



Towards Ensuring Industrial Safety in Nigeria: A Legal Framework

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ABSTRACT

The objective of occupational, safety and health promotion are to create awareness on dangers posed by poor hygiene, unsafe work practices and workplace on the health of workers and to highlight their various roles in preventing occupational accidents, injuries and diseases. This paper captures the need for safe working environment as it examines industrial safety and identifies the legal protections over industrial safety in Nigeria. The existence of updated laws in protection of occupational safety and rights remain valuable to the enforcing of occupational safety and health standards and regulations. Prevention is effective, always better and less costly than treatment and rehabilitation. Industrial safety and health protection ensures workers health and safety are not adversely affected by their work and that work is not also affected by poor health. Sadly, the impact of occupational safety and health (OSH) enforcement of legal provisions result in low benefits as key stakeholders pay less attention to OSH regulations; thus, rendering the OSH legal regime in Nigeria dysfunctional and at the same time impeding OSH development. For optimum OSH in Nigeria, maximum enforcement and compliance with the regulations must be paramount.

Keywords: Industrial Safety, Employer, Labour, Laws

1.0 INTRODUCTION

In Nigeria, industrialization and mechanization are increasing and occupational health and safety problems and challenges are becoming prominent. Safety and environmental protections remain strategic priorities for industries and indeed all employees in their respective sectors. Noteworthy, an overwhelming majority of industrial accidents are predictable and preventable, and are caused by failure to manage risks; failure to abide by safety rules and the provisions of the various protective laws, and also barefaced disregard of protective rules and negligence on the part of the employer. Through the employment relationship, reciprocal rights and obligations are created and this relationship continues to be the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security.¹ This paper thus examines the local and international legal protective frameworks applicable in Nigeria over industrial safety.

¹ Oji GA and Amucheazu OD, *Employment and Labour law in Nigeria* (Mbeyi & Associates Nig Ltd 2015) 12; ILO, *Safe and Healthy Working Environment* <https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/instructionalmaterial/wcms_161770.pdf> accessed 15 January, 2021; ILO, *Fire Risk Management* (Programme on Safety and Health at Work and the Environment- SafeWork, International Labour Office, 2012).

2.0 Definition of Terms

i. Industrial Safety

Industrial safety law governs the relationship between employers and employees and the health, safety and welfare of the workers and the community or public at large.² Safe workplace refers to a place of employment in which all dangers that should reasonably be removed have been removed;³ a place of employment that is reasonably safe given the nature of the work performed.⁴ Industrial safety is the institutional framework, standards, policies, rules and legislations for the achievement of health and safety by the government, employers, employee and the community against the risks, dangers, harms etc., inherent in the workplace. Henry J, in *Auckland City Council v. Tubman*,⁵ stated that ‘the precaution ought to be observed whether or not in the event anything in the nature of a risk might or did not arise.’⁶

ii. Factory

Generally, factory means any premises in which or within which or within the close or cartilage or precinct of which one person or more persons are employed for the purposes of making any article or part of any article the allocating, repairing, ornamenting, fishing, cleaning, washing, breaking up or demolition of any article or the adapting for sale of any articles. The word factory is synonymous with industry.⁷

The Nigerian Factories Act 2004 defined what a factory is. Unless the premises in which persons are employed can be brought within the meaning of factory as defined by the Act, they are outside the scope of the Act, and employees cannot claim protection under its provisions, although they may claim protection under other laws. Notwithstanding the wide definition of factory under the Act, the definition requires that for premises to be a factory, the processes must be carried on by way of trade or for the purpose of gain unless occupied by the government; and the employer must have right of access or control of such a place or premise.⁸

iii. Worker

Worker refers to ‘one who labours to attain an end; especially a person employed to do work for another.’⁹ It also refers to a person who offers to perform services for compensation in the employ of another, whether or not the person is so employed at a given time.¹⁰ The term ‘employee’ is interchanged with ‘worker’ in a restricted sense. Though the term ‘worker’ under the Factories Act 2004 and ‘employee’ under the Employees Compensation Act 2010 cannot replace each other, the meaning of ‘employee’ under the ECA covers persons in employment relationship as industrial or factory workers under the Factories Act.

Consequently, where a person falls within the definition of a worker (industrial) described under the Factories Act, such a person is covered under the definition given by the ECA; despite the wider scope of the ECA definition of ‘employee.’¹¹ Section 73 of the Employees Compensation Act 2010 defines an employee to mean:

² Eghort UO, *Manual of Industrial Safety Law in Nigeria* (Pearl Publishers, 2010)1.

³ Garner BA, *Black’s Law Dictionary* (9th edn, Thomson Reuters 2009) 1452; Hay D, *Words and Phrases Legally Defined* Vol 2: L-Z (4th edn, LexisNexis Butterworths 2007) 875, 879; Greenberg D, *Stroud’s Judicial Dictionary of Words and Phrases* Vol 3: P-Z (7th edn, Sweet and Maxwell, 2008) 2439.

⁴ Garner (n3) 1453.

⁵ (1973) 2 NZLR 133 at 135.

⁶ *Ibid.*

⁷ S 87 Factories Act Cap F32 LFN 2004; Merriam-Webster Incorporated, *Webster’s All-In-One Dictionary and Thesaurus* (Federal Street Press 2008) 333.

⁸ Worugji INE, *Business Law in Nigeria* (Malthouse Law Books, 2017) 246.

⁹ Garner (n3) 1744.

¹⁰ *Ibid.*; s 91 of the Labour Act 2004; *Coca-Cola Nigeria Limited v Akinsanya* [2017] 17 NWLR (Pt 1593) 74 SC at 132 Para A-C; Hay (n3) 1359-1360; Greenberg D, *Stroud’s Judicial Dictionary of Words and Phrases Vol 1: A-E* (7th edn, Sweet and Maxwell, 2008) 832-833.

¹¹ Worugi (n8) 254.

A person employed by an employer under oral or written contract of employment whether on a continuous, part-time, temporary, apprenticeship or casual basis and includes a domestic servant who is not a member of the family of the employer including any person employed in the federal, state and local government, and any of the government agencies and in the formal and informal sector.

iv. Employer

Under section 91 of the Labour Act,¹² the term ‘employer’ means any person who has entered into a contract of employment to employ any other person as a worker either for himself or for the service of any other person, and includes the agent, manager or factor of that first-mentioned person and the personal representatives of a deceased employer. An employer is a person or entity who hires another to perform service under an express or implied agreement and has control, or the right of control, over the manner and means of performing the services.¹³ The duties of the employer are both a matter of law and contract.¹⁴

v. Accident and Industrial Diseases

An accident is ‘an unforeseen and injurious occurrence not attributable to the victim’s mistake, negligence, neglect or misconduct; an unanticipated and untoward event that causes harm.’¹⁵ Accident refers to an unintended and unforeseen injurious occurrence; something that does not occur in the usual course of events or that could not be reasonably anticipated.¹⁶ Industrial disease refers to occupational disease¹⁷ and means a disease that is contracted as a result of exposure to debilitating conditions or substances in the course of employment. Courts have construed the term to include a variety of ailments, including lung conditions, hearing loss, and carpal tunnel syndrome.¹⁸ Industrial disease also refers to any disease or illness which is declared as such by the Minister by notice in the Gazette, being a disease or illness which, in the opinion of the Minister, may be contracted by an employed person by reason of the nature of his employment in a factory.¹⁹

2.0 Industrial Safety in Nigeria

Nigerian laws establish a regime of liability for breach of the statutory duty to make the work environment safe for workers, and liability for injuries to the employee, which occurred in the course of employment, either by accident or as a consequence of his employment.²⁰ If there is a universal right for all humans to have security of life, and the state has a moral duty to ensure that conditions of work are just and humane,²¹ then it rationally follows that all persons, institutions, organisations and government should strictly as of duty ensure that the health safety and welfare of all persons in employment are safeguarded and not endangered or abused.²²

The identification of natural rights against unjust treatments and work conditions which attack the safety and health of workers can only be implemented by state where there are legal rules as opposed to mere moral contravention of habits. It is the force of law backed by sanction that allows for the legal protection of the rights of workers to industrial safety, through state apparatus. While building and promoting a safety and health-oriented organizational culture, the success of occupational health and safety management in Nigeria depends to a large extent on the support and commitment of the entire workforce of companies, organizations, industrial institutions and the government.

¹² Cap L1 LFN 2004.

¹³ Okene OVC, *Labour Law in Nigeria: The Law of Work* (3rd edn. Claxton and Derrick Publications, 2012) 56

¹⁴ *Ibid*, 97-107.

¹⁵ Garner (n3) 16.

¹⁶ Eghort (n2) 46.

¹⁷ Garner (n3) 845.

¹⁸ Garner (n3) 1184.

¹⁹ S 9 Employees Compensation Act (ECA) 2010.

²⁰ ECA 2010.

²¹ S 17 (3) (b) Constitution of the Federal Republic of Nigeria (CFRN) 1999 (As Amended).

²² S 17 (3) (c) CFRN.

Success of OSH regulatory and enforcement framework may be measured in terms of its ability to reduce human vulnerability, environmental damage and commercial losses to a tolerable level and without entailing disproportionate costs. The benefits of ensuring industrial safety are that it causes preventive and proactive industrial approach as it foresees, identifies and prevents hazards before they turn to bad occurrences with unexpected or unpredictable consequences.

3.0 International Law on Occupational Safety and Health at Work

The 1948 Universal Declaration of Human Rights (UDHR) provides that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.²³ Under article 23, everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. The 1966 International Covenant on Civil and Political Rights (ICCPR) does not contain a specific provision safeguarding the right to health or welfare of workers; however, several rights incorporated in the Covenant are directly or indirectly linked to a person's enjoyment of his or her right to health such as the right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment (article 7); and the right to not be held in slavery or servitude or to be required to perform forced or compulsory labour (article 8).

The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.²⁴ By Article 7, States Parties recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular -safe and healthy working conditions.

Also, Nigeria operates three (3) ILO Occupational Safety and Health Conventions, namely: Convention 155 – Occupational Safety and Health, 1981; Convention 032 – Protection against Accidents (Dockers) 1932; and Convention 019 – Equality of Treatment (Accident Compensation) 1925. Other ILO Conventions related to working conditions, health and safety include: C081 – Labour Inspection Convention, 1947 (No 81); C026 – Minimum Wage-fixing Machinery Convention, 1921 (No. 26); C045 – Underground Work (Women) Convention, 1935 (No. 45); C088 – Employment Service Convention, 1948 (No. 88); C095 – Protection of Wages Convention, 1949 (No. 95); C123 – Minimum Age (Underground Work) Convention, 1965 (No. 123); C159 – Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); C185 – Seafarers' Identity Documents Convention (Revised), 2003 (No. 185); MLC – Maritime Labour Convention 2006 (MLC, 2006) etc.

The International Labour Organisation (ILO)

The International Labour Organisation (ILO) is the supreme authority on international labour standards, and provides the major human rights instruments that guarantees and advances the right to industrial safety throughout the world.²⁵ The ILO has over the years helped to build capacity in the area of OSH among the tripartite constituents. ILO identifies with certain basic principles on work safety. They include:

- a. All workers have rights.
- b. Occupational safety and health policies must be established.
- c. A national system for occupational safety and health must be established.
- d. A national programme on occupational safety and health must be formulated.
- e. Social partners (employers and workers) and other stakeholders must be consulted.
- f. OSH programmes and policies must aim at both prevention and protection.
- g. Continuous improvement of occupational safety and health must be promoted.
- h. Information is vital for development and implementation of effective programmes.²⁶

²³ Article 8 Universal Declaration of Human Rights (UDHR) 1948.

²⁴ Article 6 International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

²⁵ Okene (n13) 3.

²⁶ ILO, *Safety and Health at Work: Hopes and Challenges in Development Co-operation. The example of an EU-ILO joint project "Improving safety and health at work through a Decent Work Agenda"* (ILO, 2013).

- i. Health promotion is a central element of occupational health practice.
- j. Occupational health services covering all workers should be established.
- k. Compensation, rehabilitation and curative services must be made available to workers who suffer occupational injuries, accidents and work-related diseases.
- l. Education and training are vital components of safe, healthy working environments.
- m. Workers, employers and competent authorities have responsibilities and obligations.
- n. Policies must be enforced.²⁷

4.0 Legal Protective Framework on Industrial Safety in Nigeria

a. The Constitution of the Federal Republic of Nigeria (CFRN) 1999 (As Amended)

The right of a worker to a safe and healthy working environment stems from the widely recognized principle of right to personal integrity which is one of the fundamental principles of human rights. State policies geared towards the health, safety and welfare of persons in employment also form one of the fundamental objectives and directive principles of state policy under chapter 2 of Nigeria's 1999 Constitution.

Every worker has the right to a generally satisfactory environment favourable to his development. The CFRN 1999 bestows on all Nigerians, the right to life and respect for human dignity.²⁸ The National Policy on Labour is based on the provisions of S 17 of the Constitution expressing that the State's social order is founded on the ideals of freedom, equality and justice, and the State shall direct its policy towards ensuring adequate means of livelihood and opportunity to secure suitable employment;²⁹ that conditions of work are just and humane; and that the health, safety and welfare of all persons in employment are not endangered or abused.³⁰

b. Factories Act 2004

The Factories Act is the central legislation on health, safety, and welfare of the employee at work.³¹ The act deals with issues of registration of factories, health, safety and welfare, accident notification and investigation, administration, offences, penalties, and legal proceedings. The general provisions are sections 29-32 of the Factories Act (FA) 2004 relate to work in confined spaces like chamber, tank, pit, etc., and the grinding, welding, brazing, cutting or soldering operations, construction of steam boiler, receivers and containers, etc. This law and its subsidiary regulations apply wherever there are building operations or works of engineering construction as identified under the Act.³² The act is designed to lead to sanctions of enforcement rather than compensation as obtainable under common law. The health provisions cover cleanliness, overcrowding, ventilation, lighting, drainage of floors, sanitary conveniences,³³ while other general provisions including supply of drinking water, washing facilities, accommodation for clothing and first aid facilities are provided under sections 40-43 of the Act.³⁴ The Factory Act places a general duty on the occupier of factory to keep the factory in a clean state, and the conveniences must afford proper separate accommodation for persons of each sex.³⁵ Other provisions include ventilation and light, overcrowding in factories, and machinery etc.³⁶

²⁷ Abubakar U, 'An Overview of the Occupational Safety and Health Systems of Nigeria, UK, USA, Australia and China: Nigeria Being the Reference Case Study' [2015] (3) (11) *American Journal of Educational Research*, 1350.

²⁸ S 1 the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (As Amended).

²⁹ Ngwama JC, 'Framework for Occupational Health and Safety in Nigeria: The Implication for the Trade Union Movement' [2016] (7) (11) *Journal of Economics and Sustainable Development*, 106.

³⁰ S 17 CFRN 1999; Item 34 of Part I (Exclusive Legislative List), of the Second Schedule, 1999 Constitution; Part II (Concurrent Legislative List) of the Second Schedule, 1999 Constitution.

³¹ Worugji INE, *Business Law in Nigeria* (Malthouse Law Books, 2017) 244.

³² S 91 Nigerian Urban and Regional Planning Act, 2014 Cap N138; Okene OVC, *Labour Law & Industrial Relations in Nigeria* (Faculty of Law, Rivers State University, 2019) 145.

³³ ss 7-12 Factories Act (FA) 2004.

³⁴ Eghort (n2) 16.

³⁵ S 88 (1) of the Factories Act 2004; Eghort (n2) 16.

³⁶ Worugji (n8) 246-250.

Dangerous machinery is to be fenced. Section 17(1) FA 2004 only applies to machinery which is part of the equipment of a factory that is part of machinery used for production processes. It does not extend to machinery emerging as a product. Part three of the Factories Act 2004 deals with fencing of machineries. The Act further provides for self-acting machines,³⁷ dangerous fumes, first-aid box or cupboard, drinking water and other working facilities, and other special health, safety and welfare provisions in Part V of the Factories Act 2004, such as Personal Protective Equipment and Clothing (PPE).³⁸

c. Employees Compensations Act 2010

It is impossible to ignore the provisions of the Employees Compensations Act while discussing the issue of industrial safety in Nigeria. The Employees Compensation Act (ECA) was enacted in 2010 to repeal the Workmen's Compensation Act 2004. It is a social security/welfare scheme which makes comprehensive provisions for payment of (monetary) compensation to employees who suffered from occupational illnesses or sustain injuries arising from accident at workplace. All categories of workers in Nigeria are covered under this scheme; private and public corporation inclusive. The Act makes comprehensive provisions for payment of compensation to employees who suffer from occupational diseases or sustain injuries arising from accident at workplace or in the course of employment.³⁹

The main purpose of the act is to provide for the payment of compensation to workmen for injuries in the course of their employment. However, members of the armed forces, other than a person employed in a civilian capacity and any workman engaged in the public service outside the country and is not a Nigerian citizen are excluded from the provisions of the Act. Under section 3(1) of the Act if a personal injury is caused to a workman by accident in the course of his employment, the employer shall be liable to pay compensation in accordance with the provisions of the Act.

The law provides for compensation for injuries of temporary nature, for injuries leading to permanent incapacity, and compensation to dependent for the death of a worker. A workman injured in an accident should first of all give in writing a notice of the accident to the employer.⁴⁰

d. Labour Act 2004

The Labour Act (LA) also makes provisions for the welfare and safety of workers and among its important safety and health provisions, it requires that a worker should be allowed break period for his rest and should also be allowed to have at least one day's rest in every period of seven working days.⁴¹ Where a worker is required to travel 16km or more from his normal place of work to another worksite he shall be entitled to free transport or an allowance in lieu thereof.⁴² Under the LA 2004, a worker is entitled to sick leave with pay for a maximum of 12 working days in a year,⁴³ and every worker shall be entitled to annual leave with pay.⁴⁴

Every woman worker is entitled to maternity leave for a total of 13 weeks during which period she is to be paid not less than 50% of her normal wages.⁴⁵ Women are not allowed on night work albeit a slight exception.⁴⁶ Underground work is prohibited for women, with exception for managers and those employed for provisions of health and welfare services.⁴⁷ A worker shall be entitled to have written particulars of the terms of employment within three months of his assumption of office.⁴⁸ Any worker

³⁷ S 22 FA 2004.

³⁸ Eghort (n2) 27; *Famuyiwa v. Folawiyo* (1972) SC 11; *Obakoro v. Forex Co. Inc* (1973) 3 UILR 91; *Koiko v. N.E.P.A* (1972) CCHCJ 127; *Western Nigeria Trading Co. Ltd. v. Ajao* (1965) NMLR 178.

³⁹ Worugji (n8) 253.

⁴⁰ ss 15, 29 Employees Compensations Act (ECA) 2010.

⁴¹ S 12 (3) - (6) Labour Act (LA) 2004.

⁴² S 13(1) LA 2004.

⁴³ S 15 LA 2004.

⁴⁴ S 17 LA 2004.

⁴⁵ S 53 LA 2004.

⁴⁶ S 54 LA 2004.

⁴⁷ S 55 LA 2004; Ogunniyi O, *Nigerian Labour and Employment Law in Perspective* (2nd edn, Folio Publishers Limited, 2009) 192.

⁴⁸ S 7 LA 2004.

entering into a contract of employment shall be medically examined as regard his fitness for the job.⁴⁹ The Labour Act provides that normal working hours shall be fixed by mutual agreement or collective bargaining or by an industrial wages board.⁵⁰

e. Trade Unions Act 2004

Prof. Okene expressed that trade unions exist because an individual worker has very little power to influence decisions that are made about his or her job.⁵¹ In defining a trade union, s 1(1) of the Trade Unions Act (TUA) 2004 stresses on the combination of persons which may be either of workers, or of employers, and the proper purpose of such combination of workers, or employers.⁵² Noting that it is the apparent imbalance of power between employees and employers that necessitates the desire of workers to come together,⁵³ one of the functions of trade unions is the welfare of its members.

Safety and health are constituents of welfare. A healthy worker is a productive worker and an asset to the organization. An unhealthy worker constitutes a liability which infringes on the marginal profit of the organization, and marginal input in the overall process of production. Trade unions in Nigeria, through the instrumentality of the TUA 2004 have been fighting for the improvement of working conditions as one of their top priorities, which has seen a decrease in work-related accidents, payment of compensation for injury, improvement of work methods and recognition of the human factor in industries.⁵⁴

f. Mineral Oils (Safety) Regulations

The exploration, drilling production, refining, storage and other oil and gas operations are controlled by the Petroleum Act 2004,⁵⁵ Oil Terminal Dues Act, Oil in Navigable Waters Act, etc., and the regulations made under them. The Mineral Oils (Safety) Regulations is a subsidiary legislation of the Petroleum Act,⁵⁶ and was enacted specifically for the assurance of safety in all activities relating to drilling, production and storage of crude oil in the petroleum industry. The Petroleum (Drilling and Production) Regulations and the Petroleum Refining Regulations also contain provisions for safety with respect to oil and gas operations in the oil sector.

The Mineral Oils (Safety) Regulations is divided into five parts: preliminary, duties of licenses and lessees, duties of managers, duties of employees and miscellaneous.⁵⁷ To ensure that oil and gas operations are efficiently managed and supervised the regulations have placed certain responsibilities on the licenses and lessees, the manager and the employees respectively.⁵⁸ The Licensees and Lessees under regulation 3 of the Mineral Oils (safety Regulations) are duty bound to appoint operations manager, provide personal protective equipment, provide firefighting and first aid equipment, provide safety and protection equipment, provide operational procedure and guidelines and filling up or fencing of all holes and excavations.⁵⁹

g. Nuclear Safety and Radiation Protection Act 2004

This is an Act enacted to establish the Nigerian Nuclear Regulatory Authority (NNRA) whose functions includes the control and regulation of the use of radioactive substances, material and equipment emitting and generating ionising radiation. The Act⁶⁰ comprises of nine (9) parts, with section 25 of Part VII relating to the control of ionising radiation. This section requires the NNRA to ensure that: No practice is

⁴⁹ S 8 LA 2004; Okene (n13).

⁵⁰ ss 13-17 LA 2004.

⁵¹ Okene (n13) 159.

⁵² *Ibid.*, 159-160; *Udoh v Orthopaedic Hospitals Management Board* (1990) 4 NWLR (Pt 142) 53.

⁵³ Oji and Amucheazu (n1) 211.

⁵⁴ Ngwama JC, 'Framework for Occupational Health and Safety in Nigeria: The Implication for the Trade Union Movement' [2016] (7) (11) *Journal of Economics and Sustainable Development*, 98.

⁵⁵ Cap P10 LFN 2004.

⁵⁶ Other Subsidiary legislations include Petroleum Regulation; Petroleum (Drilling and Production) Regulations etc.

⁵⁷ Cap P10 LFN 2004.

⁵⁸ Regulation 3 Mineral Oils (Safety) Regulation; Regulation 12-16, 25 of the Petroleum Refining Regulations.

⁵⁹ Regulation 45 Mineral Oils (Safety) Regulations; Regulation 35 Petroleum (Drilling and Production) Regulation.

⁶⁰ Nuclear Safety and Radiation Protection Act CAP N142, LFN 2004.

adopted, unless its introduction produces net benefit, and the dose equivalent to individual shall in no way exceed the established limits prescribed by the Authority.

Section 26 stipulates the recording of emergency exposures to workers in this industry while Section 27 deals with the establishment of an intervention plan to deal with any foreseeable situation and the demonstration of the efficiency of the planned counter measures. Under section 28 of the Act, guidelines for the establishment of ideal working conditions for workers in the industry are provided. The other sections speak to a variety of issues from categories of radioactive substances to guidelines for issuing exploration license and the process for inspection of facilities utilizing radioactive substances.

h. National Policy on Occupational Safety and Health (2006)

The National Policy on Occupational Safety and Health; a guide to OSH in Nigeria is the government's approach for achieving a National development philosophy of building a united, self-reliant and egalitarian economy through minimizing so far as is reasonably practicable, the causes and effects of hazards inherent in the working environment in response to her ratification of Convention 155. The goals of the Policy are to facilitate improvement of OSH performance by providing the framework for participative OSH protection of workers.⁶¹

Other legislations which provide for health and safety at work measures as well as welfare of workers in various sectors of the Nigerian industrial economy or provide measures to secure such right include: the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007; Lagos State Safety Commission Law 2011, Trade Disputes Act 2004 etc.

The National institutions responsible for ensuring the observance of these legal provisions on occupational health and safety are the Occupational Safety and Health (OSH) Department of the Federal Ministry of Labour and Employment;⁶² Nigerian Nuclear Regulatory Authority (NNRA); The Department of Petroleum Resources (DPR); The Nigerian Maritime Administration and Safety Agency (NIMASA); National Emergency Management Agency (NEMA); Nigerian Electricity Management Services Agency (NEMSA); The Nigerian Social Insurance Trust Fund (NSITF); Institute of Safety Professionals of Nigeria (ISPON); Nigeria Labour Congress (NLC) etc.

5.0 CONCLUSION

The employee and employer are equal stakeholders in the effort to maintain a high standard of health and safety in the workplace which have enormous benefits. OSH is preventive and proactive in approach as it foresees, identifies and prevents hazards before they turn to bad occurrences with unexpected or unpredictable consequences. OSH laws foster healthy workforce leading to increased productivity for business owners and the economy at large (workers well-being vs. productivity). Healthy workers are essential to the success of any organization, and are the best assets in any industry. A balanced OSH environment also reduces work-related illness.

A safe working environment connotes the highest engagement of program and policies aimed at the attainment and maintenance of the health and safety of all those engaged to work whether in the public sector or in the organized private sector. The Federal Ministry of Labour and Productivity (Inspectorate Division) and the National Council for Occupational Safety and Health should collaborate with the employers of labour in the industries to achieve adequate safety consciousness. These actions would help a lot in ensuring sustainable growth of industries and industrial practices in Nigeria.

The responsibility rests on the government to improve the state of the OSH in Nigeria, along with active participation of the trade unions, professional bodies, educational institutions and employer to play significant roles. The absence of industrial or work safety rights provisions within a constitutional fundamental human rights framework does not necessarily imply bad faith on behalf of the Nigerian government, but the non-justiciable right must be protected. The concept of safe working environment focuses on the ultimate protection of workers who may be endangered by several occupational and/or industrial hazards emanating from the work place.

⁶¹ ILO, *Safety and Health at Work: Hopes and Challenges in Development Co-operation. The example of an EU-ILO joint project "Improving safety and health at work through a Decent Work Agenda"* (ILO, 2013).

⁶² Umeokafor N, Isaac D, Jones K, and Umeadi B, 'Enforcement of Occupational Safety and Health Regulations in Nigeria: An Exploration' [2014] (3) *European Scientific Journal*, 95.

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