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Ciaran McAleenan

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UNDERSTANDING THE REGULATORY ACTIVITIES OF THE HEALTH AND SAFETY REGULATOR IN NIGERIA

Nnedinma Umeokafor⁸⁶ and David Isaac

Department of Built Environment, Faculty of Architecture, Computing & Humanities, University of Greenwich, London, UK.

The lack of health and safety (H&S) regulation in Nigeria is one of the main factors blamed for the challenging state of H&S in Nigeria. This highlights the activities of the custodian of H&S, the Nigerian Federal Ministry of Labour and Productivity Inspectorate Division (LPID). This study examined the regulatory activities of LPID and developed a content framework of recommendations for improving the regulation of H&S in Nigeria. The work includes a review of literature and analysis of documents collected from the LPID in addition to interviewing 14 members of staff of LPID. The results reveal that the regulatory activities of LPID are based on deterrence theory. These activities such as the accident reporting and post-accident investigation procedures, proactive measures are evidenced as poor, adducing the position of the critics of LPID. Albeit, factors such as logistics, political influence, and inadequate legislation may hinder the regulatory activities of LPID, LPID can do more to improve the regulatory activities. It is thus recommended that while LPID sparingly engages in negative publicity as a means of reputation management, positive publicity strategies are worth adopting.

Keywords: health and safety, Nigeria, regulatory activities.

INTRODUCTION

Although it is axiomatic that health and safety (H&S) in Nigeria is poor, evidence from the literature shows that conditions are not improving (for example see: Ezenwa 2001; Okokon et al. 2014; Umeokafor et al. 2014a). Typically, Umeokafor et al. (2014a) report that 49.5% of the 93 reported injuries during 2002 – 2012 (11 years) were fatal. This shows an increase over time, as an earlier study (Ezenwa 2001) reports that 2.2% of the 3189 injuries reported from 1987 to 1996 were fatal. Analogously, in a case study that covers a period of 12 months, Okokon et al. (2014) also report a Crude Incident Rate (CIR) of 163.4 injuries per 1000 workers with regard to work-related traumatic injuries.

Adequate regulation is pertinent in improving H&S. Sadly, the dilapidating state of H&S in the country is blamed on inadequate regulation (Idubor & Oisamoje 2013), throwing the spotlight on the activities of the Federal Ministry of Labour and Productivity Inspectorate Division (LPID) the custodian of H&S in Nigeria and perhaps its regulatory approach. In particular, much of the regulation of H&S in Nigeria as suggested by literature is based on the deterrence approach, specifically command and control (Factories Act 2004; Umeokafor et al. 2014a), but enforcement, which is a core aspect of command and control, is demonstrated as poor in studies (Umeokafor et al. 2014a).

In response, evidence from the literature suggests that LPID acknowledges its inability to perform as expected (Akpan 2013). However, LPID blames inadequate legislation, political influence, restricted number of employees and the existing H&S regulatory approach in Nigeria as defining factors

⁸⁶ nnedinmaik@hotmail.com; un08@gre.ac.uk

responsible for the poor performance of H&S and LPID in Nigeria (Akpan 2013; Umeokafor et al. 2014b). It is vital to note that the deterrence regulatory strategy (which LPID adopts) is criticised in studies (Ayres & Braithwaite 1992; Aalders & Willthagen 1997) for its downsides, which has prompted a move to other regulatory approaches (Hutter & Amodu 2008). It is asked at this point if the regulatory activities of the LPID, the regulatory approach or the contextual factors account(s) for the dilapidating state of H&S in Nigeria. It is, however, possible that all above or two account for the dilapidating state of H&S in Nigeria.

To advance this study, it is thought that as the problems relating to improving H&S in Nigeria are arguably complex, it is therefore naive to solely blame the regulator. Therefore, investigating the activities of LPID is coherent and can be a starting point. After all, views hold that efforts towards improving H&S in Nigeria are mainly based on regulation (Diugwu et al. 2013), and this is evidenced as poor. It is also thought that understanding the regulatory process of LPID will also involve examining its regulatory approach, and this may also highlight the contextual influences. This will then inform the development of a framework of recommendations for improving the regulation of H&S at the public entity level, which this study also seeks to do.

THEORETICAL FOUNDATION

The regulation of H&S is the process of developing or adopting and administering policies and/or standards that are based on ensuring the safety, health and welfare of people at work or those that will be directly or indirectly affected by workplace activities. Regulation can be at the state/public or private level. This paper focuses on state/public regulation.

Regulatory activities

Literature shows that regulation can be based on activities not limited to: setting and/or developing policies or standards, monitoring of regulatory process (Garcia Martinez et al. 2007), and enforcement of regulatory policies and/or standards (Winter & May 2001). There can also be reputation management, which involves the naming and shaming of organisations with poor H&S records (Fairman & Yapp 2005; Garcia Martinez et al. 2007) or promoting the image of organisations with good H&S records (Diugwu 2008). These can be done via social media such as Facebook. Regulation can also involve: providing information and educating the regulated (Fairman & Yapp 2005; Hutter & Amodu 2008). Again, the use of social media can be adopted at this stage. Inspections to ensure compliance (Fairman & Yapp 2005), targeted enforcement where resources are focused on repeated offenders (Hutter & Amodu 2008) and negotiation (Fairman & Yapp 2005) are also regulatory activities.

Deterrence theory

Regulation can be centred on theories such as deterrence theory, specifically command and control. According to Akers (1990) deterrence theory '... assumes that human actions are based on "rational" decisions - that is, they are informed by the probable consequences of that action' (p 654). Therefore, under this theory, crimes can be prevented if the zeal to commit a crime is counterbalanced by the consequences such as punishment (Akers 1990). This is of course given that offenders are rational actors (Akers 1990). Hence, this depends on: people making logical decisions prior to committing a crime; the severity of the punishment; people knowing the likelihood that they will be caught.

However, the perceived reward for committing a crime may exceed the assumed punishment thus the zeal to commit a crime may be sustained. So it is possible to argue that deterrence theory is about risk versus reward.

Basically, deterrence theory is based on preventing people from committing crimes with the use of punitive measures or threats.

Given the above premise, deterrence theory is advanced in the context of this study. Deterrence theory assumes that firms comply with legislation if the probability of being apprehended (p) and the cost of

being caught (D) exceed the benefits of non-compliance (U): $U < PD$ (Fairman & Yapp 2005; Tombs & Whyte 2013). This usually entails adopting measures such as command and control (Tombs & Whyte 2013), involving fines and sanctions.

Consequently, deterrence theory implies that the regulated will comply with H&S laws for fear of sanctions or threats. Also, it assumes that sanctions will make offenders less likely to reoffend. Thus, the punitive damage for violating H&S law should be severe enough to dissuade the regulated from violating the law or from reoffending. Further, deterrence theory also implies that to achieve compliance, the likelihood of the regulated being caught should be high; thus, the regulated does not have a perfect knowledge of being caught or not (Tom & Whyte 2013). But, this puts both financial and resources burden on the regulator. Deterrence theory also assumes that compliance is a rational behaviour (Fairman & Yapp 2005); thus, the regulated is a rational actor. However, in reality the above may not always be the case.

For example, in Nigeria, fines for breaching H&S legislation are as low as 1000 Naira (equivalent to US \$5) (Factories Act 2004). Also, the likelihood of offenders being caught is low because the regulation of H&S is inadequate. Even if the regulated is caught, the likelihood of being prosecuted by LPID is low because of corruption and a dysfunctional legal system. Therefore, the regulated have a perfect image of the risk, believing that the reward for non-compliance outweighs the risk. As a consequence, under deterrence theory, the regulated in Nigeria will not comply with the law.

The debate on deterrence-based regulatory strategies

Regulatory strategies based solely on the deterrence theory have been criticised for reasons not limited to the following. First, deterrence strategy (command and control) sees the regulatory business as a two-party affair in that the regulatory agency and the firm are the only determinants to compliance (see Ayres & Braithwaite 1992). However, Ayres & Braithwaite (1992) argue that there are prosecutors and committee of legislators in the camp of the regulatory authority; and the industry, employees and trade unions on the side of the firm. Thus, it is an over-simplification to consider only the firm and the regulatory agency (Ayres & Braithwaite 1992). Second, deterrence-based strategies can be costly (Ayres and Braithwaite 1992). Third, it is also not consistent with current practices, and it is a barrier to innovation (Aalders & Willthagen 1997). Consequently, there has been a move away from command and control to more flexible and tolerant regulatory approaches (Aalders & Willthagen 1997; Hutter & Amodu 2008).

In contrast, studies such as Tombs and Whyte (2013) and Baldwin and Black (2007) contend the above points against deterrence-based strategies. In particular, Tombs and Whyte (2013) believe that the move away is underpinned by political motives. They maintain that the move away is pseudo as scholars still appreciate deterrence-based strategies (Tombs & Whyte 2013).

Regulation of health and safety in Nigeria

LPID is empowered by the Factories Act F1 LFN 2004 (the H&S legislation in Nigeria) to oversee H&S in Nigeria. A review of the Factories Act 2004 shows that the regulation of H&S in Nigeria is based on state regulation, which is centred on deterrence theory.

The background established so far may justify or evidence why authors (Idubor & Osiamoje, 2013; Umeokafor et al. 2014a) blame LPID for the poor regulation of H&S in Nigeria. However, views from authors arguably contend the aforesaid, thus tending to exonerate the LPID from criticisms and putting the blame on contextual factors or the H&S regulatory strategy in Nigeria. To explain, whereas the regulatory approach of LPID (which is deterrence-based) is usually costly, resource intensive and needs punitive laws to achieve compliance, studies note that the LPID is hindered by factors such as lack of funds, low person power (Akpan 2013; Idubor & Osiamoje 2013), dysfunctional legal system, and inadequate legislation. It is then asked at this point: is it the LPID or its regulatory system, which is determined by the Factories Act (thus beyond the powers of LPID) or contextual factors that is to be blamed for the poor regulation of H&S in Nigeria?

METHODS

Documentary information obtained from LPID (e.g., accident reports and enforcement reports from 2002 to 2012, intervention policies) was reviewed. This was followed by face-to-face semi-structured interviews of fourteen staff of LPID through purposeful sampling. The sampling covered employees with over two years experience, as it is believed that they will provide substantial information. As at early 2014, only forty-nine employees of LPID had the required number of years of experience (cf. Akpan 2013; Okojie 2010). The saturation point was attained prior to interviewing the eleventh interviewee. This is consistent with Guest et al. (2006) who found that the saturation point could be reached on interviewing the first twelve respondents. The interviewees represent the three levels in the ministry thus: top management, factory inspectors, and controller/administrators. The themes for the interviews emerged from the literature and document review and were piloted on three H&S inspectors. The themes formed the interview guide and are presented below. The interview guide of this study was in two parts thus: part one covered the personal information of the respondents; part two examined the regulatory activities of LPID. The result of the document analysis and interviews are presented in narratives and quotations below.

RESULTS

Regulatory foundation

The document review showed that the regulation of H&S in Nigeria is mostly based on command and control approach (inspection to be precise). Document review also showed that the LPID relies mostly on accident reporting as a driver for inspection in this regulatory approach, thus reactive intervention. However, while evidence from the interviews supports the aforesaid, there is also contradicting evidence. For instance, one of the respondents stated:

‘The regulatory framework deals with the formulation of a national policy of H&S ... the legislative acts (the Factory Act), which is incurred through a legislative process for acceptability hence popular compliance is expected. Thereafter, we have regulations (i.e. product of an Act) and codes of practice. Regulations (i.e. product of an Act) will explain the intent of the act. And then by ILO advice or standard or expectation, the factory inspector is supposed to be a consultant that is why we in the Ministry of Labour talk about administration of the law essentially rather than enforcement. Administration goes beyond enforcement’. Also, ‘The minister is given the power to make regulations (i.e. product of an Act) and they are supposed to assist in making the intents of the acts to be easily implementable’.

Accident reporting, investigation and post-investigation actions

Accident reporting

From the documents reviewed, it is evident that the LPID has offices in all the 36 states of Nigeria and all accidents are reported to the Director of LPID who then decides on the next course of action. Furthermore, from the documents reviewed, it is revealed that the LPID has procedures in place for accident reporting, but these may not be robust. However, some external bodies that work with the LPID can hinder their services. For instance, there is a record of a case where the police produced the autopsy report of a victim six months after the accident. This does not help LPID in its activities.

Accident investigation

The documents reviewed also showed that while some of the accidents reported to the LPID were investigated within 24 hours, some were investigated up to five months after reporting. In a particular case, the investigation was conducted after the case was published in the newspaper, which was three months after the incident. Of course, the investigation will be based on the little evidence left (that is if any is left).

Further, the process of investigation is mostly based on interviewing which appears to be robust. However, there were cases where forensic examination may have been adequate, but no records have been found.

Post-accident investigation actions

In terms of post-accident investigation actions, having noted that all accidents in Nigeria are reported to the Director of LPID who decides on what next to do, it vital to note that only the Director can authorise the issuance of prohibition notices - closing down premises. The interviews even elaborate that closing down premises takes longer, starting from sending cautionary letters until it gets to the last stage of closing down. In particular, one of the respondents stated that:

'Enforcement is done after education of stakeholders, assisting and supporting them to comply with the laws'.

Also, while the LPID is found to issue warning letters and has prosecuted some violators, the numbers of punitive measures were small compared to the number of violations. However, LPID also complements the punitive measures with reputation management, which is negative publicity. Again, evidence shows that negative publicity is done once in a while; this is induced by accidents, not poor H&S practices.

Proactive regulatory measures

Majority of the respondents stated that they conduct proactive inspections of workplaces once or twice a year and this depends on the level of risk in the workplace. Although there was documentary evidence of impromptu inspections, they were not carried out frequently. Also, the extent to which LPID achieves the 'one or two inspections' for each company is questionable, as some respondents said that they do not achieve that because of lack of person power. Worse still, the available person power may be under utilised in that one respondent stated:

'Honestly, since I have been here, I have not covered any accident, inspection or anything similar'.

Nonetheless, the document review also suggested that the LPID acknowledges the inability of their enforcement procedures to create the expected impact in terms of improving H&S.

Another significant aspect of the interviews is that, while the respondents at management level claimed to have procedures in place for educating stakeholders, the respondents at the non-managerial levels claimed otherwise. For example, one of the respondents at non-managerial level stated:

'How can they (that is LPID) educate stakeholders while we (the employees) do not get training?'

The contrary claim of the respondents at the non-managerial level is arguably supported by the fact that no evidence of educating stakeholders was found during documentation review.

Proactive regulation through cooperating with the management of organisations

Employee participation: it is also evident from the interviews that LPID understands the importance of employees' involvement; thus, they encourage the formation of safety committees. This is despite the fact that it is not obligatory in the H&S legislation. A respondent stated:

'There are things that we make compulsory such as safety committee and safety management control system, but we do not make risk assessment compulsory. The safety committee helps in ensuring employee involvement in safety matters. It gives employees a sense of belonging'.

The respondents were then asked why risk assessment is not compulsory. Answers from the respondents suggest that they believe that organisations may duplicate risk assessments from other organisations just to fulfil the requirement.

Barriers to effective regulation of health and safety

When the respondents were asked of the challenges that they encounter while performing their duties, most of their answers were based on logistics such as limited internet access, inadequate transportation. Indeed, the respondents stated as follows:

'We just have one inspection vehicle in this state office, and we are about 41. To crown it all, most times there is no petrol for the vehicle.'

'We do not have any vehicle here. Most time, we use public transport or we use our own vehicles.'

'There is not enough tools for working. Can you imagine that some employees here have never seen a sound meter because we do not have it?'

'We are not provided with adequate funds, up to the extent that we cannot post letters that we type with our old typewriters because of no money.'

Other barriers highlighted by the respondents include: lack of training, ineffective means of communication, low level of knowledge, inadequate means of reporting accidents, political influence, inadequate legal system and lack of manpower. One respondent stated:

'Some of our colleagues at branch level have not received any training since they joined this organisation. Only those at the headquarters enjoy the benefits of working for this ministry.'

Another significant barrier is inadequate legislation. The respondents stated that the penalties for violating the H&S legislation were not punitive enough. They also want to see more prescriptive legislation so as to improve the level of compliance, as prescriptive legislation is easily understood. Truly, some respondents stated:

'The law is vague; we now make regulations (i.e. product of an act) that prescribe the standards so that they can be easily enforced. When the law is vague, the regulated can easily argue it out.'

'Prescriptive regulations (i.e. product of an act) are better understood because they are broken down to the level that the users can easily interpret them.'

This barrier of inadequate legislation is also supported by evidence from the document review. The inspectors also claim that as a result of inadequate legislation, they have developed an alternative measure. One respondent stated:

'We tell the companies to have something like safety handbooks for their workers, which contain safety rules and regulations (i.e. requirements). These handbooks are designed based on the duties of employees. If the employees fail to comply with these rules and regulations (i.e. requirements), their jobs are at risk. These handbooks are supported and signed into force by the managements of organisations and/or unions. The aim is to scare the employees.'

The validity of the above claim remains questioned, as no documented evidence was found in that regard.

DISCUSSION

Regulatory foundation

Although LPID claims to focus on administration of the law, no evidence was found to support this. Rather sufficient evidence points to LPID focusing on (command and control) enforcement of the law. Considering the arguments against command and control in this paper, the position of Nigeria in terms of regulation of H&S is not surprising. The underpinning philosophy of deterrence theory that command and control is based on and its challenges may explain why compliance with the H&S law

is poor in Nigeria. The equation above ($U < PD$) means that for organisations to comply, they will calculate the cost of being caught. And as Fairman and Yapp note, it is hard to calculate (2005). This is especially true in H&S where the direct and indirect costs are hard, if not impossible to measure (Manu 2012). Thus, the regulated may assume that it is rewarding not to comply. Also, as it is more unlikely that LPID will enforce the law, the likelihood that offenders will be caught is low. Therefore, the regulated may have complete knowledge of the possibility of being caught or not (Fairman & Yapp 2005; Tomb & Whyte 2013) thus may not comply with the law.

Additionally, considering the points against deterrence theory and the challenges that LPID faces, it is not prudent that regulation is solely based on command and control. Besides, the state of H&S in Nigeria demonstrates the inefficiency of this approach. The state of H&S intervention in Nigeria is presented in Umeokafor et al. (2014a) who note the low level of punitive enforcement activities in Nigeria covering an eleven-year period. Specifically, they note that over an eleven-year period, ten precautions and one recorded criminal prosecution were carried out (Umeokafor et al. 2014a). Umeokafor et al. (2014a) also go on to evidence the lower number of interventions that are adopted in Nigeria; this is consistent with the responses of the interviewees. This is also consistent with Okojie (2010) who notes that prohibition notices are hardly issued in Nigeria. Nigeria should move from command and control approach to other forms of self-regulation and/or partnering strategy.

Accident reporting, investigation and post-investigation actions

Having only the Director of LPID authorise the issuance of prohibition notices has been reported and criticised by Umeokafor et al. (2014b), and the long process that it takes does not help H&S in Nigeria.

Additionally, accident reporting and investigation are among the critical aspects of H&S management and regulation, but the evidence in this study does not speak well of LPID. The fact that it can take LPID up to five months to investigate incidents leaves the quality or outcome of the investigation questionable. It is possible that LPID can blame this on the ineffective accident reporting system, but it is their responsibility to ensure that the accident reporting system is effective.

Equally, considering the accident reporting method in Nigeria and the high level of bureaucracy, other ways of reporting accidents, which are social media friendly, should be considered. Advanced methods of investigating accidents cover the chain of events leading to the accidents, investigating the parties indirectly involved. Sadly, no record of such was found during the study.

In terms of reputation management, it is evident that LPID sparingly engages in negative publicity (induced by accidents) as a means of reputation management. While this may be good, negative publicity induced by accidents may mean that casualties or damages to properties may have occurred. However, if the negative publicity is induced by findings of proactive inspections such as H&S practices, the casualties or damages to properties may be prevented.

Furthermore, the use of negative publicity by LPID may have greater effect on large organisations than on small and medium enterprises (SMEs), as it is found that large firms fear negative publicity more than the law (Fisse & Braithwaite 1993 in Amodu 2008). Therefore a positive approach to reputation management- positive publicity as Diugwu (2008) argues, may be more effective on these firms. This is because large firms and SMEs may engage in H&S so that people will view them from a positive light. As stated earlier, the use of social media can be helpful for positive and negative publicity and for educating the regulated.

Proactive regulatory measures

While the legislative process of H&S in Nigeria may be argued to be acceptable to some extent, the intervention approaches that are informed by accident reporting are not adequate. As much as command and control may not be efficient as enforced self-regulatory approaches, proactive inspections will deter organisations more than the reactive approaches. Sadly, evidence shows that

few proactive inspections are conducted. Howard and Galbraith (2004) discuss the importance of proactive deterrence strategies in detail.

However, the low person power may account for the low number of inspections. There were 49 inspectors prior to 2013 when more inspectors were employed making it a little over 200 (Akpan 2013; cf. Okojie 2010). The number of inspectors compared to the population of Nigeria is insufficient. As this is the case, partnering or involving other authorities (Howard & Galbraith 2004) with larger manpower may be helpful. The educational regulatory approach can also complement the existing strategy in Nigeria. It is best practice to provide education to ensure compliance (see Fairman & Yapp 2005).

Proactive regulation through cooperating with the management of organisations

In terms of employee participation, that LPID encourages the establishment of safety committees as well as cooperation between employees and employers (Walters et al. 2005) in H&S matters offers some level of optimism. However, the input of trade unions may also be needed for improving H&S (Idubor & Osiamoje 2013), as their influence on workers cannot be overemphasised. It is therefore vital to note that to achieve the above and more, there are preconditions such as legislative influence, inspection and control, and senior management commitment (Walter et al. 2005).

On a different point, that the LPID is found not to make risk assessment compulsory is not best practice. This raises questions regarding the quality of H&S management in the organisations and the quality of the regulatory activities that LPID offers. Risk assessment helps in avoiding, eliminating or reducing risks in the workplace.

Barriers to effective regulation of health and safety

In terms of the challenges that the LPID encounters, most of these are acknowledged in studies. For instance, Okojie (2010) notes that political influence is seen to highly influence the regulation of H&S in Nigeria. She goes on to note that LPID inspectors are not able to close down firms that violate H&S laws because their owners are politicians or people in the higher echelon of power (Okojie 2010).

Equally, logistics issues (such as lack of vehicles, lack of equipment), which majority of the respondents acknowledge are consistent with Akpan (2013). It is unclear if these logistics issues are due lack of funds caused by inadequate governmental attention or due to corrupt practices from the part of LPID or due to poor management. Be it as it may, these issues can be argued to significantly hinder the activities of LPID.

Additionally, the inadequate legislation and ineffective legal system that are found in this study are also reported in studies (Idubor & Osiamoje 2013; Umeokafor et al. 2014a). This does not support the deterrence theory-based regulatory approach in Nigeria. It is worth remembering that the underlying philosophy of sanction-based deterrence strategy is that punitive measures will hinder people from breaching the law. As the penalties of H&S laws such as the Factories Act F1 LFN 2004 is as low as 2000 Naira (equivalent to US \$10) and 5000 naira (equivalent to US \$24.9) (Factories Act 2004: section 3 subsection 4; section 20 subsection 2), sanction based regulatory strategies may not be effective. According to Umeokafor et al. (2014a), the regulated would rather breach the law and pay the fine than comply. Nonetheless, it is thought that despite the barriers to effective regulation or the impact of contextual issues, LPID can do more to improve H&S in Nigeria.

Furthermore, from the interviews it can be seen that LPID has the powers to make regulations (i.e products of an Act), and the Factories Act F1 LFN 2004 supports this. Although LPID claims to make regulations (i.e. product of an Act) in order to make the Factories Act clearer, what remains unclear is why LPID would not make regulations (i.e. product of an Act) to address the anomalies of the Factories Act.

CONCLUSIONS AND RECOMMENDATIONS

This paper reports a study based on document review and semi-structured interviews that has aimed at understanding the regulatory activities of the LPID so as to develop a framework of recommendations for improving regulation of H&S at the public entity level. This study evidences that the regulation of H&S in Nigeria is based on the command and control approach, and LPID relies on inspections induced by reported accidents. Worse still, this accident reporting system and other regulatory activities are evidenced in this study as poor, strengthening the positions of the critics of LPID. Also, albeit logistics, weak legal system, inadequate legislation and lack of person power are found to be among the factors that hinder the regulation of H&S, more can be done by LPID to improve H&S in Nigeria.

Against the background of this study, the following are recommended:

- The deterrence approach of the LPID should be more proactive. Given the current state of H&S in Nigeria, LPID can have educational and information strategies in the forefront of regulating H&S.
- In the absence of an efficient legal system, LPID can adopt mobile courts in a similar form to that of the Federal Road Safety Commission of Nigeria. The mobile courts may have the powers to handle some minor offences.
- It is advocated that LPID should adopt positive publicity reputation management in regulation H&S.
- Involving local authorities in H&S regulation as it is done in the UK (Howard & Galbraith 2004) can be another way that LPID can improve H&S in Nigeria.
- LPID can partner with organisations such as safety groups just as local authorities have successfully done in the UK (Howard & Galbraith 2004). This supports regulators who have limited resources. The partnership may not only be enforcement related but educational and creating awareness.
- LPID can adopt social media such as Facebook for passing H&S information. Social networking remains an effective way of passing information in Nigeria.
- LPID should adopt an accident reporting system where the victims or witnesses also report accident directly to LPID. This system should be accessible through the social media.
- Given that there are anomalies in the Factories Act F1 LFN 2004, the LPID should utilise the power bestowed on it by the Factories Act F1 LFN 2004 and make regulations (i.e. product of an Act) and code of practices to address the anomalies in the Factories Act F1 LFN 2004.

This study faced its own limitations. First, the interviewees may have been those that could provide answers that will not negatively impact on LPID so much. Second, it may be argued that the findings of this study are obvious; however, the study is an empirical evidence that validates the critiques of LPID. Besides, no or little evidence of such has been found. Further studies can examine involving local authorities in H&S regulation and using social media in H&S regulation.

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REFERENCES

- Aalders, M, and Wilthagen, T (1997) Moving beyond command-and control: reflectivity in the regulation of occupational safety and health and the environment. 'Law and Policy', 19(4), 415- 443
- Akers R L (1990) Rational choice, deterrence, and social learning theory in criminology: The Path not taken. 'Journal of Criminal Law and Criminology', 81(3), 653 – 676.
- Akpan, U N (2013) Occupational safety and health systems in Nigeria. A country paper presented at 'the African Regional Labour Administrator (ARLAC) Tripartite Workshop' on strengthening occupational safety and health system for the excluded, Zambia, November 4-8.
- Amodu, T (2008) The determinants of compliance with laws and regulations with special reference to health and safety: A literature review. Health and Safety Executive Retrieved on 14-07-14 from <http://www.hse.gov.uk/research/rpdf/r638.pdf>
- Diugwu, I A (2008) 'A Framework to evaluate critically health and safety Strategies in Supply Chains in the UK' Doctoral Thesis Coventry University. Retrieved from <http://curve.coventry.ac.uk/open/file/b45289ac-aa13-b64c-fb20-f155ed0de66b/1/diugwucomb.pdf>
- Diugwu, I A, Baba, D L, and Bima, A M, (2013) Research and legal underpinnings of the Quantity Surveyor as a Health and Safety Manager. In Ibrahim, A D, Adogbo, K J, and Ibrahim, Y M (eds), '1st Annual Research Conference (AnReCon)', 3 - 5 September, Abuja, Nigeria. The Nigerian Institute of Quantity Surveyors, 243 - 252.
- Ezenwa, O A (2001) A study of fatal injuries in Nigerian factories. 'Occupational Medicine', 51(8), 485 – 489.
- Fairman, R and Yapp, C (2005). Enforced self-regulation, prescription, and conceptions of compliance within small Business: The impact of enforcement. 'Law and Policy', 27(4), 491 - 519.
- Federal Republic of Nigeria (2004). 'Factories Act, CAP F1, LFN 2004'. Federal Government Press, Abuja, Nigeria.
- Gracia Martinez, M, Fearne, A, Caswell, J, and Henson, S, (2007) Co-regulation as a model for food safety governance: Opportunities for Public-Private Partnership. 'Food Policy' (32), 299-314.
- Guest, G, Bunce, A, and Johnson, L (2006) How many interviews are enough? An experiment with data saturation and variability. 'Field Methods', 18(1), 59- 82.
- Howard, M and Galbraith, A (2004) Factors influencing local authority health and safety interventions and enforcement activity: Part one: interventions. Health and Safety Executive (HSE) Report.
- Hutter, B M and Amodu, T (2008) 'Risk regulation and compliance: Food safety in the UK'. NCP. 04219. London School of Economics and Political Science, London, UK.
- Idubor, E E, and Oisamoje, M D (2013) An exploration of health and safety management issues in Nigeria's efforts to industrialize. 'European Scientific Journal', 9 (12), 154-169.
- Manu, P (2012) 'An investigation into the accident causal influence of construction project features', A Doctoral thesis University of Wolverhampton. Retrieved from <http://wlv.openrepository.com/wlv/bitstream/2436/265178/1/Ackon%20Manu%20PhD%20thesis.pdf>
- Okojie, O (2010) System for reporting occupational diseases in Nigeria. 'African Newsletter on Occupational Health and Safety', 20(3), 51-53.
- Okokon, I B, Asibong, U E Archibong, F Monjok, E (2014) Work-related traumatic injury in the paper-producing Industry in Nigeria: A case of the Nigerian Newsprint Manufacturing Company Limited, Oku-Iboku, Akwa Ibom State, 'Family Medicine & Medical Science Research', 3 (4), doi: 10.4172/2327-4972.1000143
- Umeokafor, N I, Igwegbe, O, Umeadi, B, Evanggelinos, K, Lundy, S, Isaac, D, Jones, K, and Umeokafor, K (2014a) The pattern of occupational accidents, injuries, accident causal factors and intervention in Nigerian factories. 'Developing Countries Studies', 4 (15) 119-127.

- Umeokafor, N I, Umeadi, B, Jones, K, and Igwegbe, O (2014b) Compliance with occupational safety and health regulations in Nigeria's Public Regulatory Entity: A Call for Attention. 'International Journal of Scientific and Research Publications', 4(5), 302- 304.
- Walters, D, Nichols, T, Connor, J, Tasiran A C and Cam S (2005) The role and effectiveness of safety representatives in influencing workplace health and safety. Health and safety executive (HSE) Research report 363.
- Winter, S C and May, P J (2001) Motivation for compliance with environmental regulations. 'Journal of Policy Analysis and Management', 20(4) 675- 698.