# NATURE OF ABUSES ON RETRENCHMENT OF PRIMARY SCHOOL TEACHERS IN KADUNA STATE, NIGERIA

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**ABSTRACT**
*This paper entitled "Analysis on Abuses of Retrenchment of Primary School Teachers in Kaduna State, Nigeria Government" explored the irregularities associated with retrenchment of primary school teachers by Kaduna State Government in 2017. To achieve this study, a sample size of three hundred and ninety-two respondents was drawn from a population of 20,259 Primary School Teachers who were disengaged from service by Kaduna State Government using multi-staged sampling process and issued questionnaires. The data from the survey was complemented with data collected through interviews with nine (9) key informants. The result of the study shows that majority of affected teachers and their union were not officially informed of Governments' intention to downsize primary school teachers, no precautionary measures were taken to prevent the retrenchment, no pre- retrenchment training and counseling was organized to assist affected teachers cope with life after job loss and retrenchment benefits were not paid to many deserving teachers as mandated by law. The paper recommends that employers should properly inform workers of any intention to retrench and the categories of workers to be affected, employers should take precautionary measures to that will help them avoid retrenchment, initiate counseling seminars and entrepreneurial skills acquisition programs to workers awaiting the retrenchment to help them cope with life after job loss. Finally, employers should pay severance benefits to affected workers as soon as the exercise is conducted as mandated by law.*

Keywords: Retrenchment, primary school teachers, abuses

## 1. Introduction

Staff retrenchment is a pandemic plaguing many countries globally. Hobsbawn (1978) notes that between 1912 and 1938, the labour force in British cotton industry was reduced from 621,000 to 288000. Mthemba (2020) indicates that General Motors and IBM in United States terminated the employment contracts of 74,000 and 50,000 workers respectively. In traditional African societies, retrenchment was scarcely a problem. Akua (2012) indicates that it was first experienced in Africa as a result of contact with Europeans and the subsequent introduction of wage labour where Africans were offered employments but were later laid off when their labour was no longer needed. Young (2022) notes that the situation worsened as a result of implementation Structural

Adjustment Programs (SAPs) by African countries in the last three decades of the twentieth century. The conditionality for granting the loan compelled African countries that subscribed to retrench sizable number of workers. Kudzai (2017) reports that 55,543 workers in Zimbabwe were thrown out of jobs as a result of closure of 4610 jobs vacancies between 2011 and 2014. Furthermore, Ivan (2017) provides information that Rwanda's largest National Referral King Faisal Hospital terminated employment contacts of about 78 workers.

The scenario in Nigeria is the same with other African countries. The first outstanding mass retrenchment exercise in Nigeria was conducted in 1975. During this exercise, about 10,000 representing about 15% of the entire staff of the Federal Public Service were affected (Dibua, 2015). The incidences heightened when Nigeria collected the IMF loan and introduced SAPs. Since then, the incidence of retrenchment in both the public and private organizations keep on escalating. Olarenwaju (2018) reports that 3.6 million Nigerians were retrenched between October 2015 and September 2016. Eco Banks Nigeria retrenched as much as 1040 workers. Diamond Bank fired 200 staff, First Bank retrenched 1,000 workers, and so on. Adelani (2022) mentions that the Nigeria Army retrenched 120 officers from the ranks of Lieutenants to Major Generals in 2022 over their inability to pass promotion examination in accordance with their conditions of service as revised in 2017.

Retrenchment is a major industrial problem and is fast reaching its climax especially in Kaduna state. According to Donatus (2014), Kaduna State Government terminated the employment contracts of about 11,600 workers in 1997. Muhammad (2017) adds that about 4,042 local government employees were also issued letters of termination of employment contracts.

## 2. Literature Review.

### 2.1 Concept Clarification

The concept "retrenchment" is defined by Hornby (2000) as "to reduce", "to cut down" or "to curtail" something, especially expenses. Staff retrenchment implies an act of reducing workers in an organization especially with the motive of cutting down cost. Ahmed, Gurudutte and Kapil (2016) and Ashgar, Muhammad and Muhammad (2019) share similar view that retrenchment is termination of employment contract of several employees in a given work organization due to several factors which include restructuring of the work organization, mergers of two or several companies, reduction in production, technological changes, and so on. Base on above definitions, retrenchment mean reduction of surplus labour in an organization, office or factory in order to cut

the cost of production or curtail indiscipline in an organization. The concepts "rightsizing", "downsizing", "lay-off" and "staff rationalization" are used interchangeably with "retrenchment".

**Primary School Teacher**

A primary school is an elementary school for children ranging between four and eleven years. Okoh (2021) describes a teacher as an instructor, a facilitator, a mentor, a motivator, an innovator, a guide, a researcher, an exemplary human being, a role-model, and a patriot. In addition, a teacher is a parent, a friend and a resource provider to school pupils. For a person to be considered a teacher, he should acquire knowledge, skills, experience, and special ability to teach a specific, or a number of subjects and to positively influence behavior of his pupils through his action. Therefore, a primary school teacher is a person whose profession is to teach elementary school pupils. A teacher is assigned the responsibility to plan and deliver lessons; give and mark assignments.

## 2.2 Theoretical Review

Retrenchment is a basic fact of industrial life. Its implementation is often associated with numerous abuses and irregularities by organizations intending to rationalize its staff. With regards to this, government policies, labour acts, activities of trade unions, social activist, among others emerged to regulate its conduct. According to Modise (2002), in Britain, France and United States, adequate provisions were provided in their legislation to pay redundancy benefits to retrenched workers. A legal notice of the intention to retrench should be given to workers by their employers before the exercise is carried. On this issue, Olakanmi (2007) cites example with section 11 of the Nigerian Labour Act that either party to any employment contract, who intend to terminate the contract should issue a notice to the other party of his intention. The act should only be carried out on the expiration of the notice.

If it is very necessary for an organization to retrench its workers, a panel comprising of experts should be inaugurated to ensure that the exercise is fairly conducted. The panel should set out the guidelines for the retrenchment indicating the type of skills, proportion of employees to be retrenched and modality of sorting out those to be retrenched to avoid irregularities in the exercise. If criteria for it are set, the exercise should be carried out in accordance with the laid down principles.

Retrenchment criteria are not often strictly adhered to. Abdu (2007) conducted a study on staff retrenchment in Ahmadu Bello University Teaching Hospital, Zaria and discovered that 44.6% of 65 respondents were not satisfied with the retrenchment procedure. The process was associated

with favoritisms and victimization of workers for different reasons. Hellertsein and Neumark (2009) discover that there are different forms of employment discrimination in the United State of America based on religion, race, colour or sex. These discriminations are also based on ethnicity, cultural traits, and mode of dressing, individual association and nationality of origin.

Donatus (2010) conducted a study on the socio-economic effects of staff retrenchment conducted by Kaduna State Government in 1997 and 98 and the outcome shows that the officers assigned the responsibility to carry out the exercise did not adequately follow the guidelines given to them. The retrenchment was characterized with a lot of abuses on administrative procedures, personal grounds, ethno-religious grounds and gender bases. To worsen the situation, no pre-retrenchment training was provided to affected personnel and payment of retrenchment benefits was done in bits and pieces. To crown it all, some affected workers were denied their entitlements.

Similarly, Ahmed (2018) makes a comparative study on the issue of transparency between commercial banks and government agencies in Nigeria when conducting staff rationalization. The researcher draws participants from both commercial banks and government agencies in North Eastern part of the country. The results demonstrate that as much as 76% of the 63 sampled workers in government agencies agree that government follow guidelines of retrenchment while only 17% of the 104 sampled workers with the commercial banks agree. On whether guidelines favour employees, 81% of staff in government agencies agreed while workers sharing the same opinion among commercial bank workers constitute 13%. On adherence to the due process of the retrenchment, 86% staff from the government agencies agree compared to 20% bank staff who also shared the same opinion. Finally, 94% government workers agree that fairness and transparency is often achieved in retrenchment compared with 20% staff of commercial banks who share the same view. This indicates that there is more fairness in the conduct of retrenchment in government establishments than commercial banks.

According to Modise (2002), measures are often taken to provide some essential services to employees awaiting retrenchment. These services include providing them with information on how to start their own businesses, providing them with knowledge on principles of financial management, job seeking skills and others. This is more possible in countries that have the interest of their citizens at heart.

After retrenchment, severance benefits are expected to be paid to workers affected by it. Section 11(7) of the Nigerian Labour Act makes provision that all benefits payable in monetary terms should be paid to affected persons on or before the expiring period of the notice. Kaushik and Gary (2009) state that India has made it mandatory in its legislature (Industrial Dispute Act, 1947) for firms to pay compensation to all retrenched workers who are entitled to the benefits. However,

the degree of compliance to this varies from place to place. While some countries are serious on its implementation, others are not. Donatus (2010) conducted a study and the results show that there were numerous abuses on payment of financial entitlements to workers who were retrenched by the Kaduna State Government in 1997. The payment was delayed, it was made in bit and pieces and some workers were completely denied these benefits.

### 2.3 Theoretical Framework

This study utilizes the theory of fair employment laws as developed by Owens M. Fiss in 1971 to explain the problem. The theory recommends that employers should apply fair laws in the process of work relationship with their employees. The theory postulates that employers should not arbitrarily use their power to indiscriminately abuse rights and privileges of employees working in their pay-rolls. They should apply fair employment laws to those matters that concerns fair conditions of work such as employment, renumerations, trade unions, staff training, retrenchment procedures and compensation of affected persons.

Applying this theory to retrenchment of primary school teachers in Kaduna state, the State Government supposed to trained these primary school teachers to enhance competency in their job performance, consider alternatives to retrenchment, inform and consult the teacher's union when it deems necessary to retrench, train and counsel affected teachers to be affected by the retrenchment, and pay various forms of retrenchment benefits to all affected persons. Contrary to this, Kaduna State Government failed in all these, culminating to different types of abuses in the retrenchment of primary school teachers in Kaduna State in 2017.

## 3. Methodology

The study was conducted in Kaduna State, Nigeria. The population of study comprised of 20,259 primary school teachers retrenched by Kaduna State Government in 2017. A sample size of 392 respondents was determined using the Taro Yamane formula at five percent margin error. In order to sample the respondents for this study, the multi-stage sampling technique comprising of five stages was used. At the first stage of selection, each of the three (3) Senatorial Districts of the State was considered a sampled area. At the second stage, two (2) Local Government Areas were selected in each Senatorial Zone using the simple random sampling technique. This gives a total of six (6) Local Government Areas. Furthermore, the simple random sampling technique was used again to select one ward in each of the six Local Government Areas. At the fourth stage, the list of all the schools in each ward was obtained and the simple random sampling method was again to select one school to represent the respective ward where they were chosen. At the final stage, the

researcher obtained the list of retrenched teachers from selected schools. The snowball sampling technique was adopted to select the retrenched teachers. As one retrenched primary school teachers from each list is identified, he refers the researcher to others and the process continues progressively in a chain-like manner until the researcher drew the exact number of teachers designated for each Local Government Area.

On the issue of qualitative data, purposive sampling technique was employed to select two officials from Kaduna State Universal Basic Education Board (SUBEB), the Secretary, Nigeria Union of Teachers (NUT) and three retrenched personnel in each senatorial district for interviews. This shows that a sample of twelve (12) people was selected for key informant interviews. These people were selected based on the information they have which will enrich the study.

Both quantitative and qualitative data were collected in the process of this study. While quantitative data was collected with the aid of uniformed questionnaire from the retrenched teachers, qualitative data required for the study was collected through in-depth interview with key informants.

The quantitative data was coded and fed into the computer system. Using of Statistical Package for Social Sciences (SPSS), the computer was programmed to produce simple frequency table for responses of each question which was asked. The computer was again programmed to cross-tabulate some of the tables to enhance comparison between variables. The qualitative information which was collected was organized thematically in accordance with the objectives of the study. It was synergized with the data collected through surveys and the results was presented using verbatim quotations by making summaries of the what was actually said.

## 4. Empirical Analysis and Discussion of Findings

The results from the study shows that the exercise was associated with numerous abuses. The teachers were not served retrenchment notice, no precautionary steps were taken to avoid the retrenchment, no pre-retrenchment program was initiated and many teachers were not paid retrenchment benefits. Concerning notice on intention to retrench, 70.2% of the total respondents indicated that they were not notified, 10.4% indicated 1 month, 6.6% say 2 months, 3.3% mentioned 3 months, 1.3% more than 3 months while 0.8% of the respondents did not respond to this question. This shows that close to three-quarter of the respondents did not admit that they were served official notice from the government on its intention to carry-out a rationalization exercise.

Government's inability to serve primary school teachers with notice of its intention to retrench is contrary to section 9 (7) (c) of the Labour Act which states the various lengths of notice to be given to various categories of workers. To be more precise, the Labour Act states that notice of one day should be given to a contract that continues less than three months, one week for a contract that continue for less than two years, two weeks for a contract that continue less than five years and one month for a contract that continued more than five years.

The data which was collected from the union official through in-depth interview shows that the Nigeria Union Teachers (NUT) was not officially informed on government's intention to rationalize teachers and were not given opportunity to participate in the retrenchment process.

The action taken by the State Government of not adequately notifying and involving representation of Nigeria Union of Teachers in the retrenchment process is contrary to section 20 of the Nigerian Labour Act on redundancy. Similarly, Article 13, No. 158 of the International Labour Organization (ILO) convention of 1982 on termination of employment contracts requires employers to notify the workers' representatives within a good period of time its intention to retrench.

Before a retrenchment is conducted, it is expected that the organization which intends to retrench its workers should consider if alternative steps can be taken to avoid it. Article 13, No. 158 of the International Labour Organization (ILO) convention of 1982 on termination of employment contracts also requires employers to consult with the worker's representatives on measures which could be taken to avert or minimize terminations and measures to minimize the adverse effects of eventual termination on workers' appointment. Information was collected from the retrenched teachers to find out if alternative steps were taken by the Kaduna State Government to avoid the retrenchment and the result is presented in the table below.

**Table 1: Measures Taken by Government to Avoid the Retrenchment**

| **Measures taken to avoid retrenchment** | **Responses** | | | | **Total** | |
|---|---|---|---|---|---|---|
| | **Agreed** | | **Disagreed** | | | |
| | **Freq.** | **Perc.** | **Freq.** | **Perc.** | **Freq.** | **Perc.** |
| Nothing | 362 | 92.3 | 39 | 7.7 | 392 | 100 |
| In-service training | 21 | 5.4 | 371 | 94.6 | 392 | 100 |
| Transfer to other establishments | 7 | 1.8 | 385 | 98.2 | 392 | 100 |
| Seminars/workshops | 14 | 3.6 | 378 | 96.4 | 392 | 100 |

*Source: Field Survey, 2023*

Table 1 displays information on measures taken by government to avoid the retrenchment. The information shows that the government did not take adequate precautionary measures to avoid the retrenchment as opined by a very significant proportion of the respondents while those who said that the government took precautionary measures to avoid the retrenchment are few. The steps taken by government as stated by those respondents who opined that measures were taken identified some of the steps like in-service training, transfer to other establishments and seminars to improve the competency of teachers on their role performance.

The information which was collected from government official through key informant interview shows that successive governments have done much to improve the quality of teachers in the state. The State Government offered opportunity for in-service training to teachers, organized training seminars and workshops, employed experts to inspect and advice schools and teachers on issues pertaining to their job roles. Government also encouraged schools to organize in-house training seminars and workshops to improve the quality of their staff but all effort could not yield meaning improvement on the profession. According to the government functionary:

To ensure that employees who strived hard to guarantee progress of an organization did not suffer hardship after a lay-off, their employers often organize entrepreneurial skill acquisition programs in different trades and provide various forms of counseling for workers awaiting a retrenchment. Responses collected during the survey shows that 87.2% of the total respondents share opinion that government did not initiate any training program to assist them cope with life at post retrenchment era. This implies that most of the respondents were neither given entrepreneurial skills nor provided with adequate counseling that will benefit them in their attempt to survive challenges associated with the rationalization exercise.

After a retrenchment, it is expected that employers should pay retrenchment packages to the affected personnel. These retrenchment benefits consist of salary in lieu of notice, transport allowance, gratuity and pension.

**Table 2: Distribution of Respondents by Types of Retrenchment Benefits Paid**

| Types of benefits | Responses | | | | Total | |
|---|---|---|---|---|---|---|
| | Paid | | Not Paid | | | |
| | Freq. | Perc. | Freq. | Perc. | Freq. | Perc. |
| Salary in lieu of notice | 342 | 87.2 | 50 | 12.8 | 392 | 100 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Transport allowance | 0 | 0.0 | 392 | 100.0 | 392 | 100 |
| Gratuity | 0 | 0.0 | 392 | 100.0 | 392 | 100 |
| Pension | 87 | 22.2 | 305 | 77.8 | 392 | 100 |

*Source: Field survey, 2023*

Table 4.2.3 shows the distribution of respondents by redundancy benefits they were paid. The data reveals that salary in lieu of notice was paid to an overwhelming majority of affected teachers. Gratuity is a considerable amount of money which supposed to be paid to teachers who work for a minimum of five years, was not paid to deserving teachers. The data from the survey shows that as much as 83.1% of teachers who were affected by the retrenchment had this minimum working experience and therefore meet the criteria for its payment, yet none of them was paid. The government could not pay gratuity to beneficiaries possibly because it was not financially prepared to carry out the exercise.

An in-depth interview was conducted with a government functionary to confirm whether the retrenched teachers were not actually paid some of their retrenchment benefits. The information he provides corroborate the data from the survey. The data shows that all deserving retrenched teachers were paid salary in lieu of notice. Concerning transport allowance, the officer remarked that it was included in salary in lieu of notice. The transport allowance he refers to is one of the packages alongside basic salary, utility, teaching and other forms of allowances that forms the monthly emolument of workers, not transport allowance (packing allowance) after disengagement from work. On gratuity and pension, he admits that none of the teachers was paid. However, those teachers whose money was deducted as part of their pension contributions, were paid back by their pension managers. They were not paid gratuity and pension on the basis that contributory pension was introduced in the state in January, 2017; and therefore, cannot benefit from the new pension scheme.

## 5. Conclusion and Recommendations

This study observes that retrenchment is an unavoidable and unfortunate fact of industrial life as long as there is incompetency among workers, selfish political ambitions, improvement in scientific and technological inventions in production, pervasive industrial indiscipline, government policies such as deregulation, emergency lock-downs and others things which are in conflict with job retention policies. The outcomes of this study indicated that the nature of the retrenchment process was characterized by numerous abuses.

Based on the findings of the study, the following suggestions are made. It is important that employers should properly inform workers of any intention to retrench and the categories of workers to be affected. Employers should take precautionary measures to avoid the retrenchment. These measures could be transfer of staff to other departments, periodic upgrading of staff skills, Implementing flexible wage system among others. Counseling seminars and entrepreneurial skills acquisition programs to workers awaiting the retrenchment to help them cope with life after job loss.

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