

RE-EXAMINING THE NATURE OF CORPORATE SOCIAL RESPONSIBILITY ENFORCEMENT IN NIGERIA: A CASE FOR THE PRACTICE OF OCCUPATIONAL HEALTH AND SAFETY*

Abstract

Enforcing Corporate Social Responsibility (CSR) has been largely controversial. This is largely due to questions of whether legitimate claims can arise since social responsibility can be lacking in established legal rights and obligations. This paper assesses the nature of CSR framework in Nigeria to determine the possibility of a legal claim against governments or multinationals operating in Nigeria. This finding confirms that Nigerians, government and its institutions do not know the characteristics of Nigeria's corporate legal system and its efficiency with regards to enforcement of corporate social responsibility. The idea is to establish a fundamental nexus between the need for a legal framework in Nigeria and the world for enforcement of corporate social responsibility between multinational companies (MNCs) and the host government. The research achieves the outcome by evaluating the culture around occupational health and safety regulation in Nigeria. This paper maintains the view against the voluntarist conception that sees the non-chalant nature of practice of corporate social responsibility in Nigeria as the offshoot not lending voices to enforcement by the people and the government of Nigeria towards the practice of corporate social responsibility by multinational oil and gas companies in Nigeria wrapped into the culture behind the practice of occupational health and safety in Nigeria. As a result, the study seeks to resolve the question of whether there is a culture of occupational health and safety in Nigeria for multinational oil and gas companies operating in Nigeria and the impact the citizen's voices could have for the enforcement of corporate social responsibility in their country Nigeria. The aim is to conceptualize and broaden understanding of the political ground on which occupation and health and safety will fall and voices in favour of enforcement by the people is incidental to or a function of framework and systems design. Aspects of relativist, non-relativist, and communalist analytical methods provide a context for an examination of the political ground on which occupational health and safety (for corporate manslaughter punishment of multinational oil and gas companies in Nigeria) will fall and the voices against the activities of multinational companies in Nigeria's oil and gas sector. It argues that the cultural gaps for enforcement created within CSR framework provides the basis for the non-chalant attitude from multinational oil and gas companies operating in Nigeria. Initial findings reveal a strong connection between defective systems design in terms of culture for corporate punishment in Nigeria's oil and gas sector, citizenry voices and high tendency for low practice of CSR in Nigeria's oil and gas sector by MNCs. This has implications for associated and connected institutional systems in Nigeria.

Keywords: Corporate Social Responsibility, Enforcement, Occupational Health and safety, Nigeria

1. Introduction

The absence of a maintenance culture behind the practice of occupational health and safety (OHS) (corporate social responsibility (CSR)) in Nigeria clearly manifests human ambivalence. In fact, several attempts at this are blamed on Nigeria having only two major source of revenue generation which is oil and gas. In the last several decades especially in developing countries like Nigeria, both concepts of enforcement and the culture of occupational health and safety (most especially on the ground on which occupational health and safety in countries will fall) have suffered a deluge of classifications by different academic disciplines at the expense of consistency. Mounting critique and ideological reflections on their framing have assured limited twists and turns on the edges without an in-depth engagement with the conceptual nature eluding culture of practice of occupational health and safety and CSR. Although numerous studies on social responsibility elevates CSR especially in developed countries because they have a system for enforcement, little is expressed on the voices in favour of enforcement of corporate social responsibility in developing countries like Nigeria. The poor understanding on the importance of the ground on which occupational health and safety will fall, flows from the conflicted understanding of corporate social responsibility and its framing in terms of voices in favour of occupational health and safety, and applications across industries. This study proposes two sets of Two-Element Test described in detail in Section 2, to explore what causes hindrance with respect to enforcement of CSR and determine the original cause of these hindrances like the motive behind the lack of practice of occupational health and safety within CSR designs in different countries. The first set of Two-Element Test assesses whether Power Relations, and CSR Factors exist in CSR enforcement. The second set of Two-Element Test evaluates how Nigeria can imbibe the culture of occupational health and safety. This research utilises the Two-Element test to provide clarity to the culture behind occupational health and safety in various countries as it relates to CSR and its enforcement in Section 2 by conducting an analysis on the nature and varied framing of both issues. This section further utilises the weak socio-economic context that prioritizes profits over worker safety Tests within the Two-Element Test to resolve the question of 'original cause' of the motive behind the lack of practice of occupational health and safety in some countries. Section 3 presents the conclusion and recommendations.

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2. What is the Culture around OHS Regulation?

Companies are attempting to remain profitable in an ever-more- competitive, global economy¹. According to Friend and Kohn, addressing safety, health, and environmental issues may mean more than good business practice because for many companies' strong safety, health, and environmental programs may actually mean survival of thousands of employees who are reportedly killed in the United States as a result of on-the-job incidents². Unfortunately, for some employers the responsibility to protect human life is not as important to them as other goals or priorities. The oil industry has significant effects on sustainability. Risk taking petroleum companies have frequently failed to ensure compliance with health, safety and environmental codes, leading to costly disputes and stalling sustainability³. Outside the oil company, in 2002, a tragic fire incident killed 45 workers of a West African Rubber Product Company Nigeria Limited in Lagos. The workers reportedly died in a night fire flames because the Chinese owners of the company as alleged went home to sleep after close of work and locked the gate against their workers because the Chinese owners wanted their Nigerian employees to work over time⁴. This is an example of failure in economic responsibility of CSR, which entails companies while making money (profit) should also consider the health and safety, as well as the welfare of their workers⁵. A company may focus on productivity and profits to the exclusion of safety and health.

3. Organizational Culture

Organizational culture creates the 'rules of the road' for employees inside a company to follow. Culture helps employees understand whether the company is sincerely interested in complying with regulations, protecting the environment, and putting the health and safety of its workers first or not⁶. Culture can also create that dark space into which normalization of deviance⁷, or routine nonconformity, is accepted and even encouraged⁸. For example, it becomes expected that employees will support the company's cost-cutting measures, even if doing so reduces attention to safety procedures⁹. They are often-ignored negative externality associated with energy conversion and use¹⁰. A prominent example in Nigeria is the fatal energy accident involving the rupture and explosion of a Nigerian National Petroleum Corporation (NNPC) high-pressure pipeline carrying gasoline from the Warri Refinery in Southern Nigeria to Kaduna in Northern Nigeria on October 17, 1998 which killed 1078 people¹¹. This weakness in organizational culture may lead to terminal illnesses, deaths and accidents in Nigeria. On the other side of the world, there is the deep-water horizon explosion that happened in the Gulf of Mexico, causing environmental pollution and the loss of eleven lives. The oil spill¹² in the Gulf of Mexico has shown a poor corporate culture at BP¹³ (Lack of management to address issue of importance). The company had in the past and during the incident been neglecting worker's safety and environmental standards. The junior workers complained of mechanical malfunction in the drill to their supervisors but they considered that since they are independent contractors contracted temporarily to specifically carry out a job, it will be best to cut spending in order to maintain profit at the detriment of oil workers (on board the drill) and on the environment. The State of California, and indeed President Barrack Obama, under the Clean Water Act, immediately mandated British Petroleum to clean up the Gulf of Mexico. British Petroleum was fined billions of dollars as compensation for the family of the deceased. In the days that led up to the disaster in the Gulf of Mexico, William Reilly, co-chair of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, noted that 'a safety culture must be led from the top, and permeate a company'¹⁴. In Nigeria, It will be when someone has already died and the media covers the news that Nigerians get to know their right to healthy living and safety at work/ community where oil companies carry on business. This according to Tombs and Whyte can be because there has been a general tendency in law to downplay the seriousness of safety crimes by

¹ Friend Mark and James Kohn *Fundamentals of Occupational Safety and Health* (Rowman and Littlefield, 2018) at 3

² *Supra* at 3

³ Adam Tanielian 'Balancing Harmful Impacts of the Petroleum Industry with Internal Dispute Prevention and External Sustainable Preventive Initiatives' (2013) *American Society of Civil Engineers* <[http://doi.10.1061/\(ASCE\)LA.1943-4170.0000138](http://doi.10.1061/(ASCE)LA.1943-4170.0000138)>. [Accessed] 25th January, 2017.

⁴ Linus Ali *Corporate criminal liability in Nigeria* (Malthouse Press Ltd 2009)

⁵ Paul Almond *Corporate Manslaughter and Regulatory Reform* (Palgrave Macmillan 2013)

⁶ Denise Scheberle *Industrial Disasters and Environmental Policy: Stories of Villains, Heroes, and the Rest of Us* (Routledge, 2018)

⁷ Stephen Linstead, Garance Marechal and Ricky Griffin 'Theorizing and Researching the Dark Side of Organization' (2014) 35(2) *Organization Studies* 165-188 at 176

⁸ Denise Scheberle *Industrial Disasters and Environmental Policy: Stories of Villains, Heroes, and the Rest of Us* (Routledge, 2018)

⁹ Denise Scheberle *Industrial Disasters and Environmental Policy: Stories of Villains, Heroes, and the Rest of Us* (Routledge, 2018)

¹⁰ Benjamin Sovacool 'The Costs of Failure: A Preliminary Assessment of Major Energy Accidents, 1907-2007' (2008) 36 *Energy Policy* 1802-1820

¹¹ Benjamin Sovacool 'The Costs of Failure: A Preliminary Assessment of Major Energy Accidents, 1907-2007' (2008) 36 *Energy Policy* 1802-1820

¹² Miriam Cherry and Judd Sneirson 'Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing After the BP Oil Disaster' (2010) 85 *Tulane Law Review* 983-1038

¹³ Miriam A. Cherry Judd E Sneirson 'Beyond Profit: Rethinking Corporate Social Responsibility and Greenwashing after the BP Oil Disaster' (2011) 85 *Tulane Law Review* 983-1038 at 984

¹⁴ William Riley National Commission on BP Deepwater Horizon Oil Spill 2010 in Justin Farrell 'Moral Outpouring: Shock and Generosity in the Aftermath of the BP Oil Spill' (2014) 61(3/1) *Social Problems* 482-506

responding to them as noncriminal ‘accidents’¹⁵. In Canada, before the introduction of the Factories Act, workers were responsible for their own welfare and safety at work. They were blamed by the company for their own injury and death in the workplace while employers were seen as good and law-abiding. In Canada then, serious injury and death was recognized in the shadow as an incident not to be tolerated but when it happens it is taken that it is as a result of the fact that workers wanted to work and they also need money. The company then believes that since workers are in dire need of money and job, including weak and under-enforced laws, whatever happens to them as a result, is their own problem. The underlying causes of safety crimes, and a socio-economic context that prioritizes profits over worker safety, remain untouched¹⁶. What saved Canada in recent times and changed how companies perceive health and safety to be is that the government decided to amend the Factories Act (making provision for health and safety) to share power between the government and the company¹⁷. Too much power handled by companies can lead to abuse and it can make an oil company especially in developing African country as Nigeria to be as [powerful] as a state.

It is important to note however that power is the lifeblood of organizations, and individual managers and top executives are not immune to the heady allure of control, whether in public or in a public company¹⁸. This writer believes that supervisors at an oil rig offshore and indeed senior managers need to do the right thing which is reducing environmental degradation which causes terminal illness (society)). News of environmental degradation makes a country less tourist attraction. This writer can only say that with regards to culture of occupational health and safety and in line with enforcement of corporate social responsibility among multinational oil and gas companies in developing countries like Nigeria, multinational oil companies should make decisions to regularly clean up oil spillage and reduce gas flaring.

4. Corporate Social Responsibility and the culture behind occupational health and safety in Context

The absence of a proper understanding of occupational health and safety and with corporate social responsibility and its enforcement clearly manifests human and corporate ambivalence. In fact, several attempts at these concepts are simply lost in their analyses. This is based on whether Nigeria has the culture of health and safety, what evidence is there that Nigeria has a culture of health and safety, how can companies in Nigeria help imbibe the culture of health and safety and any lessons for Nigeria from other countries. Although numerous studies on enforcement elevates other arms of corporate liability like corporate manslaughter, human right abuse (through environmental degradation caused by the activities of oil and gas companies in the oil rich Niger Delta Area) but with regards to the culture of occupational health and safety especially with multinational oil and gas companies operating in Nigeria, little is expressed on its benefits to corporate liability and structural links to corporate social responsibility (economic responsibility of corporate social responsibility). The poor understanding of the importance of having a culture of occupational health and safety and the ground upon which it will fall especially in a developing country as Nigeria is a huge concern. This company managers may view the occurrence of terminal illnesses (resulting from gas flaring by the villagers constantly inhaling flared gas (which could have been channelled to the ground when companies budget funds for that) causing cancer and injuries as a routine part of the job¹⁹ but in the end, the amount of costs associated with workplace accident far outweighs the little trouble providing a safe working equipment and environment for its employees and the villagers where these multinational oil and gas companies are situated and carries on business. This study proposes to analyse the nature and limited framing of the practice of occupational health and safety by companies, what is behind its failure and the ground upon which occupational health and safety will fall in the oil-rich Niger Delta of Nigeria and in other parts of the world.

In Nigeria, it might seem that corporate social responsibility is unenforceable but when readers look at the commitment made by companies when it goes to specific locations, certain things cannot happen without corporate social responsibility being interpreted or included in the project documents. Most companies would want to incorporate corporate social responsibility procedures into its corporate documents as part of agency requirements or regulatory requirements. In Nigeria, at the level of statute, it is not there but in the UK at the level of administrative rules, it is there and administrative rules are governed by common law. This means that in the UK, there is a certain level of enforcement that goes in there in terms of companies having to comply and explain. For example, the UK government can ask company why they refuse to clean up oil spillage when it knows that it can catch fire with explosion claiming lives. But in Nigeria, anything goes. Nigeria as a country does not have a political structure of comply and explain. In advanced countries of the world, noticeable improvements have since been made to mitigate site accident. The story is different in Nigeria as

¹⁵ Steve Tombs, and David Whyte, *Safety Crimes* (Willan Publishing, 2007)

¹⁶ Terry T. Pitoulis, *Bloody Oil: A Critical Discourse Analysis of Safety Crimes in the Alberta Oil and Gas Industry* Department of Criminology Faculty of Social Sciences University of Ottawa (2014) at iv

¹⁷ Terry T. Pitoulis, *Bloody Oil: A Critical Discourse Analysis of Safety Crimes in the Alberta Oil and Gas Industry* Department of Criminology Faculty of Social Sciences University of Ottawa (2014)

¹⁸ Christopher Bartlett ‘Beyond Strategic Planning to Organization Learning: Lifeblood of the Industrialized Corporation’ (1998) 26(1) *Strategy and Leadership* 34-39 in Denise Scheberle *Industrial Disasters and Environmental Policy: Stories of Villains, Heroes, and the Rest of Us* (Routledge, 2018)

¹⁹ Friend Mark and James Kohn, *Fundamentals of Occupational Safety and Health* (Rowman and Littlefield, 2018) at 2

the industry is ruined by reports of accidents on construction site²⁰. Transco, on 19th of September, 2005 pleaded guilty at Manchester Crown Court²¹ to an offence of health and safety under Section 3²². The North Sea in Scotland (The United Kingdom) holds Western Europe's largest oil and natural gas reserves and is one of the world's key non-OPEC (Organisation of Petroleum Exporting Countries) producing regions²³. As a result, quality health safety and environmental procedures, and all other systems, procedures and documentation which impact upon safety must be implemented and kept under constant review in order to ensure a safe environment for all those working in or affected by the industry²⁴. This is for greater safety management. In the UK the political ground upon which CSR and punishment of companies for corporate manslaughter (enforcement of occupational health and safety) will fall is that the country operates a form of risk management.

In developed countries like United Kingdom, this act of managing corporate social responsibility by the UK government and its institutions, can be as a form of risk management to avoid political scandal, to maintain the trust of both shareholders and stakeholders, and to retain the licence to operate²⁵. In most of the developing world, political settlements remain 'clientelistic', 'characterized by the significant exercise of power based on informal organizations, typically patron-client organizations of different types'²⁶, with the personalised character of elite bargaining ensuring that institutional arrangements remain based on 'deals' rather than 'rules'²⁷. This boils down to the question that should governments in Africa, take a stronger role in driving corporate social responsibility (CSR), if it is to aid enforcement and culture of occupational health and safety development? Even where governments have a key role as drivers of CSR, should they use Command and Control mechanisms to govern the CSR process? In Nigeria, the machineries of government are so weak to catch the strong multinational companies unlike in The United Kingdom²⁸. This expresses severe concern that weakness of the Nigerian laws and the inability to prosecute strong multinational companies (MNCs) may create a section of artificial persons (who are regarded as untouchables) in Nigeria's corporate and criminal legal system.

5. An Analysis of the Motive Behind the Practice of Occupational Health and Safety within CSR Designs in Different Countries

In 2010s-decade, Alberta's (Canada) occupational health and safety (OHS) regime exhibit classic symptoms of regulatory capture by employers²⁹. These include ineffectively regulating workplace safety, deeming employers to be 'partners' in regulation, being reliant on employer funding of regulatory activity, allowing employers preferential access to policy-making, enacting policies that reward the appearance of safety rather than safety itself, and promulgating a narrative that blames another stakeholder (i.e., workers) for workplace injuries³⁰. It brings great joy that the enforcement of occupational health and safety has indeed hardened and become increasingly subject to government intervention in some parts of the world but in developing countries, the practice of occupational health and safety could be improving. In the Republic of Ireland, the citizens and the government debates on imposing unlimited fines³¹ in order to deter corporate crime. At least the Irish citizens know about the law and there is a legitimate system for enforcement of the law. This

²⁰ Olusoga Olawale Oreoluwa and Fagbemi Oluksunkanmi. 'Health and Safety Management Practices in the Building Construction Industry in Akure Nigeria' (2018) 3(1) *American Journal of Engineering and Technology Management* 23-28 at 23

²¹ Gerald Forlin and Smail (Eds) *Corporate Liability: Work Related Deaths and Criminal Prosecutions*. (2nd Ed. Bloomsbury Professional Ltd, 2010)

²² The Health and Safety Act (UK) 1974

²³ Gerald Forlin and Smail (Eds) *Corporate Liability: Work Related Deaths and Criminal Prosecutions*. (2nd Ed. Bloomsbury Professional Ltd, 2010)

²⁴ Gerald Forlin and Smail (Eds) *Corporate Liability: Work Related Deaths and Criminal Prosecutions*. (2nd Ed. Bloomsbury Professional Ltd, 2010) at 260

²⁵ Mathias Fifka and Nicola Berg 'Managing corporate social responsibility for the sake of business and society' (2014) 21 *Corporate Social Responsibility and Environmental Management* 253-257

²⁶ Mushtaq, Khan, 'Political settlements and the governance of growth-enhancing institutions' (2010) School of Oriental and African Studies 1-139 at 4 in Sam Hickey, Abdul-Gafaru Abdulai, Angelo Izama, and Giles Mohan, The politics of governing oil effectively: a comparative study of two new oil-rich states in Africa. *ESID* (2015) Working Paper No. 54. Manchester, UK: University of Manchester. Available at www.effectivestates.org [Accessed] 15th May 2015

²⁷ L. Pritchett, and E. Werker Developing the guts of a GUT (Grand Unified Theory): Elite commitment and inclusive growth (2013) *ESID Working Paper No.16*. Manchester: Effective States and Inclusive Development Research Centre in Sam Hickey, Abdul-Gafaru Abdulai, Angelo Izama, and Giles Mohan, The politics of governing oil effectively: a comparative study of two new oil-rich states in Africa (2015) *ESID Working Paper No. 54*. Manchester, UK: University of Manchester. Available at www.effectivestates.org [Accessed] 15th May 2015

²⁸ Chioma Emem and Paul Amadi. 'A new dawn of corporate criminal liability law in the United Kingdom: lessons for Nigeria' (2012) 2(1) *African Journal of Law and Criminology* 86-98

²⁹ Bob Barnetson, 'Worker Safety in Alberta' in Shrivastava Meenal and Lorna Stefanick *Alberta Oil and the Decline of Democracy in Canada* (Athabasca University Press, 2015)

³⁰ Bob Barnetson, 'Worker Safety in Alberta' in Shrivastava Meenal and Lorna Stefanick *Alberta Oil and the Decline of Democracy in Canada* (Athabasca University Press, 2015)

³¹ Bruce Carolan 'Criminalizing Corporate Killing the Irish Approach' (2011) 41(157) *Stetson Law Review* 157-174

motive behind the practice of occupational health and safety by the Irish people is that unlimited fine creates the public impression that companies cannot buy their way out of corporate manslaughter offences. In America, businesses generally are created or established to maximize profit through effective and efficient management of human and material resources in line with their predetermined vision, mission, policy and goal(s)³². In the course of maximizing profits, companies annex natural resources- foreign and local, as a result impacting positively and negatively in the environment where it exists³³. It behoves on the companies to for example regularly clean up oil spillage when it occurs. This was evident in 2010 during the Deep-water Horizon explosion when President Barack Obama used the mechanism for enforcement of occupational health and safety in place to order (British Petroleum a giant oil and gas company in the world) immediate cleaning up of oil spillage in the Gulf of Mexico and compensate the deceased (workers) family members. This is as a result of lack of citizenry voices and high tendency for low practice of CSR in Nigeria's oil and gas sector by MNCs. In other countries like Canada, Bittle and Stinson voice that the inability of the state to hold powerful corporations and corporate actors³⁴ to account for their serious offending presents strategic opportunities for demanding improved accountability measures and changes to a system responsible for so much bloodshed and killing³⁵. By using bottom-up, enforcement process starts with the bottom of the hierarchy, the ordinary citizen, a group of citizens or NGOs³⁶. In the absence of explicitly binding commitments and enforcement mechanism, citizens can use new legal tools like class actions to seek redress at courts in countries where they may not even be citizens, and sue for redress of violations of human rights and environmental protection³⁷. If successful, they can thereby solidify originally vague and soft commitments by states and corporations; they can bring about legally binding structures and commitments from the bottom-up³⁸.

This simply means that with regards to the motive for the practice of occupational health and safety in a country, the government must be willing to have a system in place for enforcement and both the citizens and these multinational companies in its host countries must understand and accept the effect of the law.

According to Rousseau and his philosophy of social contract, the citizens live in harmony and surrendered their right to life to the community as a whole³⁹. With civilization like the joint venture comes a social contract⁴⁰ constituted and administered by the State. According to Rousseau, the original freedom, happiness, equality, and liberty existed in primitive societies before the social contract was lost in modern civilization. Through the social contract, a new form of social organization between the companies and the state was formed to assure and guarantee rights, liberties, freedom, and equality⁴¹. This also means that the practice of occupational health and safety is then based on the fact that the government's authority to punish for any wrongful harm is obtained from its social dangers that if it goes unpunished the community whose ethics it is in breach of will in this sense begin to fall apart⁴². This makes this writer to think that the practice of occupational health and safety then starts when the State makes the practice of occupational health and safety a paramount consideration without compromising with foreign companies because of revenue generation.

7. Conclusion

In Nigeria, health and safety issues ranges from oil spillage, gas flaring to oil or gas explosions with no casualty. The problem this writer discovered is the condition under which the Nigerian government will implement legislation⁴³ especially for cases of incident like oil spillage, gas flaring causing death, breach of human rights claiming lives and death of employees at work caused by lack of basic welfare material knowing that the culture of practice of occupational health and safety is still shaky in Nigeria. This means that there has to be a solution. Countries like Nigeria should endeavour to avoid the regulatory capture by companies. Historically, Alberta's occupational health and safety (OHS)

³² Robert Parish, Thomas Sullivan and Shea Moser 'Criminalization of Maritime Casualties Circa 2013' (2012) 87 *Tulane Law Review* 995-1023

³³ Robert Parish, Thomas Sullivan and Shea Moser 'Criminalization of Maritime Casualties Circa 2013' (2012) 87 *Tulane Law Review* 995-1023

³⁴ Steven Bittle, Lori Stinson, 'Corporate killing law reform: A spatio-temporal fix to a crisis of capitalism?' (2018) *Capital and Class*

³⁵ John Ruggie (2008). Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. www.business-humanrights.org/SpecialRepPortal/Home in Steven Bittle and Laureen Snider. 'Examining the Ruggie Report: can voluntary guidelines tame global capitalism?' (2013) 21(2) *Critical Criminology* 177-192 at 186

³⁶ Maria Antonia Gwynn. Legal Developments in the Enforcement of International Environmental Commitments (2018) *GEG Working Paper* No. 138 1-24 at 7

³⁷ Maria Antonia Gwynn. Legal Developments in the Enforcement of International Environmental Commitments (2018) *GEG Working Paper* No. 138 1-24 at 7

³⁸ Maria Antonia Gwynn. Legal Developments in the Enforcement of International Environmental Commitments (2018) *GEG Working Paper* No. 138 1-24 at 7

³⁹ Manzoor Laskar Elahi, Summary of Social Contract Theory by Hobbes, Locke and Rousseau, Symbiosis Law School Pune 2013 at 5

⁴⁰ *Supra* at 5

⁴¹ *Ibid* at 5

⁴² Mark Tebbit *Philosophy of Law an Introduction* (2nd Edition Routledge Taylor and Francis Group, 2007) at 137

⁴³ *Supra* at 503

regime exhibits classic symptoms of regulatory capture by employers. These include ineffectively regulating workplace safety, deeming employers to be ‘partners’ in regulation, being reliant on employer funding of regulatory activity, allowing employers preferential access to policy making, enacting policies that reward the appearance of safety rather than safety itself, and promulgating a narrative that blames another stakeholder (i.e., workers) for workplace injuries⁴⁴. In these ways, Alberta’s regulatory climate undermines workers’ freedom to associate and right to health, as well as the principle of the state acting in the public interest. These rights and principles are associated with democratic societies and constitute the main bulwark that workers have constructed against⁴⁵ capital organizing work in an injurious manner, effectively trading worker health for profit. While employers have undermined such rights to some degree throughout Canada, Alberta’s oil-driven economy appears to have facilitated much greater employer evasion and weakening of these rights⁴⁶. This writer can only advise that this avoidance could in years to come be seen as a stepping stone towards the practice of occupational health and safety. There needs to be a legal framework in Nigeria for the culture and practice of occupational health and safety between the Nigerian government, the Nigerian citizens and the multinational companies (MNCs) in Nigeria. This has implication for lack of efficiency concerning the practice of occupational health and safety among companies operating in Nigeria’s oil and gas sector.

⁴⁴ Bob Barnetson ‘The Validity of Alberta Safety Statistics’ (2012) 19 *Just Labour* 1-1

⁴⁵ Bob Barnetson. ‘Worker Safety in Alberta.’ in Meenal Shrivastava and Lorna Stefanick. *Alberta Oil and the Decline of Democracy in Canada* (Athabasca University Press, 2015) at 225

⁴⁶ Bob Barnetson. ‘Worker Safety in Alberta.’ in Meenal Shrivastava and Lorna Stefanick. *Alberta Oil and the Decline of Democracy in Canada* (Athabasca University Press, 2015) at 226