

Introduction

The combined reading of the provisions of the Labour Act, the Employee's Compensation Act 2011, the Pension Reforms Act 2014, the Trade Unions Act 1973, the Industrial Training Fund (Amendment) Act 2011, and other similar legislations on labour or employment law, describes a worker or employee as any person who is employed in the public or the private sector of the economy, to carry out some function relating to the employer's business, whether on a temporary or casual or ad-hoc basis, for a period of not less than thirty (30) days.

The Contract of Employment could be oral or in writing; express or implied; continuous or part-time.

A strong global and unrelenting economic recession, with its associated uncertainties, has led to the continuing surge in unemployment; and where employment is available, such employment is more of a casual and sometime undocumented nature. This is because many Employers of labour are under the business "perception" that the expenditure for casual undocumented employees are cheaper than those for documented and permanent employees. Is this business "perception" supported by the existing Labour Laws and Regulations?

Employment Contracts

The Labour Act for example requires that casual or part-time employees, whose employment contracts are for a fixed term, or for a variable term, must like confirmed employees, also be given written employment contracts which enumerate the tenure or duration of the employment, the nature of work, the hours of work and overtime, the rate of wages with the regularity of the payment of such wages, the appropriate notice required to terminate the employment contract, etc.

The Labour Act also reiterates the old Common Law principle which makes employers indirectly or vicariously liable for all their employees' misfeasance or wrongdoing undertaken in the course of their employment, whether such employees are on full-time or part-time employment.

All employment contracts will be terminated either by the expiration of the term of the employment contract, or the death of either the employee or the employer, or by written notice of termination as contracted.

Other Statutory Rights of Casual Employees

In addition to casual employees having legal rights to be given written contracts of employments, to enjoy breaktime, have regularity in the payment of their wages and take maternity leave, all employees in Nigeria, including casual employees, are also entitled to earn the minimum wage as guaranteed under the National Minimum Wage (Amendment) Act 2011. The National Minimum Wage in Nigeria is N18,000 (Eighteen Thousand Naira) per month.

Under the Pension Reforms Act 2014, all employees, whether on full-time or part-time employment, are entitled to enjoy the benefits under the Contributory Pension Scheme. In addition to Pension benefits, the estate of a deceased employee is also entitled to enjoy the benefits which accrue from the mandatory Group Life Insurance Policy, which the Pension Reform Act 2014 requires all employers to take out on behalf of their employees.

Casual employees, also like their full-time counter-parts, are also entitled to, on their own free volition, join one Trade Union of their choice.

Conclusion

The inability of the government to formulate, drive and enforce policies which create more jobs in the private sector of the economy, with a weak and fragmented Labour Union infrastructure, has led to continuing job losses and more casual unsecured employment remaining the norm, in contrast to full-time permanent employment which prospers the economy.

Also, an educational curriculum without an entrepreneurial youths mindset will not promote permanent secured employment as employers present day business needs are not matched by the employees' theoretical curriculum and mindset.

Disclaimer Notice

This is a free educational material which does not serve as a source of solicitation, advertisement or the offering of legal services or advice. No Client/Attorney relationship is therefore created. Readers are strongly advised to always seek professional legal counselling to their specific situations from qulaified Legal Practitioners.

Intellectual Property Protected

This material is protected by International Intellectual Property Laws and Regulations. This material can therefore only be reproduced or re-distributed for only non-profit educational purposes with the strict condition that our Authorship is explicitly acknowledged, and our Disclaimer Notice is prominently displayed. You can visit our website -

www.oseroghoassociates.com - for more legal materials which are also protected by Intellectual Property Laws.