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**LABOUR STANDARD AND HUMAN RIGHT: THE CASE
STUDY OF NIGERIA WORKFORCE**

Bachelor's thesis

Programme Law, specialization E.U. and International Law

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Tallinn 2021

and all works, important standpoints, and data by other authors
have been properly referenced, and the same paper
has not been previously presented for grading.
The document length is 8376 words from the introduction to the end of the conclusion.

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The paper conforms to requirements in force

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INTRODUCTION

In today's world, the issue of human right has not just entitled on the global concern, but as remarkable interest aimed at promoting and protecting human right in International, regional and national levels. As society's advances, the clamor for human right protection increases because of the various degrees of human right violations. An attribute of a good government comprises on the level of response to the human right requirement of its citizens. Today we must agree that the protection and promotion of human right have become the fundamental purpose of government. The level of a state's development can likewise be determined by the extent to which its citizens enjoy right in all their ramifications. The Universal Declaration of Human Right (UDHR) 1948 represents a bold attempt by the UN to elaborate on human right therefore giving real and authoritative expression to the indefinite and indecisive definition of human right which is contained in the UN charter. After the independence of Nigeria on 1st October 1960, on 7th October 1960, Nigeria got admitted to the United Nations as a member stated, of which since then the United Nations System (UNS) has been a great supporter of, and reliable partner towards the development aspiration of Nigeria. The Universal Declaration of Human Right however aims at a profound ideology which declares that all humans are born free and equal in dignity and rights, in regards has served as a template used as subsequent human right instrument and therefore has had a positive impact on the legal, political, and cultural evolutions of nations.

With the evolution of constitutions and the growth of democracy, subjects of fundamental rights have been entrenched and institutionalized in Nigeria legal system including in the workplace. Over the years, workers right in workplace have emerged from various sources such as the constitution of the state, labor organization, traditional and belief of the people as well as international convention and recommendations. Workers right in Nigeria tend to be a broad subject, but it all boils down to the security and dignity of human life in the workplace, and the right to work. Some component of these rights includes the right to job safety, equal treatment, health and fair conditions in workplace etc. The International Labor Organization (ILO) provides a widespread guidelines and standards towards this right and trade union also plays a vital role towards fighting the ongoing problems in work security, discrimination, and unfair labor practices at workplaces. With the situation in Nigeria workforce, there is still a long way to go towards the protection of workers in workplaces and provisional compliance to the rules and regulations governing labors.

The Issue, which focuses on this matter, is that Institutionalization, regulation, compliance and violation of human right at workplaces have dominated most organizational debate. In Nigeria, abuses of human rights by law enforcement agencies, persons and organizations in the public and private sectors are now common. Workers in different workplaces tend to be losing confidence in law enforcement authorities to protect their rights because the government is widely viewed as inefficient in safeguarding these rights. Article 3 of UDHR provides that “everyone has right to life, liberty, and security of person.”¹. To minimum it is not questionable that the right to life and security of workers is violated because of practices which are incompatible with human right provisions of the national constitution and international human right instruments. It is alleged that rights are abused and misinterpreted for selfish reasons, resulting in a travesty of justice. Even though these rights are granted by statute, Nigerians continues to struggle in the workplace to actualize and have employers respect their basic human rights, therein creating certain concerns and challenges in the process. Also, safety and health are still far lacking. There has not been a clear understanding in regards. The dilemma must be fully understood and comprehended. The Occupational Safety and Health Act (OSHA) 1994 argues that the government will not prescribe how the safety and health at a workplace should be achieved; rather the Act requires a joint effort from the employers and workers on how to manage their safety and health at their respective workplace.

Based on the problems statement above, a research questions have been developed for this research aimed at addressing worker’s fundamental human rights. Are workers right and working conditions practically implemented and observed? And how can trade unions contribute to the improvement of workers right?

As a result of the study, stated goals will be identified thus addressing research questions. Fundamental workplace problems will be defined and clarified to the degree that it addresses these problems and can be proposed in the future with a better understanding on the comprehension of worker’s safety and health. This study also examines on the conditions of workers’ rights and labor standards in Nigeria, focusing on the influence of trade union functions on workers, identify the provisions and implementations that ensure workers right in Nigeria workplace are protected.

¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

This research is a qualitative research methodology. Academic journals and accessible literature reviews were used to compile the result. The study is carried out in a way that represents the research aims, using primary, secondary, and other types of legal sources to come up with legal conclusion and recommendations. All of these contain judgments on the subject matter in this study. In order to have a complete grasp and understanding of the subject matter of this dissertation, it is important to carefully review and analyze these past works. Studying previous work will aid harmonizing different ideas and viewpoints from other outlets, as well as forming my perspective on various issues concerning Nigeria workforce.

1. HUMAN RIGHT OF WORKERS AND THE NIGERIA LABOUR LAWS

1.1. Concept of human right in Nigeria

The origin of human right traces down to the early tradition and records of many cultures, which World War II stirred human right into the global stage and conscience making it what it is today. Historically people gained rights and obligations through group membership either by family, indigenous nation, region, community or state. And in Nigeria it all began from colonial rules. Rights were protected and guaranteed by the sharia legal system (northern Nigeria) where doctrines on Islam placed a high value on justice equity until colonialism came into force thereby making the country political, economic and social right refined. It was until the introduction of Clifford constitution in 1992 limited franchise was introduced in Nigeria by the British Colonial administration. The tussle for an improved government resulted to an enhanced political right in pre-independence constitution in the Lyttleton constitution of 1954.

Human rights according to Abuda (2012) are those rights that are inherent in any human being, thereby defining and affirming their dignity. They exist to ensure that human rights remain sacred, and that inhumanity and inequality are avoided or reduced. Equality and Human Right Commission (EHRC) argues that they fundamental rights and freedoms that belong to every individual in the world, right from birth until death. They are rights which apply to everyone regardless of where they come from what they believe or how they live their lives.² In the area of economic, social and cultural rights, these human rights include right to work, right to just and favorable conditions of work, right to form and join trade unions, right to social security, right to health, and healthy environment etc.³ These rights are attached to every individual by virtue of being human and are characteristic in the essence of man.

² Ozoigbo, BI, (2017), Democracy and Human Rights in Nigeria: A critical inquiry, Global Journal of Art, Humanities and Social Sciences, 3 (3), Page 27.

³ United Nations Human Rights, (2016), No 26, page 21.

The concept of human right has long time been recognized as an absolute means of achieving peace, stability and development in societies. At present individuals, regional, and governmental bodies are stepping up their effort to globalize movements for the advancement of human right with the aim of eliminating all types of authoritarian regimes in human societies. Now question comes: Is human right respected in Nigeria? And how does Nigeria officials tackle and deal with human rights abuses?

Nigeria governments have a basic understanding of human rights; however, it is far from their practice. The 1999 Nigeria constitution (as amended) enshrined fundamental human rights to protect citizens, but government officials continue to ignore the provisions of the constitutions that protect citizens' rights which section 1 (1) of the 1999 constitution argues that the supreme and all authorities and individuals in the federal Republic of Nigeria are bound by its provisions.⁴ Under Chapter II of the constitution which deals on the fundamental objectives and directives principles of state policy, government is required to direct its policies towards ensuring these rights and by the provision of section 6(6) (c) it claims that judiciary authority shall not except as otherwise provided by the constitution, extend to issues of chapter II. Whilst to this ruling fundamental rights should and can be made justiciable in line with Nigeria obligations.

1.2. Human right in workplace

Workers' rights include a wide range of human rights, including the right to fair employment and freedom of association to equal opportunity, discrimination protection, health and safety in the workplace and their rights to privacy at work are examples of specific workplace rights.

A Workplace by Sedarmayanti (2003) is decent working atmosphere in which employees can do their jobs in an ideal, safe, healthy and comfortable manner.⁵ Brenner (2004) argued that the ability to share information within organizations depends on the workplace/environment is structured to enable organizations to use the workplace as an asset. This aids in the improvement of

⁴ 1999 Constitution of the Federal Republic of Nigeria, Section (1).

⁵ Khaled Al-Omari, Haneen Okasheh, (2017), Influence of work Environment on Job Performance: A case study of Engineering Company in Jordan, International Journal of Applied Engineering Research, Volume 12, Number 24, Page 15545.

organizational efficiency and allows workers to benefit from mutual knowledge. Furthermore, he argued that creating a work atmosphere that caters to employee's satisfaction and allowing free flow of ideas is a better way to motivate workers to increase their productivity.⁶ While Opperman (2002) argues that is a combination of three main sub-environments: Technological environment, human environment, organizational environment. Technological environment he considered as tools, machinery, technology infrastructure and other physical or technical components that make up the technical climate. The human environment referred as peers, people with whom workers communicate, team and work groups, interactional problems, leadership and management. This environment is created in such a way that it facilitates casual contact in the workplace, thus increasing the ability to share information and ideas. This is the foundation for achieving optimum efficiency. While organizational workplace/environment involves systems, policies, processes, principles and ideologies. The organizational workplace is under management's direction. Workers will have little or no interest in assisting other workers who attempting to increase efficiency under a measure scheme where individuals are compensated based on quantity. As a result, problems with the workplace atmosphere influence on employee efficiency.

1.3. Challenges of Workers in Nigeria Workplace

In Nigeria various employees/workers are victims of human right violations in their workplace. This includes on the following:

1.3.1 Discrimination

Discrimination in workplace occurs when an employee is intentionally treated differently due to his/her race, religion, color, disability, national origin, gender or age by the employer or co-employees at work. When an employee is treated differently than other employees for reasons that are not supported by employer and are in fact in violation of the law, that employee is said to have been discriminated against. For instance, in Nigeria female employees experience unacceptability to chosen profession due to their gender stereotype which brands some jobs/positions as male jobs with the claims that women are weaker in handling such position. Another instance is female employees subject to discrimination in wages and tax policies. Usually, female married working

⁶ Christabella P. Bushiri, (2014), The Impact of working Environment on Employees performance: The case of Institute of Finance management in Dar Es Salaam Region, Page 7.

employees pay more taxes than the married male colleagues with the reason being that men are assumed breadwinners and is responsible for taking care of their wives and children needs therefore some of men income is tax free.⁷ With the instances pointed, employees regardless of their gender, race etc. are ought to be entitled to the same measures of right and opportunities made available at workplace. This right can be justified by section 42(1) and (2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) which guarantees the freedom from discrimination of all persons. That same constitution section 17(3) (a) forbids discrimination in workplace, it states that the state's policy should be directed towards ensuring that all citizens without regard to any group can secure adequate means of livelihood as well as adequate opportunities to secure suitable employment.⁸

1.3.2. Harassment

This is one of the most visible problems in Nigeria workplaces. Workers experience harassment through sexual attention which can either be verbal remarks, bantering, or leading questions, physical or visual behavioral forms of action. This is an inappropriate practice or behavior that is disrespectful to the recipient, causing physical distress, psychological or sexual harm and is disrespect to victim's reputation and self-respect therefore possibly interfering with their job performance. It may also take the form of a "quid pro quo" arrangement in which a supervisor requires sexual acts from an employee as a condition of employment or offers of work-related benefits in return for sexual acts.⁹ The above said therein amounts to unfair labor practice, threatens employees' job security, can result to mental health and trauma besides is an issue of human right. In regards the Employee Compensation Act of Nigeria (2010) part 3 help grant compensation for employee's death, injury, disease or disability resulting out of the course of employment.

1.3.3 Safety and health

⁷ Adedeji Bethel Oluwatosin, Ajayi Oluwatobiloba Ifedolapo, (2018), Women, their Rights, and Workplace Discrimination, International Affairs and Global Strategy, Volume 67, page 28-29.

⁸ 1999 Constitution of the Federal Republic of Nigeria, Section 17 (3)(a).

⁹ Adeyinka Adejugbe, Adedolapo Adejugbe, (2018), Women and Discrimination in the workplace: A Nigeria Perspective, Page 16-18.

An occupation hazard in the Merriam Webster dictionary is defined as any potential source that can cause injury or damage to a worker's health.¹⁰ In Nigeria workplace, employees experience abuses which amount to endangering their well-being thereby triggering serious health issues such as depression, injuries, anxiety, insomnia etc. They are different types of hazards workers experience in their workplace, but it all dependence on the work environment and type of operations. An example is the attack and rape against female doctors at the Lagos University Teaching Hospital (LUTH) that triggered strike by the doctors requesting for better protection in 2008 (Ale, 2012; Ogundimu, 2012). They have also been cases of a Power Holding Company staff in Nigeria (PHCN) been electrocuted because they were not provided with proper safety tools and equipment required to do their job.¹¹ All of these have serious negative consequences for employee performance and moral. Employees who are afflicted at work by illness, attack, accident etc. suffer greatly even though they are compensated. This, in turn can lead to distressing situations that have a negative impact on their health. The Factories Act can be used to justify on the obligations of employers to ensure the health, safety and welfare of their workers. It is mandatory by law that employees should be provided with protective equipment, clothing, and appliances for works exposure to harmful substances.

1.3.4 Working hours, rest hours and annual holidays

Since the first Industrial revolution, working time and rest periods have been a critical topic and subject of labor regulation. Being one of the major concerns of labor regulations, they have been issues surrounding it. An example is an employee being required to stay on his/her job during rest periods or let's argue on the claim where employees are not forced to do any work during their rest period, on that note if they allowed to leave the premises, they are not free to schedule their own time and movement themselves. Other cases include Nigeria workers not granted full annual holidays as required or having long working hours which basically affects their commitment to work, family pressure, exhaustion and triggers stress. Some workers even work over 16 hours a day and weekends without any compensation of overtime.¹² All these problems suffered by

¹⁰ Merriam- Webster, definition of Occupational Hazard.

¹¹ Enaruna Ehimwenma Idubor, (2013), An Exploration of Health and Safety Management Issues in Nigeria's Effort to Industrialize, European Scientific Journal, Volume 9, No.12, Page 160.

¹² Uzoch Nwagbara, (2020), Institutions and Organizational work-life balance (WLB) policies and practices: Exploring the challenges faced by Nigerian female worker, Journal of Work-Applied Management, Volume 12, Issue 1.

employees, the Nigerian labor Act 2004 regulates on the terms and conditions of employment in Nigeria. Section 13(2) argues that any plus work hour in excess of those agreed by mutual agreement, collective bargaining or by an Industrial wages board shall constitute overtime. The Act state the working hours of workers and other leave for workers which includes sick leave, annual holiday with payment and maternity leave.

1.3.5 Freedom of association

Freedom of association: The concept of freedom of association in labor relations implies that workers may organize, enter or belong to a trade union and participate in collective bargaining. It also means having right to engage in union activities. These rights are acknowledged in Nigeria but therefore are being breached by employees or public/government officials who threaten unionist life without excuse. The government has long time mistreated Nigeria trade union members, dating back to the establishment of the organization. An example of this is the disrespect of union property. The Nigeria labor congress and its affiliate trade union (more than 50) have been raided by the authorities without apparent reason. In the latest ILO case No. 2267/Nigeria (2004) lawsuit against the government of Nigeria on freedom of association, the Academic Workers Union of Universities (ASUU) filed a complaint with the international labor organization (ILO)alleging violations of freedom of association and gross infringement of trade union rights, including summary dismissal of academic staff because they took strike actions. Following strike actions by ASUU in 2001 until 2003, forty-nine staff's members of the University of Ilorin were dismissed, their property were vandalized and removed, and premises were sealed. Employees who were purportedly fired were evicted also from their homes as a result. The ILO committee on freedom of Association strongly denounced these acts, in the court in its judgment ordered the government to reinstate the dismissed lecturers and return trade union property. Despite this, the government has done little to address the situation.¹³

1.3.6 Maternity protection

¹³ Ovunda V.C Okene, (2006), Curbing State Interference in Workers' Freedom of Association in Nigeria, The International Journal of Not-for-profit law, Volume 8.

This refers to the protection granted to female employees for the purpose of them balancing their reproductive and professional roles. Since it is the legal and social contribution to the society, it must be the duty of the government to protect these rights both medical and financial. Female employees who have taken maternity leave must have their employment covered, and they must be free of any discrimination as a result of their situation. This means that these women should not be fired during their leaves and should be allowed to return to work at the same amount and pay as before. She should not be placed at a disadvantage relative to other peers who do not have to deal with fertility issues, so she should be able to keep all her accrued seniority and other benefits.¹⁴Employers are not entitled to refuse pregnant employees or women of childbearing age jobs under the law of non-discrimination.¹⁵

1.4 Abraham Maslow's Hierarchy on Workers

Abraham Maslow's theory (1943) on the hierarchy of protection needs is used to understand the physical or psychological safety and security of workers in the workplace. It considers ensuring that working atmosphere should be free of safety hazards, in that sense workers can become more productive and successful at work while feeling safer in their role with the business. Maslow developed hypothesis claims that humans are driven by various needs that are arranged in a hierarchical order.¹⁶ Based on worker's needs, once their physiological needs are fulfilled, the needs for security and safety become salient. This theory help gives an insight to managers and organizations leaders how to find new ways to motivate workers by devising programs or activities that address emerging or unmet needs. Another effect will be for organizations to incorporate support system and focus groups to help employees cope with stress especially during difficult times and they should take their time to consider the needs of their employees. Failure to create such an environment could potentially increase employee dissatisfaction, leading to lower efficiency, lower job satisfaction and withdrawal from the organization.

¹⁴ Key Elements of Maternity Protection at Work with Special Reference to ILO Convention 183 and Recommendation 191.

¹⁵ Olubiyi Ifeoluwa, Olaitan Olusegun, (2015), Maternity Protection of Working in Nigeria: A need for Legislative Review, page 6.

¹⁶ Dr. Saul Mcleod, (2020), Maslow's Hierarchy of Needs.

1.5 Factors That Aid to Workers Rights Violations in Nigeria

While several factors may be responsible for the abuse of workers right in Nigeria. The following however is considered some of the major problems encumbering their rights.

1.5.1 Poor monitoring System

The Ministry of Labour, both at the Federal and State levels, does not deploy personnel to routinely access and track the level of compliance by organizations to the minimum appropriate standards of working conditions due to a lack of sufficient oversight by supervising agencies. It has been observed that inspection and enforcement officers are few and therefore overworked.

1.5.2 Noncompliance by Employers

Employers hostility against workers and lack of willingness to avoid complying with Labour standards coupled by the weak legal structure.

1.5.3 Corruption

The problem of corruption is perhaps one of the biggest issues in terms of workplace. Where a governmental body or associate are owners or stakeholders of an organization, they may be compromised to ignore breaches of Labour standards.¹⁷The Factory Act for example clearly states the conditions that must be met by an organization but most times the requirements are often not met.

1.5.4 Poor Sanction for Breach

Breach penalties are light and insignificant enough to discourage noncompliance with labor laws. For example, if an employer violates section 46 of the Labour Act, which states that any employer who neglects or mistreats a worker in violation of the Act is guilty of an offence. Furthermore,

¹⁷ Enaruna Ehimwenma Idubor, Micheal D. Oisamoje, (2013), An Exploration of Health and Safety Management Issues in Nigeria's Effort to Industrialize, European Scientific Journal, Volume 9, Page 162.

there is a lack of adequate legislation to protect specific groups of staff, especially casual workers and other non-standard employees.

1.5.5 Lack of Corporate Responsibility and Accountability

Many of the businesses that operate in Nigeria are multinational, and their activities are governed by laws in their home countries. When doing business in Nigeria, however, they conveniently disregard certain laws and operate with a surprising lack of corporate responsibility and transparency. The fact that such unwholesome activities are tolerated, if not approved, in Nigeria does not preclude these multinational corporations from acting responsibly as if they were operating in their home country.

2. LEGAL LAWS AND PROVISIONS FOR WORKERS RIGHTS.

This chapter discusses on the legal framework in relation to Nigeria Labour laws. In addition, the effect of International provisional legal system will be considered.

2.1 International Provision

The International Labour Organization (ILO) was created in 1919 Treaty of Versailles to promote peace through social justice. Its constitution focuses on the Improvement in employment conditions including the regulation of working hours, labor supply, the provision of an adequate living wage and equal remuneration for jobs of equal value, and the security, and respect for fundamental values and rights at work. The principles behind these conventions are minimum standards that should be adhered by all. Particularly the principles of freedom of association and collective bargaining which are enshrined in the preamble of the ILO constitution and the declaration of Philadelphia. The second level of the convention formulates guidelines to help improve working conditions, minimum wages, social benefits and workers interest in determining their own working conditions.¹⁸Countries are encouraged to sign on these guidelines, which are not as relevant to workers' rights as core standards.

In Nigeria became a member of the ILO on October 17th, 1960. Since its adoption 39 conventions out of 35 were in force and the remaining 4 were denounced. However, out of the 35 ratified conventions I will concentrate on Convention 87 of 1948 (freedom of association and security of the right to organize) and Convention 98 of 1949 (Right to organize a collective Bargaining), and the Convention No 155 of 1949 (as amended) in 1981 (Occupational Safety and Health Convention).These conventions will be discussed from the perspective of the International Labour Organization in relation to Nigeria National Employment Laws, as well as the processes for their implementation.

2.1.1 Convention 87 of 1948- Freedom of Association and Right to Organize.

¹⁸ Trade, Employment and Labour Standards, A study of Core Workers Rights and International Trade.

The ILO Convention 87 of 1948 on Freedom of Association and Protection of the Rights to Organize protects workers' rights to form or join trade unions by allowing them to collaborate with other people for the purpose of forming or joining a trade union.

Article 2 of the convention provides that “workers and employers, without distinction shall have same equal rights to as joining any organization of their choice without prior approval”. This convention is likewise similar to the right guaranteed under the section 40 of the Federal Republic of Nigeria Constitution on the right to associate freely and form a trade union for the protection of individual's interest. However, under the section 40 of the constitution the right to associate is not absolute since the term for the security of individual interest does not grant an individual unrestricted freedom to enter a trade union which is contrary to the ILO convention. Otuturu (2009) argues that the freedom is restrictive rather than broad, thus an individual proposing to join an association must demonstrate how the associate would protect his interests. Apart from constitutional impediments to the successful enforcement of ILO convention 87 of 1948, there are other factors to consider. The Trade Union Act 1990, section 12(1) of the Act states that no Individual who is otherwise qualified or membership in a trade union can be denied membership solely because he belongs to a specific community, tribe, place of origin or region.

The Federal Government of Nigeria has adducted this Act with the aims to encourage Foreign Direct Investment which according to them will increase the country's GDP and promote socioeconomic growth. Also, the Act tends to prevent developments from being disrupted and will enable increase in the country's productivity.

2.1.2 Convention 98 of the 1949- Rights to Organize a Collective Bargaining.

The right of an employee to freely bargain with their employers is an essential element in freedom of association. Collective bargaining according to the convention is a cooperative mechanism in which employers and employees discuss and negotiate their relationship especially in terms of working conditions.

The convention aims to protect the rights of workplace relations stakeholders to engage in voluntary bargaining. On the 17th of October 1960, Nigeria ratified this convention. It makes it illegal to discriminate against workers because they are members of a union based on Article 1(1). Under Section 18 of the Act employers and employees in an Industry can form a joint industrial

council, to negotiate and each an agreement on matters of employment. Section 18(2) also states that, upon the establishment of such a council, it is accepted that the council's constitution and functions, as well as any agreement reached by the council on any matter relating to wages or working conditions of workers in the industry, must be reported with the minister in charge of Labour matters.

Other few laws which govern collective bargaining in Nigeria, the Trade Union Act 1973, the Trade Unions (Amendment) Act of 1978, the Trade Dispute Act 1976, Wages Boards and Industrial Council Acts 1973. As a result of these laws relating to collective bargaining and agreement in relation to ILO convention, there is need to be reviewed in order to foster solid, stable, well focused and politically organized unions that will broaden the reach of collective bargaining and thus enhance industrial democracy.

2.1.3 Convention No 155- Occupational Safety and Health Convention of 1949.

The International Labour Organization have more than 30 conventions and more than 22 Recommendations on health, safety, and welfare (Fajana, 1998). This International Labour Standards are the appropriate International minimum standards of Labour practices that must be met and upheld by all parties involved in Labour management. Related laws have been enacted in Nigeria to Implement ILO Convention Nos 155 of 1949. The Workmen's Compensation Ordinance No 51 of 1941 as amended in 1987 contains the Occupational Health and Safety regulations. However, it was repealed in 2010 and replaced by the Employees Compensation Act. The Factories Acts of 1955 as amended in 1987 and the National Provident Fund Act of 1961as amended are Acts responsible for worker's health and safety.

Government in its role is to provide the necessary legislation to establish minimum health and safety requirements, as well as compensation for employees who are injured or die as a result of work or occupational. Furthermore, the Nigerian Federal government through the federal ministry of Labours factories inspectorate agency is empowered to implement standards by monitoring workplaces for hazards and ensuring employer compliance. However, because of the incompetence of inspectorate officials and the ignorance of staff who do not understand the substance of the ILO Conventions and Recommendations, more needs to be done to ensure compliance in Nigeria.

2.2. The Labour law of Nigeria

The Labour law is the principal legislation governing employment relations in Nigeria. Its application is limited to employees engaged under a contract of Labour in private and public sector. In Nigeria, the main statutes applicable to Labour relations includes.

2.2.1 The Factories Act

The Factories Act Cap126 is a legislation governing occupational safety and health in Nigeria. It established minimum protection and health requirements in Nigerian factories. It also established the position of occupational safety and health officers in the Federal Ministry of Labour inspectorate Department in enforcing the Act.¹⁹ This is also a legislation that requires all factories in Nigeria to register with the Director of Factories within a month of opening business. The Director of Factories is legally required to keep a register of all factories in Nigeria. The Factories Act is designed to protect all factory employees who are exposed to potential workplace hazards.

2.2.2 The Workmen Compensation Act

Is an employment law that creates a scheme for compensating workers who are injured as a result of their jobs. Section 40(1) of the Act ensures a compulsory obligation for employers to ensure every employee against injury or death arising out of and in the course of employment, and subsection 3 of that section imposes penalties for failure to comply with the duty to insure. Also, Section 3(2b), (4) and (5) Of the Workmen Compensation Act drew attention to implications of severe and deliberate misconduct, self-injury and false representation by workman. Any employee who defaults in the payment of his/her compensation assessment, a penalty equal to 10% of the unpaid assessment or the value of the protection needed is imposed on any failure to pay an assessment. Any contractor that fails to provide the Board with the requisite payroll details may be subject to the Board's best-guess assessment, which may include a penalty measured as a percentage of the assessment.

2.2.3 The Pension Act

¹⁹ Development of Health and safety policy and protection document for a Nigerian based World Bank Sponsored Rural Development Agency.

The Nigerian Federal Government passed the Pensions Reform Act (PRA 2004) in 2004, which established the Contributory Pension Scheme (CPS) and made it obligatory for employers and workers in the public and private sectors to contribute to employees' retirement benefits. It mandates that employee must be provided with a pension and life insurance. Employers must retain a compulsory life insurance policy in Favour of their employees for a minimum of three times their annual gross emolument, according to Section 9(3) of the Pension Act. The Harmful Waste Special Criminal Provision. Act LFN 165 1990 forbids and considers illegal practices relating to the purchase, selling, importation, transit, transportation, deposit and storage of hazardous wastes unless done with legal authority.

2.2.4 Trade Dispute Act

The Trade Disputes Act of 2004 describes a trade dispute as "any dispute between an employer and employees, or between employees to employees, relating to employment or non-employment, or the mode of employment, or the physical state of work of any individual." The Trade Dispute Act of 19907 established a system for resolving trade disputes based on a hierarchy of procedures. A collective bargaining procedure, often including mediators, is at the bottom of the ladder, followed by the National Industrial Court (NLC). The conciliator and the Industrial and Arbitration Panel are in the center (IAP). The aim of forming these bodies is to provide an efficient forum for resolving disputes between parties in a trade dispute without resorting to strikes and lockouts. These regulations listed above should be implemented; union representatives should ensure that the interest of workers in terms of health and safety, as well as the responsibilities of employers in this regard are reflected in the Collective Bargaining Agreement. It is important that employees, representatives and employers become familiar with these rights and devise a strategy for ensuring enforcement.

2.3 Application of the provisions

Labor law laws all serve the same purpose: to protect workers' rights and to define employers' duties and responsibilities. Other responsibilities include ensuring equal opportunity and compensation for all workers, ensuring their physical and mental well-being and protection, and promoting workplace diversity. Necessity and the importance of this law's provisions aids Improves Labour relations, such as employee-employer relations, and reduces labor disputes,

protect workers from exploitation by the employers or managers, encourage a healthy atmosphere and working conditions in the working sector, assure employees' job security, ensure compensation for employees who are injured or killed on the job, assist employers in obtaining a decent wage. Etc. Organization is expected to adhere to the provision regulated. Through benefits and skills development plans, companies can ensure that they are in line with these laws. Employees should be able to enjoy company benefits.

3. NIGERIA LABOUR CONGRESS (NLC) AND TRADE UNION IN LIGHT OF WORKERS' RIGHTS

3.1 Labour Congress Regulation

The Nigeria Labour Congress (NLC) was formally constituted as the only national federation of trade union in the Nigeria in 1978. before then, four Labour centers existed, this includes the Nigeria Trade Union Congress (NTUC), Labour Unity Front (LIF), United Labour Congress (ULC) and Nigeria Workers Council (NWC). The formation of the Nigeria Labour Congress put an end to decades of competition and animosity between the four centers and the unions that were associated with them. Unions with over 1000 members were also divided into 42 trade unions. The Nigeria Labour Congress has a long and illustrious tradition in terms of growth and survival.²⁰ It has had many internal organizational crises, leading to the government's proscription of it for a period. In addition, in order to protect and advance the rights of Nigerian workers, it has engaged in direct conflict with the government.

The Congress main goals and objectives are to secure, defend, and promote the rights, well-being, and interests of all employees, pensioners, labor unions, and the working class in general, as well as to promote and defend a Nigerian nation that is just, democratic, open, and prosperous by achieving the following goals: build relationships and cooperation with labor movements around the world, particularly in Africa, and play key roles in the Organization of African Trade Union Unity (OATUU) and the Organization of Trade Unions in West Africa (OTUWA), To contribute to Nigeria's industrialization and development by ensuring job security, full employment, and a humane working climate, Strengthening collective bargaining in all sectors of the economy and instilling appropriate work culture among workers in order to foster and maintain constructive industrial relations practices in Nigeria etc.²¹ In achieving these goals, the Labour Unions will work with other groups with which they share common or special interests.

²⁰ Dr. Okwudili B.E, (2015), The Place of Nigeria Labour Congress Under a Deregulated Economy, International Journal of Management science and Business Research, Volume 4, Page 77.

²¹ Nigeria Labour Congress, Aims and Objective of NLC, link <https://www.nlcng.org/aims-and-objectives-of-nlc/>

3.2 trade unions impact on workers' rights

A trade Union is a group of employers or employees who have banded together to pursue shared goals such as better working conditions and the protection and promotion of their mutual interests through collective action. A trade union bargains with the employer or management on behalf of its members and negotiates labor contracts, among other things, through its leadership. Collective bargaining in its sense is a method of negotiating salaries, job rules, complaint procedures, and workplace safety. Historically, union representation and collective bargaining have been critical to the development of a healthy working community in developed economies, allowing workers to receive a more equal share of the income they produce, as well as improving working conditions and assisting workers in obtaining job security. Trade unions have sprung up as a result of changes in the political, social, and educational contexts regarding awareness of rights such as the right to organize, the right to bargain, and the right to settle the terms and conditions of jobs. Unionization has also played an important role in improving the quality of life of employees by establishing minimum wages, mandatory work hours, health and safety protections, and general improvements in working conditions.

In Nigeria some trade union includes: National Union of Petroleum and Natural Gas Workers (NUPENG), Petroleum and Natural Gas Senior Staff Association (PENGASSAN) focused on oil and gas industry, National Union of Postal and Telecommunication Employees (NUPTE) and the Senior Staff Association of Communication, Transport and Corporations (SSACTAC) focused on telecommunication industry, while the National Union of Banks, Insurance and Financial institutions Employees (NUBIFIE) and Association of Senior Staff of Banks, Insurance and Financial Institutions (ASSBIFI) for banking industry etc.

A legislation which governs employment-related issues in Nigeria is the Trade Union Act, CapT4LFN 2004. In Section 1, it describes a trade union as any combination of employees or employers, whether temporary or permanent, whose objective is to control the terms and conditions of employment of workers, whether the combination in question would or would not be an unlawful combination if any of its purpose were in restraint of trade, and whether its purpose includes or does not include the provision of benefits to its members.²² By this provision, workers are entitled to from a trade union or join one that already exists under the provision of this Act.

²² Trade Union Act, CAP.T14, Section 1.

The impact of trade union is to build trust amongst workforces. In this it offers a forum for employees and employers to be able to communicate which helps create confidence and loyalty and ensures that issues are identified and resolved amicably. Having to create trust in various workplaces help constitute increase in work productivity which is a benefit to the organization. In ensuring that workplaces are safe, trade unions help in reducing workplace accidents by encouraging the maintenance of healthy working conditions and minimizing stress-related ill health caused by poor quality environments thereby protecting workers from environmental hazards or areas unsafe. Equally they are strongly involved in fighting against discrimination such as gender inequality, race, nationality, religion etc., In focus they help in the promotion of equal rights at workplaces. In fighting against this, union leaders are in position to spot discrimination and collaborate with employers to ensure that anti-discrimination policies are followed correctly. Trade union towards worker's protection in workplaces is to regulate the terms and conditions of workers' jobs and to present a collective, strong, and unified front in collective bargaining which is used by unions to discuss employment rules and procedures, grievance procedures, health and safety policies, advancement and retirement benefits. In other words, their goal is to protect the interests of all its members in matters relating to work terms and conditions in industrial settings. Other impact of trade union includes controlling relations between members (workers) and employers, raising new demands for fair working conditions on behalf of members, and assisting in workplace grievance, also between members and their respective organizations. A trade union seeks to improve working conditions and ensure job security for its members by advocating for their interests at work. They also defend their members from inhumane, unequal and unfair treatment by management. They promote and preserve peace and harmony in the workplace. This is because any agreement made jointly by employees and management, is expected to command loyalty and respect among the general body of workers. Employers on the other hand cannot afford to take such decisions lightly.

Based on the impact that I have discussed, we could understand the role of trade unions is not only in the management of industrial relations but also in ensuring the nation's sustained prosperity and peace. The position of the trade based on collective bargaining agent and advocate for its members can also have positive and negative consequences for both the worker and the industry. On the plus side, it has assisted in the establishment of industrial peace between management and employees. Since unions possess so much influence as a result of their unity in a single and common voice, I encourage they should put in more power to good use in several ways to support their members and employers and ensure a win-win situation for both parties.

3.3 Labour Union protection on workers right. What rights should be protected?

What has been the answer of the trade unions if the Nigerian government's agencies are not doing enough? What have the unions been able to achieve in terms of securing the interests of their members since they began interacting with labor administration bodies? The simple fact is that, despite their best efforts, labor unions have not been able to accomplish much. Before moving forward, it is important to consider whether labor unions are in a position to make a difference. Yes, the labor unions have the ability to do so. This is because, given the individual worker's poor position, the only way to minimize the adversities of the employment relationship is to band together with those in similar situations. Workers' collective strength has often aided them in their battles with finance capital. This is where the benefit of becoming a member of a union comes into play.

In assuring employees having an efficient and open right to enter, be represented by, and engage in trade unions. Workers in organizational institutions most times tend not to join Labour union and they are often reluctant to disclose details about their pay and working conditions due to fear of their employers finding out may result to loss of their jobs. In practice, there seem to be no penalties for employers who fire employees for participating in union events or becoming a member of a union. As a result, most employment is non-union, and jobs are legally denied the well-established fundamental right to collective bargaining. For union activities and filing charges with authorizes, employers need better protection from wrongful dismissal. The oil industry as an example. Employers in Nigeria's oil and gas industry have historically been hostile to unionization. This is expressed in failure to recognize unions, victimization and dismissal of committed workers, and the use of intimidation, bribery, and infiltration of unions, all of which are aimed at manipulating workers. This act goes against the legal Labour provisions and against the ILO policy which argues that there should be no obstacles to employers and employees freely associating for the purpose of controlling their working relationship.

In ensuring fair wage and other employment conditions, many studies have shown that rules and regulations that apply to employees have established regulatory compliance, and workers can give

companies competitive advantage by allowing them to engage in regulatory arbitrage and or evasion. Labor inspectorates and trade unions need more protections and support to effectively combat illegal posting practices. The right to a collectively bargained salary should not be conditional on the host nation providing a scheme of legitimate collective bargaining extension. If it does, labor unions should think about putting in place legal extension programs. To ensure income-based non-discrimination, statutory salaries should cover a variety of skill categories (and regions), ensuring that employees are not only paid the minimum wage. The country can also extend posting rules to all industries to close regulatory gaps.

Towards establishment of worker's security, in order to ensure that the rights of workers are secured in practice various legislative actors will work together, for example by joint visits to working environments of employees, sharing improved information that help regulate on the safety and health of workers. In Nigeria there is also wage breaches rights of workers. Many reports have shown that certain businesses breach laws and regulations in a variety of ways which includes on the wages and pay discrimination, At the same time, labor inspectors lack the resources necessary to efficiently regulate and fight fraud, and transnational fine compliance is a lengthy and complicated procedure, suggesting that more resources, expertise, and transnational cooperation are needed. The fundamental issue is two-fold. 1) compliance is ineffective, so the chances of being caught are slim; and 2) punishments are light, so being caught results in just a minor fine and the payment of legally mandated salaries and fees. The obvious logical alternative for businesses is to have a penalty of an expected payment if caught. Increased fines can assist in forcing businesses to comply with applicable regulations. Also, stricter liability schemes can make it easier to ensure that foreign service providers follow all applicable rules and regulations, as well as those employees receive their wages.

CONCLUSION

In this study we have been able to establish an appreciable level of rights for workers in various workplaces in Nigeria. And the fact that many of them do not place a high value on strategic rights like the right to freely associate, organize, and negotiate collectively, which are discussed by ILO Conventions 87 and 98 of 1948 and 1949, respectively. However, one major issue is employees' failure to force employers to follow the law's related provisions. The situation is made worse by the country's current economic situation, which leaves jobs extremely vulnerable. Employers have a poor degree of conformity with the law. In fact, employers are avoiding enforcement on purpose, taking advantage of the poor legal structure and workers' insecurity in an uncertain economic climate. Also, official compliance is poor, which is aided by a lack of institutional capacity, especially in the labor administration, which is ill-equipped to carry out the responsibilities entrusted to it. Closely linked to this compliance is the government's apparent lack of political will to protect its worker-citizens through the implementation of legislation designed to do so. All parties involved in the long-awaited review of labor laws and institutions, especially the National Assembly, should move the process along as quickly as possible. Perhaps even more critical is the immediate need to ensure that applicable provisions of current laws are enforced. Laws are supposed to be followed, and if they are not, then there is need for offenders of its regulation. The state agencies should also be encouraged to carry out their responsibilities by increasing their budgetary allocations, allowing them to hire more people and acquire the required equipment. The job of protecting workers' and trade union rights cannot be left to state institutions and agencies, which are incapable of accomplishing anything on their own.

The labor administration system, led by the Ministry of Labour and Productivity, must be more aware of its duty to ensure that established labor standards are followed and that workers' rights are protected. In order to meet the demands of the office, the inspectorate department should be reinforced with sufficient human and material resources. In the end, the government should recognize that ensuring enforcement is more satisfying. This is in addition to the fact that the government owes a basic duty of care to its citizens. On the other hand, unions must continue to educate their members as well as the general public about workers' rights. This will aid their internalization of these privileges. Workers' knowledge is likely to minimize the risk of infringement, as well as the public's hostility. The reality is that some of the violations thrive because employees are unaware of the legal/legislative protections that are available to them. As a result, labor unions should devote a significant amount of time and money to raising awareness

and advocating for their members. Workers should be trained to serve as rights observers, ready and able to report violations of workers' rights to the union and appropriate state authorities.

Workers, their organizations, and supporters in the labor movement should devise effective strategies and tactics to ensure that workers are treated with respect at work. This may involve cross-sectoral actions as well as sympathy actions by employers and unions that aren't directly impacted by the problem at hand. Finally, the pursuit of ensuring the respect of workers' rights will remain a mirage. There are no reason why multinational companies cannot adhere to Nigerian norms, which are often lower than those in their home countries. I will conclude by saying that the provisions of labor laws and ILO international labor standards are insufficient guarantees for the defense of workers' rights, and that there is a need to look beyond these instruments to protect workers' rights. Employees, their organizations, and supporters in the labor movement may need to use extrajudicial means to protect workers' rights, such as political and social acts.

REFERENCES

Scientific Article

1. Akintunde Kabir Otubu. (2010). Environmental protection and human Rights: An Overview of Current Trends. *Public Law Journal University of Lagos*.10-14.
2. Adedeji Bethel Oluwatosin. (2018). Women, Their Rights and Workplace Discrimination. *International Affairs and Global Strategy*.67, 3-11.
3. Adewumi Fumi and Adenugba. (2010). The State of Worker Rights in Nigeria: An examination of the Banking Oil and Gas and Telecommunication Sector.
4. Abibu Akinyemi, Adeolu Raphael. (2017). Exploitation and Degradation of Workers Right to Unionize in Public and Private Organizations in Nigeria. 13-14.
5. Chris Obisi, Samuel, Sikirulahi. (2013). Organizational Effectiveness: Beyond Workers Right and Management Prerogatives. *International Journal of Asian social science*. 3(1),204-215
6. Christabella P, Bushiri. (2014). The Impact of working environment on employee performance: The case of Institute of finance management in Dar es Salaam Region.7-13.
7. Dr C T Emejuru. (2014). Human Rights and Environment: Whither Nigeria? *Journal of Law, Policy and Globalization*. 30, 23-27.
8. Enaruna Ehimwenma, Michael D. Oisamoje. (2013). An Exploration of Health and Safety Management Issues in Nigeria's Effort to Industrialize. *European Scientific Journal*. 9(12)31-37.
9. Genty Kabiru Ishola. (2003). ILO and the International Labour Standards Setting: A case of Nigeria Labor Acts. *Journal of human resource management*. 1(1)15- 20.
10. Ifeoluwa Olubiyi, Olaitan Olusegun. (2015). Maternity Protection of Working Women in Nigeria: A need for Legislative Review. 6.

11. Justice Chidi Ngwama. (2016). Framework for Occupational Health and Safety in Nigeria: The Implication for the Trade Union Movement. *Journal of Economics and Sustainable Development*. 7(11) 98- 107.
12. Khaled AI-Omari, Haneen Okasheh. (2017). The Influence of Work Environment on Job Performance: A Case Study of Engineering Company in Jordan. *International Journal of Applied Engineering Research*. 12(24)15545.
13. Lofaso, A. M. (2017). Workers' Right as Natural Human Rights. *University of Miami Law Review*. 71(3) 565-644.
14. Martins Daniel. (2015). Protecting Workers' Right in a Labour Environment Dominated by Nonstandard Work Arrangement and Unfair Labour Practices: An Empirical Study of Nigeria. *International Journal of Interdisciplinary Research and Innovations*. 3(1) 65-82.
15. Maria Helena Andre. (2019). The Future of Work: Trade Unions in transformation. *International Journal of Labour Research*. 9, 98-100.
16. Oginni, B Yemi and Adesanya, A Segun. (2013). The Workers' Rights in Nigeria: Myth or Reality? *International Journal of Business and Management Invention*, 2(1) 100-103.
17. Ovunda V.C Okene. (2006). Accountability, Effectiveness and Independence- Striking the Proper Balance, Curbing State Inference in Workers Freedom of Association in Nigeria. *The International Journal of Not-for-profit law*. 8.
18. Ozigbo, Bonaventure Ikechukwu. (2017). Democracy and Human Rights in Nigeria: A Critical Inquiry. *Global Journal of Arts, Humanities and Social Sciences* Volume 5, Page 27-30
19. Onyebuchi Obiekwe, Obibhunum, Lucky. (2019). The Roles of Labour Union in Nigeria Industrial Harmony and Development. *International Journal of Sustainable Development & World Policy*. 8,10-20.
20. Professor Rose C. Onah, Ayogu Gaberial Igwebuikwe, Paul Sslisu. Ojonemi. (2016). Nigeria Labour Congress (NLC) and Strike Action in Labour Conflict Management in Nigeria (1999-2011). *International Journal of Political and Administrative Studies*. 2(2) 67-69.

21. Sir Charles Egwabor ESQ. Human and Trade Union Rights in Nigeria; Experience, Challenges, Achievements & Campaigns in the Oil and Gas Sector. 13-15.
22. Tinuoye Adekunle T. (2015). Human rights, Workers rights and Equality in the Nigerian Workplace: An overview, Department of Labour – Management Relations. 5(17)95-101.
23. Virginia Mantouvalou. (2012). Are Labour Rights Human Rights? *European Labour Law Journal*. 1-27.

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