

Nigerian Labour Law and Human Resource Management Practices in the Nigerian Public Sector

Achegbulu Joseph Odoba, Ph.D

Department of Public Administration, Prince Abubakar Audu University,
Anyigba, Kogi State, Nigeria
achegbulujoseph@gmail.com

Onyambayi, Edward Taiye

Department of Public Administration, Prince Abubakar Audu University,
Anyigba, Kogi State, Nigeria
+2348137353434

Ahmed Nuhu Ahmed, Ph.D

Department of Public Administration, Prince Abubakar Audu University,
Anyigba, Kogi State, Nigeria
Ahmed.na@ksu.edu.ng

Rosemary Nneoma Barnabas, Ph.D

Department of Public Administration, Prince Abubakar Audu University,
Anyigba, Kogi State, Nigeria
Barnabas.rn@ksu.edu.ng

Corresponding Author Email: Edwardonyambayi8429@gmail.com

Abstract

Labour law in Nigeria is a policy embraced by all Nigerians as it seeks to protect the rights of employee, foster harmonious relationship and provide equal opportunity for recruitment process in every workplace operating within Nigeria. However, the onus of its implementation lies in the hands of human resource management of the organization. Thus, this study seeks to evaluate the significant effect of labour law on the recruitment and selection in the Nigerian public sector, and to investigate the challenges in implementing flexible human resource practices in the public sector. The study adopted Scott's institutional theory. The study used content analysis. The study revealed amongst others that Nigeria labour law has improved the efficiency of recruitment practices in Nigerian public sector. Furthermore, the study found that Nigerian public sector provides training and support service to ensure that all personnel involved in recruitment are aware of legal compliance requirements as well bureaucratic rigidity in the human resource management practices. The study recommended that Nigerian public sector should bolster their diversity and inclusion initiatives. The public sector should Implement internal policies that actively promote diversity in the workforce and there should be a Labour law reform in Nigeria to capture the peculiar needs of a critical organizations operating in Nigeria and ensure some privileges should be giving to them to make special requests in case, the need arises.

Keywords: *Bureaucratic, Human Resource Management, Labour Law, Public sector, Political Influence, Recruitment, Selection Practices.*

Introduction

Globally, Labour laws and human resource management practices are the critical and integral aspects of the nation's labor ecosystem, supporting and influencing the rights and responsibilities of both employers and employees. Labour law, which are contained or documented in the statutory

regulations, code of conduct and judicial precedents, provides the legal framework governing work relationships and ethical standard of organization. It is a legal process and regulations that influence and regulate the ethics in both public and private organizations. These includes but not limited to regulations pertaining to recruitment, selection and retaining of skill-talents, working hours, employment contracts, and nondiscrimination in employment, among others. A study has shown that the formulation of robust legal protections for employees, such as minimum wage laws and anti-discrimination statutes, not only protect individual rights but also contributes to broader positive result within organizations. As pointed out by Freeman & Kleiner (2017), these legal safeguards are associated with greater job satisfaction, increased employee engagement, and enhanced organizational performance. This study underscores the integral role of labour law in promoting conducive work environments and promoting employee satisfaction. Conversely, inadequate enforcement of labor standards and weak legal protections can aggravate existing imbalances and continuous high exploitation labor practices. Estlund (2014) stressed the detrimental effects of lenient enforcement mechanisms, which not only undermine the rights of workers but also erode social cohesion within communities.

Labour law plays a crucial and potential role in protecting the rights of workers, fairness in the employment practices, and ensuring safe working conditions. It seeks to promote the intricate relationships while maintaining a harmonious and equitable work place. The idea of labour law began during the Industrial Revolution, a remarkable transformative era, where the emergence of mass production and factory-based economies are trending. In addressing the widespread exploitative labor practices and labour abuse prevalent during this period, governments all over the world began enforcing rudimentary labour acts targeted at curbing abuse and ensuring basic job security. Subsequent era acknowledged the gradual development and refinement of these legal principle which comprise areas such as wage regulations, working hours, occupational safety, and anti-discrimination measures. This provides supports for employees right and also encourage job safety or protections.

Nigerian labour law as conceived by the Labour Act of the Federal republic of Nigeria (2004), describe labour as a set of legislations designed to protect the rights and privileges of workers in Nigeria. Labour Law is a comprehensive set of rules and regulations, code of conduct designed to harmonize the intricate relationship between employer and employees. The labour act in Nigeria, critically looks into the right, working conditions, minimum wage, termination clause and many other rules set by the government of Nigeria to safe guard the intricate relationship of employers and employees. It is worth noting that enabling environment for mutual understanding and thereby enhance efficient and effective organizational goal and performance. The current version of the labour law acts came into existence in 2004, 5 years after the 1999 constitution was established. The origin of labor laws in Nigeria is anchored on several legal instrument while the Factories Act (1987) was enacted to focuses on occupational health and safety standards (Factories Act, 1987) Key among them is the Labour Act (1971), which provides necessary procedure and guidelines on employment contracts, wages, working hours, and termination. Additionally, the Trade Unions Act (1990) was enacted to regulates the formation of trade unions and industrial relations.

In nutshell, the onus now lies on human resource experts, (representing the employer or the organization) to adequately ensure that the labour legal framework is comply and strictly adhered to throughout organisations in order to prevent employee litigation (Dickens 2012). This implies that human resource professionals should be conversant with not just the provisions of the law but much more on the principles upon which the law is premised. According to (Heery 2011:80b), specialist expertise is specifically required in comprehending the complexity of the “Common (Case) law”.

Dickens (2012) posited a fundamental observation that employment (legal) rights are a matter of “enforcement and compliance.” Enforcement and compliance are key components and fundamental to the role of the human resource obligation as human resource experts act as enforcers of labour law through organizational policies, rules and guidance to line managers in order to compel them to comply with the regulatory environment when relating or managing employees.

In essence, the responsibility and functions of every organization to comply with the government policy lies with the potential of human resource professionals in such organization to protect the employer against legal litigation; this however has resulted to highly formalized stakeholder relationships in order to prevent financial repercussions to the employer. In all fairness to the human resource profession, it is not as if they had much choice about moving into the employment legal arena. Increased regulation in the organizations has mount much pressure on the human resource role to be “retheorized” (Heery 2011:81b).

Consequentially, the development of employment law has been influenced or motivated by a diverse considerable factor critically, including the balance between efficiency, equity, and voice in the workplace (Tharp, 2005). According to (Rose, 2016), this development has left indelible mark by transforming societal practices, norms, and expectations. Furthermore, the effect of globalization and new forms of corporate organization has significantly shaped the organizational practice (Morin, 2005), and the role of labor and employment laws in shaping workplace technological change (Rogers, 2020). These factors have embedded or jointly fostered the transformation of the employment relationship, primarily on the psychological needs of workers, the protection of workers' rights, and the influence of labor and employment laws on workplace operation. Its enactment prevents job discrimination, inequity and foster harmonious relationships.

Explicitly, there is no gainsaying the fact that corruption has become a cankerworm that have eating deep the fabric of Nigeria and this is widely seen in the operations of public sectors where the federal character arrangement and quota system has been practice (Otobo, 2016). These posed weakness and loophole to the organizational efficiency in Nigeria. The myriad and pervasive corruption in forms of favoritism, nepotism and discrimination in the recruitment process in the Nigeria 21st century is unethical and unlawful as enshrined in the labour law acts of 2004. In a bid to align with international labor standards, Nigeria has ratified various International Labour Organization (ILO) conventions, including those relating to fair wages, the right to organize, and non-discrimination. These laws reflect the nation's commitment to protecting workers' rights and ensuring social justice in the workplace (Otobo, 2016).

Human resource management in Nigeria has evolved significantly, with contemporary organizations adopting strategic HR practices that align with global best practices. Traditional HR functions such as recruitment, training, and performance management have become more sophisticated, with an emphasis on talent management and employee engagement (Akintayo, 2010). Therefore, for any organization to be successful, it must recruit competent, right skills and knowledgeable personnel pulling in the same direction. This accords credence to the wide spread attention giving to the human aspect of organizational wealth. The performances of those who work in an organization undoubtedly contribute significantly to achieving its ultimate goal. So, it becomes imperative for every dedicated organization to develop and configure a unique framework to managing its human element for increased performance and improved standard of work-life beginning with initiating a goal-oriented process that aid the sourcing of adequate members to efficiently fill job vacancies which is referred to as recruitment and selection process.

The success and failure of any organization is depends on the kind of human's elements that manned such organization. Human Resource practices in Nigeria are shaped by several factors, including legal policies, eco-system, and organizational culture. For instance, recruitment processes are increasingly or highly being influenced by technological modernization, as many organizations now use digital platforms for talent acquisition. Performance management practices are also becoming more data-driven, with HR analytics being used to measure employee productivity and job satisfaction. Labour law provide the regulatory framework that HR departments must comply with, ensuring that employment practices are legal, fair, and equitable. For instance, the Labour Act mandates that employees must receive fair wages and adequate rest periods, which HR departments must incorporate into their payroll and scheduling practices (Uvieghara, 2001). Hence, when human resource functions as provided by labour law not adequately complied with, it is a headway to organization deficiency. From a standpoint of knowledge, Strategic HR practices, such as developing employee welfare programs or fostering diversity and inclusion, go beyond mere legal compliance but are also paramount in building a positive organizational culture (Armstrong, 2020).

However, Nigerian public sector as a reputable entity is bound by Nigeria's labour laws of 2004, which contains the legal backdrop for managing the intricate relationship and the rights and obligation of employer and employee. These include adherence to the Employee Compensation Act (2010), which ensures compensation for work-related injuries. In addition, public sector employees are mandated to the guidelines design by the Public Service Rules and Federal Civil Service Commission, which provide more specific directives on employment conditions, promotion, and discipline in government agencies. Given the expertise required, human resource practices emphasize the recruitment of highly skilled professionals, attracting top talent through competitive remuneration, professional development opportunities, and engagement in cutting-edge essential projects.

Statement of Problem

Generally, labour law has played a pivotal role in shaping the conduct of human resources management practices in every organization. It serves as a fulcrum to the code and conduct of organizational settings. In absolute terms, when the activities of an organization are not regulated, then all succeeding human resource practices or functions from induction, placement, training to appraisal and compensation to achieve the maximum performance levels that organisations require will fail unless there is possibility of trainability. In recent time, it is a fact that employees are increasingly aware of their rights and will not hesitate to seek redress when and where such rights have been infringed upon. Avalanche research have highlighted the role of employment law in fostering diversity, norms, equity, fairness and inclusion within the work environment. For instance, a study by Smith, Wood, & Robert (2023) stress the importance of anti-discrimination laws and affirmative action policies in addressing systemic imbalances and promoting fairness and a more inclusive workplace. However, there exist a loophole in translating legal mandates into meaningful organizational practices and norms that promote diversity and curb biases. Labour law evolve to reflects an intricate relationship between historical legacies, contemporary socio-economic trends, and emerging workplace realities.

In Nigeria, effective human resource management (HRM) practices are essential for organizations to achieve their objectives, especially in highly specialized public institution). Despite the critical and pivotal role of public sector organizations in national development through innovation and technological development, there remain significant loopholes in keying to human resource practices with both organizational mandates and Nigeria's labor laws. One of the pressing challenges

confronting public sector in Nigeria, is the challenges in attracting, hiring and retaining the right personnel. It is noteworthy that worldwide, the recruitment of an experts in the science and technology is extremely competitive on a global scale. However, while Nigerian universities and research institutions steadily produce stream of graduates in science and technology, many of the best candidates are attracted to private sector opportunities or international organizations that offer highly competitive remuneration, research funding, and career advancement prospects. This brain drain has potential implications for public sector, as the incapacity to hire or retain skilled personnel hindered the capacity of the agency to accomplish its strategic mandates or objectives. In addition, the bureaucratic nature involved in recruitment within public sector organizations often slow down the hiring process, making it rigid to respond swiftly to emerging research opportunities.

The implementation of Labour Law in Nigeria often encounters inconsistencies due to bureaucratic bottleneck and the lack of adequate policies tailored for Human Resource performance. In contrary, while Nigeria's Labour Act (1971) and other labour act provide general guidelines for worker rights, wage structures, and health and safety, however, these laws do not fully account for the peculiar and specialized nature of employment. For instance, research staff may require flexible working hours to undergo field research or long-term experiments, but the rigidness of the structures of public sector employment may not allow for such flexibility. In actual sense, when human resource management practices do not fully align with the operational needs of some peculiar institution, it becomes difficult for the organization to achieve its full potential. The inability to recruit and retain skilled talent leads to knowledge gaps, project delays, and reduced research output. Limited professional development opportunities hinder the growth of individual researchers, while inconsistent application of employment laws creates uncertainty and dissatisfaction among employees.

Objectives of the Study

- i. To evaluate the significant effect of labour law on the recruitment and selection processes in the Nigerian public sector.
- ii. To identify if political influence affects flexible human resource practices in the constraints of public sector regulations.

Literature Review and Theoretical Framework

Concept of Human Resource Management

In recent time, human resource management have been viewed as the process and practice of recruiting, hiring, deploying and managing an organization's employees to achieve organizational aims and objectives. In other hand, it can be seen as the strategic approach to nurturing and supporting employees and ensuring a positive workplace. In essence, human resource management is concerned not only with managing people but also with developing and leveraging human capital to achieve organizational goal and objectives (Barney & Wright, 1998). Similarly, Armstrong (2020), sees human resource management as "the strategic approach to the effective management of people in an organization, such that they help the business gain a competitive advantage." This definition affirms to the multidimensional role of human resource management in both managing employee relations and contributing to the organization's strategic goals. Human resource management in this regard is the management and practices of organization in such a way to attract and hire employees to achieve organizational success.

Concept of Labour Law

Generally, Labour law in a general parlance can be defined as an Act, detail documentation of rules and regulation, standards and orders that spelt out the conduct of employers and the privilege of employees in an organization. The Nigerian labour laws as defined by the 2004 Labour Act Chapter L1 laws of the Federation of Nigeria is a set of legislations designed to protect the rights and privileges of workers in Nigeria. In the operationalization of this research, it refers to the specific legal principle, code of conduct, legal provisions, rule and regulations that govern the recruitment practices of organization operating within Nigeria. This comprises but not exceptional to rules pertaining to minimum wage, fairness, working hours, employment contracts, and nondiscrimination in employment, among others. Gupta & Singh (2024) rightly noted that existing labor laws may be ill-equipped to address these emerging issues effectively. Smith & Wood (2019) in their view, stated that labour law encompasses a wide array of legal principles, regulations, and precedents aimed at safeguarding the rights of workers and ensuring fairness within the workplace. In essence, Labour law define the intricate relationship and conditions of service that exist between the organization or employer and employee in workplace.

Concept of Recruitment and Selection

There are avalanches of studies regarding the concept of recruitment and selection. Rozario, Venkatraman, and Abbas (2019); Armstrong, (2016); Stoner, Freeman, and Gilbert (2015), and Bature (2019) have all contributed excellently to the subject of Human Resource Management by given extensive, general and comprehensive evidence on innumerable facets of the field, this consists recruitment and selection. Recruitment and selection process is essential and inevitable to every organization. If organization must succeed, such organization must pay quality attention to the recruitment and selection process. In other way, organizational failure can be attributed to unethical practices in such organization. Recruitment and selection is said to be unethical when the laid down policies and procedures and result in hiring are based on unfairness, biasness or discrimination especially if the person employed does not fit the job and the culture of the organization. According to wheeler (2004), some of the unethical recruiting and selection practices are: how the person is represented to a candidate, how candidates are located and how interviews are conducted. Recruitment process should also take into consideration honesty testing, an ethics-based interviewing approach so as to hire employees that are ethics conscious and can fit into the organization's ethical environment. Recruitment and selection minimizes the costs of errors such as hiring incompetent, unmotivated, and under qualified employees. It is often affirmed that the selection of employees occurs not just to replace departing employees or plus to a workforce but rather it aims at putting in place workers who can perform at a high level and demonstrate commitment (Ballantyne, 2022).

In the view of Bature (2019), he asserted that recruitment is what management undertakes to build a pool of competent candidates for available jobs. Deducing from the above, recruitment is the stage of creating a pool of qualified individuals who apply for jobs at an organization, from which only those with the best and most relevant experience and qualifications should be selected (Adeyemi, Dumade, & Fadare 2015). Furthermore, Armstrong (2016) affirm that when the cost of a recruiting error is large, firms get concerned. As a result of forgoing, the goal is to collect as many suitable, acceptable and best applicants as possible at a minimal cost to ensure the organizational demands. At this stage, the organization recruits' individuals by finding, measuring, and utilizing the utmost relevant prospect resources. The technique or methods of locating and seeking to acquire job prospects who are properly qualified and therefore susceptible to filling vacancy in employment positions effectively begins with publicizing current vacancies.

In the perspective of Nigerian Institute of Personnel Management (CIPM, 2007), it defined recruitment as "the means of determining and attracting or stimulating people with the required experience, abilities, qualifications, and characteristics (potential job candidates) to apply for current or outlined unoccupied positions in the organization by letting them know that such career opportunities exist by letting them know that such career opportunities emerge." The primary objective of recruiting, according to Stoner, Freeman, and Gilbert (2015), is to offer a big adequate pool of candidates for the management to choose the competent person they require. This means that the organization is interested in the right and best candidates among all to fill the vacancy advertised for. At this stage, organization, has to put considerable factors into cognizance in order to make the right decision.

Selection in other hand is the process of assessing, examining and interviewing candidates with the principal aim of choosing the right candidate for the right position. It is a process of hiring suitable people for job who can successfully perform the job (Prabhu, Nambirajan, & Abdullah, 2020). Human resource managers in an organization is vested or charged with the utmost responsibility for finding and selecting the right person should there be a vacant position through match-making. In the view of Abu (2015), he defined selection as the process by which an organization identifies individuals who best satisfy the eligibility requirements for the advertised post from a list of potential participants recruited by the recruiting activity. Similarly, according to Mondy, (2010), selection on the other hand, is the process of choosing the best applicant(s) for the open position(s) from a pool of candidates. Bature (2019), also opined that selection is connecting a candidate with a job to achieve organizational goals. However, it can be conceptualized that recruitment and selection are decisive advancements and serve as a road map in identifying the best applicants from a pool and matching them to skilled work in the organization.

Blessing and Samuel, (2023), in their contribution to the concept of recruitment and selection stated that, in an increasingly global and sophisticated marketplace, recruitment and selection has become an essential tool for organizations in ensuring that they have the most desirable human resources necessary to achieve their current strategic direction and to continue innovating and growing in the future. In collaborating with the above assertion, Adeyemi, Dumade and Fadare, (2015), are of the view that recruitment is now very important and a subject of concern to many organizations due to the increase in competition which makes it necessary to get the right candidate who can fill vacant positions effectively. This is particularly important in higher institutions as there is a need to create a competitive advantage for the institution (Zirra, Ogbu, and Ojo, 2017).

Recruitment and Selection Procedures in Nigerian Public Sector

The Nigerian Public Sector formally recognize and places a lot of premium on the interview method for selection, according to Decree 43 of 1988 which states that "all eligible candidates for appointment shall be interviewed by the appropriate personnel management board or committee. However, the principles of merit, quota system and federal character are always applied to determine who to recruit and whom to select. This is by and large in the view of Nze (1988) downplays the inevitability of bureaucracies to efficiently and effectively 'deliver the good' as advocated for by Weber. However, the prevalent of corruption and political influence in the recruitment and selection has become pervasive in the public sector. It is worthy to note that competence and job specialization cannot thrive where sentiments, political influence and favoritism are brought to play. Regardless, successful candidates are notified through letters of appointment duly signed by an officer designated to do so by the ministry or the commission concerned. One of the major issues confronting this present-day organizations, including public service organizations in Nigeria is how to recruit

competent staff and proper matching of the employee's talents to his job to achieve optimum productivity in organizations. A lot of public service organizations have gone moribund because of the recruitment of incompetent personnel and the improper matching of employee's talents to organizational needs (Ekpenyong, 2007).

As essential as recruitment is to the successful realization of competent workforce in the organizations, organizations do not have the same strategies put in place to get the job of recruitment done. Nigerian public sector is believed to have complex institutional and recruitment challenges. Recruitment of personnel in Nigerian organization is always carried out through irregularities which has brought incompetent workforce into the organization and has affected productivity on yearly bases (Ogunsiji and Ogunsiji, 2011).

In recent time, it is prevalent that some of the people being recruited into the public sector organizations are kits and kin of the power that be. However, they are recruited under what some experts called patron-client syndrome or through political patronage popularly called "godfatherism". This is a common phenomenon in the public sector where the politics of connection is always at play. When these categories of individuals are attracted into the organization, loyalty, commitment and productivity will not be guaranteed. As a matter of fact, goals and the policies being embarked upon may likely suffer (Onyeche, and Deedam 2023). As rightly asserted by Chukwuka (2010), that a well-articulated recruitment and placement of qualified staff will lead to increase in productivity, heightened morale, reduced supervision, increased efficiency, effectiveness, organizational stability and flexibility.

Succinctly, the patron-client syndrome posed potential effects on promotion and performance in the public organizations. If such individual is unjustifiably promoted without due process or merit, those that are left behind in the entire process will show less commitment to duty which can result to organizational stagnation. This scenario will not only demoralized staff performance but also the organizational productivity. Research have shown that these factors influence recruitment and placement in Nigerian public sector organizations negatively. For instance, Briggs (2009a), noted that Nigerian public organizations are confronted with recruitment and placement problems that have affected their service delivery.

Briggs (2009b), affirms that the challenges include increasing pressure for employment from applicants, emphases on connections like "man know man", lack of sources of locating the potential applicants, invalid standards for evaluating job candidates and lack of administrative machinery that emphasize on training and motivation. These pressing challenges have created difficulties for public organizations to appoint the right persons for the right jobs. Furthermore, Fagbemi (2010), argued that Nigerian public organizations are confronted with two essential and motivational problems. The first is wrong job matching, and the second remuneration challenge and other conditions of service. He succinctly asserted that these two challenges including others attributed to poor qualitative performance and low productivity in public sector organizations today.

The standard and quality of an organization's human resources (HR) determines its success or failure. Recruitment exist as one of the most essential and core functions of human resource management (Stanciu & David 2020; Wairimu & Kamaara, 2018). This is pertinent as it guarantees organization's success and competitiveness. The practice of attracting skilled individuals for available positions by advertising them in different media such as newspapers, websites, and social media is known as recruitment (Madia, 2011; Mathis & Jackson, 2004). Armstrong's (2016) defined recruitment as the

process of locating and hiring the people that an organization demands. In addition, the recruiting process includes advertising open positions, getting replies from a pool of candidates, creating and administering exams, and then interviewing and evaluating candidates for the available vacancies (Armstrong, 2016). All of these procedures are performed to ensure that only the most competent candidates are hired for the available position.

Typically, recruitment in the public sector in Nigeria often begins with workforce planning, which assesses current and future human resource demands. Based on the assessment, job descriptions and specifications are developed to enhance clarity about the roles and qualifications needed. The process is regulated by laws, regulations, and institutional policies to ensure fairness and transparency (Osibanjo Adeniji, Falola, & Heirmsmac, 2018). Transparency is required in the recruitment, as highlighted by Perry and Wise (1990), who argued that public organizations are held to higher standards of accountability, necessitating the elimination of favoritism and nepotism. Recruitment stops at the stage of submission of application.

Major procedures in the Selection Process in the Nigerian public sector

Screening

This is the first stage, screenings, is frequently referred to as shortlisted candidates, once the recruitment phase is done and submissions are gathered. At this stage, the organization examines all submissions received by the deadline. Those who do not meet up with the advertising criteria are instantaneously disregarded throughout this phase. Nel et al. (2009) pointed out, selection panels must be careful not to favour competent applicants. Their choices should be influenced by shortlisting criteria developed in response to the job parameters provided in the advertisement. They must also make sure that enough time is set up for the selection of candidates.

Selection Tests

Selection is the second stage in the recruitment and selection process. Tests are commonly used as part of the selection process for positions when a large number of candidates are expected and it is not feasible to rely just on examination results or indications of experience to predict future performance. At an evaluation centre, tests are usually part of the process. Intellectual exams are exceptionally beneficial in situations when the level of intelligence is a key factor but there are no other reliable ways to measure it. Aptitude and accomplishment tests are particularly useful for jobs that need specific and measurable skills, such as computing or computer programming. Personality tests have the most potential for application in fields like advertising, wherein "personality" is important and quantitative confirmation needs aren't hard to come by.

Application Blank/Form

An application sheet is an official record of a job applicant's applications (Carrell, 2000). This indicates that the candidate's intent to seek employment is recorded on the blank/sheet. In the application blank/sheet, information such as age, sex, qualifications, expertise, talents, and interests are supplied. The information collected from a filled applications blank/sheet is compared to the job specification to see if the organization's standards and the candidate's qualifications are a good fit.

Interview

Interviews are used in nearly every organization for selection. Interview is the most common method of selection in an organization being private or public. According to Newell and Tansley (2001),

interviews seem to be the most frequent method of staff selection. This is a stage where the organizational management get to meet the applicants in person. The aims of the method is to gather as much information as feasible and then use that information to make a decision (Wairimu & Kamaara, 2018). Panel members (interviewers) often ask questions to the interviewee, to which the interviewee is expected to respond. The candidate with the maximum ranking is the one who is suggested for an appointment (Wilkinson, 2001). There are two main types of interview in every organization. These are:

- i. **Structured Interview:** A structured interview, according to Stoner et al., (2015), is one in which the panel asks questions from a prepared list and does not stray from it except for a few follow-up questions. The interviewer uses a list of questions that have been prepared in advance. The structured interviewers ask each candidate the same fundamental questions, allowing for easier comparability between candidates.
- ii. **Unstructured Interview:** Unstructured interviews are the most common form of an interview methods, according to Hamid, Maheen, Cheem, and Yaseen (2017), and they provide the interviewer with a lot of leeway in regards to which questions to ask and in what sequence. It is beneficial while working to assist candidates to address personal difficulties or comprehend why they are not fit for the position, according to Werther (1996).

Medical /Physical Test: At this stage, the selected candidates are required to present a certificate of physical fitness. According to Omolo, Moses, and Willis (2012), they asserted that the purpose of a medical exam, which is one of the most recent phases in the selection process, is to guarantee that a candidate's health is enough to satisfy the employment requirements. It also serves as a benchmark for comparing and interpreting future medical evaluations. Medical examination in the selection process has its drawbacks in that it takes time and might be costly. An employment contract is generally conditional on the candidate completing a medical test, according to Grobler (2006).

Background/Reference Checks

If their applications are approved, prospects are typically requested to give the names and contact information of people who can serve as references. Reference checks are usually performed over the phone and are used to verify the information given by the candidate. Although most references are apprehensive to respond to particular questions (Mathis & Jackson, 2006), a background check can be utilized to gather as much information as feasible that will be used in deciding whether or not to approve the applicants. The validity and reliability of references, on the other hand, have been called into doubt, particularly given their unorganized and sometimes confusing nature (Heraty & Morley, 1998). The background/reference checks provide the organization the vital and traceable information of the candidates thereby enhancing the chances of the candidates to be appointable.

Job Offer

Job offer is the final phase of the selection process. For those candidates who have overcome all of the aforementioned steeplechases, a work agreement is a subsequent phase of the selection process. A more formalized component of this technique is the drafting of an offer through e-mail or letter.

Approval and Appointment

Seeking approval from relevant authorities or committees. Issuing appointment letters to successful candidates, specifying terms and conditions of employment.

In summary, the selection process begins where recruitment stops, with screening, and concludes when the worker is offered a position.

Labour Law vs Recruitment and Selection in Nigerian Public Sector

Recruitment is key to organizational development. Recruitment being an integral part of Human Resource management has been evident to be a crucial part of any organizational effort to expand, and as such rely solely on the recruitment and selection of talents for their overall operation. While the obvious demand for recruitment exercise is attended to, the government in a way to protect employees right design a comprehensive legal principle called the Labour laws in Nigeria which has over the periods determined the method and processes that atmospheric research's carry out recruitment practices in Nigeria. Labour laws in Nigeria play a pivotal role as they guarantee fair treatment of employees, protect their rights, and maintain a balance relationship between employers and employees. When it comes to recruitment practices in public sectors, these laws prohibit discrimination, unequal opportunity, and ensure fair hiring practices, among others. The Labour laws put in place by the Government mandate employers to provide safe working conditions, respect minimum wage regulations, and adhere to work hours and leave policies. Nevertheless, these legal principles undoubtedly pose challenges for public sectors, in that they hinder the flexibility of the agency in terms of hiring and firing policies may require additional administrative work and potentially increase costs. Hence, while labour laws actively protect the rights of Nigerian employees, they also design how the agency operate and recruit in Nigeria. Additionally, The Labour Act stipulates conditions for employment such as contract terms, wages, and work hours. It also includes termination and redundancy policies.

Challenges faced in aligning the Human Resources Management Principles in the constraints of Public regulation

- i. **Bureaucratic Rigidity in Recruitment and Promotions:** One of the main contentious issues critical to the challenges faced by Nigerian public sector is the bureaucratic nature of the recruitment processes. The recruitment procedures in the Nigerian public sector are subject to procedural scrutiny, hiring decisions are subject to long procedural delays due to the procedural stages of approval required, from ministerial bodies to federal boards. Akintayo (2010) opined that these delays often result in talent gaps, as potential candidates may accept alternative offers from more agile, competitive institutions.
- ii. **Inflexible Compensation Structures:** Another significant challenge lies in the inflexibility of compensation structures in the public sector, which are generally determined by federal regulations rather than the specific needs of institutions. Public sector ability to offer competitive remuneration is limited by the rigid pay scales set by the National Salaries, Incomes, and Wages Commission, which do not account for the highly specialized skills required. Fajana (2000) highlights that salary disparities between public sector institutions and private or international research organizations lead to brain drain, where highly skilled professionals leave for better opportunities abroad or in the private sector.
- iii. **Limited Professional Development Opportunities:** The absence of tailored professional development programs for scientific staff is another critical issue. Public sector HR practices often fail to prioritize continuous learning and professional growth, which are essential in scientific research where knowledge and technology evolve rapidly. Becker's (1994) Human Capital Theory emphasizes the importance of investing in employee development to enhance organizational performance. Yet, the lack of adequate funding and advanced training limits researchers' ability to remain at the forefront of global scientific advancements.

- iv. **Rigid Work Schedules:** Public institutions often require flexibility in work hours and environments due to the nature of their activities, which may involve fieldwork, long-term data collection, and experiments that run outside of standard office hours. However, public sector employment laws impose rigid working hours and schedules that do not align with the demands of scientific research. HRM practices must be adaptable to the needs of different work environments, particularly in research-driven organizations where productivity is not always tied to strict office hours. The rigidity of public sector regulations prevents the agency from offering flexible working arrangements that would allow researchers to manage their time more effectively, especially when dealing with complex fieldwork or long-term atmospheric studies (Wright et al. 2001).
- v. **Challenges with Intellectual Property (IP) Rights:** In the Nigerian public sector, employment laws do not adequately address the ownership and commercialization of research findings. Otopo (2016) highlights that public sector employment contracts often fail to clearly define the IP ownership of scientific discoveries made by employees, leading to potential conflicts between researchers and their institutions.

Theoretical Framework

Scott's three pillars of institutions was adopted in this study. The pillar being regulatory, normative and cognitive pillars influence the recruitment process in the public sector in Nigeria. These systems have been identified by one or another social theorist as the essential ingredients of organization. The three elements mark a continuum moving "from the conscious to the unconscious, from the legally enforced to the taken for granted" (Hoffman, 1997). One universal approach would be to view all these facets as contribution in interdependent and mutually reinforcing ways, to a powerful social framework that encapsulates and exhibits the celebrated strength and resilience of these structures. In such an integrated view, institutions appear as Ándrade (1984) noted, to be over determined systems. This possibly means that, that social sanctions plus pressure for conformity, plus intrinsic direct reward, plus values, are all likely to interact together to give a particular meaning system its directive force. While such an inclusive model has its strengths, it also makes significant differences between the elements. The Scott's institutional theory provides a justifiable framework for knowing how institutions, including laws and regulations, influence the behavior and practices of an institutions. Thus, Scott's institutional theory is best for the research of this nature and thereby adopted.

Study Methods

This study is case study qualitative research that employs the descriptive research design. The population of the study includes public sectors in Nigeria. The various public institutions and the actors responsible for implementing policies constitute the sample. The data sampling techniques is the purposive/ judgmental non probability sampling technique. Data used for this research were sourced from secondary data such as journals, textbooks, Labour Law handbook, Newspapers, dissertations, empirical studies, Government reports, among others, constituted the secondary sources. Data was analyzed using content analysis technique.

Findings of the Study

Based on the objectives and the literature review, the findings of the study revealed that labour law has significant effect on the recruitment and selection of human resource management practices in Nigerian public sector. In addition, the study also revealed that there is significant challenge faced

in implementing flexible human resource practices in the constraints of public sector regulations. The study found that the Labour Laws in Nigeria has significantly influence on the Nigerian public sector to provide more stable and secure employment contracts to their employees. Yet, it has not adequately addressed the issues of corruption and irregularities in the public sector as recruitment and selection of employees are not based on merit but based on political connection popularly known as godfatherism. This view pointed out the significant effect of the legal act in supporting a sense of stability and job security in the Nigerian job market. However, it is a fact that existence of labour law in Nigeria public sector also posed certain challenges for public sector. The changing and complex nature of the legal act, coupled with bureaucratic bottleneck, pose obstacles to recruitment practices in the public sector as the sector may not be able to attend to urgent needs of recruitment without satisfying the procedures of the labour law. This is because the bureaucratic nature in Nigeria is rigid and inefficient and this has no doubt made it difficult for the agency to take some recruitment decision vital to their peculiar needs without a legal and bureaucratic procedures.

Summary, Conclusion and Recommendations

Summary

The main of this research is to examine the Nigerian Labour Law and Human Resource Management practice in the Nigerian Public Sector. The study sheds light on the potential effects of Nigerian Labour Laws on the human resource management practices in Nigerian public sector particularly the recruitment and selection practices. Implying that the Labour law plays pivotal role by providing regulatory and guidelines in the recruitment and selection as it established the legal principles that safeguard the right of employees in the organization and also foster harmonious relationship between them. Notable key observations emerged from the study, emphasizing the crucial role that Nigerian Labour Laws play in shaping the agency in hiring decisions and practices. Relevant Literatures and handbooks were reviewed to justify the necessity of this research. Scott's theory was critically studied and happened to be the most useful theory the address the aim of the research. The study further draws the findings, conclusion and finally recommendations.

Conclusion

In conclusion, recruitment and selection are foundational to public sector performance and service delivery. Adhering to principles such as meritocracy, transparency, and compliance with laws ensures the integrity of these processes. The existing labour laws in Nigeria has been found to be effective in regulating human resource management practices in terms of recruitment and selection but however, the political influence and inconsistent policy still posed significant challenges to the effective human resource management practice in the public sector. For instance, in Nigerian public sector, the appointment is considered on the basis of political affiliation rather than merit. This has no doubt posed potential weakness to the survival of public sectors in Nigeria limiting the ability of public organizations to compete in the global market and also detrimental to the dream of successful public sector reform. The study emphasizes that without substantial reforms to public sector employment laws, agencies in Nigeria will continue to face challenges in attracting and retaining the highly specialized personnel needed to drive innovation and research excellence. Overall, this study critically looks into the intricate relationship between Nigerian Labour Laws and the recruitment practices of Nigerian public sector. The law profoundly influences how the agency approach hiring, employment contracts, ethical considerations, and talent development.

Recommendations

Based on the objectives, findings and conclusion of the study, the study therefore recommended the following.

- i. To adhere with Nigerian Labour Laws in the areas of promoting fair recruitment practices, the Nigerian public sector should bolster their diversity and inclusion initiatives. This involves implementing internal policies that actively promote diversity in the workforce can lead to increased representation of skilled and local talent and contribute to the development of a more inclusive work environment.
- ii. There should be a Labour law reform in Nigeria to capture the peculiar needs of a critical organizations operating in Nigeria and ensure that some privileges should be giving to them to address special need.
- iii. There should be a regular practice of every organization to be consistent with the principle of labour law in order to avoid embarrassment and of course infringing the rights of their employees.

References

- Acemoglu, D., & Restrepo, P. (2019). Automation and new tasks: How technology displaces and reinstates labor. *Journal of Economic Perspectives*, 33(2), 3-30.
- Ademolekun L. Public administration a Nigeria and comparative perspective. London: Longman; 1983.
- Adekola, G., & Ohwofasa, B. O. (2017). A Review of Employees' Compensation Act, 2010: A Critique. *Academic Journal of Interdisciplinary Studies*, 6(2), 33.
- Adewale, O. (2004). *Handbook in Research and Statistical Analysis*. Ogun State: Adelf Consult.
- Adeyemi, O. S. Dumade, E. O. & Fadare, O. M, (2015). The influence of recruitment and selection on organizational performance. the influence of recruitment and selection on organizational performance *IJAAR* 5(3).
- Akintayo, D. I. (2010). Human Resource Management Practices and Organizational Commitment in Nigerian Organizations: An Empirical Study. *Interdisciplinary Journal of Contemporary Research in Business*, 2(2), 47-56.
- Armstrong M. (2009). *Handbook of Human Resource Management Practice* (11th ed.), London: Kogan Page Ltd.
- Armstrong, M. (2012): *Amstrong's Handbook of human resource management practice* (12th ed.). London: Kogan Page.
- Armstrong, M. (2016). *A Handbook of Strategic Human Resource Management*. 6th Edition, Kogan Page Publishing limited.
- Armstrong, M. (2020). *Armstrong's Handbook of Human Resource Management Practice*. Kogan Page.
- Atabo I. S., Onyambayi, E.T., Yunusa, A, Adebayo T.S & Omale S. S (2024): Ex-Raying the Nexus Between Public Administration and Human Resource Management in Nigerian Public Sector Organizations. *International Journal of Public Administration and Management Research* 10, (5), 1-17.
- Bature, N. (2019). *Advance Human Resource Management*, 5th edition Kaduna: Joyce graphics Printers & Publisher's, Nigeria.
- Barry, J., & Wilkinson, F. (2021). Ensuring fairness in employment: The role of anti-discrimination laws in promoting equal opportunities. *Journal of Business Ethics*, 198(4), 623-640.
- Beardwell, S (2007) Exploring recruitment and selection trends in the Eastern Cape – Core <https://core.ac.uk> > download > pdf

- Ballantyne, I. (2022). Recruiting and selecting staff in organizations, in Gilmore, S. and Williams, S. (eds). *Human Resource Management*. Oxford: Oxford University Press.
- Blessing C.O. and Samuel C. N. (2023). Effect of Recruitment and Selection on Performance of First Bank Plc, Enugu Metropolis: *International Journal of Advances in Engineering and Management (IJAEM)* Volume 5, Issue 6 June 2023, pp: 638-645
- Briggs, R.B. (2007). Problems of recruitment in civil service: case of the Nigerian civil service” *African journal of business management*, 1(6): 142-153
- Briggs, J. (2009). The problem of recruitment in Nigerian federal civil service. *African Journal of Business Management*, 12(5), 221-234.
- CIPD (2007) *The Changing HR: transforming HR*. London: CIPD.
- Coyle-Shapiro, J.A-M., Conway. N. (2004) “ the employment relationship through the lens of social exchange”, in J.A-M. Shapiro, L.M. Shore, M.S.Taylor and L.E.Petrick (Eds) *The Employment Relationship: Examining Psychological and Contextual Perspectives*, Oxford: Oxford University Press, pp.5-28.
- Dickens, L. (2012) *Making Employment Rights Effective: Issues of Enforcement and Compliance in* Dickens (Eds) *Making Employment Rights Effective*, Hart Publishing.
- Dobbin, F, Sutton, J.R., Meyer J.W., Scott W.R. (1993) “Equal Opportunity Law and the Construction of Internal Labor Markets.” *American Journal of Sociology* 99:396–427.
- De Stefano, V. (2016). The rise of the just-in-time workforce: On-demand work, crowdwork, and labor protection in the gig-economy. *Comparative Labor Law & Policy Journal*, 37(3), 471-504.
- Edwards, P. (1995) *Industrial Relations: Theory and Practice in Britain*. Oxford: Blackwell
- Ekpenyong, S. (2007). *Lecture Notes on Complex Organizations for Post Graduate Students: University of Port Harcourt* (unpublished).
- Fagbemi, A. O. (2010). *Job performance as a function of motivation in the Nigeria public service*. Unpublished Ph. D Thesis: university press.
- Estlund, C. L. (2014). Regoverning the workplace: From self-regulation to co-regulation. *New York University Law Review*, 89(3), 425-479.
- Federal Government of Nigeria (1993): *National Policy on Space Science and Technology Publications*, Abuja, May, 1993.
- Fredman, S., Morris, G. (2015) *The State as Employer: Labour Law in the Public Services*. London: Mansell.
- Freeman, R. B., & Kleiner, M. M. (2017). The impact of New Deal labor legislation on labor markets: A natural experiment in administrative burden. Working Paper 24219, National Bureau of Economic Research.
- Garcia, E., & Martinez, A. (2022). The future of work: Labor market institutions in the digital age. *Journal of Economic Perspectives*, 36(1), 61-80.
- Gupta, A., & Singh, M. (2024). Remote work in the gig economy: Legal challenges and policy responses. *Journal of Business Ethics*, 189(2), 245-261.
- Heery, E. (2011a) “Reassessing the Employment Relationship: An Introduction” in Blyton, International Labour Organization. (2006). *Labour administration and labour inspection in Nigeria*. International Labour Organization. (2019). *Ratifications for Nigeria*.
- Johnson, M. J., et al. (2023). Gig workers in the platform economy: Labor classification and employment status. *Industrial Relations*, 62(1), 99-125.
- Katz, L. F., & Krueger, A. B. (2019). The rise and nature of alternative work arrangements in the United States, 1995–2015. *ILR Review*, 72(2), 382-416.
- Madia, S.A. (2011). "Best practices for using social media as a recruitment strategy", *Strategic HR Review*, Vol. 10(6), pp. 19-24.

- Morin, J. (2005). Globalization and labor law: Perspectives from Europe and the United States. *Comparative Labor Law & Policy Journal*, 26(1), 35-72.
- Nigerian Space Programme, A Blue Print for Scientific and Technological Development, September, 2000.
- Nze, F.C. (1988). Administrative reforms in two political cultures: a comparative study of Nigeria and the US, *The Nigeria journal of public affairs*, XII (1): 60-61
- Omolo, J. W., Moses, O, Willis, Y. O. (2012). Human Resource Studies, Vol.5, No.4, pp 79- 93
- Osita, I. C .and Vivian, K. O.(2019) Human resources management practices and real estate project management success. Anambra. *International Journal of Civil Engineering, Construction and Estate Management*. V (7) 2
- Onyeché C. and Deedam D. G. (2023). Recruitment and Selection Processes in Public Service Organizations: Rivers State Experience. *Glob Acad J Humanit Soc Sci*; Vol-5, Iss-2 pp-123-133.
- Osibanjo, A., Adeniji, A., Falola, H., & Heirsmac, P. (2018). Recruitment and Selection Policies and Organizational Effectiveness. *International Journal of Human Resource Studies*, 8(4), 75-93.
- Otobo, D. (2016). *Reforms and Nigerian Labour and Employment Relations: Perspectives, Issues and Challenges*. Malthouse Press.
- Osibanjo, A., Adeniji, A., Falola, H., & Heirsmac, P. (2018). Recruitment and Selection Policies and Organizational Effectiveness. *International Journal of Human Resource Studies*, 8(4), 75-93.
- Perry, J. L., & Wise, L. R. (1990). The Motivational Bases of Public Service. *Public Administration Review*, 50(3), 367-373.
- Prabhu, M., Nambirajan, T., & Abdullah, N. N. (2020). Operating competitive Priorities of Manufacturing Firms: An analytical study. *Journal of Industrial Engineering and Management*, 13(1), 38-55.
- Report of the Special Committee to Review Space Matters in Nigeria, October, 2000
- Rogers, B. R. (2020). Technological change and the future of work: The impact of labor and employment laws. *Berkeley Journal of Employment & Labor Law*, 41(1), 1-46.
- Rose, J. (2016). Changing norms and expectations in employment law: Implications for workers and employers. *Harvard Law Review*, 129(6), 1542-1581.
- Sellers, K. F. (2020). The economics of labor and employment law. *Journal of Economic Literature*, 58(3), 653-720.
- Smith, P., Wood, A & Robert P. (2019). Labor law and collective bargaining: Recent developments and future prospects. *Annual Review of Law and Social Science*, 15, 263-284.
- Smith, P., Wood, A & Robert P. (2019). Promoting diversity and inclusion in the workplace: The role of antidiscrimination laws and affirmative action policies. *Journal of Applied Psychology*, 108(3), 459-478.
- Stone, K. J. (2016). From industrial jurisprudence to collective labor law: The influence of historical labor movements on contemporary legal frameworks. *Labor Studies Journal*, 41(4), 309-330.
- Scott, W. R. (2008). *Institutions and Organizations: Ideas and Interests*. SAGE Publications.
- Stone, D.L., & Deadrick, D.L. (2015). Challenges and opportunities affecting the future of human resource management. *Human Resource Management Review*, 25, 139-145. doi:10.1016/j.hrmr.2015.01.003
- Tharp, B. M. (2005). The balance between efficiency, equity, and voice in the workplace: An analysis of labor and employment laws. *Labor Law Journal*, 56(3), 143-167.

- Torlak, N.G., Kuzey, C. & Ragom, M. (2018). Human resource management, commitment and performance links in Iran and Turkey. *International Journal of Productivity and Performance Management*, 67(9), 1994-2017. <https://doi.org/10.1108/IJPPM-11-2017-0298>.
- Uvieghara, E. E. (2001). *Labour Law in Nigeria*. Malthouse Press Limited.
- Wairimu, S. J. & Kamaara, M. P. (2018). Effects of recruitment process on employee performance – a survey of life insurance companies in Kenya. *International Journal of Business Management & Finance* 1(52), 898-910.
- Waring, T.W., Wainwright, D. (2008) Innovative developments in the use of Template Analysis: Two comparative case studies from the field, Proceedings of the 7th European Conference on Research Methodology for Business and Management Studies, Regents College, London, UK, 19-20th June, 2008.
- Wheeler, K (2004). Ethics of recruiting. Ere recruiting intelligence. <https://www.ere.net/theethics-of-recruiting/>
- Wright, P. M., McMahan, G. C., & McWilliams, A. (1994). Human resources and sustained competitive advantage: A resource-based perspective. *International Journal of Human Resource Management*, 5(2), 301-326.
- Zirra, C. T. O., Ogbu, J. O., & Ojo, G. R. (2017). Impact of recruitment and selection strategy on employees' performance: A study of three selected manufacturing companies in Nigeria. *International Journal of Innovation and Economic Development*, 3(3), 32-42.