.70	.46	Highly Preferred	4.63	.55	Highly Preferred
Division Among The Workforce	3.23	1.03	Preferred	3.23	1.03	Preferred	3.68	.85	Very Preferred	3.33	1.01	Preferred
Weakens Trade Union Strength	3.23	1.06	Preferred	3.25	1.13	Preferred	3.24	1.28	Preferred	3.24	1.13	Preferred
Irrational Wages	3.74	.87	Very Preferred	3.63	.99	Very Preferred	3.59	1.04	Very Preferred	3.67	.95	Very Preferred
Weak Legislature	4.08	.88	Very Preferred	4.00	.97	Very Preferred	4.14	.98	Very Preferred	4.06	.93	Very Preferred

Appendix 11

How does agency labour affect management and employees' relationship in the Nigerian oil and gas industry?

F1 – F15 DEGREE OF EMPLOYEES AGREEMENT OR DISAGREEMENT

	Company											
	Shell			Exxonmobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Unnecessary Agitations From The Union Against The Use Of Non-Permanent Staff	4.89	0.46	Strongly Agree	4.91	0.29	Strongly Agree	4.84	0.60	Strongly Agree	4.89	0.44	Strongly Agree
Union Find More Challenging To Organize Non-Permanent Staff	4.67	0.62	Strongly Agree	4.74	0.44	Strongly Agree	4.62	0.79	Strongly Agree	4.69	0.61	Strongly Agree
There Are No Threats, Harassment And Victimization For Joining The Union	2.04	1.11	Disagree	1.86	0.79	Disagree	1.89	0.88	Disagree	1.94	0.95	Disagree
The Govt. And Employers Are Of The View That Unionization Disrupt Production hence The Restriction On The Right To Unionize	4.52	0.75	Strongly Agree	4.45	0.73	Strongly Agree	4.51	0.56	Strongly Agree	4.49	0.70	Strongly Agree
Non-Permanent Staff Are Made To Sign A Yellow-Dog Contract Of Not Associating With Any Trade Union	2.23	1.21	Disagree	2.11	0.99	Disagree	2.24	1.16	Disagree	2.19	1.12	Disagree
With Regards To The Nigerian Constitution Workers Has Right To Associate	4.49	0.71	Strongly Agree	4.46	0.90	Strongly Agree	4.54	1.04	Strongly Agree	4.49	0.86	Strongly Agree
The Labour Law Should Be Reform To Accommodate Contemporary Labour System	4.93	0.25	Strongly Agree	4.85	0.36	Strongly Agree	4.70	0.74	Strongly Agree	4.85	0.44	Strongly Agree
Trade Union In Your Workplace Has Been Helpful With Regards To Workers Right	4.41	0.96	Strongly Agree	4.42	0.93	Strongly Agree	4.49	0.99	Strongly Agree	4.43	0.95	Strongly Agree
The Role Of Trade Unions In The Counter-Movement Of The Employment Transformation Is Highly Applauded	4.47	1.19	Strongly Agree	4.39	1.09	Strongly Agree	4.51	0.99	Strongly Agree	4.45	1.11	Strongly Agree
Non-Permanent Workers Are Protected Under The Nigerian	2.63	1.48	Neither agree nor disagree	2.48	1.57	Disagree	2.68	1.58	Neither agree nor disagree	2.58	1.53	Disagree

Labour Law												
Workers Take-Up Contract Work Because That Is What They Want	1.73	0.84	Strongly Disagree	1.83	0.89	Disagree	1.92	0.68	Disagree	1.81	0.83	Disagree
The Employers Involves Unions When Taking Decision On Issues Affecting The Workforce And The Company In General	2.26	1.36	Disagree	2.58	1.38	Disagree	2.62	1.36	Neither agree nor disagree	2.46	1.37	Disagree
There Are Effective Mechanism In Place Promoting Good Working Relationship Between Labour And Management	2.18	0.99	Disagree	2.35	1.22	Disagree	2.49	1.33	Disagree	2.31	1.15	Disagree
Do You Support Workers Organization In Your Company	4.00	1.18	Agree	4.17	1.18	Agree	4.22	1.23	Strongly Agree	4.11	1.19	Agree

Table above shows that the respondents strongly agree for the statements “Unnecessary Agitations from the Union against the Use of Non-Permanent Staff”; Union Find More Challenging to Organize Non-Permanent Staff; The Govt. And Employers Are of the View That Unionization Disrupts Production Hence the Restriction On the Right to Unionize; With Regards to The Nigerian Constitution Workers Has Right to Associate; The Labour Law Should Be Reform to Accommodate Contemporary Labour System; Trade Union in Your Workplace Has Been Helpful with Regards to Workers Right; and The Role of Trade Unions in The Counter-Movement of The Employment Transformation Is Highly Applauded.

		Sum of Squares	df	Mean Square	F	p-value	Description
Unnecesary Agitations From The Union Against The Use Of Non-Permanent Staff	Between Groups	.12	2	.059	0.30	0.74	Not Significant
	Within Groups	33.60	172	.195			
	Total	33.71	174				
Union Find More Challenging To Organise Non-Permanent Staff	Between Groups	.35	2	.174	0.47	0.62	Not Significant
	Within Groups	63.37	172	.368			
	Total	63.71	174				
There Are No Threats, Harrasement And Victimization For Joining The Union	Between Groups	1.23	2	.615	0.68	0.51	Not Significant
	Within Groups	156.20	172	.908			
	Total	157.43	174				
The Govt. And Employers Are Of The View That Unionization Distrupt Productionhence The Restriction On The Right To Unionise	Between Groups	.21	2	.107	0.21	0.81	Not Significant
	Within Groups	85.52	172	.497			
	Total	85.74	174				
Non-Permanent Staff Are Made To Sign A Yellow-Dog Contract Of Not Associating With Any Trade Union	Between Groups	.68	2	.340	0.27	0.76	Not Significant
	Within Groups	216.10	172	1.256			
	Total	216.78	174				
With Regards To The Nigerian Constitution Workers Has Right To Associate	Between Groups	.15	2	.074	0.10	0.91	Not Significant
	Within Groups	127.59	172	.742			
	Total	127.74	174				
The Labour Law Should Be Reform To Accommodate Contemporary Labour System	Between Groups	1.29	2	.644	0.27	0.76	Not Significant
	Within Groups	32.85	172	.191			
	Total	34.14	174				
Trade Union In Your Workplace Has Been Helpful With Regards To Workers Right	Between Groups	.16	2	.079	0.09	0.92	Not Significant
	Within Groups	156.70	172	.911			
	Total	156.86	174				
The Role Of Trade Unions In The Counter-Movement Of The Employment Transformation Is Highly Applauded	Between Groups	.39	2	.196	0.16	0.85	Not Significant
	Within Groups	212.64	171	1.244			
	Total	213.03	173				
Non-Permanent Workers Are Protected Under The Nigerian Labour Law	Between Groups	1.18	2	.588	0.25	0.78	Not Significant
	Within Groups	403.20	171	2.358			
	Total	404.37	173				
Workers Take-Up Contract Work Because That Is What They Want	Between Groups	.98	2	.489	0.71	0.49	Not Significant
	Within Groups	118.42	172	.688			
	Total	119.39	174				
The Employers Involves Unions When Taking Decision On Issues Affecting The Workfoce And The Company In General	Between Groups	4.89	2	2.443	1.30	0.27	Not Significant
	Within Groups	322.54	172	1.875			
	Total	327.43	174				
On balance, Do You Support Workers Organisation In Your Company	Between Groups	2.55	2	1.274	0.96	0.39	Not Significant
	Within Groups	228.79	172	1.330			
	Total	231.34	174				
There Are Effective Mechanism In Place Promoting Good Working Relationship Between Labour And Management	Between Groups	1.53	2	.764	0.54	0.58	Not Significant
	Within Groups	243.41	172	1.415			
	Total	244.94	174				

The ANOVA table above shows that there is not significant difference in the agreement of for the statements.

Appendix 12

F16-F22 ON WORKERS ORGANISATION AND MANAGEMENT STAND

	Frequency	Percent
As A Non-Permanent Staff, Do You Adequately Represented By The Union		
Yes	64	35.4
No	109	60.2
(no response)	8	4.4
In The Last 10 Years, I Believe That The Management Has Positively Change In The Following Areas		
From Aggression To Understanding/Dialogue	24	13.3
From Dialogue To Aggressive Stand	151	83.4
(no response)	6	3.3
Over The Last 10 Years, What Change Has There Been In The Activities Of Worker Organisation To Your Company		
No Change	16	8.8
From Militant Actions To Negotiation/Court Cases	11	6.1
From Court Cases To Negotiations To Militant Actions	147	81.2
(no response)	7	3.9
In What Capacity And How Often Do You Participate In Workplace Organisation Activities In Your Unit		
As A Union Member	75	41.4
Potential Member	2	1.1
Freedom Fighter	2	1.1
Dont Participate	96	53.0
(no response)	6	3.3
I Did Not Participate In Order		
To Avoid Been Victimized	14	7.7
Because I Still Need My Job	49	27.1
For My Contract To Be Renewed	26	14.4
Because The Struggle Favours Only The Permanent Staff	6	3.3
(no response)	86	47.5
How Would You Describe The Relationship Between Management And Workers In Your Workplace		
Very Co-Operative	7	3.9
Somewhat Co-Operative	61	33.7
Not Co-Operative	107	59.1
(no response)	6	3.3
What Do You Think Is The Major Issue With Workers Organisation		
Workers Have Divided Interest And Priorities	147	81.2
Non-Permanent Workers Believed That The Union Want To Use Them As A Shield	25	13.8
(no response)	9	5.0
Total	181	100.0

The table above shows that 60.2% of non-permanent staff feels that they are not adequately represented by the union. 83.4% believe that in the last 10 years the management has changed from dialogue to aggressive stand. 53% don't participate in workplace organization activities in their unit. The reason for this is that most of them still need their jobs. 59.1% describe the relationship between management and the workers as not Co-operative. 81.2% think that the major issue with workers' organization is that they have divided interest and priorities.

Appendix 13

2. Trade union has been identified as crucial social partners and is perceived as having a great impact on the level of adoption of flexible work arrangements. Why is the trade union in the Nigerian oil and gas industry opposing to the use of contract labour?

DSEC1 TRADE UNION'S RATIONALE FOR OPPOSING

Permitted to join union		Company								Chi-Square	df	p-value	Description
		Shell		Exxonmobil		Chevron		Total					
		f	%	f	%	f	%	f	%				
Contract Staff	Yes	27	37.50	32	50.79	12	32.43	71	41.28	3.31	2	0.19	Not Significant
	No	45	62.50	33	52.38	25	67.57	103	59.88				
Service Staff	Yes	22	30.56	25	39.68	11	29.73	58	33.72	1.32	2	0.52	Not Significant
	No	51	70.83	40	63.49	26	70.27	117	68.02				
Manpower Staff	Yes	4	5.56	3	4.76	0	0.00	7	4.07	1.68	1	0.2	Not Significant
	No	68	94.44	61	96.83	37	100.00	166	96.51				
All the Non-Permanent Staff	Yes	4	5.56	3	4.76	0	0.00	7	4.07	1.66	1	0.2	Not Significant
	No	68	94.44	60	95.24	37	100.00	165	95.93				
Total		72	100	63	100	37	100	172	100				

The table above shows those staff who were or were not permitted to join union. Results show that almost 50% of the Contract Staff for ExxonMobil were permitted to join union compared to other companies wherein around 32% to 28% were permitted to join. Manpower and all non-Permanent Staff were mostly not permitted to join union specifically for Shell and Chevron (0%). Chi-Square results show no significant association between the companies and the type of staff that were permitted to join union.

Appendix 14

DSEC2

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Profit Maximization	4.77	.51	Highly Preferred	4.77	.61	Highly Preferred	4.76	.72	Highly Preferred	4.77	.59	Highly Preferred
Hiring Of Expatriates	3.30	1.08	Preferred	3.40	1.17	Very Preferred	3.89	.94	Very Preferred	3.46	1.10	Very Preferred
To Have Control Over The Workforce	3.78	1.10	Very Preferred	3.71	1.17	Very Preferred	4.30	.94	Highly Preferred	3.86	1.11	Very Preferred
Denial Of The Non-Permanent Staff Right To Unionise	4.40	1.09	Highly Preferred	4.43	1.12	Highly Preferred	4.54	1.04	Highly Preferred	4.44	1.09	Highly Preferred
Affects Union Membership	4.86	.48	Highly Preferred	4.88	.45	Highly Preferred	4.95	.23	Highly Preferred	4.89	.43	Highly Preferred
Cutting-Cost	4.60	.57	Highly Preferred	4.62	.58	Highly Preferred	4.70	.46	Highly Preferred	4.63	.55	Highly Preferred
Division Among The Workforce	3.23	1.03	Preferred	3.23	1.03	Preferred	3.68	.85	Very Preferred	3.33	1.01	Preferred
Weakens Trade Union Strength	3.23	1.06	Preferred	3.25	1.13	Preferred	3.24	1.28	Preferred	3.24	1.13	Preferred
Irrational Wages	3.74	.87	Very Preferred	3.63	.99	Very Preferred	3.59	1.04	Very Preferred	3.67	.95	Very Preferred
Weak Legislature	4.08	.88	Very Preferred	4.00	.97	Very Preferred	4.14	.98	Very Preferred	4.06	.93	Very Preferred

The table above shows the trade union reasons for opposing the management on outsourcing and contracting of labour. Results show that for all companies, Profit Maximization, Denial of the Non-Permanent Staff Right to Unionize, Affects Union Membership, and Cutting Costs were highly preferred. Chevron added that they highly prefer to have control over the workforce.

		Sum of Squares	df	Mean Square	F	p-value	Description
Profit Maximization	Between Groups	.00	2	.002	0.01	0.99	Not Significant
	Within Groups	61.39	172	.357			
	Total	61.39	174				
Hiring Of Expatriates	Between Groups	8.97	2	4.486	3.81	0.02	Significant
	Within Groups	202.54	172	1.178			
	Total	211.51	174				
To Have Control Over The Workforce	Between Groups	9.04	2	4.520	3.78	0.02	Significant
	Within Groups	205.67	172	1.196			
	Total	214.71	174				
Denial Of The Non-Permanent Staff Right To Unionise	Between Groups	.51	2	.256	0.22	0.81	Not Significant
	Within Groups	204.61	172	1.190			
	Total	205.12	174				
Affects Union Membership	Between Groups	.18	2	.088	0.48	0.62	Not Significant
	Within Groups	31.54	172	.183			
	Total	31.71	174				
Cutting-Cost	Between Groups	.26	2	.132	0.43	0.65	Not Significant
	Within Groups	52.59	172	.306			
	Total	52.86	174				
Division Among The Workforce	Between Groups	5.75	2	2.873	2.90	0.06	Not Significant
	Within Groups	170.69	172	.992			
	Total	176.43	174				
Weakens Trade Union Strength	Between Groups	.01	2	.003	0.00	1.00	Not Significant
	Within Groups	221.91	172	1.290			
	Total	221.92	174				
Irrational Wages	Between Groups	.66	2	.332	0.37	0.69	Not Significant
	Within Groups	156.11	172	.908			
	Total	156.78	174				
Weak Legislature	Between Groups	.48	2	.239	0.27	0.76	Not Significant
	Within Groups	149.83	172	.871			
	Total	150.31	174				

The ANOVA table above shows significant differences in the preferences for each company for hiring of expatriates and to have control over the workforce wherein Chevron gave a higher preference to these compared to other companies.

Appendix 15

3. To what extent do the differential terms and conditions of a two-tier workforce have negative implications/consequences on employees under this new employment system?

Table 19: Benefit Related Problems

E1 WAGE RELATED PROBLEM

	Company											
	Shell			Exxonmobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
No Problem	2.19	1.53	Slightly Negative Implication	2.29	1.54	Slightly Negative Implication	1.73	1.33	No Implication	2.13	1.50	Slightly Negative Implication
Low Wages	3.89	1.21	Very Negative Implication	3.98	1.18	Very Negative Implication	4.24	1.01	Highly Negative Implication	4.00	1.16	Very Negative Implication
Wage Not Paid On Time	2.38	.95	Slightly Negative Implication	2.03	.79	Slightly Negative Implication	2.24	1.01	Slightly Negative Implication	2.22	.92	Slightly Negative Implication
Cut In Wages	2.19	.79	Slightly Negative Implication	1.95	.78	Slightly Negative Implication	2.27	1.07	Slightly Negative Implication	2.12	.86	Slightly Negative Implication
No Overtime Payment	4.40	1.08	Highly Negative Implication	4.43	1.09	Highly Negative Implication	5.73	7.88	Highly Negative Implication	4.69	3.75	Highly Negative Implication
No Bonus	3.58	1.34	Very Negative Implication	3.31	1.38	Negative Implication	2.78	1.34	Negative Implication	3.31	1.38	Negative Implication
No Allowance Given	3.53	1.32	Very Negative Implication	3.17	1.35	Negative Implication	2.92	1.42	Negative Implication	3.27	1.37	Negative Implication
No Increment	3.32	1.33	Negative Implication	3.03	1.35	Negative Implication	2.84	1.40	Negative Implication	3.11	1.36	Negative Implication
Inadequate Bonus	4.29	1.06	Highly Negative Implication	4.15	1.25	Very Negative Implication	4.24	1.26	Highly Negative Implication	4.23	1.17	Highly Negative Implication
Laying Of Wage Not Paid	3.42	1.25	Very Negative Implication	3.06	1.29	Negative Implication	2.73	1.24	Negative Implication	3.14	1.28	Negative Implication

Table above shows that for all companies the result of outsourcing labour gave a highly negative implication of not having overtime payment and inadequate bonus. In Chevron's case, another negative implication is that it resulted to low wages.

E1 WAGE RELATED PROBLEM BETWEEN AND WITHIN COMPANIES

		Sum of Squares	df	Mean Square	F	p-value	Description
No Problem	Between Groups	7.92	2	3.959	1.77	0.17	Not Significant
	Within Groups	384.06	172	2.233			
	Total	391.98	174				
Low Wages	Between Groups	3.08	2	1.541	1.15	0.32	Not Significant
	Within Groups	230.92	172	1.343			
	Total	234.00	174				
Wage Not Paid On Time	Between Groups	4.30	2	2.150	2.60	0.08	Not Significant
	Within Groups	142.01	172	.826			
	Total	146.31	174				
Cut In Wages	Between Groups	3.01	2	1.503	2.06	0.13	Not Significant
	Within Groups	125.47	172	.729			
	Total	128.48	174				
No Overtime Payment	Between Groups	50.62	2	25.311	1.82	0.17	Not Significant
	Within Groups	2394.72	172	13.923			
	Total	2445.34	174				
No Bonus	Between Groups	15.39	2	7.693	4.19	0.02	Significant
	Within Groups	315.95	172	1.837			
	Total	331.34	174				
No Allowance Given	Between Groups	10.32	2	5.159	2.81	0.06	Not Significant
	Within Groups	316.06	172	1.838			
	Total	326.38	174				
No Increment	Between Groups	6.22	2	3.109	1.70	0.19	Not Significant
	Within Groups	314.72	172	1.830			
	Total	320.94	174				
Inadequate Bonus	Between Groups	.63	2	.313	0.23	0.80	Not Significant
	Within Groups	238.23	172	1.385			
	Total	238.86	174				
Laying Of Wage Not Paid	Between Groups	12.54	2	6.271	3.95	0.02	Significant
	Within Groups	272.89	172	1.587			
	Total	285.43	174				

The ANOVA table above shows significant differences in the implications of agency labour for no bonuses and laying of wage not paid for Shell employees.

Appendix 16

SE4 EMPLOYEES LEVEL OF SATISFACTION

	Company											
	Shell			Exxonmobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Sick Pay	2.32	1.55	Slightly Satisfied	2.34	1.50	Slightly Satisfied	2.68	1.55	Satisfied	2.40	1.53	Slightly Satisfied
Holiday Pay	2.27	1.46	Slightly Satisfied	2.23	1.33	Slightly Satisfied	2.73	1.48	Satisfied	2.35	1.43	Slightly Satisfied
Pension Provision	2.23	1.49	Slightly Satisfied	2.23	1.40	Slightly Satisfied	2.57	1.50	Slightly Satisfied	2.30	1.46	Slightly Satisfied
Job Security	1.32	0.85	Not Satisfied	1.32	0.83	Not Satisfied	1.35	0.79	Not Satisfied	1.33	0.83	Not Satisfied
Low Basic Salary	3.12	1.55	Satisfied	4.78	11.96	Highly Satisfied	3.24	1.69	Satisfied	3.77	7.41	Very Satisfied
Hazardous Work Environment	1.92	1.06	Slightly Satisfied	1.69	1.06	Not Satisfied	1.73	1.07	Not Satisfied	1.79	1.06	Not Satisfied
Lack Of Responsibility At Work	3.49	1.32	Very Satisfied	5.00	11.92	Highly Satisfied	4.08	1.28	Very Satisfied	4.18	7.33	Very Satisfied
Lack Of Promotion	2.56	1.29	Slightly Satisfied	2.42	1.27	Slightly Satisfied	2.81	1.47	Satisfied	2.56	1.32	Slightly Satisfied
Unpredictability Of Work	1.78	0.75	Not Satisfied	1.77	0.63	Not Satisfied	1.95	0.74	Slightly Satisfied	1.81	0.71	Slightly Satisfied
Time Spent Waiting Between Assignment	2.53	0.85	Slightly Satisfied	2.37	0.88	Slightly Satisfied	2.57	0.77	Slightly Satisfied	2.48	0.84	Slightly Satisfied

The table above shows that employees of all companies were not satisfied with having job security and unpredictability of work.

SE4 EMPLOYEES LEVEL OF SATISFACTION BETWEEN COMPANIES AND WITHIN

		Sum of Squares	df	Mean Square	F	p-value	Description
Sick Pay	Between Groups	3.58	2	1.792	0.76	0.47	Not Significant
	Within Groups	404.42	172	2.351			
	Total	408.00	174				
Holiday Pay	Between Groups	6.68	2	3.339	1.65	0.19	Not Significant
	Within Groups	347.36	172	2.020			
	Total	354.03	174				
Pension Provision	Between Groups	3.29	2	1.644	0.77	0.46	Not Significant
	Within Groups	365.66	172	2.126			
	Total	368.95	174				
Job Security	Between Groups	.03	2	.017	0.02	0.98	Not Significant
	Within Groups	118.40	172	.688			
	Total	118.43	174				
Low Basic Salary	Between Groups	107.71	2	53.854	0.98	0.38	Not Significant
	Within Groups	9435.69	172	54.859			
	Total	9543.39	174				
Hazardous Work Environment	Between Groups	1.94	2	.972	0.86	0.43	Not Significant
	Within Groups	194.65	172	1.132			
	Total	196.59	174				
Lack Of Responsibility At Work	Between Groups	78.51	2	39.253	0.73	0.48	Not Significant
	Within Groups	9283.00	172	53.971			
	Total	9361.51	174				
Lack Of Promotion	Between Groups	3.69	2	1.844	1.05	0.35	Not Significant
	Within Groups	301.43	172	1.753			
	Total	305.12	174				
Unpredictability Of Work	Between Groups	.85	2	.427	0.85	0.43	Not Significant
	Within Groups	85.92	172	.500			
	Total	86.78	174				
Time Spent Waiting Between Assignment	Between Groups	1.30	2	.648	0.91	0.40	Not Significant
	Within Groups	122.38	172	.712			
	Total	123.68	174				

The table above shows no significant differences in the satisfaction of the employees when compared as to the company they are employed. This means that all of them have the same satisfaction level regardless of the company they are in.

Appendix 17

SE5 FACTORS THAT WOULD MAKE EMPLOYEE MOVE TO ANOTHER WORK

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
Better Pay	4.07	1.48	Very Probable	3.92	1.51	Very Probable	3.95	1.56	Very Probable	3.99	1.50	Very Probable
Better Benefits	4.51	1.08	Highly Probable	4.35	1.32	Highly Probable	4.27	1.37	Highly Probable	4.40	1.23	Highly Probable
Better Prospects	4.32	1.25	Highly Probable	4.32	1.28	Highly Probable	3.97	1.57	Very Probable	4.25	1.33	Highly Probable
Greater Security	4.78	0.79	Highly Probable	4.83	0.72	Highly Probable	4.76	0.93	Highly Probable	4.79	0.79	Highly Probable
Change In Circumstances (Demotion)	4.75	0.78	Highly Probable	4.72	0.82	Highly Probable	4.62	1.04	Highly Probable	4.71	0.85	Highly Probable
Job Satisfaction	3.73	1.63	Very Probable	3.45	1.75	Very Probable	3.54	1.68	Very Probable	3.58	1.68	Very Probable
Good Career Move	4.11	1.33	Very Probable	4.02	1.37	Very Probable	4.27	1.30	Highly Probable	4.11	1.34	Very Probable

The table above shows the factors that would make them consider moving to a different work. Results show that for all companies, the employees would move highly probably if there are better benefits, better prospects, greater security, and change in circumstances (demotion), for Chevron employees, additionally to move to a better career.

		Sum of Squares	df	Mean Square	F	p-value	Description
Better Pay	Between Groups	.81	2	.406	0.18	0.84	Not Significant
	Within Groups	391.16	172	2.274			
	Total	391.98	174				
Better Benefits	Between Groups	1.59	2	.797	0.52	0.59	Not Significant
	Within Groups	262.41	172	1.526			
	Total	264.00	174				
Better Prospects	Between Groups	3.49	2	1.746	0.98	0.38	Not Significant
	Within Groups	304.94	172	1.773			
	Total	308.43	174				
Greater Security	Between Groups	.15	2	.076	0.12	0.89	Not Significant
	Within Groups	108.44	172	.630			
	Total	108.59	174				
Change In Circumstances (Demotion)	Between Groups	.43	2	.217	0.30	0.74	Not Significant
	Within Groups	125.28	172	.728			
	Total	125.71	174				
Job Satisfaction	Between Groups	2.78	2	1.389	0.49	0.61	Not Significant
	Within Groups	487.77	172	2.836			
	Total	490.55	174				
Good Career Move	Between Groups	1.53	2	.766	0.43	0.65	Not Significant
	Within Groups	309.41	172	1.799			
	Total	310.94	174				

The table above shows no significant differences in the factors that would make them consider moving to a different work when compared as to the company they are employed. This means that all of them have the same factors that will make them consider moving to a different work.

Appendix 18

IMPLICATIONS/CONSEQUENCES OF OUTSOURCING ON BOTH THE PERMANENT AND NON-PERMANENT STAFF G1, G2 AND H1

		Company						Total		Chi-Square	df	p-value	Description
		Shell		ExxonMobil		Chevron							
		f	%	f	%	f	%	f	%				
Which of the following do you think is the most likely implication/consequence of outsourcing on non-permanent staff	There are no implications/consequences	3	4.11	2	3.08	1	2.70	6	3.43	0.76	1	0.38	Not Significant
	Kills Their Morale	11	15.07	8	12.31	3	8.11	22	12.57				
	Lack Of Commitment And Productivity	5	6.85	2	3.08	3	8.11	10	5.71				
	Sabotage	5	6.85	6	9.23	4	10.81	15	8.57				
	Bunkering	8	10.96	3	4.62	4	10.81	15	8.57				
	Crime (Kidnapping,Robbery And Bombing)	41	56.16	44	67.69	22	59.46	107	61.14				
Which Of The Following Do You Think Is The Most Likely Implications/Consequcvies Permanent Staff As A Result Of Outsourcing Of Labour	There are no implications/consequences	5	6.85	6	9.23	2	5.41	13	7.43	6.21	1	0.01	Significant
	False Retirement	24	32.88	19	29.23	6	16.22	49	28.00				
	Increase Workload	14	19.18	7	10.77	3	8.11	24	13.71				
	Remaining In One Position For Long	15	20.55	14	21.54	10	27.03	39	22.29				
	Lack Of Confidence And Trust On Their Employer	9	12.33	14	21.54	10	27.03	33	18.86				
	Lack Of Commitment And Productivity	6	8.22	5	7.69	6	16.22	17	9.71				
Did your company face any kind of workers'/union protest during the last 10 years such as strike, boycotting, walk-out and protest	Yes	73	100.00	64	98.46	37	100.00	174	99.43	0.07	1	0.79	Not Significant
	No	0	0.00	1	1.54	0	0.00	1	0.57				
Total		73	100.00	65	100.00	37	100.00	175	100.00				

The table above shows that the implication/consequence of permanent staff for all the companies is that a majority of them mentioned Crime (Kidnapping, Robbery and Bombing). For Non-Permanent Staff of Shell and ExxonMobil, most of them said False Retirement. A majority of the companies have faced union protests during the last 10 years.

Appendix 19

Table 21: Causes of Exacerbating Conflicts

	Company											
	Shell			ExxonMobil			Chevron			Total		
	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description	Mean	SD	Description
The Shift From Permanent Work To Contract Work	4.99	0.12	Highly Probable	4.98	0.12	Highly Probable	4.97	0.16	Highly Probable	4.98	0.13	Highly Probable
Denial Of The Non-Permanent Staff Right To Join Union	4.42	1.05	Highly Probable	4.45	1.06	Highly Probable	4.68	0.94	Highly Probable	4.49	1.03	Highly Probable
Refusal To Honour Collective Agreement	3.85	1.01	Very Probable	3.80	1.06	Very Probable	4.14	0.98	Very Probable	3.89	1.03	Very Probable
Union Recognition	3.34	1.15	Probable	3.52	1.21	Very Probable	3.62	1.21	Very Probable	3.47	1.18	Very Probable
Retrenchment	2.27	0.90	Slightly Probable	2.22	0.91	Slightly Probable	2.70	1.13	Probable	2.34	0.97	Slightly Probable
Increase In Wage Demand	2.23	0.77	Slightly Probable	2.14	0.90	Slightly Probable	2.43	1.04	Slightly Probable	2.24	0.88	Slightly Probable
Increase Usage Of Expatriates	2.93	1.18	Probable	2.78	1.11	Probable	3.11	1.07	Probable	2.91	1.13	Probable
Unlawful Termination And Victimization Of Union Members	4.68	0.64	Highly Probable	4.62	0.78	Highly Probable	4.81	0.57	Highly Probable	4.69	0.69	Highly Probable
Unlawful Termination Of Contract Staff For Joining The Union	3.84	1.31	Very Probable	3.83	1.21	Very Probable	4.00	1.18	Very Probable	3.87	1.24	Very Probable

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