

The Right to Learn: The Continuing Education Opportunities for Workers in Industries in Nigeria

Sydney Nwanakponna Osuji

Department of Continuing Education, Obafemi Awolowo University, Ile-Ife, Osun State, Nigeria
E-mail: snosuji@oauife.edu.ng; synosuji@yahoo.com

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ABSTRACT This paper examined the Industrial Training Fund, which was established to provide skill-oriented continuing education opportunities for industrial workers in Nigeria. Based on the critical examination of the provisions of the decree and the activities of the Fund, suggestions are given towards the improvement of the policy and implementation. These include: mandatory provision of supervised on-the-job and off-the-job training opportunities by employers in order to enable employees have right to training, and this should be reflected in the contractual agreements; a law should be enacted to make it a duty of employers to train and retrain their employees; contributions to the fund should be done by the Government, employers and employees; training opportunities should be spread to all categories of employees; and, the Fund should carry out researches into the training needs of employers.

INTRODUCTION

As the title indicates, this paper intends to probe the extent to which industrial workers' "right to learn" is maintained through continuing education provisions. There will be much concentration on the activities of the Industrial Training Fund (ITF) which could be said to be a statutory body charged with the duty of providing and co-ordinating continuing education programmes for workers in industries in Nigeria.

The approach of this paper is, first, to examine the significance of the phrase "right to learn". Secondly, there will be a peep at the establishment of the Fund including the provisions in relation to workers' education. Next, there will be a survey of the activities of the Fund vis-à-vis; the continuing education interests of industrial workers. Finally, we shall make an appraisal of the strategies and activities of the Fund and thereafter suggest ways to improve its offerings in particular and workers' education in general.

Clarification of Concepts

The first poser in this paper should be: what is the meaning of "the right to learn". "Right to" is a much bandied-about term in discussions. It is reasonable to start attacking this poser by examining the concept "right". Among the definitions of "right" given in the Oxford Advanced Learner's Dictionary of Current English by Hornby include: that which is good,

just, honourable, true; proper authority or claim; the state of being justly entitled to; that to which one has a just claim; that which one may do or have by law. Thus when we say that one has a "right to" we may mean that the one has a just claim or that the one may do or have that by law. Could it then be that one's "right to learn," means that the person is justly entitled to learn, or that the one is by law entitled to learn? But what is to learn? The same dictionary defines "learn" as: gain knowledge of or skill in, by study, practice or being taught. In point of fact, it is absolutely necessary that a human being should learn and must continue to learn in order to gain knowledge or skill to retain his humanity. Therefore, a human being is justly entitled to learn whichever knowledge or skill he needs to survive in his society. Deprive a human being of the opportunity to learn, he loses his humanity. Thus it is human to learn.

But we need to separate "moral right" from "legal right". Morally, a human being should have the right to learn either by making personal efforts or by being taught by another person whatever he needs to learn. Legal right entitles one to learn or to be taught whatever is worthwhile in his society. One could institute a legal action against any person who interferes with his freedom to learn when it is guaranteed by law. Also one could not justly be taken to court for undertaking to learn or to gain any knowledge or skill that is worthwhile in his society. This will, no doubt, be a challenge, an infringement upon

one's personality. Could we then say that the right to learn or the right to education makes one have a legal claim to learning or to education?

Of course, article 26 of the United Nations Organisation (UNO) declares that everyone has a right to education. However this right to learn or to education needs be subjected to careful examination. To say that one has a right to learn may imply that other people have a duty not to interfere with or not to frustrate the holder of such a right in his exercise of the right. It may also mean that the one has a right to learn while other people have a duty to provide learning facility. This should be so because "right to" should be correlative with "duty to" provide as right to learn is correlative with duty not to interfere. Thus, if one has a right under the law to learn or to education, his right should correlate with other people's or state's duty to provide education. If one has a right to learn by law and no person has a duty by law to provide education, therefore the person's right to learn becomes limited to freedom to learn which he can defend in any court of law in the case of any infringement. Therefore the right to learn should be examined in both moral and legal terms. Morally one is entitled and has a just claim to learning because he needs knowledge and skill to operate as a human being. Legally he may be justified to learn any worthwhile knowledge or skill and may institute a legal action against any person who interferes with this right. But, unless a person or some persons are charged with a duty to provide learning or education, a legal right to learn therefore invests on a holder only with the freedom to learn. It is only in a case where one has paid some money to learn something or to be taught something that the payee gets a duty to provide learning facility to the payer.

However Olafson (1973: 185) argues that generational relationships existing between parent and child make it that each parent in the senior generation has a duty to his child or children, and that each member of junior generation has a right vis-à-vis his parents because the parents' sexual action caused the coming into being of the child. But this remains a moral right which is conferred on a child by its virtue of being brought into the world by the action of the parents. Morally it becomes the duty of parents to provide for the education of their children. Unfortunately no statute has

conferred on children in this country such a legal right to education or on parents such a legal duty to educate their children. Of course for any law to successfully confer this right or duty, it must have to define "education" and type and level to which the right or duty extends. But if the type or level of education is defined and the parents do not have the means of fulfilling their duty to their children, how could such parents be indicted for neglecting their legal duty? Certainly this is not a case of neglecting one's duty but inability to fulfill one's obligation.

Okafor (1981: 287-8) feels that the state has both the right and responsibility (duty) to provide for the general welfare of the citizens, which includes a provision for development through adequate and qualitative education. Included in this duty, according to Okafor, is the development of human resources and through them to promote, preserve, and perpetuate the knowledge and skills as well as the attitudes and values deemed necessary for the survival of the nation and the well-being and the happiness of its people. In other words, the right to general welfare exercisable by citizens is correlative with the state's duty to provide for the general welfare including development of human resources. As indicated by Okafor's assertion, both the duty of the state (to provide) and the right of the citizens (to enjoy) culminate in the survival of the state and the general well-being and happiness of the citizens. However the right of the citizens vis-à-vis the duty of the state to provide education remains a moral issue unless there is a law making it mandatory for the state to provide such a type or level of education to the citizens. In the absence of such a statute, no citizen has a right to institute a legal action against a state for failing to provide educational facilities to him.

From the foregoing, we therefore need to understand the phrase "The right to learn" as in the title of this paper as being limited to a moral right exercisable by a citizen to acquire learning or education in his capacity as a human being. This moral right confers on an individual, whether a worker in an industry or not, freedom to pursue worthwhile learning or education. The phrase also draws attention to the need for an individual to acquire whichever skill or knowledge he finds useful to himself within the moral code of his society. In the case of employees, they can claim a legal right over any type or level of education from their employers if, and only if, it is included

in their contractual agreement that such type or level of education should be provided by their employers.

We next come to another concept in the title which needs clarification, and that is "continuing education". Continuing education refers to education programmes of whatever purpose provided for adults who drop out of the formal system of education at any substantial level after primary education. It includes vocational education provisions made for industrial workers. Therefore, the object of this paper is to investigate the provision of chances for education to workers in industries in Nigeria to exercise their right to learn.

Having got ourselves clear of the title, it now remains for us to find out the steps taken to provide continuing education opportunities for workers in industries in Nigeria. To this assignment we now turn our attention.

ESTABLISHMENT OF INDUSTRIAL TRAINING FUND

The establishment of Industrial Training Fund (ITF) in Nigeria could be seen as a child of a special circumstance. It is, as it were, a vocation-oriented continuing education provision for workers in industries in Nigeria. The end of the civil war in 1970 accentuated the need for skill-enhancement and manpower-oriented continuing education scheme for workers in industrial and commercial establishments. However prior to this time, the Ashby Commission Report of 1960 had stressed, among other things, the urgency for vocational and examination-oriented extra-mural programmes for working adults. But while the Ashby Commission touched on continuing education for workers while dealing with the country's broad manpower needs in the field of post-school certificate and higher education, the ITF was specifically established and expressly concerned with vocation-oriented in-service training for workers in industrial and commercial establishments.

As included in the national objectives stated in the Second National Development Plan (1970-74), by 1970 Nigeria felt the need for economic self-sufficiency. There was, therefore, the urgent need to have skilled indigenous manpower to control the national economy. Thus, sufficiently trained manpower was seen as a necessary factor of production in economic development process.

Consequently, it became germane to evolve a nation-wide policy whereby indigenous workers in the industrial and commercial establishments would be afforded continuous opportunities for up-dating their working skills through a regulated scheme. For the achievement of this objective, the Industrial Training Fund Decree (Decree 47) was promulgated on 8th October 1971. By this decree, every employer of labour having twenty-five or more employees in his establishment should make a yearly contribution of three percent of his annual pay-roll. However the rate was reduced to two percent in 1973, and yet to one percent in 1975. The decree established a Fund, which:

may be utilized to promote and encourage the acquisition of skills in industry or commerce with a view to generating a pool of indigenous trained manpower sufficient to meet the needs of the economy (Decree 47, 1971).

The decree made a provision for a Governing Council charged with the duty of securing the facilities for the training of persons employed or intending to be employed in the establishments as might be required. For initial financing, then Federal Military Government made available the sum of ₦1 million during the 1970-74 Plan Period (ITF, Policy Statement No. I). Thus, like the British Industrial Act of March 1964, and the French Loi Programme (Outline Law on Vocational Training) of December 1966 and July 1972 (Collins, 1972: 21-33), the ITF was assigned the important duty of providing a regulated vocational training facilities for industrial workers based on a levy on each firm calculated according to pay-roll.

But a critical look at the terms of this decree could reveal more emphasis being placed on the enforcement of the contribution than on making it mandatory for employers to provide training programmes for their employees. For instance, the decree prescribes penalty for any defaulting establishment to the effect that any contribution not made within the stipulated time should attract an additional five percent of the unpaid amount each month. Supposing an employer decides to make full contribution and as at when due without providing training facilities for the employees, could there be any penalty? The decree is quite silent over this important issue. Although the composition of the membership of the Governing Council is comprehensive enough to bring in all the relevant ministries and interested groups including representative of trade unions, yet it

would be an over-assumption to feel that training interests of employees are well protected in the absence of making it mandatory for employers to provide training facilities for the employees. We better reserve further comment till we have an overview of the activities of the fund.

However, the establishment of the ITF could be said to be a move in a right direction. While effort should need be made towards the production of skilled manpower to bail the nation out of its economic problems through formal system of education, in-service training facilities in the forms of off-and on-the-job programmes make quicker contributions to economic growth. In the words of Harbison to the Ashby Commission, "of all investments in education, those aimed at up-grading employed manpower bring the quickest returns in economic growth (Nigeria, Federal Ministry of Education, 1960: 5).

Thus, the ITF is a situation-oriented continuing education programme aimed at not only maintaining the workers' right to learn but mainly at enhancing their working efficiency for the economic growth of the nation. Having got some insight into the socio-economic situation that necessitated the establishment of the Fund, we need to have a peep at its activities in relation to its important assignment.

Activities

The ITF discharges its training assignment through four different means: reimbursing part of training expenses incurred by contributing employers; assisting the employers to build up their own training facilities; directly building up training facilities of its own; and, organizing researches into training needs (ITF, Policy Statement No.1:2).

Through the Reimbursement and Grants Scheme, the Fund makes available to employers part of their contributions. In a given year, an employer is reimbursed to a maximum of 60% of expenses incurred in training employees. But before any reimbursement is made, the Fund has to ascertain the relevance, standard and effectiveness of training programmes. Also the 60% repayable to an employer is based on certain considerations, which include, seeing that 15% of the total workforce must have been trained in a given year. To make for equitable distribution of training facilities to all categories of employees, the 60% is distributed thus: safety training 3%;

training manager/instructor 6% (or 50% of salary whichever is greater); and, management/professionals/senior technologists, supervisory/foremen and charge-hands skills training, occupational apprenticeship/operatives skills training and relevant education/correspondence course, all have the remaining 51%. In addition, an ex-gratia award of 10% of annual levy is payable to any employer who owns and runs a well equipped training centre for effective staff training, but this is increased to 15% if the services of the centre are extended to other employers (ITF, 1982: 1-9). The scheme has been revised from time to time. The fourth revision is now in operation. The overall aim of this scheme is to encourage employers to train their staff in accordance with the needs of the various industries (ITF, 2004).

But a question still comes up and this is: What happens to an employer who refuses to train the employees? A simple answer would be that such an employer loses claiming any reimbursement. It should be realised that a callous employer would not mind this for training of employees involves more than the amount of reimbursement claimable. Sending employees for training or organising training for employees costs more than the amount spent during the training. The opportunity costs to the employers, that is, the loss of the services of trainees during the period of training should be added in order to get an over-all cost of training. However it is reported that there has been tremendous increase in the number of establishments which receive maximum reimbursement annually (ITF, 1984: 13). One would wish this trend to continue and that the employers should realize advantages derivable from training their workers so as to increase their efforts towards this.

The Fund renders its services through twenty-seven Area Offices. Thus, two or in some cases three states are taken care of by twelve Area Offices. One would wish every state including Abuja to have an Area Office so as to facilitate the activities of the Fund.

Another avenue through which the Fund discharges its obligation is by assisting and/or strengthening employers to build up their own training facilities. In point of fact, this is a very important aspect of the Fund's assignment. The essence of the whole scheme should be to enable establishments have in-built programmes of training employees and to realize the need for

this. Here lies the significance of the ex-gratia award, as we discussed above, payable to employers having and running training centres. In this area, the Fund undertakes company visitations in order to identify training needs of firms and advise them accordingly. In 1982 over 2,345 of such visitations were made while over 1,000 visitations were done in 1983. However, one needs to get reports over employers who have established their own training centres (ITF, 1984: 12).

To demonstrate that its establishment was occasioned by the need for training of workers, the ITF should need to build up training facilities of its own. This function is carried out through training courses (conferences, seminars and workshops), assembling of training softwares which are loanable by employers. Virtually the courses are designed and run for managers, supervisors, foremen, and charge-hands. These are employees who have direct responsibility for training their subordinates. It has been reported that more than 10,000 workers have benefited from these programmes since 1974 (ITF, 1984 (a): 12- 13; 1984 (b): 2-5).

The Fund established a ₦2.5 million industry-oriented Vocational Training Centre at Ikeja (Lagos State) in May, 1983. Two other training centres have been established in Jos and Kano. There are plans to establish four other such training centres at different places in the country. The Ikeja Training Centre which commenced operation in May 1983 with 45 trainees offers courses in Mechanical, Electrical and Agricultural Maintenance skills (ITF, 1984 (a): 13; 1984 (b):5-6). Training aids and softwares in the forms of audio-visual materials (video films, projectors, etc) have been developed by the Fund. These training aids are also lent to interested employers to enrich their training courses. The Fund also organizes courses to train trainers from the establishment on how to produce them. Further more, a reference library is maintained at the headquarters in Jos to aid training in the country.

In the area of organizing researches into training needs, one could say that specialized company visitations and surveys constitute a part of it. But researches mean more than visitations. In order to carry out actual research, effort should be made to collect data from all categories of workers and from employers in relation to their operational needs. However, it is reported that there is a slow progress in this

aspect due to failure of employers to return questionnaires (ITF, 1984 (b): 9). Imade (1983: 15-16) has noted inadequate researches in workers' education on the basis of which he suggests the continuous researches should be done in this area in the country. This is a very important area that is capable of boosting other aspects of the Fund's services. There is, therefore, great need for the Fund to be active in this area.

Besides the above ways, the ITF renders other services to the nation in the area of manpower training. The Fund makes grants to support vocational Improvement centres (VIC) attached to Trade Centres. The VICs organise part-time vocational training courses for full-time employees and the self-employed craftsmen and artisans. In 1973 the Fund initiated and financed Student Industrial Training Work Experience Scheme (SIWES) to provide avenues for students of engineering, technology, banking and accounting in the universities, polytechnics and colleges of technology to receive practical experience during the course of their education. One could imagine the amount of impact this would have on the students when they finish their formal education and start working. They would, among other things, realise that continuous education is the bedrock of industrial success and workers' efficiency (Dikko, 1978:16).

Having discussed the ways through which the ITF promotes acquisition of skills in the national economy, we still need to have a critical appraisal of the whole scheme in relation to the maintenance of the industrial workers' right to learn.

AN APPRAISAL

The establishment of the ITF is a move in the right direction towards enhancement of working skills in industries, and maintenance of workers' right to learn in their places of work. Much as no nation could make the costly mistake of depending solely on the formal school system for its manpower needs, in-service training of the already employed manpower should be assigned a very conspicuous position in a nation's educational system.

The strategies and activities of the Fund show a catalogue of well-intended schemes and activities towards the discharge of its assignment. The Reimbursement and Grants scheme which it continues to revise and up-date in the light of

experience contains all the necessary dynamite for successful execution of its functions: the maximum 60% of contribution claimable by an employer in a given year; vetting of training programmes to ascertain relevance and efficiency; and, ex-gratia award made to establishments owning training centres. These are well thought out plans to foster training and make it an in-built programme of firms. Other moves to make training an integral part of each company's operational policy are: assisting and/or strengthening employers to build up their own training facilities; lending of training softwares, such as, audio-visual materials; and, visitations to industries.

To demonstrate that it is established wholly for vocational training, the ITF directly builds up its own training facilities. It organises different courses for different categories of employers. The establishment of well-equipped Training Centres at Ikeja, Jos and Kano and the plans to set up more of such centres at different places in the country mark a culmination of efforts to provide for the interest of workers. One could therefore commend the whole scheme for being responsive to the training needs of employees, and for showing awareness of the workers' right to learn.

But a relevant issue is whether different categories of workers have equal chances of exercising their right to learn. On this, one could point out certain flaws discernible in the whole scheme.

In the Decree itself, one could find out that more emphasis is placed on making it mandatory for employers to contribute than on mandating them to train their employees. Thus, having prescribed penalty for failure to pay within the stipulated time, the decree is silent over employers paying fully but not providing training opportunities for their employees. It could be contended that the desire to claim reimbursement might push establishments to undertaking training their workers. But this is an over-assumption based on non-realization of the fact that to train up to 15% of the workforce in a give year, an employer might spend more than its contribution when we add the opportunity cost of sending workers to training. It should also be realized that a callous employer may recline on the non-provision of penalty for failure to train workers and abandon training the employees. It is very necessary to enact a law which will make it mandatory to employers to train their workers.

Oduaran (1982) concluding his study on on-the-job training in bottling companies in Bendel State of Nigeria, suggests formulation of policies to sustain and improve on-the-job training in Nigeria.

In funding, the decree rests this squarely on the shoulders of employers alone. As a matter of fact, employers should contribute towards the training of their workers, but this should not be left for them alone. Contribution towards workers' education should be based on a tripartite basis. That is, the Government, the employers, and the workers themselves should each have a share in this. Imade (1983: 16) suggests that Nigerian Labour Congress and its affiliates should supplement the effort of government and employers in sponsoring and financing workers' education and training. Workers should have a stake in contributing to their training. After all, there is need to make workers realize the importance of training and re-training as a way to make them more functional not only for the advantage of their employers but also for their own personal benefit. A worker who does not realize the need for undergoing training may be non-chalant when training opportunity is provided to him free-of-charge. On the part of the Government, there is need for it to contribute towards workers' education in the country.

Another flaw concerns the ITF itself, and that is, in the area of distribution of training facilities to all categories of workers. Commendable provision is made over this in the reimbursement and Grants Scheme. But statistics show that the upper-most strata of workers dominate the training. One could understand why the employers in the highest echelon dominated training facilities to the disadvantage of those in the lower strata. Being at the helm of affairs, they considered themselves before those of the lower ranks. One would wish the Fund to see that training investments are fairly distributed to all categories of workers so that all workers are given fair opportunities to exercise their right to learn.

To effectively carry out its functions, the Fund needs to undertake researches into the training needs of both establishments and employers. The Fund is very much lagging behind in this important aspect of the assignment. The Fund could either involve its staff in the researches or co-opt research-oriented academics and institutions in the country.

In the final analysis, one could award a pass

mark to the Fund over its activities to provide training facilities for industrial workers although there are some lapses that need to be attended to.

CONCLUSION

We have gone through the ITF and its activities commending areas that merit commendation but pointing out some flaws within. Based on our critical examinations, it is germane that we conclude this paper by making suggestion for improvement of this important workers' educational provision in the country. For the ITF to fully provide to workers opportunities to exercise their right to learn, there is need to revise and improve on certain aspects of the Fund and its activities.

It should be made mandatory to employers to provide supervised training facilities for their employees. Any employer who fails to do this should be penalized. Also in order to enable employees have legal right over training, it should be included in their contractual agreements that relevant training facilities should be provided by employers to train their workers. It is necessary to enact a law which will make it the duty of the employers to train their employees.

Contribution for training of workers should be based on a tripartite basis. The Government, the employers and the employees should contribute towards this. Workers should be encouraged to see training and improvement of skills as one of the benefits derivable from their places of work. Nigerian Labour Congress (NLC) and Trade Unions should have to ring it into the ears of workers that they should be ready to contribute towards their training and/or take training loans and study leaves without-pay to attend training courses where need be.

All the categories of employees should be availed fair opportunities for training. The ITF should insist on its stand on this as stated in the Reimbursement and Grant Scheme.

There is great need for researchers into training needs. The Fund could co-opt the services of academics and research-oriented

institutions for this important aspect of its assignment.

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