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An Investigation and Evaluation of Pre-employment Discriminatory Practices in Lagos State Private Sector

by

Esther Olubukonla Adebisi

**A thesis submitted in partial fulfilment of the requirements of Leeds
Beckett University for the degree of Doctor of Philosophy**

March 2022

This thesis is dedicated to Màámi, Iya Buky

Without your ever consistent support, I would not even have thought of furthering my education. Your endless love, support and prayers made this adventure possible and worth the while.

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I would like to thank everyone who contributed to the successful completion of this study.

To GOD, my solace, thank you for EVERYTHING.

To my late Dad, Olufemi Anthony Adebiyi, I miss and love you so so much.

Special thanks go to my sisters, Kemi Adebiyi, Tolu Adebiyi and Dr Ruth Adebiyi; thank you for all the love, care, and support.

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Abstract

This study adopts a pragmatic and socio-legal perspective in ascertaining and analysing the occurrence of discrimination in recruitment and selection practices in the Lagos State private sector, primarily from the perspectives of job seekers. It explores whether job seekers in Lagos State find the primary recruitment and selection methods, job advertisements, and job interviews discriminatory during their job application processes. Fundamental to this investigation is identifying the different discriminatory requirements present in job advertisements and job interviews that negatively impact and limit job seekers' employment opportunities.

The study augments and builds on existing limited empirically informed research on Human Resources Management issues in Nigeria and explores how recruitments and selections are being practised in Lagos State. This thesis also investigates how culture plays a significant factor in influencing discrimination and what specific discriminatory requirements in job advertisements and job interviews are formed and shaped by the culture in Nigeria.

Alongside this, a central focus is the recognition and exploration of section 42 of the Nigerian Constitution 1999 (as amended 2011), which is the apex law prohibiting discrimination in Nigeria. It evaluates the various challenges of section 42 and assesses the section's effectiveness in protecting job seekers from discrimination when exercising their right to seek adequate employment.

The study concludes that for as long as discrimination takes precedence over merit and remains the basis for employment in Lagos State, competitive advantage, a fundamental objective of why organisations are established, will continue to elude the private sector. Taking account of this context, this thesis makes recommendations to mitigate the occurrence of discrimination in pre-employment practices in the private sector of Lagos State, Nigeria.

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List of Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIPD	Chartered Institute of Personnel Development
CIPM	Chartered Institute of Personnel Management
CV	Curriculum Vitae
FCP	Federal Character Principle
HR	Human Resources
HRM	Human Resources Management
HRP	Human Resource Planning
IHRM	International Human Resources Management
ILO	International Labour Organisation
ILS	International Labour Standards
NBS	National Bureau of Statistics
NEP	National Employment Policy
NIC	National Industrial Court
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
P-O fit	Person-Organisational Fit
PWD	Persons with Disabilities
REC	Research Ethics Committee
SHRM	Strategic Human Resources Management
SHRM	Society for Human Resource Management

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Chapter One

Introduction

1.0 Overview

‘To say that something is discriminatory is to criticise it and assert that such is indeed wrong.’

- Deborah Hellman¹

The labour market in developing countries such as Nigeria is categorised by high unemployment and underemployment rates.² There are too many people competing for a few vacant positions. Nigeria has one of the largest working-age populations globally. The number of persons in the labour force in the fourth quarter of 2020 (i.e., people within ages 15 - 64 who are able and willing to work) is estimated to be 69,675,468.³ The unemployment rate in the fourth quarter of 2020 was 33.3%, an increase from the 27.1% recorded in the second quarter of 2020 (Figure 1.1).⁴ Unemployment is a persistent problem in Nigeria.

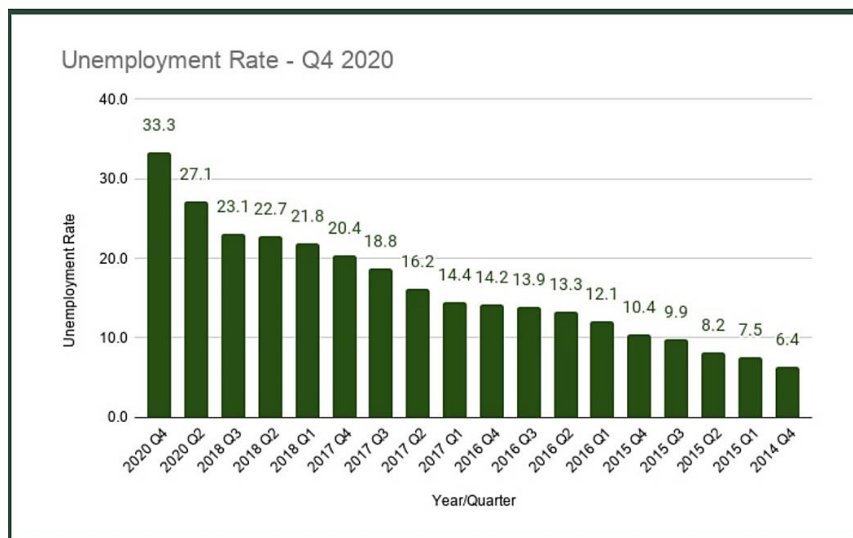


Figure 1.1 Unemployment Report (Q4 2020)⁵

¹ Deborah Hellman, *When is Discrimination Wrong* (Harvard University Press 2008), 2.

² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703.

³ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

⁴ Emeh Ikechukwu, 'Tackling Youth Unemployment in Nigeria; The Lagos State Development and Empowerment Programmes Initiatives' [2012] *Afro Asian Journal of Social Sciences* 1; A Cyril Awogbenle and K Chijioke Iwuamadi, 'Youth Unemployment: Entrepreneurship Development Programme as an Intervention Mechanism' [2010] *African Journal of Business Management* 831.

⁵ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

Lagos State, which happens to be the smallest state in Nigeria in terms of geographical size, has a working population of 9,073,494 and an unemployment rate of 37.14% as of the fourth quarter of 2020 (Figure 1.2).⁶ Formerly the Federal Capital, Lagos State is believed to have more job opportunities than the other states in Nigeria.⁷ People from other states in Nigeria move to Lagos State in search of a better job or preferably white-collar jobs, and the majority of these are graduates.⁸

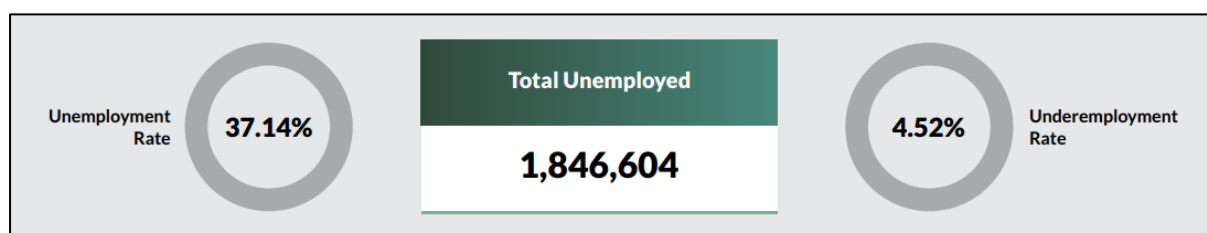


Figure 1.2 Lagos State Unemployment and Underemployment Report (Q4 2020)

The private sector in Lagos State recruits more frequently than the public sector. Unlike the public sector, the private sector in Lagos State recruits people when they need them, which means that there are more job opportunities within the private sector than the public, which only recruit annually.⁹ The private sector drives at least 80% of Nigeria's economy. Lagos State being the most populated state in Nigeria with about 14,368,332 people (as at the time of this research), is the fifth-largest economy in Africa.¹⁰ A private sector promotes productive capabilities, builds entrepreneurship among individuals, drives technology, builds and provides skills for employees, invests in infrastructure and workforce development.¹¹ The private sector also has been recognised as an important place in transformed efforts to reduce

⁶ Nsikak Nseyen, 'Bureau of Statistics Releases States with Highest Unemployment Rate' (Daily Post, 26 April) <<https://dailypost.ng/2019/04/26/bureau-statistics-releases-states-highest-unemployment-rate/>> accessed on 31 January 2020.

⁷ Cyril Awogbenle and Chijioke Iwuamadi, 'Youth unemployment: Entrepreneurship development programme as an intervention mechanism' [2010] African Journal of Business Management 831; David Pilling Nigerian economy: Why Lagos works' (Financial Time, 25 March 2018) <<https://www.ft.com/content/ff0595e4-26de-11e8-b27e-cc62a39d57a0>> accessed on 31 January 2020.

⁸ Emeh Ikechukwu, 'Tackling Youth Unemployment in Nigeria; The Lagos State Development and Empowerment Programmes Initiatives' [2012] Afro Asian Journal of Social Sciences 1.

⁹ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] Journal of Emerging Trends in Economics and Management Sciences 210; Emeh Ikechukwu, 'Tackling Youth Unemployment in Nigeria; The Lagos State Development and Empowerment Programmes Initiatives' [2012] Afro Asian Journal of Social Sciences 1.

¹⁰ Population Stat, 'Lagos, Nigeria Population' (Population Stat) <<https://populationstat.com/nigeria/lagos>> accessed 30 May 2021.

¹¹ United Nations, 'Private Sector Statement' (2011) Fourth United Nations Conference on the Least Developed Countries <<https://www.un.org/en/conf/ldc/17800.html>> accessed on 6 June 2018.

poverty and achieve the Millennium Development goals.¹² Private organisations understand that employees are the most significant source of maintaining and sustaining a competitive advantage. The war on talent; the challenges of attracting and retaining talented people encourages organisations to attract, employ, and value individuals with competencies and capabilities by developing them to be the best.¹³ Organisations want talents that are valuable, rare and inimitable.¹⁴ The irony of this is that some organisations do not even recognise these talents because they are lost to discriminatory practices; therefore, potential applicants are not given an opportunity to deploy their talents for the benefit of the organisation.

Consequently, this research explores the occurrences of discrimination at the pre-employment stages of recruitment in the Lagos State private sector, such as job advertising and job interviews. This is because one of the key factors to organisations' growth and success is recruiting the right person with the right skills at the right time.¹⁵ The survival of an organisation and profitability usually depends on the talent of its employees.¹⁶

This thesis examines discrimination in recruitment and selection processes in Lagos, Nigeria, in a holistic view. It looks at all the different types of discrimination that could potentially occur during these processes without prioritising any, as the aim of this study is to find out if discrimination does happen. As such, this study explores the occurrences of discrimination from two points of view, job applicants and HR practitioners.

This chapter will be structured as follows:

- Statement of Problem – This section outlines the problems addressed by this research.
- Literature Review – This section looks at the theoretical base from which this study has evolved. It describes the background of this research by exploring the existing literature that underpins and provides support for this study.
- Purpose of the Study – This section explores the significance of the study by describing how the study is new and different from other studies. It also outlines the conceptual basis for what the researcher will investigate, including the research objectives and questions.

¹² Bashir Kolawole and Olufunsho Omobitan 'Raging Poverty and Agricultural Output in Nigeria: An Empirical Investigation' [2014] *Journal of Economics and Sustainable Development* 63.

¹³ Jay Barney, J 'Firm Resources and Sustained Competitive Advantage' [1991] *Journal of Management* 99.

¹⁴ Jay Barney, J 'Firm Resources and Sustained Competitive Advantage' [1991] *Journal of Management* 99.

¹⁵ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Tanova, 'Firm Size and Recruitment: Staffing Practices in Small and Large Organisations in North Cyprus' [2003] *Career Development International* 107.

¹⁶ Vathsala Wickramasinghe, 'Staffing Practices in the Private Sector in Sri Lanka' [2007] *Career Development International* 108.

- Overview of Research Design – This briefly describes the methodology the research used in achieving the research objectives and questions. This includes design, data collection method, population, and analysis.
- Definition of terms – These are some of the meanings of terms that are commonly used in the thesis.
- Thesis structure - This section outlines the structure of the thesis with a small narrative of what each chapter entails.

1.1 Statement of the Problem

According to the Nigerian National Bureau of Statistics, the rate of unemployment in Nigeria has increased considerably over time (Figure 1.1 above). The unemployment rate in the fourth quarter of 2020 was 33.3%, an increase from the 27.1% recorded in the second quarter of 2020.¹⁷ Nigerian National Bureau of Statistics on Labour Force Statistics: Unemployment and Underemployment Report (Q4 2020) stated that the reason for unemployment and underemployment in Nigeria is said to be as a result of:¹⁸

1. People previously outside the labour force (e.g., is culturally influenced and motivated students, housewives etc.) have decided to join
2. People previously working have lost their jobs and are now in search of jobs.

Although this report looked into a few reasons why there is an increase in the rate of unemployment and underemployment, it seems not to have considered the possibility of discrimination being a potential factor likely to increase unemployment and underemployment.¹⁹ According to the International Labour Organisation (ILO), employment discrimination is a violation of human rights, and a waste of human talents.²⁰ Discrimination reduces the chances of people from being employed by excluding them from job applications. This is the premise on which this research is based.

¹⁷ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

¹⁸ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

¹⁹ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

²⁰ International Labour Organisation, 'Time for Equality at Work, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work' <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_publ_9221128717_en.pdf> accessed on 30 May 2021.

The majority of literature on employment discrimination in Nigeria stems from discrimination that happens during employment relationships, with many studies being specific to gender, ethnicity, religion, age and disability discrimination.²¹ However, discrimination in pre-employment processes such as job adverts and job interviews are also very prominent in Nigeria. A close look at online job adverts in Nigeria reveals one or more elements of discrimination, whether explicit or subtle (Chapter Six, Section 6.1). It is explicit in the sense that organisations boldly state the personal characteristics they require from applicants such as age, sex, or religion. It can be subtle when discrimination is perceived in the language used—for example, using masculine or feminine terms such as ‘he’, ‘she’, or ‘handsome’ in describing the ideal applicant. With job interviews, organisations in Nigeria do not shy away from asking questions that relate to a person’s age, sex, religion, ethnicity, or political stance (Chapter Seven). They tend to pry into the personal lives of job candidates.

According to Adisa et al., ‘the volatility in the Nigerian labour market is a result of skills mismatching’.²² These discriminatory practices in recruitment and selection risk exacerbating skills mismatch because people are selected because of who they are rather than their skills and merit, and as such go contrary to the fundamental aim of HRM, which is that people are regarded as the primary source of competitive advantage of an organisation.²³ They are rare and inimitable.²⁴

A problem with discrimination during pre-employment practices is that discrimination as a concept is prohibited in Nigeria via the Nigerian Constitution, which is also the apex law in Nigeria. Section 42, contained in Chapter IV (fundamental human rights) of the Constitution of Nigeria 1999 (as amended 2011), guarantees the right to be free from discrimination (Chapter Three). It also outlines the specific prohibitive grounds such as a particular community, ethnic

²¹ Kola Odeku and Sola Animashaun, ‘Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination’ [2012] *African Journal of Business Management* 4689; Nkechi Njoku, ‘Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective’ [2015] *Journal of Education and Practice* 139; Adedeji Bethel Oluwatosin and Ajayi Oluwatobiloba Ifedolapo, ‘Women, Their Rights, and Workplace Discrimination’ [2018] *International Affairs and Global Strategy* 22; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, ‘An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria’ [2014] *International Journal of Social, Human Science and Engineering* 101.

²² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, ‘The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria’ (2017) 22 *Career Development International* 703, 708

²³ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, ‘The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View’ [2010] *Journal of Asia Pacific Studies* 395; Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, ‘The Impact of Recruitment and Selection Criteria on Organizational Performance’ [2015] *Global Journal of Human Resource Management* 22; Biljana Milikić, ‘The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia’ [2009] *Economic Annals* 93.

²⁴ Nuno Cardeal and Nelson António, ‘Valuable, Rare, Inimitable Resources and Organization (VRIO) Resources or Valuable, Rare, Inimitable Resources (VRI) Capabilities: What Leads to Competitive Advantage?’ [2012] *African Journal of Business Management* 10159

group, place of origin, sex, religion or political opinion. A problem with Section 42²⁵ is that it is not exhaustive in terms of the prohibitive grounds as it omits other forms of discrimination such as age and disability. The Nigerian Labour law 1991, which is ideally meant to provide an adequate guideline for labour-related issues, is also silent on the issue of discrimination in recruitment and selection processes.

The autonomous power of private organisations in Lagos State to decide who gets to apply and get selected for a vacant job potentially gives rise to discrimination against job seekers based on age, gender, religion, ethnicity, etc. This autonomous power mirrors the master and servant relationship, which sometimes operates in the absence of the law. This is because some organisations do not have sufficient recruitment and selection policies or adhere to legislation.²⁶ It has been argued that organisations who violate these rights place value on profits maximisation as opposed to the welfare and wellbeing of workers.²⁷ It also puts job seekers at a disadvantage even though they meet the job requirements in terms of skills, experience, or education.

To address the above-described gap and expand prior research, an exploration of the existing literature was reviewed, which will be discussed in the next section.

1.2 Literature Review

This section reviews the relevant literature on employment practices and pre-employment discrimination in Nigeria. This is a summary of the main sources, which helps identify and outline the gap in knowledge. Further literature will be discussed in the subsequent chapters. The reason for the review of literature is to identify a gap in knowledge and establish linkages between employee recruitment and selection practices and the occurrence of discrimination, which form part of the basis for the analyses of data in this study. More so, it is essential to understand the concept of Human Resources Management (HRM) vis-a-vis recruitment and selection and in the context in which it is practised in Nigeria. This literature review covers various positions, authorities, and empirical works of scholars on HRM, recruitment and selection processes, culture, and discrimination in organisations.

²⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

²⁶ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] *International Journal of Social, Human Science and Engineering* 101.

²⁷ Funmi Adewunmi and Adebimpe Adenugba, *The State of Workers' Right in Nigeria. Friedrich-Ebert-Stiftung: Abuja, Nigeria* (Friedrich-Ebert-Stiftung 2010).

To address this thesis's research questions, a deep understanding of the context in which employment relationships are embedded in Nigeria is required. Nigeria provides a rich ground to undertake such an investigation, with its high levels of diversity but a low rate of adoption of strategic diversity initiatives and inclusion. As such, this literature review will consider and assess studies that have taken place in Nigeria and comparable jurisdictions with regard to recruitment, selection and discrimination. In doing so, it illustrates that there is a shortage of scholarship on the experiences of discrimination in Nigeria, and in Lagos in particular, from a job seeker's perspective. However, this section will not address the legal framework in Nigeria that relates to discrimination in selection and recruitment processes, or lack thereof, in detail. This is considered in more detail in Chapter Three of this thesis.

1.2.1 Human Resources Management in Nigeria

Before exploring discrimination in pre-employment practices, it is essential to understand the concept of HRM as it applies to the Nigerian setting. The knowledge of HRM and the factors that impact it is increasingly important to how business is carried out in Nigeria. HRM is the practice of recruiting, employing, deploying, and managing an organisation's employees.²⁸ Many organisations recognise the use of human resources as a major influence on their competitive advantage and success.²⁹ Hence, the need to recruit and retain highly qualified and motivated individuals.

Azolukwam and Perkins, Fajana et al., Anakwe and Jackson, in their studies on HRM practices in Nigeria, observed that long before the introduction of HRM through multinational companies, Nigerian communities had indigenous traditions that covered work relationships in organisations.³⁰ For example, disputes between employers and employees were settled under

²⁸ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

²⁹ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

³⁰ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management*

traditional means through the elders in the village and chiefs.³¹ Values influencing managerial behaviours were also moulded by a combination of business environment and culture.³²

HRM as a concept was introduced into Nigerian literature during the colonial era in 1940.³³ Historically, transferring management practices from developed to developing countries was the favoured mode of operation for most multinational corporations.³⁴ This was because most developing countries in Africa, like Nigeria, have had a turbulent past (colonial era). According to Azolukwam and Perkins, in their study on the evolving hybridisation of HRM in Nigeria, there were debates in the academic literature about the prospects of having a universal set of norms in business administration and people management practices that reflected westernised capitalist industrialisation. However, these debates were not sensitive to differences in culture, values, politics, and institutions of developing countries that were new to the global marketplace. This means that the universal application of business administration and people management would not be possible due to the pre-existing cultural, social, and industrial relations in African countries before the importation of foreign/western policies and practices.

As stated above, the Nigerian communities already had a pre-existing people management style which was governed by local chiefs and elders. Azolukwam and Perkins noted that due to people from different sub-cultural backgrounds populating Nigeria, the adapted and implemented western HRM practices from developed countries created what was known as 'hybridised' HRM practices.³⁵ Hybridisation combines Western HRM practices and African management systems shaped by national culture and business environment, which creates a unique value system.³⁶ Drawing on anthropological hypotheses on the process of 'acculturation', when two different cultures meet, the result is 'some new cross-bred form of values' impacting on organisational relationships.³⁷

1042; Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

³¹ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

³² Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

³³ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

³⁴ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

³⁵ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

³⁶ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

³⁷ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62, 67.

Azolukwam and Perkins, in their study, further explored the possibilities that if HR professionals in Nigeria functioned consistently with western HRM practices and they identified no significant barriers to this approach, then convergence may be assumed. If HR professionals report that Western HRM practices are inconsistent with the existing traditional forms of norms, behaviour, and institutions, then divergence in HRM may be assumed. Finally, if HR professionals report a mixture of Western HRM practices and behavioural influences from local institutional conditions, then a form of blended HRM (cross-vergence) emerges. Evidence from their research showed that Eastern Nigeria practised a cross-culturally blended orientation to HRM.³⁸

However, Jackson contends the perceived blended HRM practices (Western and African) reflect a colonial legacy rather than an indigenous approach to managing people.³⁹ Jackson further argues that the current blended approach to managing people in Africa not only paints a negative view of management in Africa but also assumes the need to shift towards the 'developed world' approach.⁴⁰ More so, some studies have also argued that western HRM practices can be detrimental to the development of indigenous African-style management practices.⁴¹ For example, Azolukwam and Perkins' also noted that the emergence of a labour movement during the colonial era might challenge traditional institutions like local chiefs and elders who may feel threatened by foreign HRM practices. This posed resistance to change may be prompted by fear of experiencing a decrease in power.⁴² Although traditional interventions from local chiefs and elders no longer happen, at least to a large degree, this has been replaced with nepotism and godfatherism, as discovered in studies conducted by Tiemo and Arubayi and Adisa et al.⁴³

There is strength in Jackson's arguments. Hybridised HRM takes away or limits the complete knowledge of what the African management style entails. This is one of the reasons why most HRM practices and principles evidenced in organisations in Nigeria are all adopted from other

³⁸ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

³⁹ Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

⁴⁰ Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

⁴¹ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Alfred M Jaeger and Rabindra Nath Kanungo, *Management in Developing Countries* (Routledge 1990); Ken N Kamoche, *Sociological Paradigms and Human Resources: An African Context* (1st edn, Routledge 2000).

⁴² Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

⁴³ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

countries, which means that the current HRM practices reflect more of the westernised practice and less of the African management style.⁴⁴ For example, recruitment and selection, training and development, rewards and employee participation methods among others in Nigerian organisations, may bear a semblance with HRM activities in the developed world such as the UK and USA. This is why Jackson and Duze suggest that a cross-cultural approach to managing people based on creating multicultural synergies may be a way forward.⁴⁵ More so, the development of African management models will not only reflect African cultures in the industry but also in education.⁴⁶

The distinctions between Western and African management have also contributed to the fundamental differences in understanding and defining what HRM is in the Nigerian context. According to Duze, beliefs and traditional norms have to be negated, and relationships between people have to be re-negotiated to fulfil required Western work behaviour.⁴⁷ Therefore, it is paramount to ask, 'what does HRM mean to the indigenous Nigerian organisations (i.e., organisations owned by Nigerians)?' This question is important because the literature on HRM practices in Nigeria seems to be dominated by generic analytical perspectives of western organisations while the African management style is reflected in socio-diversity or culture.

According to Seny Kan et al., African management has for decades been poorly conceptualised.⁴⁸ This African thought system is based on ethnic identification and communal sociability. Culture is built outside of the organisation, and members of an organisation are both individuals from the workplace and also individuals outside the organisation.⁴⁹ Therefore, the socio-cultural traits often considered common to the African management style are structured around the perception of the role of individuals in society and social links. According to Prinsloo and Seny Kan et al., an organisation is not just a mere nexus of contracts but a

⁴⁴ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁴⁵ Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

⁴⁶ Chinelo O Duze, 'Appropriate Management in an African Culture: Implications for Education' (2012) *International Journal of Education Administration and Policy Studies* 53.

⁴⁷ Chinelo O Duze, 'Appropriate Management in an African Culture: Implications for Education' (2012) *International Journal of Education Administration and Policy Studies* 53.

⁴⁸ K A Seny, S M Apitsa and E Adegbite, '"African Management": Concept, Content and Usability' [2015] *Society and Business Review* 258.

⁴⁹ K A Seny, S M Apitsa and E Adegbite, '"African Management": Concept, Content and Usability' [2015] *Society and Business Review* 258; E D Prinsloo, 'The African View of Participatory Business Management' [200] *Journal of Business Ethics* 275.

real social community; that is, a social community(s) existing outside the organisation is incorporated into the workplace.⁵⁰ As such, the HRM practices in Nigeria are not an exact replica of those in developed countries due to the existing socio-cultural diversity. Also, studies alike have come to realise that HRM is context dependent.⁵¹

In the study conducted by Fajana et al. on the HRM practises in Nigeria, they noted that although western HRM has been introduced and practised in Nigeria, it is still not fully developed.⁵² Still, at the infancy stage, most organisations in Nigeria suffer from a lack of funding for HRM research and development, lack of indigenous and comprehensive HRM models, lack of internal manpower to complete all necessary tasks, globalisation, technology advancements and socio-cultural diversity.⁵³ This finding is also supported by many other scholars.⁵⁴

However, Jackson has argued that with the western HRM practices, employees are viewed as an instrumental resource to serve the ends of the organisation, while the African management style of practice regards employees first as human beings, valuable in and of themselves.⁵⁵ The problem with this argument is that with the occurrence of discrimination in recruitment and selection processes and its prevalence, as evidenced by the findings of this thesis, it is hard to believe that the African management style sees humans predominantly as valuable 'in and of themselves'. There was also a report by the Society for Human Resources Management in 2009, which ranked Nigeria high in levels of exclusion and a weak legal framework internationally.⁵⁶ Based on the limited availability of legislation regulating

⁵⁰ K A Seny, S M Apitsa and E Adegbite, "'African Management': Concept, Content and Usability' [2015] Society and Business Review 258; E D Prinsloo, 'The African View of Participatory Business Management' [200] Journal of Business Ethics 275

⁵¹ Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2018] Employee Relations: The International Journal; K A Seny, S M Apitsa and E Adegbite, "'African Management': Concept, Content and Usability' [2015] Society and Business Review 258; E D Prinsloo, 'The African View of Participatory Business Management' [200] Journal of Business Ethics 275.

⁵² Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] Journal of Management and Strategy 57.

⁵³ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] Journal of Management and Strategy 57.

⁵⁴ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] International Journal of Human Resource Management 1042; John O. Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] Management Research News 57; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] Journal of Emerging Trends in Economics and Management Sciences 210; Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] Interdisciplinary Journal of Education 230.

⁵⁵ Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] International Journal of Human Resource Management 998.

⁵⁶ Society for Human Resource Management, 'Global Diversity and Inclusion: Perceptions, Practices and Attitudes' (2009) < https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/09-Diversity_and_Inclusion_Report.pdf > accessed August 2021; I Adeleye, A Fawehinmi, T Adisa, K Utam, and V Ikechukwu-Ifudu, Managing Diversity in Nigeria: Competing Logics of Workplace

discrimination in Nigeria, as discussed in Chapter Three of this thesis, the conclusions of the 2009 report still stand.

Nonetheless, the African management style though limited, is not entirely flawed. According to Duze, most African countries already had a functioning economic/political infrastructure peculiar to their culture prior to the colonial era.⁵⁷ Duze further stated that 'Culture can be perceived as the bridge between the old and the new, the before and the after, the past and the future, the wrong and the right, as well as the 'what is' and 'what ought to be'.⁵⁸ Culture is a fundamental phenomenon that creates a way of life such as religion, wars, beliefs, habits and many challenges.⁵⁹

The presence of culture and the conscious and subconscious influence of cultural affinity between individuals and groups in the hybridised HRM practices is what makes it different, where people from the same background value each other more than others. African management is based on beliefs and traditions. For instance, an individual perceives their role as that of looking after the interests of the group he or she belongs to. Even with the hybridised HRM practices in Nigeria, the way HRM is practised cannot be divorced from local customs, values, and the overall external cultural environment.⁶⁰ Nigeria is encompassed with socio-cultural diversity, which is known to influence not only HRM practices but also recruitment and selection practices.⁶¹ This is explored more fully in the next section.

Diversity in *Diversity within Diversity Management: Country-based Perspectives* (Emerald Publishing Limited 2019).

⁵⁷ Chinelo O Duze, 'Appropriate Management in an African Culture: Implications for Education' [2012] *International Journal of Education Administration and Policy Studies* 53.

⁵⁸ Chinelo O Duze, 'Appropriate Management in an African Culture: Implications for Education' (2012) *International Journal of Education Administration and Policy Studies* 53, 54.

⁵⁹ Antonio Lebrón, 'What is Culture?' [2013] *Merit Research Journal of Education and Review* 126; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

⁶⁰ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

⁶¹ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Sunday Onwe, Emma Abah and Paul Nwokwu, 'Politics of Recruitment and Selection in the Nigerian Civil Service – An Ebonyi State Experience' [2015] *Public Policy and Administration Research* 92; Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

Unfortunately, Nigerians are known to be thralls to their ethnic or tribal origins instead of harnessing their diversities towards national growth.⁶² Also, some Nigerians are fanatics when it comes to culture.⁶³ According to Amos et al., there is an overwhelming concern on practices such as bribery and corruption, nepotism, godfatherism, mediocrity, family ties and attachment that have become a way of life for most Nigerians.⁶⁴ The multitudes of tribes (371) in Nigeria have their unique and respective cultural norms, values and dialect that passably guide their behaviours and actions, which means that a lot of people are strictly guided or governed by their beliefs, norms and values whether they are right or not or if it infringes on other people's right. As such, some of these cultural differences, norms, values, and behaviours can transfer to recruitment and selection practices in Nigeria.⁶⁵ For example, some cultures believe that a girl child should not be educated or the notion that women are inferior. This could impact an organisation preferring to recruit men over women because a woman's place is in the home. More on the influence of culture on HRM practices will be discussed in Chapter Five of this thesis.

1.2.2 Recruitment and Selection Practices in Nigeria

People cannot become employees or workers in an organisation without being recruited for a job. It is worthy to note that there are gaps in understanding the Human Resource (HR) functions such as recruitment and selection and how they are implemented in many developing countries such as Nigeria.⁶⁶ According to Briggs, environmental influences such as social, political, technological and economic demands affect recruitment.⁶⁷ Culture is an external environmental influence that organisations need to take into consideration.⁶⁸ Culture

⁶² Samuel Osaretin Uwaifo, 'Ethnicity and Development of Political Parties in Nigeria' [2016] *Journal of Poverty, Investment and Development* 1.

⁶³ Samuel Osaretin Uwaifo, 'Ethnicity and Development of Political Parties in Nigeria' [2016] *Journal of Poverty, Investment and Development* 1.

⁶⁴ Nneoma B Amos, Emmanuel O Ajike, Babatunde H Akinlabi, and Margret Kabuoh, 'The Influence of "Nigerian Culture" On Leadership and its Implication on the Sustainable Development of the Nation' [2014] *International Policy Brief Series - Education & Science Journal* 115.

⁶⁵ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶⁶ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

⁶⁷ Biobele Richards Briggs, 'Problems of Recruitment in Civil Service: Case of the Nigerian Civil Service' [2007] *African Journal of Business Management* 142.

⁶⁸ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

has a moderating effect on organisational practices directly or indirectly.⁶⁹ As such, recruitment and selection processes require monitoring to address these problems and their potential impact.⁷⁰

The prejudices and behaviours exacerbated by perceived cultural differences in Nigeria can be linked to the negative process of recruitment and selection.⁷¹ According to Tran et al., 'diversity includes either visible, observable differences such as age, ethnicity, sex, and nationality, or non-visible, underlying differences such as educational or functional background, organisation/group tenure, personality, values, social and network ties'.⁷² Diversity also brings with it the degree to which people consider themselves separate as members of a specific group.⁷³

As illustrated by Azolukwam and Perkins, and Fajana et al. above, one of the challenges of HRM practices in Nigeria begins with the preference and superiority of culture.⁷⁴ This is where people observe and interpret the environment from their own standpoints. According to Azolukwam and Perkins, culture is so deeply rooted that it drives values beyond economic ideology and technological developments in any society.⁷⁵ Therefore, since culture is ingrained and influences every aspect of behaviour, Nigerian organisations interpret and implement 'western' practices within society's cultural contexts.⁷⁶ Also, since recruitment and selection are a function of HRM, it is safe to infer that culture will also impact its process and

⁶⁹ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

⁷⁰ Biobele Richards Briggs, 'Problems of Recruitment in Civil Service: Case of the Nigerian Civil Service' [2007] *African Journal of Business Management* 142.

⁷¹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁷² Veronique Tran, Patricia Garcia-Prieto and Susan C Schneider, 'The Role of Social Identity, Appraisal, and Emotion in Determining Responses to Diversity Management' (2011) 64 *Human Relations* 161, 162.

⁷³ Sophie Hennekam, Jonathan Peterson, Loubna Tahssain-Gay and Jean-Pierre Dumazert, 'Recruitment Discrimination: How Organizations Use Social Power to Circumvent Laws and Regulations' [2021] *The International Journal of Human Resource Management* 2213.

⁷⁴ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

⁷⁵ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

⁷⁶ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights' [2002] *International Journal of Human Resource Management* 1042.

implementation. However, this does not absolve organisations of their discriminatory practices.

Adeyori and Fajebi, in their study, indicated that the challenges of recruitment and selection in the Nigerian workplace began with the preference for culture, religion, gender, language, ethnic background, and educational qualification as pre-conditions to securing jobs.⁷⁷ This preference allows organisations to recruit those who do not necessarily qualify for the job, creating what Adeyori and Fajebi termed as 'man-no-man' syndrome.⁷⁸ This is where non-qualified job applicants are selected for a job position in place of a merit system.⁷⁹ Therefore, it comes as no surprise why Jaeger and Kanungo and Blunt and Jones see management in African countries as reactive, authoritarian, fatalistic, resistant to change, short-termism, risk-reducing, context dependent, collectivist and basing decisions on relationship criteria rather than impartial criteria.⁸⁰ This research will take into consideration whether or not these indicators influence recruitment and selection decisions in Nigeria. If they do, how prevalent are they? More so, are job seekers aware of them?

The empirical studies conducted by Tiemo and Arubayi and Adisa et al. observed that both public and private sectors consider equality and diversity in their recruitment practices.⁸¹ Nonetheless, they argued that equality is difficult to achieve due to factors like favouritism, discrimination and nepotism found within the Nigerian work environment.⁸² Favouritism and discrimination give way to the employment of arguably the wrong people, those with less knowledge and skills, which can negatively affect other organisational productivity.⁸³

⁷⁷ Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230, 234.

⁷⁸ Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230, 234.

⁷⁹ Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

⁸⁰ Alfred M Jaeger and Rabindra Nath Kanungo, *Management in Developing Countries* (Routledge 1990); Peter Blunt, Merrick Jones, Merrick L Jones and David Richards, *Managing Organisations in Africa*, (Vol 1, Walter de Gruyter 1992).

⁸¹ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁸² J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

⁸³ Hatice Keles, Tuğba Ozkan and Muhammet Bezirci, 'A study on the Effects of Nepotism, Favouritism and Cronyism on Organisational Trust in the Auditing Process in Family Business in Turkey' [2011] *International Business and Economic Research Journal* 9; John Sullivan, 'Bad recruiting? It can Cost your Company a Whole lot of Money' (Talent Management & HR, 1 October 2015) <www.eremedia.com/tlnt/bad-recruiting-it-can-cost-your-company-a-whole-lot-of-money> accessed 15 January 2020.

Discrimination as a concept is deeply rooted in diversity, where groups of people classify themselves as similar or dissimilar on the basis of their own social and other identities.⁸⁴ Discrimination during recruitment and selection, which results in a more homogenised workforce, undermines diversity management which addresses the benefits of creating and maintaining a positive work environment where the similarities and differences of individuals are valued. As such, discrimination can be said to be culturally influenced to the extent to which people consider themselves separate. For example, gender discrimination in recruitment and selection in Nigeria is culturally influenced and motivated.⁸⁵ Various studies have explored and explained that Nigeria is patriarchal, which creates inequality between men and women.⁸⁶

Briggs noted that the problems with recruitment and selection practices are invalid and inadequate standards for evaluating job candidates, transparency, and independence of the recruiting authority.⁸⁷ Although Briggs' research was on the Nigerian Civil Service, much of the challenges with recruitment and selection also apply to the Nigerian private sector. Some of the criteria used in selecting potential job applicants in the private sector are flawed. This is seen in Adisa et al.'s study above who looked at both private and public sectors in Nigeria and found similarities such as ethnicity, age and gender discrimination, favouritism, as well as corruption present in the recruitment and selection process.⁸⁸ Adisa et al. also observed that the major problems of effective employee resourcing were that general recruitment and selection procedures in Nigeria only appear on paper.⁸⁹ This means that some organisations

⁸⁴ Barbara Mazur, 'Cultural Diversity in Organisational Theory and Practice' [2010] *Journal of Intercultural Management* 5; David Williams and Selina Mohammed, 'Discrimination and Racial Disparities in Health: Evidence and Needed Research' [2009] *J Behav Med* 20; Dinesh Bhugra, 'Social Discrimination and Social Justice' [2016] *International Review of Psychiatry* 336; Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

⁸⁵ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] *International Journal of Economics, Commerce and Management* 752; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1.

⁸⁶ L F C Ntoimoo and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] *European Scientific Journal* 115.

⁸⁷ Biobele Richards Briggs, 'Problems of Recruitment in Civil Service: Case of the Nigerian Civil Service' [2007] *African Journal of Business Management* 142.

⁸⁸ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁸⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Kola

have structured recruitment and selection procedures, but they are not followed or implemented fully. In their qualitative study, which interviewed 61 managers from public and private organisations across Nigeria, they expressed concern with regards to the lack of equal opportunities in the Nigerian recruitment and selection process.⁹⁰ The study showed that discrimination on the basis of gender, age, ethnicity, and religion was very notorious. The findings of the study also showed that Jobseekers' gender and age played a prominent role in recruitment and selection processes.

Tiemo and Arubayi and Adisa et al. also found similarities between the public and private sectors in their struggle to manage diversity and equality.⁹¹ Even though Nigeria's recruitment practices mirror (convergence) those of developed countries such as the United Kingdom or the United States, it differs greatly in terms of awareness and recruitment policy implementation. For example, organisations are now using Computer Based Test (CBT) to shortlist candidates and outsourcing to recruiting firms to allow them to concentrate on some other pressing issues. This adoption of modern recruitment methods does not however erase the discriminatory practices prevalent in Nigeria.

According to Odeku and Animashaun, the doctrine of equality dictates that there should be equal opportunities for all irrespective of sex, race, religion, disability, age, or marital status.⁹² In comparison, equality in recruitment in Nigeria is marred by personal interests such as ethnicity, preference by management, or social class influences. These findings were supported by Odor et al. and Onyeaghala and Hyacinth. They noted that many organisations in Nigeria ignore standard recruitment programmes due to unethical practices, such as bias, discrimination and favouritism.⁹³

Odor et al., in their opinion paper, concluded that the recruitment and selection practices in Nigerian higher institutions (Universities) are clouded by subjective criteria, which makes the

Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689.

⁹⁰ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁹¹ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁹² Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689.

⁹³ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Eniola Sule Olatunji and Elizabeth I Ugoji, 'Impact of Personal Recruitment on Organizational Development: A Survey of Selected Nigerian Workplaces' [2013] *International Journal of Business Administration* 79.

whole activity ineffective and inefficient.⁹⁴ They noted that some of the reasons for the ineffective recruitment and selection practices were based on bribery and corruption, quota system, tribalism and nepotism.⁹⁵ This was also stated in Fajana et al. and Azolukwam and Perkins' studies.⁹⁶

Regarding recruitment and selection in the public sector, Tiemo and Arubayi, Adisa et al., Odor et al. and Onyeaghala and Hyacinth all found that discrimination was a result of the Federal Character Principle (FCP).⁹⁷ The FCP, which gave rise to a quota system, is one of the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of the Nigerian Constitution, 1999.⁹⁸ It emphasises the equal representation of people from different sections of the country based on political consideration, merit, and government discretion.⁹⁹ The FCP, a form of affirmative action, is meant to curtail the monopolisation of governmental activities or the apparatus of government by one or some ethnic groups or sections of the country.¹⁰⁰ However, in practice, the FCP appears to have been observed more in breach due to favouritism. Its implementation and application are filled with political interference, forgery and falsification of state of origin by applicants who were desperate to secure means of livelihood.¹⁰¹ Whilst the FCP is not relevant to the private sector, there are a number of practices and/or policies that influence private sector-based discrimination. This is the focus of this study.

⁹⁴ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21.

⁹⁵ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

⁹⁶ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

⁹⁷ Constitution of the Federal Republic of Nigeria, s 14(3) and (4); Federal Character Commission (Establishment, etc.) Act 1995 <<https://lawsfnigeria.placng.org/laws/F7.pdf>> accessed on 8 September 2021.

⁹⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 14(3) and (4).

⁹⁹ C E Okeke, 'Implementation and Enforcement of the Federal Character Principle in Nigeria' [2019] *NAUJILJ* 174; Olu Okotoni and Adeleke Adegbam, 'Nigeria's Federalism and Challenges of Implementing Federal Character Principle' [2021] *Journal of Public Administration, Finance and Law* 48.

¹⁰⁰ C E Okeke, 'Implementation and Enforcement of the Federal Character Principle in Nigeria' [2019] *NAUJILJ* 174; Olu Okotoni and Adeleke Adegbam, 'Nigeria's Federalism and Challenges of Implementing Federal Character Principle' [2021] *Journal of Public Administration, Finance and Law* 48.

¹⁰¹ C E Okeke, 'Implementation and Enforcement of the Federal Character Principle in Nigeria' [2019] *NAUJILJ* 174; Olu Okotoni and Adeleke Adegbam, 'Nigeria's Federalism and Challenges of Implementing Federal Character Principle' [2021] *Journal of Public Administration, Finance and Law* 48.

Onwe, Abah and Nwokuwu, in their study, found politics to be an influence in recruitment and selection practices in the civil service in Ebonyi State, Nigeria.¹⁰² They noted that the recruitment and selection processes are more often than not based on connection with either very influential persons in the society or politicians, making advertised employment vacancies ineffective.¹⁰³ This was also supported by Adisa et al. and Olatunji and Ugoji. However, a study by Adeola and Adebisi found that respondents (bank employees) in the Nigerian banking sector indicated that there was a strong positive relationship between recruitment practices, employee motivation, and organisational performance.¹⁰⁴ They went further to show that respondents found job descriptions and specifications clearly defined in the recruitment process. Although the research conducted by Adeola and Adebisi explored employees' experiences during recruitment and selection as it relates to employee motivation, it did not consider the potential occurrence of discriminatory requirements in job adverts, which also can impact a job seeker's experience.¹⁰⁵

The research underpinning the current thesis takes this as a particular area of focus, exploring and identifying both the presence and prevalence of such practice and its impact on job seekers'. More specifically, the focus is on job adverts and job interviews. This is because discrimination, whether subtle or overt, determines the outcome of an applicant's selection. It is important to stress here that some of the studies discussed above are a mixture of HRM practices in the private and public sectors.¹⁰⁶ This is because there is limited research on HRM practices in the private sector. However, some of the findings from the Nigerian public sector are very similar to those found in the private sector. For example, favouritism, godfatherism and bias are common factors influencing recruitment and selection in both the public and private sectors.¹⁰⁷ Furthermore, the methodological stance of the studies mentioned above

¹⁰² Sunday Onwe, Emma Abah and Paul Nwokuwu, 'Politics of Recruitment and Selection in the Nigerian Civil Service – An Ebonyi State Experience' [2015] *Public Policy and Administration Research* 92; Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21.

¹⁰³ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21.

¹⁰⁴ Mukarramah Modupe Adeola and Sulaimon Olanrewaju Adebisi, 'Employee Motivation, Recruitment Practices and Banks Performance in Nigeria' [2016] *International Journal of Entrepreneurial Knowledge* 70.

¹⁰⁵ Mukarramah Modupe Adeola and Sulaimon Olanrewaju Adebisi, 'Employee Motivation, Recruitment Practices and Banks Performance in Nigeria' [2016] *International Journal of Entrepreneurial Knowledge* 70.

¹⁰⁶ Sunday Onwe, Emma Abah and Paul Nwokuwu, 'Politics of Recruitment and Selection in the Nigerian Civil Service – An Ebonyi State Experience' [2015] *Public Policy and Administration Research* 92; Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21.

¹⁰⁷ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57 Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

are from the perspective of line managers, employees, and HR professionals, which can be said to translate to the perceptions of the organisation. As such, the perceptions of job seekers have not been fully explored in terms of their opinions and experiences during recruitment and selection practices. Exploring job seekers' experiences form part of this research's objectives and are a knowledge gap this study bridges.

While some organisations may hold cultural views (hybridised HRM practices), they can still conduct recruitment processes without discriminating based on the candidates' ability to perform the job. Meaning that skills, competencies, experience and/or qualification should be the determining factor for employee selection. The issue of recruitment is paramount to the continued existence of an organisation, and If an organisation fails, it is not just the employees that make up the organisation that failed collectively but, more importantly, the recruitment process of the organisation.¹⁰⁸

Another reason why recruitment and selection should be appropriately conducted is that discrimination is prohibited in Nigeria. There are many literatures in Nigeria that seek to understand and explore the concept of discrimination. However, many of these studies narrow down their exploration of discrimination to specific protected characteristics laid out in the Nigerian Constitution,¹⁰⁹ specifically during employment. Protected characteristics are aspects of an individual's identity that make them who they are, such as sex (gender), race, age, disability, HIV status, religion, or ethnicity. However, within this study, 'personal characteristics' would be substituted for protected characteristics. This is because the term protected characteristics was coined or introduced by the United Kingdom's Equality Act 2010 and is not widely used or recognised in Nigerian literature.

As stated above, there are a lot of studies on gender (sex), age, religion and ethnic discrimination in Nigeria, which, whether partly or wholly, discuss discrimination in employment relationships.¹¹⁰ For example, in Anyalebechi's study on gender inequality in

¹⁰⁸ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

¹⁰⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹¹⁰ Fasina Fagbiminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] *Journal of the Population Association of Nigeria* 57; Bethel Oluwatosin Adedeji and Oluwatobiloba Ifedolapo Ajayi, 'Women, Their Rights, and Workplace Discrimination' [2018] *International Affairs and Global Strategy* 22; Ayiola Tomilayo Akindele and Emmanuel Olaniyi Dunmade, 'The Role of Gender and Religion on Women

Nigeria, she noted that factors inhibiting women have their roots in multitudes of cultures of many societies, which subjugates women to men.¹¹¹ Anyalebechi further noted that women were also segregated from education, economic and political participation due to Nigeria being a typical patriarchal society. Gberevbie et al., in their research on gender discrimination in Universities in Lagos State, Nigeria, asserted that 'gender refers to culturally based expectations of the roles and behaviour of males and females'.¹¹² Their empirical research showed that gender discrimination in salary gaps, recruitment processes and policies, contributes strongly to the degree of employee performance among academic staff of Nigerian government universities in Lagos State.¹¹³ These findings are supported by Okongwu, Fagbeminiyi, and Adedeji and Ajayi.¹¹⁴

What is common in most studies on gender discrimination in Nigeria is that they explore gender discrimination from all contexts to which it can occur, such as workplace, education, politics, health, property etc. However, few to no studies focus primarily on gender discrimination that exists during recruitment and selection processes. The same goes for discrimination based on religion or ethnicity. As such, this research will explore holistically the various types of discrimination that occur in the pre-employment context.

However, with regards to age discrimination, a few studies in Nigeria focus primarily on recruitment and selection processes (i.e., discrimination that occurs before individuals are employed). For example, Okpalaobi and Ibekwe, in their study, discussed how age discrimination hinders people from gaining employment. They stated that age discrimination

Participation in Decision Making Process in Nigeria' [2020] Fountain University Osogbo Journal of Management 23.

¹¹⁰ Fasina Fagbeminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] Journal of the Population Association of Nigeria 57; Bethel Oluwatosin Adedeji and Oluwatobiloba University Osogbo Journal of Management 23; Daniel E Gbervbie, Adewale O Osibanjo, Anthonia A Adeniji, Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] International Journal of Social, Human Science and Engineering 101.

¹¹¹ Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63.

¹¹² Daniel E Gbervbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] International Journal of Social, Human Science and Engineering 101, 102.

¹¹³ Daniel E Gbervbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] International Journal of Social, Human Science and Engineering 101.

¹¹⁴ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Fasina Fagbeminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] Journal of the Population Association of Nigeria 57; Bethel Oluwatosin Adedeji and Oluwatobiloba Ifedolapo Ajayi, 'Women, Their Rights, and Workplace Discrimination' [2018] International Affairs and Global Strategy 22.

is a two-way thing, which affects both old and younger people.¹¹⁵ According to them, age discrimination in Nigeria has its origin in the 1990s when private and public organisations were required to pay gratuities and pensions. The longer staff stayed with the organisation, the further it pushed the organisation's responsibilities of paying pensions and gratuities. Hence, younger employees were favoured based on this assumption, thereby putting older people at a disadvantage. Okpalaobi and Ibekwe also discussed the cultural influence of age discrimination whereby younger job candidates might not be recruited for senior roles due to the organisational structure, which is the authoritarian hierarchy practised in Nigeria.¹¹⁶

Lucas et al. also in their study looked at the lack of specific legislation governing age discrimination against job seekers in Nigeria. They argued that age discrimination is a common social issue confronting Nigerian youths, and the government at all levels is in job recruitment.¹¹⁷ Their empirical research revealed that a handful of Nigerian youths became involved in crimes because they were denied job opportunities based on their age.

Lucas et al. argued that the challenges of section 42 of the Nigerian Constitution 1999 (as amended 2011), National Employment Policy and the Bill to Prohibit Discrimination against Job Seekers in Federal Civil Service (eradication) and Allied Matters Act are that they are not sufficient enough to eradicate discrimination (more specially age) and more needs to be done on a national level.¹¹⁸ Lucas et al. also supported Odekun and Animashaun's study, which argued that the Nigerian government seems to be more focused on attaining a balance between ethnic groups in the public sector instead, while paying less attention to the private sector which discriminates openly, particularly on the grounds of age.¹¹⁹ Odeku and Animashaun, in their study, argued that equality and discrimination are two sides of a coin, and the concept of equality cannot be separated from the concept of justice. As such, in order to eradicate the practice of discrimination in the workplace, there is a need to promote equality of treatment and equality of opportunity.¹²⁰ It is apparent that these assertions are true. The current legislation in Nigeria regulating employment relations is not sufficient and effective.

¹¹⁵ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] NG- Journal of Social Development 97.

¹¹⁶ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] NG- Journal of Social Development 97.

¹¹⁷ Lucas N Oluka, Gladness C Efeosa-Temple, Anthonia U Ugboma-Uti and Joshua A Okotie, 'Age Discrimination and It's Implication in Human Resource Development in Nigeria' [2020] International Journal of Management Studies and Social Science Research 1.

¹¹⁸ Lucas N Oluka, Gladness C Efeosa-Temple, Anthonia U Ugboma-Uti and Joshua A Okotie, 'Age Discrimination and It's Implication in Human Resource Development in Nigeria' [2020] International Journal of Management Studies and Social Science Research 1.

¹¹⁹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689.

¹²⁰ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689.

Also, the challenges with each legislation give ways for organisations, especially the private sectors, to ignore or disobey the law, more specifically when it comes to discrimination. The result of which has a major impact on job seekers and the increased rate of underemployment and unemployment.

Many Nigerian literatures have, undoubtedly, researched discrimination on all levels and within different contexts. However, most are not specific to recruitment and selection processes, thereby creating a knowledge gap. As such, this research looks at all the various types of discrimination that could potentially occur during recruitment and selection processes without giving priority to any specific type of discrimination. What is also peculiar with many literatures in Nigeria is that discrimination is mostly explored within the public sector, with less attention given to the private sector. Hence the focus of this thesis on the private sector.

When domestic legislation fails to protect people from discrimination, especially regarding employment issues, there are international instruments available that aggrieved individuals could access. There are international treaties signed by Nigeria to help support and regulate labour relations, such as the International Labour Organisation's (ILO) convention on Discrimination (Employment and Occupation) Convention 1958 (No. 111), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights amongst others. However, the application and implementation of these international instruments have been a subject of debate.

According to Mbah and Ikemefuna, countries fall within two categories, namely dualist and monist legal regimes.¹²¹ Meaning that when a legal system is a monist, treaties are binding without the necessity of municipal legislation. In contrast, in a dualist legal system, treaties must first be domesticated and passed into law by the National Parliament before it can have the force of law.¹²² Nigeria is dualist, therefore, treaties must first be domesticated and passed into law by the National Assembly before it can have the force of law. This position is outlined by Section 12 of the Nigerian Constitution 1999 (as amended 2011). The same goes for the CEDAW. More than 27 years after its ratification, CEDAW is yet to be domesticated in Nigeria. This is due to so many interrelated factors, including politics, power play and lack of political will.

This is also one of the challenges in the implementation of the ILO conventions or any other international instruments in Nigeria. The ILO was created with the goal of alleviating labour

¹²¹ Samuel Emeka Mbah and C. O. Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] International Journal of Business Administration 1.

¹²² Samuel Emeka Mbah and C. O. Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] International Journal of Business Administration 1.

standards and conditions.¹²³ So far, with regards to labour relations, the only international instrument Nigeria has ratified and domesticated is the African Charter on Human and Peoples Rights as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.¹²⁴ The essence of ILO conventions is to help regulate and manage employment relations, especially when it comes to discrimination. If the Nigerian Government, more specifically, the Federal Ministry of Labour and Employment do not take steps in domesticating relevant ILO/international instruments, nothing changes. Job seekers will continue to face discrimination.

There have been some arguments as to whether the Nigerian National Industrial Court (NIC) that deals exclusively with employment-related matters, has the power to apply any unratified international instruments on matters for which it has jurisdiction.¹²⁵ Idaeho, in their research paper, argues in the affirmative.¹²⁶ Idaeho contends that Nigeria, being a member of ILO, is obligated by the ILO's Constitution to give effect to its provisions. Article 9 of the ILO Constitution instructs member States to apply the provisions of their conventions by way of enacting laws or regulations, court decisions, work rules, collective agreements, arbitration awards, or a combination of any of these methods.¹²⁷ Therefore, the non-ratification or domestication of any ILO convention does not affect its implementation. More so, the NIC can rely on and apply principles considered international best practices derived from international instruments in other jurisdictions in respect of the resolution of a subject matter in issue before it.¹²⁸ Consequently, a party pleading for the court to apply unratified or undomesticated international treaties must, as a matter of necessity, plead those instruments before the court and how the instrument applies to the case. However, this does not come without its shortcomings. Okonkwo argues that the NIC will be stretching its powers too far when relying upon or applying unratified or undomesticated international treaties due to section 12 of the

¹²³ David Cabrelli, *Employment Law in Context* (Oxford University Press 2014); Samuel Emeka Mbah and C. O. Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] *International Journal of Business Administration* 1.

¹²⁴ Laws of the Federation of Nigeria 2004, Cap A9.

¹²⁵ P O Okonkwo, 'Application of Treaties in Nigeria Vis-à-vis the Instruments of the International Labour Organisation' [2018] *NAUJILJ* 149; Richmond Ekhosuehi Idaeho, 'The Applicability of Unratified International Instruments in the Nigerian Labour Court' (2019) <<https://www.readcube.com/articles/10.2139%2Fssrn.3430648>> accessed on 25 August 2021.

¹²⁶ Richmond Ekhosuehi Idaeho, 'The Applicability of Unratified International Instruments in the Nigerian Labour Court' (2019) <<https://www.readcube.com/articles/10.2139%2Fssrn.3430648>> accessed on 25 August 2021.

¹²⁷ Richmond Ekhosuehi Idaeho, 'The Applicability of Unratified International Instruments in the Nigerian Labour Court' (2019) <<https://www.readcube.com/articles/10.2139%2Fssrn.3430648>> accessed on 25 August 2021.

¹²⁸ Constitution of the Federal Republic of Nigeria, s 254(c) (2); Richmond Ekhosuehi Idaeho, 'The Applicability of Unratified International Instruments in the Nigerian Labour Court' (2019) <<https://www.readcube.com/articles/10.2139%2Fssrn.3430648>> accessed on 25 August 2021.

Nigerian Constitution 1999 (as amended 2011) giving explicit basis for the application of ratified international labour instruments in Nigerian courts, as well as the implied powers for the application.¹²⁹ More on the Nigerian legislations and relevant international instruments regulating discrimination will be discussed in Chapter Three.

1.2.3 Conclusion

In summary, HRM practices in Nigeria are classed as hybridised, undeveloped and influenced by the existing cultures. Studies by Azolukwam and Perkins, Fajana et al., Anakwe and Jackson have all shown that culture plays a major role in how HRM practices are conducted as HRM practices cannot be divorced from local customs values and the overall external cultural environment.¹³⁰ There were also debates that the differences and sensitivity in culture, values, institutions and politics in business systems around the world challenges the applicability of western or alien HRM practices to developing countries such as Nigeria.¹³¹ Nevertheless, the Nigerian society sees 'modern' organisations as foreign, imported and typically ascribes distinguished status to those who work in such establishments.¹³² As such, organisations in Nigeria, whether public or private, have always functioned within dual organisational systems, which are foreign and traditional patterns of operation.¹³³ Hence the cross-culturally blended orientation to HRM.¹³⁴

What seems to be common between HRM practices and recruitment and selection is culture. Tiemo and Arubayi, and Adisa et al. have all noted that recruitment and selection practices in

¹²⁹ P O Okonkwo, 'Application of Treaties in Nigeria Vis-à-vis the Instruments of the International Labour Organisation' [2018] NAUJIL 149.

¹³⁰ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

¹³¹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

¹³² Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2018] *Employee Relations: The International Journal* 1.

¹³³ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

¹³⁴ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

both the private and public sectors are riddled with favouritism, discrimination and nepotism, which are all evidence of the presence of culture. Discrimination, just like other forms of prejudice, has consequences and affects individuals and the development of a country. It contributes to high rates of unemployment and prevents certain groups of people from enjoying their right to work. Although Nigeria has shown enthusiasm, ambition, and commitment to protecting human rights via the ratification of different international instruments, there is a wide gap between a declaration and actual practice. There are worrisome cases of violations of human rights in Nigeria.¹³⁵ The persistent violations and abuses of human rights violations in Nigeria devalued the nation's cherished values and held people down.¹³⁶ Also, the implementation of international instruments such as the ILO conventions is still in debate¹³⁷

However, these studies, much like others, did not focus primarily on the experiences of job seekers. Do job seekers notice the presence of culture during recruitment and selection? Does it impact their job application process? Does culture dictate who gets recruited? And does culture impact discrimination? Thus, this study seeks to examine the extent to which discrimination in recruitment and selection affects job seekers, what role does culture play in recruitment and selection and to what extent does culture impact HRM and recruitment and selection negatively. Exploring these questions defines the purpose of this research.

1.3 Purpose of the Study

The purpose of this empirical study is to investigate the extent to which personal characteristics such as age, sex, ethnicity, or religion influence recruitment and selection processes in the Nigerian private sector. This study sought an explanation as to why certain personal characteristics influence recruitment decisions and the impact it has on job seekers. It also explores the factors that may contribute to the occurrence of discrimination during pre-employment practices in the Lagos private sector.

To achieve this, this study starts by exploring the perspective of job seekers (i.e., people who search and apply for jobs) via an online survey to provide an insight into the depth of how discrimination is perceived and interpreted. As an explorative study, it is important to

¹³⁵ Jacob Abiodun Dada, 'Human Rights Protection in Nigeria: The Past, the Present and Goals for Role Actors for the Future' [2013] *Journal of Law, Policy and Globalization* 1; Adetoro Rasheed Adenrele and Omiyefa Muraina Olugbenga, 'Challenges of Human Rights Abuses in Nigerian Democratic Governance – Which Way Forward?' [2014] *Journal of Social Economics Research* 87.

¹³⁶ Adetoro Rasheed Adenrele and Omiyefa Muraina Olugbenga, 'Challenges of Human Rights Abuses in Nigerian Democratic Governance – Which Way Forward?' [2014] *Journal of Social Economics Research* 87.

¹³⁷ Jacob Abiodun Dada, 'Human Rights Protection in Nigeria: The Past, the Present and Goals for Role Actors for the Future' [2013] *Journal of Law, Policy and Globalization* 1.

understand the perspective of job seekers who are faced with discriminatory job adverts or asked discriminatory questions during job interviews. Job seekers are the people who can give evidence to the occurrence of discriminatory practices of organisations, and they are the ones who can interpret what they perceive to be discriminatory. This is why the researcher chose to get insight from the people who have experienced discrimination rather than from organisations. Also, because job seekers are more likely to share their experiences as opposed to organisations admitting to their illegal acts.

According to Saunders et al. and Creswell and Creswell, research is conducted to gather evidence for theories, inform action, and contribute to developing knowledge in a field of study.¹³⁸ It is also a means to understand issues and increase public awareness.¹³⁹ However, there is also the human nature that influences all research. As such, one of the motivations for carrying out this study stems from the researcher's personal experience with discrimination found in job adverts, limiting the chances of applying for jobs that match her skill sets.¹⁴⁰

The boldness of private organisations in Lagos discriminating against groups of people and ignoring the rule of law needed to be explored. If the organisational stance of human resources is the management of people in order to fulfil the strategic goals of the organisation, why then do potentially qualified applicants get left out or judged based on their personal characteristics? Should this not be a more inclusive process? From the preliminary literature discussed in section 1.2 above, research objectives and questions were modified and refined as the thesis progressed. They are:

1.3.1 Research Objectives

- To critically ascertain and analyse discriminatory recruitment and selection practices and processes within the private sector in Lagos State, Nigeria.
- To explore whether job seekers perceive recruitment and selection processes as discriminatory and what impacts it has on them.
- To identify and assess the challenges present in the legislation regulating employment in Lagos State, Nigeria.

¹³⁸ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Creswell John and Creswell David, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017).

¹³⁹ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Creswell John and Creswell David, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017).

¹⁴⁰ The occurrence of potential personal bias will be discussed in Chapter Two, Section 2.6 of this thesis.

- To suggest recommendations for potential strategies to improve Human resources recruitment practices and legislation in Lagos State, Nigeria.

1.3.2 Research Questions

- To what extent do personal characteristics such as age, sex, ethnicity, religion, etc., determine, influence or shape job recruitment in the Nigerian private sector?
- Do job seekers perceive the requirement of personal characteristics in job advertisements and interviews to be discriminatory?
- Do discriminatory recruitment and selection practices have a negative impact on job seekers and their job application process?
- To what extent does culture impact and influence recruitment and selection practices in Lagos State, Nigeria?
- Do private organisations in Lagos State sufficiently follow equality and diversity practices in recruitment, and why?
- How might the regulation of employment practices in the private sector in Nigeria be strengthened to address discrimination during recruitment and selection processes?

1.4 Significance of the Study

The purpose of the study is to add modestly to knowledge by understanding the current state of recruitment and selection practices in Lagos State. By focusing on discrimination in pre-employment practices in Lagos State private sector and exploring the occurrence of discrimination from the perspective of job seekers in Lagos State, this thesis provides an additional distinct outlook different from other research and scholarly activity that focuses on employment discrimination. This thesis acknowledged that other fields of study might fall within the scope of this research project, for example, matters relating to discrimination during employment, challenges relating to the enforcement and applicability of fundamental human rights as guaranteed under the Nigerian Constitution, and the concept of HRM. However, this research is original and takes a novel perspective on the implications of discrimination on job seekers during recruitment and selection processes in the Lagos State private sector.

Our society has become more and more prone to discriminate against others, whether consciously or unconsciously.¹⁴¹ This study is an important piece of work that explores and provides evidence that discrimination is present in recruitment and selection processes in Lagos. It shows that some private organisations are willingly disobeying the law by proactively discriminating against job seekers through job adverts and job interviews.

This research determined the various ways with which subtle discrimination can manifest in job adverts. Subtle discrimination was shown to be hidden in the wording or language of job adverts and job interviews, such as organisations using masculine or feminine words in their job descriptions. An exploration of some online adverts can be found in Chapter Six, Section 6.1. It is hoped that this finding will be the beginning of an ongoing body of research into further exploration on how the wordings of a job advert can be discriminatory. Further researchers can build on the findings of this research to see if there is a trend on how job adverts are worded in attracting job applicants. Whether or not job applicants notice the discriminatory requirements in the wording of the job descriptions contained in job adverts. More so, due to the research location being based in Lagos state, future studies can address the same research problem in a different location. Nigeria is made up of 36 states, which creates the possibility that each state can have different HR practices.

One of the practical significances of this study is to give awareness (through future publications of this research) to the flaws contained in the Nigerian Constitution¹⁴² with respect to adequately regulating discrimination. Hopefully, through the findings and recommendations proffered in Chapter Eight of this thesis, valuable information could be provided to help advocate for fairness in recruitment and selection processes. When laws or policies are in place to properly regulate pre-employment practices, this can create a ripple effect whereby people who have been employed fairly (on merit) are more likely to give suitable candidates a fairer chance in future. The second practical significance of this study is the promotion of equality during recruitment and selection practices. Understanding the negative impact of discriminatory requirements on job seekers can help promote diversity in the workplace.

¹⁴¹ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70; Deborah Hellman, *When is Discrimination Wrong?* (Harvard University Press 2008); Jonathan Guryan and Charles Kerwin Kofi, 'Taste-Based or Statistical Discrimination: The Economics of Discrimination Returns to Its Roots' [2013] *The Economic Journal* 417.

¹⁴² Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

1.5 Ethical approval

The research is in line with the guidance offered by Leeds Beckett University's ethical advisory committee in relation to research with human participants. Full submission to the Ethical Advisory Committee was made for both the online survey and interviews before it was carried out. An ethical clearance checklist was completed, and this research was approved.

1.6 Assumptions, Limitations, Delimitations

This section identifies the assumptions and specifies the limitations, as well as the delimitations, of the study.

It is assumed that the online survey respondents in this study were not deceptive with their answers and that respondents answered questions honestly and to the best of their ability. Data was collected via an online survey that utilised closed-ended questions, open-ended questions and a Likert scale. This made the questions straightforward and easy to understand. More so, no personal information was asked during this research, thereby ensuring anonymity and confidentiality to maximise truthfulness. This also provided a safe haven for respondents to answer without fear.

There is an assumption of the presence of some discrimination in job adverts and job interviews. However, the extent and what influences it was unknown. This assumption was based on the researcher's personal experience and seeing discriminatory job adverts in Lagos state. More so, the researcher noticed a difference in the content of job adverts in the UK as opposed to the ones in Nigeria. One must assume something to discover something.¹⁴³ Assumptions provide the basis for conducting research. The assumption of discrimination in job adverts fostered the investigative research on pre-employment discrimination.

There was also an assumption that organisations were not adhering to the prohibition of discrimination as contained in section 42 of the Nigerian Constitution 1999. This was based on the assumptions of the discriminatory contents in job adverts. It was assumed that organisations were either not aware of the Constitution or they were choosing to ignore it.

This research also has its limitations. Due to the Covid-19 Pandemic outbreak, this limited the number of HR professionals the researcher was able to interview for this research. A delimitation of this research was limiting the focus of the study to pre-employment practices. If this research were conducted to include discrimination during employment relationships, this would have been a broad subject to explore within the timeframe. Also, the online survey was

¹⁴³ Dimitrios Theofanidis and Antigoni Fountouki, 'Limitations and Delimitations in the Research Process' [2018] *Perioperative Nursing* 155.

directed at job seekers primarily as opposed to HR professionals because these are the people who are more likely to experience and speak about discrimination in pre-employment. If the focus had been on HR professionals, the quality of data would have been limited or less truthful due to fears of job loss. Similarly, HR professionals might not want to speak ill of their organisations. Although confidentiality would be guaranteed, results might be limited.

1.7 Definition of Key Terms

This study contains certain key terms. Although these terms are discussed in detail in Chapters Three, Four, Five, Six and Seven, they are briefly introduced in this chapter of the thesis to allow the reader to make sense of what is presented in the subsequent chapters.

- *Personal characteristics/attributes* – Due to this research being conducted in Lagos State, Nigeria, personal characteristics would be defined based on the prohibitive grounds listed in section 42 of the Nigerian Constitution 1999 (as amended 2011). These are particular community, ethnic group, place of origin, sex, religion or political opinion. Due to these prohibitive grounds are not extensive, age has been included based on the guidelines of ILO Conventions¹⁴⁴ ratified in Nigeria and also because age is one of the prominent discriminatory requirements in job adverts and job interviews. Disability has also been included in accordance with the Lagos State Special Peoples law 2011.
- *Sex* – The word sex and gender are used interchangeably within this research. Sex refers to the biological characteristics that define humans as female or male.¹⁴⁵
- *Culture* – Culture has many definitions because no single definition of it has achieved consensus in the literature. However, for the purposes of this research, culture is defined ‘as a set of values and beliefs, or a cluster of learned behaviours that we share with others in a particular society, giving us a sense of belongingness and identity’.¹⁴⁶
- *Recruitment* - ‘Recruitment is the process of searching the candidates for employment and stimulating them to apply for jobs in the organisation’.¹⁴⁷

¹⁴⁴ Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

¹⁴⁵ Oyesola Animashaun. ‘A Legal Analysis of Gender Discrimination at the Nigerian and South African Workplace’ [2019] Gender & Behaviour 14258.

¹⁴⁶ Antonio Lebrón, ‘What is Culture?’ (2013) Merit Research Journal of Education and Review 126, 127.

¹⁴⁷ Renuka Devi and Vijaya Banu, ‘Introduction to Recruitment’ (2014) 1 SSRG-IJEMS 5, 5.

- *Selection* – ‘Selection is the process of making the choice of the most suitable applicant from the pool of applicants recruited to fill the relevant job vacancy’.¹⁴⁸
- *Diversity* – This is defined by Mazur as the representation of people with noticeably different group affiliations of cultural significance in one social system.¹⁴⁹

1.8 Thesis structure

The research describes the following chapters in the following way:

Chapter One introduces the area of research, research problem, research gap and knowledge. This also provides an overview of the theoretical framework that underpins this research, as well as an overview of the research methodology.

Chapter Two discusses and justifies the research philosophy and the methodology used to conduct this research. It also discusses the issues related to the chosen research methodology. The research sample, research population, data collection methods, the procedures and problems encountered during each stage of the fieldwork as well as the actual data collected, and the methods of analysis are illustrated in the chapter.

Chapter Three discusses the exploration of non-discrimination and the Nigerian Labour Law. It explores the legislative regulation of discrimination in Nigeria, which is the Constitution and its challenges. It also discusses the protection of the Fundamental Human Rights, specifically the right to be free from discrimination as guaranteed under section 42 of the Nigerian Constitution 1999 (as amended 2011).

Chapter Four looks at the literature on Human Resources Management (HRM). It discusses the definitions and importance of recruitment and selection to an organisation’s competitive advantage. It also explores the knowledge of HRM in Nigeria and, more importantly, factors and challenges that impact HRM practices.

Chapter Five explores the influence of the external environment, such as national culture, on HRM practices. It looks specifically into the negative influence the diverse culture in Lagos State shapes or dictates the methods and requirements of recruitment and selection processes. It also explores how culture influences discrimination and how it is perceived and

¹⁴⁸ Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, ‘The Impact of Recruitment and Selection Criteria on Organizational Performance’ (2015) *Global Journal of Human Resource Management* 22, 25.

¹⁴⁹ Barbara Mazur, ‘Cultural Diversity in Organisational Theory and Practice’ [2010] *Journal of Intercultural Management* 5; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, ‘Managing Ethnic and Cultural Diversity for National Integration in Nigeria’ [2014] *Developing Country Studies* 70.

accepted as a norm by both respondents and organisations. This chapter also includes an analysis of the primary empirical data collected to support

Chapter Six, a significant chapter in the research, begins with an in-depth exploration of the occurrences of discrimination during job adverts from the perspective of job seekers. It explores the different types of discrimination seen in job adverts and the experiences of respondents from analysis of the primary empirical data collected in terms of their awareness and interpretations of discrimination.

Chapter Seven explores discrimination during job interviews in Lagos State. This examines the discriminatory questions organisations ask during job interviews. It also explores specific inferences of gender-related questions that occur during job interviews, how culture influences conscious and unconscious bias towards job candidates, and how discriminatory questions negatively affect respondents' well-being and self-esteem.

Chapter Eight, which is the concluding chapter, weaves together the discussions in earlier chapters by providing an overall summary of the thesis, the contribution to knowledge and providing recommendations to enhance the protection of employment rights in Nigeria.

1.9 Conclusion

This chapter has provided a synopsis of the thesis by introducing what this research seeks to achieve. It explained the statement of problem as it links to the knowledge gap this thesis intends to bridge. To reiterate, the purpose of this research is to explore, explain and critically analyse the occurrence of discrimination in pre-employment practices in Lagos State, Nigeria. A critical in-depth exploration into the existing literature on HRM practices and discrimination in Nigeria was done to familiarise and understand what research has already been conducted and identify what is unknown within these topics. This chapter has also presented the research problem, objectives, and a synopsis of the methodology used in achieving its research objectives, and questions in addition to the limitations faced. To begin this explorative research, the next chapter will discuss in more detail the research methodology and how its implementation ensures the validity and reliability of the results that address the research aims and objectives.

Chapter Two

Research Methodology

2.0. Introduction

‘Research originates with at least one question about one phenomenon of interest.’

- Carrie Williams¹⁵⁰

This chapter provides justifications of the methodology used in this study. Research sometimes can be mistaken to be about simply gathering information, searching for information and documenting facts. However, research is the diligent systematic inquiry into managing, validating and refining existing knowledge to generate new knowledge.¹⁵¹ This study did not aim to provide the ultimate truth about the research topic but rather to investigate and derive an understanding of the phenomenon under investigation.¹⁵²

Discrimination in pre-employment phase in Nigeria is a potential issue that can increase the high rate of unemployment and underemployment in Nigeria.¹⁵³ When organisations decide not to employ a person based on one or more personal characteristics they may have, it potentially adds to the number of unemployed and underemployed people as stipulated in the Nigerian National Bureau of Statistics on Labour Force Statistics: Unemployment and Underemployment Report (Q4 2020).¹⁵⁴

One of the reasons for this is that discrimination in employment relationships is not strictly regulated, especially when it comes to pre-employment processes such as job adverts and job interviews. Consequently, this research proposes that to accurately understand the impact

¹⁵⁰ Carrie Williams, ‘Research Methods’ [2007] Journal of Business & Economic Research 65, 65.

¹⁵¹ Carrie Williams, ‘Research Methods’ [2007] Journal of Business & Economic Research 65; Navindhra Naidoo, ‘What is research? A conceptual understanding’ (2011) 1 African Federation for Emergency Medicine 47; John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁵² Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁵³ Adejugbe Adeyinka A and Adejugbe Adedolapo N, ‘Constitutionalisation of Labour Law: A Nigerian Perspective’ (2018) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 March 2021; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, ‘The challenges of employee resourcing: the perceptions of managers in Nigeria’ [2017] Career Development International 703.

¹⁵⁴ National Bureau of Statistics, ‘Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)’ <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

of discrimination in pre-employment relationships, it is necessary to gain insight from job seekers and HR professionals in Lagos, Nigeria.

The exploration of the acuties of job seekers and the perspective of HR professionals is crucial because the perception of people who have experienced first-hand discrimination in pre-employment provides the foundation of this research in determining the affirmation of discrimination and its negative effects on individuals' right to work. There is a crucial relationship between employment, poverty eradication and equality.¹⁵⁵ According to the International Labour Organisation (ILO), 'Discrimination occurs as a result of actions by employers, national legislation and practice, social and cultural factors, and different perceptions of the causes of economic and social troubles'.¹⁵⁶

In this regard, the goals of this chapter are to:

- Provide an explanation and justification of the research methods (online survey and interviews) used in this study.
- To explore the strengths and limitations of both research methods.
- Explain the reasons leading to the research, its unique stance, and its contribution to the body of knowledge.

2.1 Purpose of Study

This study aims to explore the occurrence of discrimination in pre-employment practices in Lagos State, Nigeria. As an exploratory research, this study is conducted around a problem that has not yet been sufficiently defined. In Lagos State, discrimination in pre-employment practices such as job adverts and job interviews have been given little to no attention, particularly on how it affects the employment of skilled people and how it impacts those seeking adequate employment.

Pre-employment practices, which are centred on recruitment and selection processes, are the foundation of employment relationships. These stages are crucial and play a key role in a determining who gets employed. However, deciding who gets recruited (shortlisted) and selected (job interviews) for a vacant job position allows some organisations to discriminate against job seekers based on age, gender, religion, ethnicity, and other social variables.

¹⁵⁵ International Labour Office, Equality at work: The continuing challenge (2011)
<https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_166583.pdf> accessed on 11 October 2018.

¹⁵⁶ International Labour Office, Equality at work: The continuing challenge (2011)
<https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_166583.pdf> accessed on 11 October 2018.

Therefore, this exploratory research aims to gain a better understanding of the exact nature of pre-employment discrimination and not to provide a conclusive answer to the problem itself. Instead, the goal is to proffer recommendations to potentially reduce its occurrence. Consequently, this study was guided by the following research objectives and questions

2.1.1 Research Objectives

- To critically ascertain and analyse discriminatory recruitment and selection practices and processes within the private sector in Lagos State, Nigeria.
- To explore whether job seekers perceive recruitment and selection processes as discriminatory and what impacts it has on them.
- To identify and assess the challenges present in the legislation regulating employment in Lagos State, Nigeria.
- To suggest recommendations for potential strategies to improve Human Resources recruitment practices and legislation in Lagos State, Nigeria.

2.1.2 Research Questions

- To what extent do personal characteristics such as age, sex, ethnicity, religion, etc., determine, influence or shape job recruitment in the Nigerian private sector?
- Do job seekers perceive the requirement of personal characteristics in job advertisements and interviews to be discriminatory?
- Do discriminatory recruitment and selection practices have a negative impact on job seekers and their job application process?
- To what extent does culture impact and influence recruitment and selection practices in Lagos State, Nigeria?
- Do private organisations in Lagos State sufficiently follow equality and diversity practices in recruitment, and why?
- How might the regulation of employment practices in the private sector in Nigeria be strengthened to address discrimination during recruitment and selection processes?

The following section outlines the research philosophy adopted in selecting the specific approaches and methods.

2.2 Research Philosophy

Research philosophies are assumptions influenced by practical considerations of how a researcher views the world and how embarking on research is the development of knowledge, no matter how modest.¹⁵⁷ Therefore, understanding the research philosophy that underpins this study is vital as it plays a significant role in not only influencing the questions posed in this study but also answering the research questions.¹⁵⁸

In social research, the term "paradigm" refers to the philosophical assumptions or basic set of beliefs that guide the researcher's actions and define the researcher's worldview.¹⁵⁹ Paradigms are conceptual and practical "tools" for solving specific research problems. In other words, paradigms serve as rules of thumb in social research.¹⁶⁰ Pragmatism as a research paradigm holds that human actions can never be disconnected from past experiences and the beliefs formed as a result of those experiences.¹⁶¹ This is the research philosophy that underpins this study.

Pragmatism is one of several paradigms that structure and organise modern social work research.¹⁶² It permits social work researchers the opportunity to analyse and synthesise actual knowledge while simultaneously exploring the possibilities of inventing new knowledge.¹⁶³ Knowledge is explicitly linked with experience. In this instance, legal rules are not self-enforcing and must be mobilised in a social context.

¹⁵⁷ Joanna Sale, Lynne Lohfeld and Kevin Brazil, 'Revisiting the Quantitative-Qualitative Debate: Implications for Mixed-methods Research' [2002] *Quality and Quantity* 43.

¹⁵⁸ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁵⁹ Vibha Kaushik, and Christine A Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research' [2019] *Social Sciences* 255; Leanne M Kelly and Maya Cordeiro, 'Three Principles of Pragmatism for Research on Organizational Processes' [2020] *Methodological Innovations* 1; David L Morgan, 'Pragmatism as a Paradigm for Social Research' [2014] *Qualitative Inquiry* 1045.

¹⁶⁰ Vibha Kaushik, and Christine A Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research' [2019] *Social Sciences* 255; Leanne M Kelly and Maya Cordeiro, 'Three Principles of Pragmatism for Research on Organizational Processes' [2020] *Methodological Innovations* 1; David L Morgan, 'Pragmatism as a Paradigm for Social Research' [2014] *Qualitative Inquiry* 1045.

¹⁶¹ Vibha Kaushik, and Christine A Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research' [2019] *Social Sciences* 255; Leanne M Kelly and Maya Cordeiro, 'Three Principles of Pragmatism for Research on Organizational Processes' [2020] *Methodological Innovations* 1; David L Morgan, 'Pragmatism as a Paradigm for Social Research' [2014] *Qualitative Inquiry* 1045.

¹⁶² Vibha Kaushik, and Christine A Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research' [2019] *Social Sciences* 255.

¹⁶³ Vibha Kaushik, and Christine A Walsh, 'Pragmatism as a Research Paradigm and Its Implications for Social Work Research' [2019] *Social Sciences* 255.

Another notable element is a consensus on the most efficient means of gaining world knowledge and a shared appreciation of research language.¹⁶⁴ Like many other paradigms, pragmatism includes opinions on the role of values and morality in research; hypotheses about the nature of truth; expectations about the world's knowledge, how it is obtained, and the relationship between the observation and the observed.¹⁶⁵ As such, the pragmatism paradigm applied to in this research allowed for the contextualisation and understanding of job seekers' experiences when their legal right to be free from discrimination is infringed.

Studies have claimed that pragmatism aims to unite the positivist, scientific procedures of traditional approaches with the naturalistic, more flexible methods of contemporary ones.¹⁶⁶ The philosophy recommends adopting a conceptual and/or methodological approach that is most appropriate to a research problem, focus, and objectives, hence its direct association with the mixed method research methodology (see Section 2.3.1).¹⁶⁷ The pragmatism paradigm follows both positivism and interpretivism to seek the answers to problems by identifying diverse ways of understanding the world and undertaking research because it is impossible to understand the world or phenomena through one viewpoint as multiple realities exist.¹⁶⁸

¹⁶⁴ Yvonna Lincoln, Susan A Lynham, and Egon G Guba, Paradigms and Perspectives in Contention, In Norman K Denzin and Yvonna S Lincoln, *The Sage Handbook of Qualitative Research*. (Sage Publications); John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (4th edn, Sage Publications 2016); John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017).

¹⁶⁵ Yvonna Lincoln, Susan A Lynham, and Egon G Guba, Paradigms and Perspectives in Contention, In Norman K Denzin and Yvonna S Lincoln, *The Sage Handbook of Qualitative Research*. (Sage Publications); John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (4th edn, Sage Publications 2016); John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017).

¹⁶⁶ John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (4th edn, Sage Publications 2016); John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017); Yvonna Lincoln, Susan A Lynham, and Egon G Guba, Paradigms and Perspectives in Contention, In Norman K Denzin and Yvonna S Lincoln, *The Sage Handbook of Qualitative Research*. (Sage Publications).

¹⁶⁷ John W Creswell and Vicki L Plano Clark. *Designing and Conducting Mixed Methods Research* (2nd edn, Sage Publications 2011); Tashakkori, Abbas and Charles Teddlie, *Mixed Methodology: Combining Qualitative and quantitative Approaches*. Applied Social Research Methods Series (Sage Publications 1998); Gert Biesta, *Pragmatism and the Philosophical Foundations of Mixed Methods Research*, In Tashakkori and Charles Teddlie *Handbook of Mixed Methods in Social and Behavioral Research* (2nd edn, Sage Publications 2010).

¹⁶⁸ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

With pragmatism, an essential factor with external reality is the interaction with it rather than the representation or conceptualisation of it.¹⁶⁹ A pragmatic philosophy also stipulates that the research questions should be the determinant of which position to adopt.¹⁷⁰ Despite the above, pragmatism can be seen as a double-edged sword. While it gives the researcher autonomy in conducting the research in the most suitable and practical way to answer the research questions, this in turn relies on a broad understanding of different research techniques.

Although pragmatism as a research philosophy acknowledges the existence of an objective reality distinct from that of human experience, it also holds that this reality is embedded in the environment and is attainable only through actual human experience.¹⁷¹ A key underlying concept is that knowledge and reality are founded on socially and culturally formed habits and convictions, hence its relevance and interrelation with the socio-legal approach. Tamanaha concluded in a study that the concept of law being made by and for humans and embedded in society and social institutions is central to pragmatic perspectives of law.¹⁷²

It is important to state that this research is interdisciplinary. The core inquiry of this research considers legal issues within a social context. Law is the significant foundation of this thesis. Therefore, this research adopts a socio-legal approach in achieving its research objectives.

2.3 Socio-Legal Approach

A socio-legal approach to any legal research involves how one perceives 'law' as part of the research method.¹⁷³ Socio-legal research has its theoretic and procedural base in the social

¹⁶⁹ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁷⁰ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd, 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁷¹ Gert Biesta, Pragmatism and the Philosophical Foundations of Mixed Methods Research, In Tashakkori and Charles Teddlie Handbook of Mixed Methods in Social and Behavioral Research (2nd edn, Sage Publications 2010); Tim Goles and Rudy Hirschheim, 'The paradigm is Dead, the Paradigm is Dead... Long Live the Paradigm: The Legacy of Burrell and Morgan' [2000] The International Journal of Management Science 249; David L Morgan, 'Pragmatism as a Paradigm for Social Research' [2014b] Qualitative Inquiry 1045; John W Creswell and Vicki L Plano Clark. Designing and Conducting Mixed Methods Research (2nd edn, Sage Publications 2011).

¹⁷² B Z Tamanaha, 'Pragmatic Reconstruction in Jurisprudence: Features of a Realistic Legal Theory' [2021] Canadian Journal of Law & Jurisprudence 171; Vladimir Yefimov, 'On Pragmatist Institutional Economics' [2004] MPRA Paper 49016, University Library of Munich, Germany.

¹⁷³ Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179; Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487; Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377.

sciences with the intent of understanding law as a social phenomenon.¹⁷⁴ This approach differs from other traditions of legal research, for example, the 'black letter' tradition (i.e., the well-established legal rules that are certain and no longer disputable).¹⁷⁵ The methodology of the socio-legal approach is principally empirical and social-theoretical, and empirical as opposed to being doctrinal.¹⁷⁶ Thus, with this approach, the law is an instrument of social control and not just a black letter. It originates and functions in a society and for society. The desire for a new law, a change in current law, and the challenges surrounding its implementation cannot be adequately studied without sociological inquiry.¹⁷⁷

As discussed in Chapter One, Section 1.2, this study focuses on the socio-legal aspects of discrimination in recruitment and selection practices in Lagos State's private sector. Due to the limited literature on discrimination in pre-employment processes (job adverts and job interviews) and practices in Nigeria, this study is informed and motivated by some studies conducted in Nigeria which are underpinned by concepts of HRM, discrimination, and culture. Specifically, research by Adisa et al., who investigated the challenges of employee resourcing (ER) in Nigeria;¹⁷⁸ Fajana et al. who explored HRM practices in Nigeria;¹⁷⁹ Tiemo and Arubayi,¹⁸⁰ who examined the context of recruitment practices among Nigerian public and private firms; and Odeku and Animashaun, who examined inequality and blatant discriminatory practices in the workplace in Nigeria.¹⁸¹ These studies conceptualise the complexity of how HRM, which includes recruitment and selection practices are underdeveloped in Nigeria, and how they can be influenced by discrimination, nepotism and favouritism.

¹⁷⁴ Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179; Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487; Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377.

¹⁷⁵ <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095510675>

¹⁷⁶ Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377; Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487; Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179.

¹⁷⁷ Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487; Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179; Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377.

¹⁷⁸ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

¹⁷⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] Journal of Management and Strategy 57.

¹⁸⁰ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] Journal of Emerging Trends in Economics and Management Sciences 210.

¹⁸¹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689.

These studies examine how HRM in Nigeria is a blend of Western HRM practices and African management style, contributing to the fundamental differences in understanding and defining what HRM is in the Nigerian context. More importantly, these studies discuss how one of the major challenges of HRM was the preference and superiority of external cultural influences.¹⁸² Culture was noted to influence the decisions of who gets recruited based on different personal characteristics, such as age, sex, religion, or ethnicity, rather than merit. Though many organisations recognise HRM as a significant influence on their competitive advantage as it fosters the need to recruit and retain highly qualified individuals, the prejudices exacerbated by the perceived cultural differences fuelled discrimination and undermined diversity, human rights, and equality.¹⁸³ According to Odeku and Animashaun, 'once there is discrimination in any form, then the doctrine of equality is violated and vice versa.'¹⁸⁴

The work of these scholars and their theoretical perspectives have helped shape the conceptual approaches and analytical lens underpinning this thesis. The conceptualisation and analysis of the role, attitudes, and behaviours of those involved in HRM recruitment practice, is from a discrimination and equality law perspective, assessed through the lens of theories of culture and HRM practice. This approach has guided every aspect of this research process, from the definition of the problem, literature surveyed, methodology, research questions, discussion of the findings, and the recommendations and conclusions drawn.

More so, because socio-legal research helps in understanding how the law works in practice, investigating how the law on discrimination in Nigeria is interpreted and applied in pre-employment practices in Lagos is crucial. Researchers cannot conduct socio-legal research if they do not know the law, legal system, and law institutions. As will be discussed in Chapter Three, the Nigerian Constitution is the apex law in Nigeria. It is also the law that prohibits discrimination on the grounds of a particular community, ethnic group, place of origin, sex, religion or political opinion.¹⁸⁵ However, the underpinning of the law in this research is not just about understanding the Constitution of Nigeria but the interpretation of Section 42.¹⁸⁶ and its

¹⁸² Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Rotimi Adeyori and Folorunso Fajebi, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

¹⁸³ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

¹⁸⁴ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689, 4690.

¹⁸⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹⁸⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

application and contextualisation to employment relations. As stated in Section 2.2 above, legal rules are not self-enforcing and must be mobilised in a social context. The law is an important variable. The provisions of Section 42.¹⁸⁷ were created to foster equality amongst citizens, yet discrimination is still evident in job adverts and job interviews (see Chapters Five, Six and Seven). Is Section 42¹⁸⁸ enough to curb discriminatory employment practices in Lagos State? Has the law, thus far, been adhered to by private organisations? Do citizens understand the Constitutional right guaranteed, and is it effective? Hence, the adoption of an empirical socio-legal method.

2.3.1 Empirical Research

The socio-legal empirical research helps researchers understand how the law works in practice by drawing on the full variety of all research methods available.¹⁸⁹ The pragmatic research philosophy (Section 2.2) and socio-legal research approach (Section 2.3) allow the researcher to adopt different research methods to give a voice to respondents and participants and ensure that the findings of the study are grounded in their experiences.¹⁹⁰ Pragmatism is considered to be a philosophical partner of the mixed research approach as its underlying assumptions provide the essence for mixing research methods. According to Brian Tamanaha, with pragmatism, knowledge is gained through the experience of working in the world to achieve projects, and the conception of knowledge is an operative one.¹⁹¹ Thus, empirical research in law should draw on the full spectrum of all research methods. To achieve its research objectives, this research used a mixed method of an online survey questionnaire and interviews to explore the occurrence of discrimination in pre-employment practices.

The reality of things matters to the researcher. The ability to reconcile both objective and subjective views, facts, values, and experiences of individuals on the issues of discrimination

¹⁸⁷ Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487; Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179; Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377.

¹⁸⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹⁸⁹ Naomi Creutzfeldt, Agnieszka Kubal and Fernanda Pirie, 'Exploring the Comparative in Socio-legal Studies' [2016] International Journal of Law in Context 377; Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179; Harry Arthurs and Annie Bunting, 'Socio-legal Scholarship in Canada: A review of the Field' [2014] J. of Law and Society 487.

¹⁹⁰ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Dhanapati Subedi, 'Explanatory Sequential Mixed Method Design as the Third Research Community of Knowledge Claim' [2016] American Journal of Educational Research 570.

¹⁹¹ Brian Z Tamanaha, *Realistic Socio-Legal Theory: Pragmatism and a Social Theory of Law* (Oxford University Press 1999).

in pre-employment is significant to both the researcher and the research. The objective views are based on the literature on discrimination, while the subjective views and facts are based on the experiences of respondents who have not only lived through discrimination but continue to experience it. Although the researcher has personally experienced discrimination during job adverts and job interviews throughout her career, it was important to explore whether the discrimination experienced in Lagos State was merely a one-time occurrence or a recurrent problem.

The use of an online survey questionnaire identified potential occurrences of discrimination in pre-employment practices from the perspective of respondents in Lagos state. Then, the data collected from the online survey was used as the foundation to develop questions used in the interview of HR professionals (see Section 2.5). Using different methods, such as online survey and interviews helps increase the quality of the theoretical inference of this research.¹⁹² According to Alan Bryman, findings in research are to generalise a theory rather than a population.¹⁹³ Cheryl Beck also asserts that researchers can use the strengths of one method to substitute for the weaknesses of the other, making it easy to increasingly place reliance on the research.¹⁹⁴ Hence an explanatory sequential design as shown in Figure 2.1. Using a combination of data-gathering methods also allows for a purposeful data integration to seek a more panoramic view of the research landscape through diverse research lenses.¹⁹⁵

As seen in Figure 2.1 below, explanatory sequential design is an alternative to using individual methods by encouraging the use of any methodological tools required to answer the research objectives and questions.¹⁹⁶ The basis of using this method in this study is to connect the two datasets where the online survey results build on the interview data.¹⁹⁷ This research was able

¹⁹² John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Dhanapati Subedi, 'Explanatory Sequential Mixed Method Design as the Third Research Community of Knowledge Claim' [2016] *American Journal of Educational Research* 570.

¹⁹³ Alan Bryman, *Social Research Methods* (5th edn, Oxford University Press 2016).

¹⁹⁴ Cheryl Tatano Beck, *Routledge International Handbook of Qualitative Nursing Research* (1st edn, Routledge, 2013).

¹⁹⁵ Cheryl Tatano Beck, *Routledge International Handbook of Qualitative Nursing Research* (1st edn, Routledge, 2013); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Dhanapati Subedi, 'Explanatory Sequential Mixed Method Design as the Third Research Community of Knowledge Claim' [2016] *American Journal of Educational Research* 570.

¹⁹⁶ Dhanapati Subedi, 'Explanatory Sequential Mixed Method Design as the Third Research Community of Knowledge Claim' [2016] *American Journal of Educational Research* 570; Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016)

¹⁹⁷ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students*

to generate more coherent information than if either dataset had been used independently.¹⁹⁸ The use of an online survey and interviews and their espoused application in conducting this research will be discussed in Sections 2.4 and 2.5, respectively.

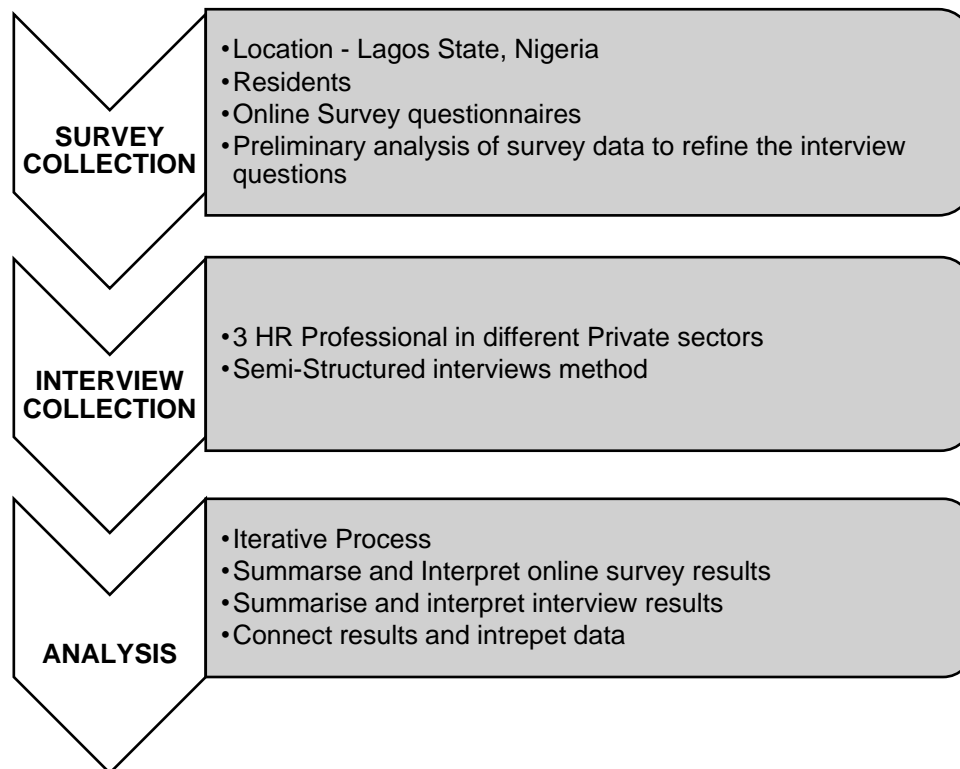


Figure 2.1 Explanatory Sequential Design¹⁹⁹

2.4 Online Survey Research Design

To answer the research questions, it was essential to explore the views of residents in Lagos State, Nigeria. As discussed in Section 2.1 above, this study aims to investigate facts by exploring the occurrence of discrimination in pre-employment practices in Lagos State. These facts are gotten from the people who live and experience discrimination first-hand and are in the best position to tell their stories. As such, data collection passed through different phases,

(7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

¹⁹⁸ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017).

¹⁹⁹ John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179.

such as determining and formulating research questions, mode of distribution, sample size, data analysis, and study limitations.

2.4.1 Online Survey Questions

A survey is used to conduct studies ranging from a small scale to a large continuum. Surveys are mainly used during research when asking questions such as 'Who? Where? What?'.²⁰⁰ The survey questions were central to the overall objectives of this thesis. A preliminary review of relevant literature was conducted with the aim of discovering issues that were being discussed and researched by scholars. This helped inform the researcher of gaps and limitations in knowledge of discrimination in pre-employment practices in Nigeria. More particularly, as stated in Section 2.3 above, the combined literature from the works of Adisa et al.,²⁰¹ Fajana et al.,²⁰² Okpalaobi and Ibekwe,²⁰³ and Tiemo and Arubayi²⁰⁴ on the challenges of recruitment and selection practices in Nigeria were most helpful as they critically analysed the Nigerian recruitment practices.

Adisa et al.,²⁰⁵ and Okpalaobi and Ibekwe,²⁰⁶ explored why discrimination is prominent in the Nigerian employment sector from organisations' perspectives. They found that discriminatory practices were attributed to indigenous cultural beliefs, such as gender and age inequalities, as such, influencing recruitment decisions. This insight was used to generate questions in the online survey asking respondents if they believe specific personal characteristics are relevant to jobs and their experiences (see Appendix A). For example, respondents were asked what types of personal information they had on their CVs and if this information was relevant to job roles.²⁰⁷ More so, the researcher explored some online job adverts to see if there were requirements for personal characteristics from job seekers. This allowed the researcher to

²⁰⁰ Mark Saunders and Philip Lewis, *Doing Research in Business and Management: An Essential Guide to Planning Your Project*, (7th edn, Financial Times/Prentice Hall 2011) 176; Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016), 181.

²⁰¹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

²⁰² Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

²⁰³ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] *NG- Journal of Social Development* 97.

²⁰⁴ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

²⁰⁵ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

²⁰⁶ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] *NG- Journal of Social Development* 97.

²⁰⁷ See questions 10, 11, 16, 17 and 22.

collect data regarding how job seekers perceive the presence of personal characteristics, such as age, ethnicity, sex, religion etc., in job adverts, job interviews and CVs.

The studies above also helped to conceptualise the complexity of how HR practices are underdeveloped in Nigeria and how they can be influenced by discrimination, nepotism and favouritism. As such, they guided every aspect of this research process, from the definition of the problem, literature surveyed, methodology applied, and research questions to the discussion of findings, recommendations and conclusions drawn.

This helped in informing the researcher of the gaps and limitations in the existing knowledge of discrimination in pre-employment practices in Nigeria. After gathering enough knowledge on the topic, the researcher focused on more specific areas of the study, such as discrimination, Human Resources Management, Nigerian Labour Law, and Human Rights. This helped narrow the research topic to areas specifically focusing on pre-employment practices. More so, the researcher explored some online job adverts to see if there were requirements for personal characteristics from job seekers (see Chapter Six). This allowed the researcher to collect data regarding how job seekers perceive the presence of personal characteristics, such as age, ethnicity, sex, religion etc., in job adverts, job interviews and CVs.

During the design of the questions, great attention was given to the questions. The questions were direct, short and clear. The questions were also made to ensure getting the right data and to avoid any harm to the participants. One of the issues the researcher tried to avoid was presenting wordy questions because respondents might find them uneasy to read. Also, the researcher sought to avoid misinterpretation of questions that tends to happen with long questions.²⁰⁸

This survey consisted of 42 questions, including the consent form. The structure of the questions ranged from closed-ended questions (Yes or No), open-ended questions and selection (option) categories to the Likert scale. A copy of the online survey questionnaires is attached in Appendix A.

In the online survey questions, a concurrent nested design was adopted. The design allowed the researcher to mix different data sets at the design level.²⁰⁹ Because it was important to fully gain insight into respondents' experiences, using close-ended questions would be limiting

²⁰⁸ Amanda Bolderston, 'Conducting a Research Interview' [2012] *Journal of Medical Imaging and Radiation Sciences* 66; Pauline McDougall, 'In-depth Interviewing: The Key Issues of Reliability and Validity' [2000] *Comm Practitioner* 722; K Parahoo, *Nursing Research: Principles, Process and Issues* (3rd edn, Palgrave Macmillan 2014).

²⁰⁹ Felipe González Castro, Joshua G Kellison, Stephen J Boyd and Albert Kopak, 'A Methodology for Conducting Integrative Mixed Methods Research and Data Analyses' [2010] *J Mix Methods Res.* 342; Fernando Almeida, 'Strategies to Perform a Mixed Methods Study' [2018] *European Journal of Education Studies* 137.

and restrictive. Therefore, some questions in the online survey were designed to elicit qualitative responses, such as asking open-ended questions to get more explanatory answers to the questions.²¹⁰ Open-ended questions allowed respondents to think about their answers, express thoughts, elaborate on details, and give details to reasonably answer the question presented to them. For example, some questions were presented in the following format:

- How did this make you feel?
- If yes, what did they say?
- On what grounds did you challenge an unfavourable decision(s)?

Beforehand, the researcher identified the types of discrimination stated in the Nigerian Constitution 1999 (as amended 2011), which then informed the basis of the online survey and the interview questions. Questions were tailored to gain more insight into the occurrences of discrimination, both at the job application and interview stages, from the perspective of job applicants.

The questionnaire was divided into four different sections, each one of them addressing a specific area of interest. They include:

1. Demographics – This section contains seven questions relating to age, sex, religion, marital status and education. The demographic section aimed at understanding if the research represents a fair share of people who organisations target for employment. This will be discussed in more detail in Section 2.4.4 below.
2. Job application – This section had a total of 11 questions. The research data comprises of questions relating to the Job Applications phase, which was significant to the area of research. This research section focuses on the present discrimination in Human Resources Practices (HRM), particularly the pre-employment stage, which includes applicants' CVs, job advertisements, and the applicant's experience when applying for a job. This section helped the researcher interpret not only from the applicant's point of view during job application but was also integral to providing a practical feel of an employer's requirements when advertising a job vacancy. Furthermore, it helped the researcher understand the Human Resources Planning (HRP) phase of recruitment and selection.

²¹⁰ John Creswell and David Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (5th edn, Sage 2017); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Victor Imanuel W Nalle, 'The Relevance of Socio-Legal Studies in Legal Science' [2015] MIMBAR HUKUM 179.

3. Discrimination during Job application – This section had a total of 7 questions that explored in-depth the perceptions and emotions of job applicants. This section inquired whether job applicants believed job adverts in Lagos State were discriminatory in nature. This section involved the use of open-ended questions because the questions asked cannot be answered with one-word answers. This was used to gain a comprehensive insight into the perceptions and experiences of job applicants. The researcher also used a Likert scale, a psychometric scale, to measure the degree of emotions job applicants experience during job applications. The Likert scale helps assign numerical values to test if a respondent agrees or disagrees with a proposition.²¹¹
4. Discrimination during Interviews – This section had a total of 16 questions that investigated the perceptions and emotions of job applicants during job interviews. It consisted of questions ranging from a yes/no, Likert scale to open-ended questions. Some of the questions aimed at asking respondents what type of discriminatory questions interviewers asked them during job interviews. This section closed by asking the respondents if they were aware of their Constitutional rights and if they believed the Lagos State government was protecting their rights.

2.4.2 Sample Size and Sample Method

Choosing a study sample is an important step in any research project, as it is rarely practical, ethical or efficient to study whole populations.²¹² Sample refers to the total quantity or size of things or cases that form the research subject.²¹³ When selecting a sample, there are two primary considerations: how many units must be in the sample (sample size) and how these units will be selected (sampling method).²¹⁴

²¹¹ Geoff Norman, 'Likert Scales, Levels of Measurement and the "Laws" of Statistics' [2010] *Advances in Health Sciences Education* 625.

²¹² Iker Etikan, Sulaiman Abubakar Musa and Rukayya Sunusi Alkassim, 'Comparison of Convenience Sampling and Purposive Sampling' [2016] *American Journal of Theoretical and Applied Statistics* 1; Lee-Jen Wu Suen, Hui-Man Huang and Hao-Hsien Lee, 'A comparison of convenience sampling and purposive sampling' [2014] *PubMed* 105.

²¹³ Iker Etikan, Sulaiman Abubakar Musa and Rukayya Sunusi Alkassim, 'Comparison of Convenience Sampling and Purposive Sampling' [2016] *American Journal of Theoretical and Applied Statistics* 1; Lee-Jen Wu Suen, Hui-Man Huang and Hao-Hsien Lee, 'A comparison of convenience sampling and purposive sampling' [2014] *PubMed* 105.

²¹⁴ Alex Casteel and Nancy L Bridier, 'Describing Populations and Samples in Doctoral Student Research' [2021] *International Journal of Doctoral Studies* 339.

2.4.2.1 Sample Size

Sample size determination is essential in research methodology, and investigators need to consider this as they plan their study.²¹⁵ According to Saunders, Lewis and Thornhill, several factors, such as research questions and objectives, type of data analysis techniques, number of questions, population size, and the required level of certainty, influence research sample size.²¹⁶ Also, the sample size is heavily influenced by other practical factors, such as the available resources.²¹⁷

This study explores the occurrence of discrimination in pre-employment practices from the perspectives of job seekers. Hence, the sample population required for this research comprised of people who reside in Lagos state, have years of working experience in the job market and have gone through some recruitment processes, such as job applications and job interviews. This sample population also represents the three classification groups identified by Alison Barber,²¹⁸ which are:

1. The applicant population – These are the targeted group of people organisations can recruit from based on the decisions they make in targeting a particular segment of the labour market. For instance, when organisations post their job adverts, they target specific individuals through their specified requirements.
2. Applicant pool – These are the applicants who choose to apply to the organisations. For example, if an applicant meets the criteria set out in the job adverts, they will apply for the job.
3. Selectees – These are the targeted applicants who are eventually selected by the organisations (i.e., if candidates make it past the job application and interview processes, they will be selected).

These classifications of groups are important to pre-employment practices as it shows the transitions of applicants from one phase to the other during recruitment and selection

²¹⁵ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Alex Casteel and Nancy L Bridier, 'Describing Populations and Samples in Doctoral Student Research' [2021] *International Journal of Doctoral Studies* 339.

²¹⁶ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016).

²¹⁷ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Alex Casteel and Nancy L Bridier, 'Describing Populations and Samples in Doctoral Student Research' [2021] *International Journal of Doctoral Studies* 339.

²¹⁸ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications 1998).

processes and where this study sought to explore the occurrence of discrimination.²¹⁹ According to the Nigerian Bureau of Statistics, these classifications of people fall under the working-age population.²²⁰

The working-age population in Lagos State is 9,073,494.²²¹ Since it is highly impossible for the researcher to collect data from over 9 million respondents, a sample size determination table developed by Krejcie and Morgan was used to determine the sample size that could accurately reflect the population's characteristics in order to generalise the results to the entire population.²²² Based on the calculation, the sample size required for the online survey was 385 respondents.²²³ This sample size was also confirmed using the Qualtrics and Survey Monkey sample size calculation tools.²²⁴ This recommended sample size also falls within the range of sample sizes of similar research within this subject area.²²⁵ As stated by Bacchetti et al., investigators may use a sample size that has worked well for similar past studies.²²⁶

2.4.2.2 Sample Method

Sampling aims to select the correct individuals, objects, and events that can provide the required information in empirical research.²²⁷ Given that it is impractical to collect data from the whole population, researchers must use suitable sampling techniques to limit the quantity

²¹⁹ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications 1998).

²²⁰ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

²²¹ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

²²² R V Krejcie and D W Morgan, 'Determining Sample Size for Research Activities' [1970] *Educational and Psychological Measurement* 607.

²²³ Robert V Krejcie and Daryle W Morgan, 'Determining Sample Size for Research Activities' [1970] *Educational and Psychological Measurement* 670.

²²⁴ Qualtrics Sample Size Calculator <<https://www.qualtrics.com/blog/calculating-sample-size/>>; Survey Monkey Sample Size calculator <<https://www.surveymonkey.co.uk/mp/sample-size-calculator/>> - This calculated the Population size (9,000,000), Margin of error (5%) and Sampling confidence level (95%).

²²⁵ Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] *International Journal of Advanced Academic Research* 52; W O Olori and Comfort Dan-Jumbo, 'Workplace Discrimination and Employee Commitment in Rivers State Civil Service, Nigeria' [2017] *European Journal of Business and Management* 51; Lucas N Oluka, Gladness C Efeosa-Temple, Anthonia U Ugboma-Uti and Joshua A Okotie, 'Age Discrimination and It's Implication in Human Resource Development in Nigeria' [2020] *International Journal of Management Studies and Social Science Research* 1.

²²⁶ Peter Bacchetti, Steven G Deeks, and Joseph M McCune, 'Breaking Free of Sample Size Dogma to Perform Innovative Translational Research' [2011] *Sci Transl Med.* 87.

²²⁷ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

of data that must be gathered to a manageable size that can sufficiently represent the population.²²⁸

After confirming the sample size (385 respondents), this study adopted a convenience sampling method. Convenience sampling is a type of non-probability sampling method that relies on data collection from people who are conveniently available to participate in the study, based on factors, such as geographical proximity, easy accessibility, availability at a given time, or willingness to participate.²²⁹ Convenience sampling is easy and affordable, and the subjects are readily available.

Due to the nature of this study which borders on the exploration of discrimination in pre-employment practices from the viewpoint of residents in Lagos State, a convenience sampling method was the most appropriate. This is because discrimination is subjective and can be experienced by anyone. Therefore, using other sampling methods such as purposive, snowballing or systematic random sampling where a specific selection of respondents is vital would not have yielded a different result.

As stated in Section 2.4 above, this research made use of online survey questionnaires. An online survey questionnaire survey follows the same characteristics as the paper version of the survey. Online surveys are helpful in questionnaire preparation, data collection, data storage, and visualisation.²³⁰ It provides convenience in several ways. For example, respondents can answer at a convenient time, take as much time as needed to respond to questions, and complete the survey in multiple sessions.²³¹ This is not to say that the data collection strategies for online surveys do not come with disadvantages that affect their design and implementation, such as demographic factor, technological barrier (the amount of people who use or can access smartphones to take the survey), and low response rates.²³² However,

²²⁸ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²²⁹ Iker Etikan, Sulaiman Abubakar Musa and Rukayya Sunusi Alkassim, 'Comparison of Convenience Sampling and Purposive Sampling' [2016] *American Journal of Theoretical and Applied Statistics* 1; Lee-Jen Wu Suen, Hui-Man Huang and Hao-Hsien Lee, 'A comparison of convenience sampling and purposive sampling' [2014] *PubMed* 105.

²³⁰ P R Regmi, E Waithaka, A Paudyal, P Simkhada, E van Teijlingen, 'Guide to the Design and Application of Online Questionnaire Surveys' [2016] *Nepal J Epidemiol* 640; Joel Evans and Anil Mathur, 'The Value of Online Surveys' [2005] *Internet Research* 195.

²³¹ P R Regmi, E Waithaka, A Paudyal, P Simkhada, E van Teijlingen, 'Guide to the Design and Application of Online Questionnaire Surveys' [2016] *Nepal J Epidemiol* 640; Joel Evans and Anil Mathur, 'The Value of Online Surveys' [2005] *Internet Research* 195.

²³² P R Regmi, E Waithaka, A Paudyal, P Simkhada, E van Teijl.ingen, 'Guide to the Design and Application of Online Questionnaire Surveys' [2016] *Nepal J Epidemiol* 640; Joel Evans and Anil Mathur, 'The Value of Online Surveys' [2005] *Internet Research* 195.

other methods such as postal surveys, telephone or in-person interviewing were more disadvantageous. For instance, the Nigerian Postal Service (NIPOST) is known to be problematic due to occasional loss and violation of mail items.²³³ More so, telephone surveys which are effective at capturing large sample sizes, come at a high price.²³⁴ In contrast, online surveys can be conducted at a low cost and in a short period.

There are various online survey tools, such as Survey Monkey, Google Forms, Vevox and SurveyGizmo. While the researcher kept her options open, Survey Monkey was the top choice. According to Nagalakhmi and Trivedi, Survey Monkey is documented as one of the foremost online survey tools because it is user-friendly and beneficial for academic research surveys.²³⁵ Survey Monkey offers more flexibility in online questionnaires that can be distributed or shared electronically via a direct link to potential respondents.²³⁶

After creating the online survey on the Survey Monkey Platform, a custom survey URL was provided. This URL link was shared with respondents via social media platforms, including Facebook, Twitter and LinkedIn. Hence, the adoption of the convenience sampling method. With the fast-growing pace of the internet and technology, connecting to different people in Lagos State, Nigeria, was easy, affordable and virtual. This made the online survey readily available to be completed by respondents. Also, the online survey awards the respondents confidentiality as opposed to face-to-face methods of dissemination. However, due to a lack of sampling frames, online surveys rely on general invitations in which a URL link to a survey is published on websites or in other media. This clearly leads to sample selection bias (See Section 2.6), which is beyond the control of the researcher, as well as nonprobability samples.²³⁷

The online questionnaires were made to be self-administered without the interference of the researcher. The primary benefit of using a self-administered survey was that it eliminates Social Desirability Bias (SDB).²³⁸ SDB is defined as ‘the tendency of research subjects to give

²³³ B O G Nwanolue and Victor Chidubem Iwuoha, ‘From Monopolism to Competitionism: A Market Analysis of the Performance of the Nigerian Postal Service, 1985-2011’ [2012] *European Journal of Business and Management*.

²³⁴ David K Loomisa and Shona Paterson, ‘A Comparison of Data Collection Methods: Mail versus Online Surveys’ [2018] *Journal of Leisure Research* 133.

²³⁵ Maisaarah Abd Halim, Cik Feresa Mohd Foozy, Isredza Rahmi and Aida Mustapha, ‘A Review of Live Survey Application: SurveyMonkey and SurveyGizmo’ [2018] *International Journal on Informatics Visualization* 309.

²³⁶ Maisaarah Abd Halim, Cik Feresa Mohd Foozy, Isredza Rahmi and Aida Mustapha, ‘A Review of Live Survey Application: SurveyMonkey and SurveyGizmo’ [2018] *International Journal on Informatics Visualization* 309; Eugene Waclawski, ‘How I Use It: Survey Monkey’ [2012] *Occupational Medicine* 477.

²³⁷ Vasja Vehovar and Katja Lozar Manfreda, Overview: Online Surveys in Nigel Fielding, Grant Blank, Raymond M Lee (eds) *The Sage Handbook of Online Research Methods* (Sage Publications 2008).

²³⁸ Megan Stodel, ‘But What Will People Think? Getting Beyond Social Desirability Bias by Increasing Cognitive Load’ [2015] *International Journal of Market Research* 313.

socially desirable responses instead of choosing responses that are reflective of their true feelings'.²³⁹ Furthermore, self-administered questionnaires allow respondents to complete the questionnaire conveniently, ensuring that respondents' opinions are well thought-out, reflective and accurate.²⁴⁰

Before completing the questionnaire, respondents read the 'information for participants' detailing the overall aims and objectives of the research and a voluntary 'consent form' which explained the process and the need for consent before any research can be carried out (Appendices B and C). The data collection was distributed from the 1st of October 2018 to the 24th of December 2018 (3 months). This was done with the hope of attracting more respondents. The average completion time was 15 minutes and 48 seconds. After collecting data from respondents, the next phase was analysing the data.

A total of 106 respondents completed the online survey as opposed to the 385 responses initially expected. After screening, the survey had a completion rate (percentage of respondents who completed the entire survey) of 83% due to some respondents not answering or skipping some questions. As such, only 88 respondents completed the entire online survey. To eliminate missing data bias, this research only analysed data from 88 respondents.

As noted by some researchers, incompleteness, self-selection, under-coverage, and sampling errors are some weaknesses of online surveys.²⁴¹ Nayak and Narayan stated that a significant issue of online surveys is the participation rate.²⁴² The response rates are extremely poor compared to the offline survey method.²⁴³ More importantly, according to Nwakaego, Nigeria

²³⁹ Megan Stodel, 'But What Will People Think? Getting Beyond Social Desirability Bias by Increasing Cognitive Load' (2015) 57 *International Journal of Market Research* 313, 341.

²⁴⁰ Megan Stodel, 'But What Will People Think? Getting Beyond Social Desirability Bias by Increasing Cognitive Load' [2015] *International Journal of Market Research* 313.

²⁴¹ M Siva Durga Prasad Nayak and K A Narayan, 'Strengths and Weaknesses of Online Surveys' [2019] *Journal of Humanities and Social Sciences* 31; Maisaarah Abd Halim, Cik Feresa Mohd Foozy, Isredza Rahmi and Aida Mustapha, 'A Review of Live Survey Application: SurveyMonkey and SurveyGizmo' [2018] *International Journal on Informatics Visualization* 309; Eugene Wacławski, 'How I Use It: Survey Monkey' [2012] *Occupational Medicine* 477.

²⁴² M Siva Durga Prasad Nayak and K A Narayan, 'Strengths and Weaknesses of Online Surveys' [2019] *Journal of Humanities and Social Sciences* 31.

²⁴³ M Siva Durga Prasad Nayak and K A Narayan, 'Strengths and Weaknesses of Online Surveys' [2019] *Journal of Humanities and Social Sciences* 31; Joel R Evans and Anil Mathur, 'The Value of Online Surveys' [2005] *Internet Research* 195; Maisaarah Abd Halim, Cik Feresa Mohd Foozy, Isredza Rahmi and Aida Mustapha, 'A Review of Live Survey Application: SurveyMonkey and SurveyGizmo' [2018] *International Journal on Informatics Visualization* 309; Eugene Wacławski, 'How I Use It: Survey Monkey' [2012] *Occupational Medicine* 477.

is peculiarly prone to the downside of the use of online surveys.²⁴⁴ This is said to be due to the prevalence of poor or lack of satisfactory internet services, inadequate technical skills of respondents, technological variations, convenience etc.²⁴⁵

Due to the sample size being small, this study is not generalisable. However, this study still yields important findings. This study research is under-researched, and the results shed light on how discrimination occurs in Lagos State's pre-employment practices. This can then be used for further research.

2.4.3 Analysing Survey Response

After the completion of the online survey, the data collected was analysed by Survey Monkey. Survey Monkey helped by providing a summary view of data collected, individual responses and dynamic charts. Survey Monkey also made it easy to download results in multiple formats, such as PDF, PPT, XLS, CSV and SPSS. The researcher chose to export all data to a Microsoft Excel spreadsheet (XLS). Excel spreadsheet is a tool with a suite of statistical analysis functions that can run descriptive statistics and perform numerous useful and inferential statistical assessments.²⁴⁶ The researcher used this to prepare data downloaded for analysis.

Some of the questions in the online survey were open-ended. As such, the researcher used a thematic analysis method to generate patterns or themes within qualitative data. There are many different ways to approach thematic analysis. However, this research adopted Braun and Clarke's Six Phases of Reflexive Thematic Analysis because it offers a clear and usable framework for thematic analysis.²⁴⁷ According to Braun and Clarke, meanings and knowledge are understood as contextual in the researcher's subjectivity, which inevitably sculpts the knowledge produced rather than a must-be-contained threat to credibility. Therefore, the analysis included:

²⁴⁴ Okoroma Francisca Nwakaego, 'Examining the Factors Affecting the Adoption of Online Survey Tools Amongst Researchers in Nigeria' [2021] *European Journal of Computer Science and Information Technology* 19.

²⁴⁵ Okoroma Francisca Nwakaego, 'Examining the Factors Affecting the Adoption of Online Survey Tools Amongst Researchers in Nigeria' [2021] *European Journal of Computer Science and Information Technology* 19.

²⁴⁶ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁴⁷ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1.

- *Familiarisation*: This involved reading and re-reading the transcripts, in this instance, responses.²⁴⁸ This process was essential in order to understand the data while also being conscious of the overall purpose of this research.
- *Generating codes*: Coding was done inductively, relying on the patterns identified from the responses. The researcher coded a segment of data that was relevant and specifically addressed the research questions. Examples of codes are 'asking personal questions', 'discriminatory interviews', 'age limits', 'asking for my gender'. However, not every piece of text was coded.
- *Constructing themes*: As Braun et al., posits, there are no hard and fast rules about what makes a theme.²⁴⁹ A theme is characterised by its significance.²⁵⁰ They were constructed by linking similar codes together. The researcher examined the codes, and some of them clearly fitted together into a theme (see Table 2.1). For example, there were several codes that related to perceptions of culture whereby respondents acted according to the norm of how a CV should look like. These codes collated into a theme called 'Cultural Trend'. Additionally, it was seen that some codes were associated with one theme (these are highlighted in Table 2.1).
- *Revising and defining themes (steps 4 and 5)*: This phase involves checking the generated themes against the coded data and the entire dataset to ensure that themes, and theme names, clearly, and concisely capture what is meaningful about the data in relation to the research questions (see Table 2.2). Some of the questions asked during this were:
 - Do the themes make sense?
 - Does the data support the themes?
 - Am I trying to fit too much into a theme?
 - If themes overlap, are they really separate themes?

As such, the researcher developed Table 2.2 for a clearer picture of the findings at this stage.

- *Producing the report*: This final phase involves weaving together the analytic narrative and data extracts and contextualising the analysis in relation to existing literature. A

²⁴⁸ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1.

²⁴⁹ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1.

²⁵⁰ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1.

deeper insight into the analysis of the data will be discussion in chapters (Five, Six, and Seven).

<p>Theme: Discrimination/Bias</p> <p>Codes</p> <p>Personal information shouldn't be relevant</p> <p>Jobs only cater to single people</p> <p>They ask very intimate questions</p> <p>Infringes on FHR of some set of individuals</p> <p>I find it very discriminatory</p> <p>Some discriminate against gender and tribe</p> <p>Stereotype views</p> <p>When the interview questions go out of line.</p> <p>Marital status matters</p>	<p>Theme: Organisational Requirements</p> <p>Codes</p> <p>Most often, employers ask for these details</p> <p>Most organisations are being specific on the gender, age and state</p> <p>It helps potential employers assess applicants</p> <p>For expected productivity</p> <p>Employers want to see these basic information</p> <p>This information is needed by the employer</p> <p>I think it's a general requirement</p>
<p>Theme: Culture Trend/Influence</p> <p>Codes</p> <p>Marital status matters</p> <p>It's part of the requirements for a Resume</p> <p>Employers want to see these basic information</p> <p>Age comes with experience</p> <p>My Gender is important for the proposed employer</p> <p>In Nigeria, it is expected</p> <p>Because it is the norm in Nigeria</p> <p>If you don't put them in, you might not be shortlisted</p> <p>That seems to be the trend</p> <p>Most often, employers ask for these details</p>	<p>Theme: Unfairly Excluded</p> <p>Codes</p> <p>Because of the sex, Age factors</p> <p>Jobs only cater to single people</p> <p>Some adverts are specific about age range</p> <p>Only open to members of the male gender</p> <p>Stating on job ads the particular ethnicity or nationality</p> <p>Limits those who are slightly older but equally competent</p> <p>Age and sex limit my ability to apply for jobs</p> <p>There's always emphasis on age</p> <p>Marital status matters</p>
<p>Theme: Identification</p> <p>Codes</p> <p>Recognition</p> <p>To identify my gender</p> <p>Enables the Company know who I am</p> <p>My resume opens the secrets</p> <p>Know if I am fit for the job</p> <p>Some job needs people's demographic information</p> <p>To give a potential employer an idea about me</p> <p>Who needs me, needs to know what I can do</p>	<p>Theme: Recruitment Edge</p> <p>Codes</p> <p>Having this detailed on your CV gives you an edge</p> <p>It helps prospective employers to hire an employee fit for the job.</p> <p>Age comes with experience</p> <p>It reveals a high level of responsibility in my community</p> <p>My Gender is important for the proposed employer</p> <p>Once you fit the job spec, your name does not matter</p> <p>Recognition</p>
<p>Theme: Awareness of Human Rights</p> <p>Codes</p> <p>The study of the constitution</p> <p>I read about it</p> <p>I am a legal practitioner</p> <p>Not aware</p> <p>Word of mouth</p> <p>Through the media</p> <p>It sounds like regular human rights</p> <p>Education</p>	

Table 2.1: Preliminary Themes and Codes of Online Survey

Themes	Illustrative Extracts
Discrimination/Bias	Stating on job ads the particular ethnicity or nationality, I find very discriminatory.
Culture Trend/Influence	I was turned down for a role because I'm a young female, and management thought I would have issues with the people I was to supervise as they are older than me and mostly men.
Organisational Requirements	Different companies state different criteria for recruitment. Some want age, gender and, less commonly, religion. So, it helps if they know upfront who they're interviewing.
Unfairly Excluded	Seriously, I think there shouldn't be lists like religion, state of origin and so on, on any reasonable job advertorials. It really isn't NECESSARY!
Identification	It gives basic information about me without having to see me in person.
Recruitment Edge	It helps prospective employers to hire an employee fit for the job.
Awareness of Human Rights	I know these rights, but this right won't force employers' hands.

Table 2.2 Summarisation of theme for the online survey

2.4.4 Demographic Variables

Demographic variables are social categories for individuals. They provide data regarding research participants such as race, ethnicity, age, gender, education, profession, occupation, marital status, and income level.²⁵¹ In the demographics section of the online survey distributed, there were seven questions relating to age, marital status, religion, gender, and educational level. These demographic questions were useful in contextualising the findings in terms of understanding whether the individuals in this particular study represent the target population for employment, as noted by the Nigerian National Bureau of Statistics.²⁵² It was also necessary for the determination of whether the respondents in this study are a representative sample of the targeted population of job seekers in Lagos State. As such, the demographics collected are discussed below.

²⁵¹ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁵² National Bureau of Statistics <<https://nigerianstat.gov.ng/elibrary?page=3&offset=20>> accessed 10 April 2020.

2.4.4.1 Age

With regards to age, 65% of respondents were between the ages of 25 - 34 years, 28% within the ages of 35 - 44 years, 5% within the ages of 45 - 54 years and finally 3% within the ages of 18 - 24 age group (Table 2.3). The minimum age found in this study was 20 years, while the maximum age was 54 years. This is in line with the age group of employed and unemployed groups of people in Lagos State as reported by the National Bureau of Statics in Nigeria.²⁵³

Age Range	Frequency	Percent
18-24	3	3%
25-34	56	64%
35-44	25	28%
45-54	4	5%
	88	100%

Table 2.3 Age Distribution of Respondents in the Online Survey

2.4.4.2 Gender and Marital Status

Gender is taken to be the biological attribute of a person. This research generated a total of 35 males and 53 Females (see Table 2.4). For marital status, 43% (N = 38) of the respondents were single, while 57% (N = 50) of respondents were married. No respondents were cohabiting, widowed, divorced, or separated. Due to the majority of respondents being female, this played a part in why a lot of female respondents highlighted gender discrimination as a discriminatory ground they have experienced. Women experience greater difficulty finding jobs in the labour market because they are still perceived to be more domesticated than men.²⁵⁴ This has been confirmed and reported by various studies all around the world, and Nigeria is not an exception.²⁵⁵ Discrimination against women in Nigeria, which is highly

²⁵³ National Bureau of Statistics <<https://nigerianstat.gov.ng/elibrary?page=3&offset=20>> accessed 10 April 2020.

²⁵⁴ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] International Journal of Economics, Commerce and Management 752.

²⁵⁵ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] International Journal of Economics, Commerce and Management 752; Gabriele Plickert and Joyce Sterling, 'Gender Still Matters: Effects of Workplace Discrimination on Employment Schedules of Young Professionals' [2017] Laws 1; Cecilia Ridgeway, *Framed by Gender: How Gender Inequality Persists in the Modern World* (Oxford University Press, 2011); Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] J Bus Psychol 175; Simone N Vigoda and Paula A Rochon, 'The Impact of Gender Discrimination on a Woman's Mental Health' [2020] EClinicalMedicine 1; Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] Gender in Management: An International Journal 623.

influenced by culture, is examined in Chapter Five, Section 5.5.2 and Chapter Seven, Section 7.2.²⁵⁶

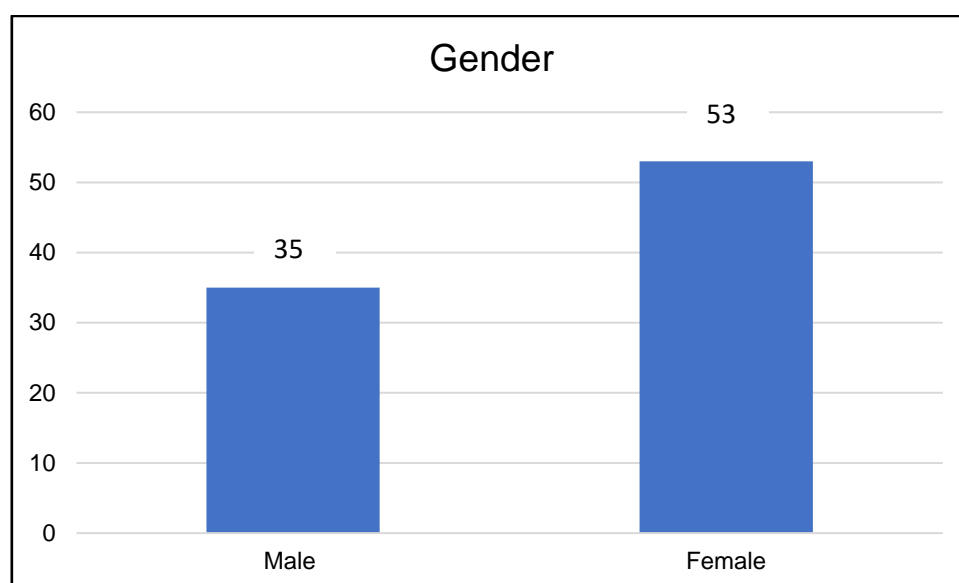


Table 2.4 Respondents Gender Distribution

2.4.4.3 Education

The majority of respondents in this research are highly educated. Results show that 55% (N = 48) of respondents have a bachelor's degree, 36% (N = 32) have a master's degree, 5% (N = 4) have a Higher Diploma, 2% (N = 2) have a doctorate degree, and 2% (N = 2) did not complete higher education. This means that the majority of respondents would probably qualify for the jobs they apply to in terms of educational certification. This is one of the primary requirements from organisations, and it is always seen in a job advertisement. Although educational certification does not translate to job experience, one would still wonder why personal characteristics would be considered as a primary factor in determining a job seeker's competencies.

2.4.4.4 Religion

With regards to religion, 90% (N = 79) of respondents were Christian which includes any denomination, and 10% (N = 9) of respondents were Islamic. Although Lagos State is multi-

²⁵⁶ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] International Journal of Economics, Commerce and Management 752; Ekpe Dickson, Eja Aloba and John Egbe, 'Women, Gender Equality in Nigeria: A Critical Analysis of Socio-Economic and Political (Gender Issues)' [2014] Journal Research in Peace, Gender and Development 15.

diverse and represents almost all ethnic groups in Nigeria, Christianity and Islam are the most practised. Other religions include traditional beliefs and practices which can be found in different ethnic groups, and these practices play a part in people's lives till date. But, with regard to this research, the majority of the respondents were Christians.

Overall, the demographics show that most respondents were females, the average age distribution was between 25 - 34 years, and the respondents were mostly educated and mostly Christian. This fits into the three classification groups discussed in Section 2.4.2. This also brings about the limitations of the study experienced by the researcher during the course of this study (section 2.6).

2.5 Interview Process

Following the results gathered from the online survey administered, interviews were conducted. The results from the online survey were used as a guide to formulate the interview questions. For example, the results from the online survey indicate that respondents find job adverts discriminatory because some require applicants to be within a certain age range, sex and religion. As such, one of the interview questions asked interviewees (HR professionals) if they require a particular characteristic(s) from a job applicant, such as age, sex, religion or ethnicity and the reason for this requirement. Also, the online survey showed that some respondents believed that personal characteristics were relevant to the job. The interviewees were also asked the same question as to whether there is a perceived need for certain characteristics to match specific job roles (see Appendix E).

A semi-structured interview was used to gather data on organisational recruitment and selection practices from Human Resource (HR) professionals in order to understand how organisations determine which applicant is suitable. The semi-structured questions gave the researcher the opportunity to explore specific questions in great detail, as well as find out what rules and practices are adopted during recruitment and selection processes.²⁵⁷ Using the Interview Research Questions Guide (Appendix E), the researcher was able to ask all participants similar questions and also explore specific questions in more detail if necessary, depending on the response given by the participants. The interview questions explored what elements of discrimination are present, how a job applicant's personal characteristics are determined and what impact personal characteristics have on the organisation's performance.

²⁵⁷ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

2.5.1 Sample Size and Sample Method

A purposive and snowballing sampling method was employed for this study to select participants. The aim was to select participants who would best be able to provide responses to the research questions. Purposive sampling, also known as judgemental sampling, allows researchers to rely on their own judgment when choosing members of the population to participate in their study.²⁵⁸ It is a type of nonprobability sample that is often used when working with a small sample.²⁵⁹ On the other hand, Snowballing involves finding people who fit the research criteria who are then invited to become participants in the research. To do this, the researcher relied on her social network contacts, who then referred HR professionals.

Small sample sizes are typical in qualitative research.²⁶⁰ This is to support the depth of case-oriented analysis that is fundamental to this mode of inquiry. According to Sandelowski, qualitative sample sizes should be large enough to allow for the development of a 'new and richly textured understanding' of the phenomenon being studied, but also small enough to allow for 'in-depth, case-oriented research.'²⁶¹ Morse also posits that it is possible to conduct research with fewer participants if more significant data are collected from each participant.²⁶²

The sample size for the interviews was 5 participants. This was because the study's primary research method was the online survey aimed at job seekers. The interviews were used to gain clarity on the reasoning(s) behind discriminatory requirements in pre-employment practices. Although a relatively small number, 'the definition of "small" depends on the main study objective'.²⁶³ The sample size in qualitative research tends to be small in order to support the depth of analysis that is fundamental to this mode of inquiry. According to Malterud et al.,

²⁵⁸ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

²⁵⁹ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

²⁶⁰ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

²⁶¹ M Sandelowski, 'Sample Size in Qualitative Research' [1995] *Res Nurs Health*. 179.

²⁶² J M Morse, 'Determining Sample Size' [2000] *Qual Health Res*. 3.

²⁶³ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

the information power of a sample is critical in achieving research objectives.²⁶⁴ It relates to the specificity of knowledge and experiences of participants included in the sample. The greater the sample's information power, the fewer participants are required.²⁶⁵ Additionally, qualitative samples are purposive, meaning that participants are selected by their capacity to provide richly textured information relevant to the area of study.²⁶⁶ The objective of this study was to explore the occurrence of discrimination from the perspectives of job seekers; therefore, the insight of HR professionals was an added value.

The chosen participants for this study were required to be HR professionals, reside in Lagos State and work in the private sector. This is because HR professionals are knowledgeable in the field and are primarily involved in human resources management. They understand the need for a skilled individual for organisational growth, unlike line managers, who are often not involved in the recruitment and selection process except where the organisations do not have a Human Resource department.

The HR professionals chosen for this research worked in different areas in the private sector, such as technology, advertising and consultancy. Each HR professional was in a managerial or senior role, and either had the deciding power on who gets recruited or significantly influenced recruitment decisions. It was considered best to interview HR professionals in organisations who are actively involved in creating and implementing organisational recruitment policies. The researcher also chose HR professionals because they are deemed more knowledgeable in HRM than line managers, who are sometimes not involved with recruitment and selection processes. Here, 'HR professional' is defined as 'specialists and others whose roles involve significant responsibility for people management practice'.²⁶⁷ HR professionals are more likely to understand the significance of finding suitable candidates with the right skills. Furthermore, it was essential to explore the understanding of HR professionals on employment law and the occurrence of discrimination.

The researcher initially planned to travel back to Lagos, Nigeria, to conduct the interviews. However, the cost implication of travelling was high as the value of the Nigerian currency (Naira) dropped. With her supervisors' permission, the researcher opted to have either

²⁶⁴ Kirsti Malterud, Volkert Dirk Siersma and Ann Dorrit Guassora, 'Sample Size in Qualitative Interview Studies: Guided by Information Power' [2016] *Qualitative Health Research* 1753.

²⁶⁵ Kirsti Malterud, Volkert Dirk Siersma and Ann Dorrit Guassora, 'Sample Size in Qualitative Interview Studies: Guided by Information Power' [2016] *Qualitative Health Research* 1753.

²⁶⁶ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012); Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

²⁶⁷ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62, 62.

telephone or video interviews with the HR professionals. Unfortunately, due to the unforeseen COVID-19 pandemic, which caused a strain on the research, out of the 5 HR professionals invited to participate, only interview 3 HR professionals participated. COVID-19 created an uneasy situation for both the researcher and the participants. There were constraints in trying to get hold of the contacted HR professionals who were either busy with work and balancing family life or having to surmount the challenges of poor internet service. A lot of rescheduling was done, and at some point, it appeared that the remote interview would no longer be viable. Although these three HR professionals' interviews added valuable insights to this study, it does not represent the views of the population. According to Saunders et al., the richness and fullness of qualitative data are based on a researcher's opportunity to explore a subject as realistically as possible.²⁶⁸ Meanings are derived from words because they can have multiple interpretations. There have been disputes over the generalisation of qualitative research because no two people can experience the same issue in the same way. There is a diversity of information; therefore, results cannot be generalised across different contexts.

2.5.1.1 Human Resources Professionals' Profile

- Human Resource professional 1 (HRP1) is a female strategic and innovative HR Executive who translates business vision into HR initiatives that improve performance, profitability, growth, and employee engagement. HRP1 has garnered over ten years of experience in Human Resources and has developed a strong understanding of People Management. HRP1 is a life coach and career counsellor with a strong desire for imparting individuals to become the best version of themselves as employees or entrepreneurs. She holds a bachelor's degree in English from the University of Lagos, a master's degree in English, an Advanced Diploma in Human Resource Management and a master's in Industrial and Labour Relations. HRP1 is a member of the Chartered Institute of Personnel Management (CIPM) in Nigeria and the Society for Human Resource Management (SHRM). At the time of the research interview, HRP1 was the HR manager for an Educational Technology firm.
- Human Resource professional 2 (HRP2) is a female HR Consultant with over twenty years of experience. HRP2 works with mid-to-senior-level career professionals providing them with leadership and career growth advisory services. HRP2 also works with organisations by providing them with designing solutions in areas of HRM,

²⁶⁸ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

organisational change, organisational learning, organisational structuring, leadership and management, organisational behaviour, cross-cultural management and intercultural communication.

- Human Resource professional 3 (HRP3), female, is an experienced senior Human Resources Executive with a demonstrated history of delivering value in INGOs, FMCG, retail, real estate, technology, and marketing communications industries. HRP3 is skilled in strategic human resource management, organisational transformations, business management, career management, and building the most effective workforces across various industrial sectors. HRP3 has a master's degree in Managerial Psychology and a bachelor's degree in Psychology. HRP3 has over ten years of working experience and is a member of the Chartered Institute of Personnel Management (CIPM) in Nigeria. At the time of the research interview, HRP3 was the HR Manager at an Advertising firm.

Worth noting that the 3 HR professionals interviewed were females. However, the researcher did not internationally recruit only females for the interviews. As mentioned in the previous section, it was challenging to recruit HR professionals due to COVID and scheduling issues.

With regard to the responses, the researcher cannot ascertain whether the gender of the HR professionals influences their decisions during recruitment and selection processes. This is because a male HR professional perspective was not explored. However, the existence of people's subjective views when making decisions can also not be ruled out. Nevertheless, based on their professional capacity, results showed that discrimination occurs in certain recruitment and selection decisions based on organisational needs.

2.5.2 Data Collection Process

The data was collected verbatim from the three HR professionals via Skype and Zoom.²⁶⁹ Both Skype and Zoom applications had a recording option. Before the interview began, participants were told about the research in clear detail and were asked for their consent before proceeding. The consent form (Appendix D) was read to them as well, and participants verbally consented. During the interviews, the researcher treated all participants with respect. The researcher did not adopt an expert position and was transparent with the participants, allowing them to speak freely.

²⁶⁹ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

As mentioned in Section 2.5 above, the interviews were semi-structured.²⁷⁰ The researcher asked participants broad questions while allowing subsequent questions to be guided by the conversation between the researcher and the participants. This method of questioning aimed to get an insight into how discriminatory requirements in pre-employment processes, such as job adverts and interviews, are formed. Does it occur as a result of organisational requirements or through the unconscious bias of job interviewers?

Using the Interview Research Questions Guide (Appendix E), the only interview questions that were pre-formulated were the opening questions:

- Please tell me about your organisation.
- What is your role in the organisation?
- What is your take on diversity?
- Do you encourage diversity in your organisation?
- How does diversity fit into the organisation's objectives?

These questions are important as they laid the foundation for the roles of the participants, their ideology of diversity and how it plays a role in discrimination. This is because Lagos State is diverse, and discrimination is rooted in diversity.

All interviews were conducted by the researcher and were recorded on an audiotape. The interviews were conducted on the 8th of June 2019, the 16th of June 2019 and the 7th of May 2020. Each interview lasted between 45 minutes to an hour. The participants were encouraged to speak freely on their own terms about the discrimination, and the researcher guaranteed their anonymity. Participants were treated as experts in the field of employment and were allowed to make the most of the opportunity to tell their side of the story (i.e., why organisations discriminate). As a result, the researcher was able to relate with the participants in a subjective way on their own terms. Although the interviews were conducted in a conversational nature, the nature of the topic meant that it was not easy for some of the participants to be fully open and transparent. There was a fear of their employer finding out even though the researcher explained that the interview was confidential, and no personal details were collected.

The interview style adopted by the researcher was based on some of the following qualitative field interview tips described by Lawrence Neuman:²⁷¹

²⁷⁰ Rahul S Chauhan, 'Unstructured Interviews: Are they really all that bad?' [2019] Human Resource Development International 1; Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46.

²⁷¹ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (7th edn, Pearson Education

- The interviewer should show interest in responses and encourage elaboration.
- An interview should involve a mutual sharing of experiences to encourage the participants to open up
- An interview should be a conversational exchange but with slightly more direction and control from the interviewer.
- Build rapport and steer the conversation away from highly sensitive or evaluative topic.
- Use of open-ended questions.
- Adopting the participant's norms and language usage.

To protect the identity of the participants, the video recording was converted to audio (mp4) after the interviews were conducted. Afterwards, the audio conversion was checked to see that the conversation was identical to the video recordings. Once this was affirmed, the video recordings were deleted. Subsequently, the interview data were transcribed and saved in a separate folder. Each transcribed document was given a pseudo name such as HRP1, HRP2 and HRP3 to further ensure anonymity.²⁷²

2.5.3 Analysing the Interview Data

Data analysis is described as the process whereby a phenomenon is broken down into fundamental parts for it to be better understood.²⁷³ The analysis was completed using Braun and Clarke's Six Phases of Reflexive Thematic Analysis as discussed in Section 2.4.3 of this chapter.²⁷⁴ Although there are six phases in the Reflexive Thematic Analysis, these have been divided into two phases.

Limited 2014); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014).

²⁷² Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁷³ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁷⁴ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1.

2.5.3.1 Phase 1

The researcher familiarised herself with the data. The researcher read through the collected data at the beginning of the analysis to get an overall sense of the data and to get a feel of what it means and how it can add to the research. While reading each participant's responses, the researcher made a note of how the participants interpreted the meaning of discrimination and pre-employment processes. The researcher read each of the participants' data several times to ensure that she fully understood their interpretation and also ensured that no new interpretations emerged from each re-reading. Codes were subsequently generated that captured and evoked important features of the data that might be relevant to addressing the research question.

The researcher noted similarities between each participant's responses regarding how they constructed ideas and attached meaning to their beliefs. The researcher identified common interpretations and from different interviews.

2.5.3.2 Phase 2

In the second phase of the analysis, the researcher inductively generated themes from the data sets (see Table 2.5). It involves coding to identify themes or patterns for further analysis.²⁷⁵ The themes were revised and defined by ensuring that all arguments under each theme aligned with the research objective. The existing literature was also continually reviewed to make sense of the analysis. Due to the small scale of the data sets, the researcher came up with four themes in which some of the themes were interrelated and similar to the themes generated in the online survey (see Table 2.1 above and Table 2.6 below).²⁷⁶ Due to the similarities of themes generated between the thematic analysis of the online survey and interviews, these empirical results and findings will be presented and discussed together in Chapters Five, Six and Seven.

²⁷⁵ Virginia Braun and Victoria Clarke 'One Size Fits All? What Counts as Quality Practice in (Reflexive) Thematic Analysis?' [2020] *Qualitative Research in Psychology* 1; John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁷⁶ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016) 586; Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

Theme: Discrimination Codes We require age for some jobs We need someone "young" We actually look at the year they were born If all my applicants are males People can get away with discrimination We do discriminate based on age Certain words as masculine	Theme: Culture Codes Other tribes are a bit Sluggish The Ibo people are very active Certain sensitive things, I will always have women. Sex comes in when we look at the context of the job. The reason why I recruit younger people
Theme: Organisational Requirements Codes It is hard for me to get an older candidate to be my AD director. We require age for some jobs We need someone "young" We actually look at the year they were born At the graduate level, personal information is very important It is discriminatory, but that's what the client wants. I need productivity Younger because conceptual blocks	Theme: Awareness of the Law Code Pay attention to Section 42 of the constitution? They can get away with everything. We are running a business for profit Clear understanding of the law

Table 2.5: Preliminary Themes and Codes for the Interviews

Themes	Illustrative Extracts
Discrimination/Bias	In as much as we require age for some jobs, sometimes we might not say the age but specify that we need someone "young" and most time we actually look at the year they were born.
Culture Trend/Influence	We noticed that other tribes are a bit sluggish and slow during interviews and show no enthusiasm for the job unlike the Ibo people who are very active during interviews.
Organisational Requirements	It is hard for me to get an older candidate to be my AD director.
Awareness of the Law	Even if age were there, does anybody in Nigeria pay attention to section 42 of the constitution?

Table 2.6: Summarisation of Theme for the Interviews

2.6 Overall Study limitations

As stated by Rowley, it is pragmatic to recognise constraints experienced by researchers.²⁷⁷ Thus, the researcher encountered some limitations during this research.

²⁷⁷ Jennifer Rowley, 'Conducting Research Interviews' [2012] Management Research 260.

Firstly, non-probability sampling, such as convenience sampling, has long been considered a risk to the validity and reliability of research results, especially when the goal is to generate an accurate projection or generalisation of a specific population.²⁷⁸

With this research, the issue of self-selection bias was a limitation. Self-selection bias is when survey respondents are allowed to decide entirely for themselves whether or not they want to participate in a survey.²⁷⁹ This can be due to internet access, as well as the possibility of respondents being particularly interested in the study for reasons that may or may not be related to the content and/or objective of the study itself.²⁸⁰ This makes it difficult to generalise the findings from the sample data to the overall population of interest.

Whilst access to potential respondents was convenient for the researcher, it still included a purposive sampling method. According to Saunders et al., convenience sampling ostensibly chosen in convenience often meet purposive sample selection criteria that are relevant to the research aim.²⁸¹ Purposive sampling is a sampling technique in which the researcher chooses members of the population to participate in the study based on his or her own judgement.²⁸² The researcher aimed to recruit residents of Lagos State with some years of experience in the job market. As this study centres on job seekers' experiences during job applications, respondents needed to have gone through recruitment processes, such as job applications and job interviews. As such, even though individuals with self-selecting characteristics may have been attracted to this study, they still fit the targeted group (i.e., people who have gone through recruitment processes).

Secondly, there is an issue of impact limitation based on the sample sizes of both the online survey and interviews. As discussed in Sections 2.4.2 and 2.5.1, the sample size for the online

²⁷⁸ Sanford L Braver and R Curtis Bay, 'Assessing and Compensating for Self-Selection Bias (Non-Representativeness) of the Family Research Sample' [1992] *Journal of Marriage and Family* 925.

²⁷⁹ C Andrade, 'The Limitations of Online Surveys' [2020] *Indian Journal of Psychological Medicine* 575; Jelke Bethlehem, 'Selection Bias in Web Surveys' [2010] *International Statistical Review* 161; Y Khazaal, M van Singer, A Chatton, S Achab, D Zullino, S Rothen, R Khan, J Billieux and G Thorens 'Does Self-selection Affect Samples' Representativeness in Online Surveys? An Investigation in Online Video Game Research' [2014] *J Med Internet Res.* 164.

²⁸⁰ C Andrade, 'The Limitations of Online Surveys' [2020] *Indian Journal of Psychological Medicine* 575; Jelke Bethlehem, 'Selection Bias in Web Surveys' [2010] *International Statistical Review* 161; ; Y Khazaal, M van Singer, A Chatton, S Achab, D Zullino, S Rothen, R Khan, J Billieux and G Thorens 'Does Self-selection Affect Samples' Representativeness in Online Surveys? An Investigation in Online Video Game Research' [2014] *J Med Internet Res.* 164.

²⁸¹ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016).

²⁸² Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

survey was 88 respondents, while the sample size for the interviews was 3. As such, the results are not generalisable. However, research is dependent on research questions and objectives – what is needed to be found out, what will be useful, and what can be done within the available resources.²⁸³ Lincoln and Guba also stated that 'how can an inquirer persuade his or her audiences (including self) that the findings of an inquiry are worth paying attention to, worth taking account of?'²⁸⁴ This is a critical question asked in assessing the trustworthiness of research findings. In line with this, this study engaged with credibility to ensure its trustworthiness.

Thomas and Magilvy stated that when a study presents an accurate interpretation of a human experience that is quickly recognised by people who share the same experience, its credibility is addressed.²⁸⁵ One of the methods of exploring credibility is triangulation. This involves using a method triangulation (i.e., multiple methods of data collection) and data source triangulation (i.e., collecting data from different types of people) to establish a comprehensive understanding of a topic.²⁸⁶ This study used 3 methods to collect data; an online survey, interviews and the analysis of 300 online job adverts in order to answer its research questions. For data sources, this research collected data from 88 respondents and interviewed 3 HR professionals in Lagos State. Though independent, these methods and data sources also complement and support each other in facilitating a richer understanding of how discrimination manifests in pre-employment practices. The sample size of this research might be small and not generalisable, but it is still authentic and credible in its own right.

From the analysis of the data collected from these methods, the majority of respondents agree that job adverts and job interviews are discriminatory due to some organisations' mandatory requirements of certain types of personal characteristics such as age, sex, ethnicity, religion etc. (see Chapters Five, Six and Seven). Respondents also shared their lived experiences of how some organisations openly refer to their gender, age, ethnicity and religion in assessing their suitability for the job role. Their responses also revealed how culture plays a crucial role in influencing discriminatory practices (Chapter Five). Their acceptance of 'how things are done' (discriminatory requirements in job adverts) inadvertently promotes the occurrence and

²⁸³ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁸⁴ Y S Lincoln and E G Guba, *Naturalistic Inquiry* (Sage Publications 1985).

²⁸⁵ E Thomas and J K Magilvy, 'Qualitative Rigor or Research Validity in Qualitative Research' [2011] *Journal for Specialists in Pediatric Nursing* 151.

²⁸⁶ Helen Noble and Roberta Heale, 'Triangulation in Research, with Examples' [2019] *Evidence-Based Nursing* 67.

future acceptance of discriminatory HR practices. More so, it contributes to knowledge by adding to the limited literature on pre-employment discrimination in Nigeria.

Due to this research area being under-researched (discrimination in pre-employment practices), future research is required. This research can be used as a foundation for future work to collect data from a greater geographic area or be expanded to a multi-state analysis.

Thirdly, throughout the research, an issue of personal bias could arise from being an insider researcher. Insider research is said to exist on a continuum depending on the researcher's closeness to the aspect being researched.²⁸⁷ There are different views as to the position of a researcher when conducting research. Simmel argues that it is difficult for researchers to be natural or objective unless they are outsiders.²⁸⁸ However, Merton opposed this and argued that if an outsider takes up research which is not related to their topic area, group, culture, and status, they will not be able to understand the issue they are working on and, therefore, will find it difficult to justify their study findings.²⁸⁹ Saidin and Yaacob also believe that being an insider researcher gives an insider the advantage of understanding the issue, they will not disrupt the flow of social interaction, and finally, they will be able to extract accurate data from the participants as they can relate well to them.²⁹⁰

In this study, the researcher was an insider researcher due to her familiarity and personal experience with pre-employment discrimination. This insider knowledge was the foundation of this research. The researcher embarked on this research journey to explore whether her experiences of discrimination in pre-employment were a one-time occurrence or re-occurring recruitment and selection practices in Lagos State. According to Gunter, people come to research with backgrounds that shape their interests.²⁹¹

As much as being an insider researcher comes with some advantages, there are also some disadvantages. One major disadvantage of being an insider researcher is personal bias. This is due to the researcher's over-familiarity with the research context. To mitigate this, the researcher ensured that the research questions of both the online survey (Appendix A) and the HR interview questions (Appendix E) were objective and explicitly tailored to answer the research questions. For the online survey questions, respondents were asked questions that were tailored to express any lived experiences of discrimination, such as using a Likert scale

²⁸⁷ Khaliza Saidin and Aizan Yaacob, 'Insider Researchers: Challenges & Opportunities' [2016] Proceeding of ICECRS 849.

²⁸⁸ G Simmel, *The Sociology of George Simmel* (Free Press 1950).

²⁸⁹ R Merton, 'Insiders and Outsiders; A Chapter in the Sociology of Knowledge' [1972] American Journal of Sociology 9.

²⁹⁰ Khaliza Saidin and Aizan Yaacob, 'Insider Researchers: Challenges & Opportunities' [2016] Proceeding of ICECRS 849.

²⁹¹ H Gunter, 'The Purposes and Practices of Intellectual Work: A Reply to Galbraith' [2004] Journal of Educational Administration 29.

to ascertain if they find job adverts and job interviews discriminatory and asking open-ended questions to gain more insight and clarity as to what they perceive to be discrimination. For the interviews, the researcher did not disclose her personal experience with discrimination and the questions asked were based on HR recruitment and selection processes and their understanding of discrimination. This was to ensure that participants' responses were not influenced by the researcher's perceived lived experiences. Also, the researcher ensured that the supervisory team assessed the research questions, the online survey and the interview questions before distribution. More so, both the online survey and interviews conducted were carried out fairly and accurately.

Fourthly, during the analysis of the survey responses, the researcher noticed that some questions were not relevant to the overall research objectives. Some questions were duplicated, and some of the questions should have been placed elsewhere within the survey. As such, during analysis, some questions were rearranged to areas the researcher believed would be more suitable. Duplicated and irrelevant questions were also removed.²⁹²

Lastly, there is a lack of previous studies in the research area. The literature review is an important part of any research because it helps identify the scope of work done so far in the research area. The researcher used literature reviews as the foundation to build upon to achieve her research objectives. This study borders on discrimination in pre-employment practices and a lot of the literature in Nigeria is centred on discrimination during employment. As such, much of the literature cited is foreign due to the limited study on the research area in Nigeria.

2.7 Literature Review

Before, during and after collecting and analysing the research data, the researcher was able to get knowledge and experiences that were established by other researchers when conducting this study (see Chapter One, Section 1.2). A literature review is a critical review of existing knowledge on theories, critiques, assessments, evaluations, methodologies, and research findings on a particular topic.²⁹³ It involves the critical appraisal in identifying

²⁹² John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

²⁹³ Hannah Snyder, 'Literature Review as a Research Methodology: An Overview and Guidelines' [2019] *Journal of Business Research* 333; Robert W Palmatier, Mark B Houston and John Hulland, 'Review articles: Purpose, Process, and Structure' [2018] *Journal of the Academy of Marketing Science* 1.

similarities and differences between existing literature and the study being undertaken.²⁹⁴ This research effectively utilised academic journals, articles, and comparative legal materials (statutes and case laws) in order to grasp the concept of discrimination and Human Resources Management (HRM). The research problem in this thesis does not depend solely on the respondents or participants alone. Therefore, the literature review is important as it helps to establish findings from the existing body of knowledge.

Reviewing existing literature also helped the researcher formulate the research questions, objectives and theoretical foundation of this study.²⁹⁵ Works of literature helped to develop a good understanding and insight into previous research in related fields. For this research, the literature used was sufficiently related to this research. The researcher made use of both primary and secondary literature during the course of this research.

In finding relevant literature, the researcher made use of the university library, both the physical and online databases. The researcher also made use of Google, Google Scholar and various academic forums to help with searches. The literature presented in this research has been critically reviewed. Likewise, this evaluation of existing knowledge takes into account what research has already been undertaken and areas for potential future research. All cited literature was properly referenced using the Oxford University Standard for Citation of Legal Authorities (OSCOLA) referencing guide.

2.8 Collecting Samples of Discriminatory Job advertisements

To prove that some job adverts in the Lagos State private sectors are discriminatory, evidence is needed. As such, to support the research findings, sample pictures of discriminatory job adverts were collected from the beginning of this research, starting from the 1st of October 2017 to the 16th of November 2021. Online job advert samples were obtained from various online recruitment firms such as Jobberman, Indeed, Nigerian High Court premises, My Job Mag, and Totaljobs, just to name a few. When selecting which job adverts to use, the researcher read through the adverts to determine which ones had explicit discriminatory requirements such as age, sex, religion, ethnicity etc. This way, it was easy to see which personal characteristics were desired by organisations.

²⁹⁴ Hannah Snyder, 'Literature Review as a Research Methodology: An Overview and Guidelines' [2019] *Journal of Business Research* 333; Robert W. Palmatier, Mark B. Houston and John Hulland, 'Review articles: Purpose, Process, and Structure' [2018] *Journal of the Academy of Marketing Science* 1.

²⁹⁵ Robert W Palmatier, Mark B Houston and John Hulland, 'Review articles: Purpose, Process, and Structure' [2018] *Journal of the Academy of Marketing Science* 1; Hannah Snyder, 'Literature Review as a Research Methodology: An Overview and Guidelines' [2019] *Journal of Business Research* 333.

2.9 Ethical Consideration

To carry out this research, it was imperative for the researcher to undertake this process ethically. Ethical Consideration is an essential part of planning for a research project.²⁹⁶ Research should be designed, conducted, and reviewed, and the results disseminated with integrity and conformity with ethical considerations.²⁹⁷ It is the responsibility of researchers and research ethics committees (RECs) to ensure compliance with common codes of ethics.

A distinction should, in most cases, be made between morals and ethics.²⁹⁸ According to Robson and McCartan, morals are usually concerned with whether a specific act or principle is consistent with the accepted impression of what is deemed right or wrong.²⁹⁹ On the other hand, ethics are usually referred to as the general ideology of what one ought to do. Ethics refers to the conformity to codes or rules of conduct.³⁰⁰ The ethics approval process was followed, and the university approved the research ethics form (see Chapter One, Section 1.6).

Before starting the study, researchers conducting studies using human data must consider the principles and values of ethical conduct. Discrimination is a sensitive topic of discussion; therefore, educational researchers need to operate with the utmost respect for persons involved in the research they are undertaking.³⁰¹ Participants were treated sensitively and with dignity regardless of their age, race, gender, sexuality, religion, ethnicity, nationality, disability, political belief or any other significant difference.³⁰² It should be noted that the ethic of respect applies to both the researchers and participants. The basis for ethical consideration in

²⁹⁶ Jaranit Kaewkungwal and Pornpimon Adams, 'Ethical Consideration of the Research Proposal and the Informed-consent Process: An online Survey of Researchers and Ethics Committee Members in Thailand' [2019] *Accountability in Research* 179; Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Mark Israel, *Research Ethics and Integrity for Social Scientists* (2nd edn, SAGE Publications Ltd 2014).

²⁹⁷ Jaranit Kaewkungwal and Pornpimon Adams, 'Ethical Consideration of the Research Proposal and the Informed-consent Process: An Online Survey of Researchers and Ethics Committee Members in Thailand' [2019] *Accountability in Research* 179; Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd, 2016); Mark Israel, *Research Ethics and Integrity for Social Scientists* (2nd edn, SAGE Publications Ltd, 2014).

²⁹⁸ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Mark Israel, *Research Ethics and Integrity for Social Scientists* (2nd edn, SAGE Publications Ltd 2014).

²⁹⁹ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); Mark Israel, *Research Ethics and Integrity for Social Scientists* (2nd edn, SAGE Publications Ltd 2014).

³⁰⁰ Mark Israel, *Research Ethics and Integrity for Social Scientists* (2nd edn, SAGE Publications Ltd, 2014).

³⁰¹ Ethical Guidelines for Educational Research (BERA 2011) <<https://www.bera.ac.uk/wp-content/uploads/2014/02/BERA-Ethical-Guidelines-2011.pdf?noredirect=1>> Accessed on 11 October 2018.

³⁰² Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016).

research includes the commitment to participants' rights, knowledge, and researcher protection.³⁰³

This research was conducted in Lagos State, Nigeria. Therefore, the ethical standards of Nigeria were adhered to.³⁰⁴ Voluntary informed consent is important, and all potential participants must understand and agree to their participation which should be free from duress, prior to the research being conducted. The foundation of ethical research is 'informed consent'.³⁰⁵ Participants were informed ahead of time about what the study involved, adequate time was given to them to think and reflect on their participation, consent forms were provided, and double-checks were made to ensure that participants fully understood the research and the role they played. In addition, participants were given opportunities to ask questions or raise concerns.

Informed consent forms included why their participation was required, how it will be used and how and to whom it will be reported. The researcher recognised and affirmed the right of a participant to withdraw from the research at any given, and this right to withdraw was clearly communicated to the participants. Participants' anonymity and confidentiality were preserved throughout the research period as participants were entitled to privacy.³⁰⁶ It should be noted that informed consent does not affirm the invasion of privacy, and therefore, confidentiality was extended beyond anonymity.³⁰⁷

³⁰³ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

³⁰⁴ John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

³⁰⁵ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

³⁰⁶ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

³⁰⁷ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, John Wiley & Sons Ltd 2016); John Creswell, *Research Design: Quantitative, Qualitative and Mixed Methods Approaches* (4th edn, Sage Publications 2014); Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson Education Limited 2016); Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012).

The Socio-legal Studies Association (SLSA), in their Statement of Principles of Ethical Research Practice (2009),³⁰⁸ laid down some principles for socio-legal researchers which are:

1. Integrity - Findings should be reported accurately and truthfully.
2. Researchers should be competent enough to carry out the research.
3. Researchers have an obligation to participants and themselves to ensure the safety and well-being.
4. The consent and confidentiality of participants must be sorted and ensured.
5. Preserving the anonymity of data collected.

Once all these principles were adhered to, the researcher was confident in maintaining a safe environment for both herself and the research participants and respondents.

2.10 Conclusion

This chapter has outlined and discussed how this research was conducted. It started by highlighting the purpose of this research which is aimed at exploring and identifying the occurrence of discrimination in pre-employment processes such as job application (job advertisement) and job interviews from the standpoint of job seekers; identifying the different types of discrimination present in recruitment and selection processes; exploring the influence of culture on recruitment and selection processes; and investigating the impact discrimination has on job seekers. To fulfil the research purpose, this chapter outlined the research objectives and questions, which are the road maps that identify and focus on the research gaps.

To accomplish the research objectives and answer the research questions, this study utilised and adopted various research approaches and tools. As an interdisciplinary (socio-legal) study which also adopted a pragmatic research philosophy, the researcher came to recognise that there are numerous ways of undertaking this research and that no single viewpoint can ever give the entire picture (Sections 2.2 and 2.3). As such, this study adopted an online survey and interviews that collected data from 88 respondents from Lagos State and three HR professionals respectively. The research adopted an explanatory sequential design by collecting and analysing the data from the online survey in the first stage, followed by interviewing the three HR professionals using a semi-structured interview method.

³⁰⁸ Statement of Principles of Ethical Research Practice (Socio-Legal Studies Association, 2009) <https://www.slsa.ac.uk/images/slsadownloads/ethicalstatement/slsa%20ethics%20statement%20_final_%5B1%5D.pdf> accessed on 11 October 2018.

The online survey was aimed at understanding whether respondents have experienced discrimination at the job application stage (job adverts) and during job interviews (Section 2.4.3). The questions were primarily tailored towards ascertaining the presence of discrimination in pre-employment practices, identifying the different types of discriminatory requirements in job adverts and job interviews, and finally, the impact discrimination has on respondents. Thus, fulfilling and answering the research objective and questions. Subsequently, interviews with three HR professionals were conducted (Section 2.5). The purpose of these interviews is to add valuable insight into how organisations decide on the criteria for attracting, recruiting and selecting potential employees.

The limitations of each research method used were also discussed, particularly with the job interviews. Although the number of the HR professionals interviewed were relatively small, this does not invalidate its richness and usefulness. As such, the data collected from both the online survey and interviews were analysed and will be discussed in subsequent chapters.

Chapter Three

Non-Discrimination and Labour Law in Nigeria

'Flaws in drafting create problems for citizens and the courts.'

- Lady Justice Arden, DBE³⁰⁹

3.0 Introduction

The aim of this chapter is to identify and assess the challenges present in the legislation regulating employment in Lagos State, Nigeria.

Every human, irrespective of race, sex, language, origin, social class, discipline and background, deserves to be treated fairly and equally. By virtue of being human, fundamental human rights are attached.³¹⁰ The right to freedom from discrimination is an internationally recognised human right as provided for in the Universal Declaration of Human Rights (UDHR), which finds its roots in the principle of egalitarianism (the doctrine that all people are equal and deserve equal rights and opportunities).³¹¹ This right is also guaranteed under section 42 of the Nigerian Constitution 1999 (as amended 2011). This is the starting point of this research. Firstly, to understand the law or other regulating legislations protecting human rights in Nigeria. Secondly, to check if the law is sufficient in protecting individuals from discrimination. Lastly, to explore whether individuals are aware of their right to be free from discrimination. This is because, if there is a law that protects the rights of individuals and prohibits discrimination, why then do organisations openly discriminate? Furthermore, what are job seekers doing about it?

As discussions would show in subsequent chapters, many individuals in Nigeria are finding it hard to access employment or exercise their right to work due to discrimination.³¹² The violation of section 42³¹³ during pre-employment processes by individuals, employment agencies, and organisations within the private sector are now frequent and ever-present in

³⁰⁹ European Commission 'Seminars on Quality of Legislation: Challenges facing a common-law system', <https://ec.europa.eu/dgs/legal_service/seminars/uk_summary.pdf> accessed on 31 December 2021.

³¹⁰ Johnson Ofoegbu, 'The Place of Human Rights in Nigeria's Democracy' [2013] Ogirisi: A New Journal of African Studies 60; United Nations, 'Universal Declaration of Human Rights' <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed on 8 September 2022.

³¹¹ Jeremy Moss, 'Egalitarianism and The Value of Equality' [2009] Journal of Ethics & Social Philosophy 1.

³¹² Adedeji Bethel Oluwatosin and Ajayi Oluwatobiloba Ifedolapo, 'Women, Their Rights, and Workplace Discrimination' [2018] International Affairs and Global Strategy 22; Daniel Gberevbie, 'Strategies for Employee Recruitment, Retention and Performance: Dimension of the Federal civil Service of Nigeria' [2010] African Journal of Business Management 1447; Oran Doyle, 'Direct Discrimination, Indirect Discrimination and Autonomy' [2007] Oxford Journal of Legal Studies 537.

³¹³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

Nigeria. Lord Hoffman from the UK House of Lords as it then was (now Supreme Court) stated in the case of *Johnson v Unisys Ltd*,³¹⁴ that:

... over the last 30 years or so... [i]t has been recognised that a person's employment is usually one of the most important things in his or her life. It gives not only a livelihood but an occupation, an identity and a sense of self-esteem.

Ideally, the rights of all humans should be equal and the same in all situations. However, these rights become generally intricate to enforce, particularly where there are faulty mechanisms towards enforcement of these rights. For instance, challenges applicants face when it comes to principal claim and ancillary relief in courts, illiteracy, poverty, poor judicial processes, jurisdictions of courts (e.g., having matters struck off or dismissed on the ground that Fundamental Rights matters against the organisations cannot be instituted in the State and/or Federal High Courts). There is no contest that human rights are universally protected, with various international instruments providing a framework for member countries to guarantee the protection of human rights, particularly rights against discrimination.³¹⁵ However, employment discrimination continues to be a worrisome issue in Nigeria.

Nigeria has subscribed to certain international human rights instruments such as the African Charter on Human and Peoples Rights (African Charter) and the United Nations Declaration of Human Rights. However, violations continue to arise with disturbing regularity and frequency in employment. Consequently, this chapter aims to evaluate the right to freedom from discrimination guaranteed under sections 42(1) and (2) of the Nigerian Constitution 1999 (as amended 2011) and laws regulating employment relations. It explores the strengths vis-a-vis weaknesses found in the Constitutional provision, its judicial interpretation and other related laws regarding discrimination, and how it shapes pre-employment practices. As such, this chapter is outlined as follows:

- Labour Laws in Nigeria – This section will consider the labour laws in Nigeria and their adequacy in regulating pre-employment relations. This section will also discuss the influence of the International Labour Organisation (ILO) on labour or employment-related matters in Nigeria.
- The Nigerian Constitution – This section explores the history of the Nigerian Constitution, its importance and the provisions of the Bill of Rights.
- Freedom from Discrimination – This section explores section 42 of the Nigerian Constitution, which guarantees the right to freedom from discrimination. It looks at the

³¹⁴ [2003] 1 AC 518, 539B-C and 549C.

³¹⁵ African Charter on Human and Peoples Rights, Article 2.

viability of the prohibitive grounds and then explores the challenges with the provisions of section 42 and the enforcement of this right when violated.

- Awareness of Fundamental Rights – Here, the researcher will be exploring whether or not respondents (job applicants) are aware of section 42 of the Nigerian Constitution and if they believe that the Lagos State government protects their rights.

3.1 The Nigerian Constitution 1999 (as amended 2011)

Nigeria, currently made up of 36 states, is a recognised sovereign nation. Its Constitution empowers each State to maintain a legal system that ensures justice and equality for all resident citizens in carrying on their legitimate everyday pursuits.³¹⁶ Therefore, it is important to examine the current Nigerian Constitution 1999 (as amended 2011), as this forms the primary source from which other legislations derive their legitimacy.

The Nigerian Constitution is a living document aimed to capture the essence and needs of the people it governs.³¹⁷ The Constitution is the supreme law that forms the legal order of any society.³¹⁸ This is captured in Section 1(1) of the Nigerian Constitution 1999 (as amended 2011), which authoritatively states that the 'Constitution is supreme, and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria'.

The Constitution is the blueprint that sets forth the general parameters of executive, legislative and judicial powers and defines intra-governmental relations.³¹⁹ It is an instrument of government established to regulate a country's structure while embodying the fundamental rules of the nation.³²⁰ It regulates the powers and functions of the government, the relationship of arms of government and contains the Bill of Rights and obligations of individuals in a given

³¹⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 15(3); Ogugua Ipeze, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] JILJ 227; Onofere Princewill Okereka, 'Evolution of Constitutional Government in Nigeria: Its Implementation National Cohesion' [2015] Global Journal of Political Science and Administration 1.

³¹⁷ Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] African Journal of Legal Studies 123.

³¹⁸ Ogugua Ipeze, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] JILJ 227; Onofere Princewill Okereka, 'Evolution of Constitutional Government in Nigeria: Its Implementation National Cohesion' [2015] Global Journal of Political Science and Administration 1.

³¹⁹ Nsongurua Udombana. 'Interpreting Rights Globally: Courts and Constitutional Rights in Emerging Democracies' [2005] African Human Rights Law Journal 47.

³²⁰ Onofere Princewill Okereka, 'Evolution of Constitutional Government in Nigeria: Its Implementation National Cohesion' [2015] Global Journal of Political Science and Administration 1; Ogugua Ipeze, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] JILJ 227.

society.³²¹ Every written Constitution usually contains a Bill of Rights.³²² The Bill of Rights has been defined by Abubakar Datti Yahaya, JCA (as he then was) in the case of *Fort Royal Homes LTD & Anor v. EFCC & Anor*³²³ as:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. And when they are protected as legal rights, they then become known as fundamental human rights, which are protected by the ground norm of the society (i.e., the Constitution of the Federal Republic of Nigeria).

In Nigeria, the protection of rights flows from the Constitution, as this is the foundation of the legal system.³²⁴ In exploring the chronological development of human rights under the Nigerian Constitution, It is important to consider the 1960 Bill of Rights contained in the then Nigerian Constitution (also known as the Independence Act), which came about due to the fears of ethnic minorities contained in the Minorities Commission Report of 1958.³²⁵ An ethnic minority group are a group of people singled out from the others in the society who are objects of collective discrimination due to differential and inequitable treatment.³²⁶ The 1960 Independence Constitution enshrined the fundamental rights of every citizen as set out in Chapter III,³²⁷ such as deprivation of life, inhuman treatment, slavery and forced labour, deprivation of personal liberty, determination of rights etc. in order to calm the fear of domination of the over 100 ethnic nationalities by the three major tribes – Yoruba, Igbo and Hausa.³²⁸ Dada stated that:

³²¹ Onofere Princewill Okereka, 'Evolution of Constitutional Government in Nigeria: Its Implementation National Cohesion' [2015] Global Journal of Political Science and Administration 1; Ogugua Ipeze, 'Constitutionalism and Development in Nigeria: The 1999 Constitution and Role of Lawyers' [2010] JILJ 227.

³²² Nsongurua Udombana. 'Interpreting Rights Globally: Courts and Constitutional Rights in Emerging Democracies' [2005] African Human Rights Law Journal 47; Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' [2021] International Journal of Humanities and Social Science 33.

³²³ [2017] LPELR-42807(CA) (Pp 19 - 19 Paras A - C).

³²⁴ Nsongurua Udombana. 'Interpreting Rights Globally: Courts and Constitutional Rights in Emerging Democracies' [2005] African Human Rights Law Journal 47; Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' [2021] International Journal of Humanities and Social Science 33.

³²⁵ Jacob Abiodun Dada, 'Impediments to Human Rights Protection in Nigeria' [2012] Annual Survey of International & Comparative Law 1.

³²⁶ R T Akinyele, 'States Creation in Nigeria: The Willink Report in Retrospect' [1996] African Studies Review 71; Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' [2021] International Journal of Humanities and Social Science 33.

³²⁷ 22. Private and family life, 23. Freedom of conscience, 24. Freedom of expression, 25. Peaceful assembly and association, 26. Freedom of movement 27, Freedom from discrimination, 28. Derogations from fundamental rights.

³²⁸ Jacob Abiodun Dada, 'Impediments to Human Rights Protection in Nigeria' [2012] Annual Survey of International & Comparative Law 1; Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' [2021] International Journal of Humanities and Social Science 33.

The heterogeneous nature of the country was the factor that led to the inclusion of the tenets of human rights in our Constitutions. This resulted from the fears of minorities for their development in a country that was gradually marching to self-determination.³²⁹

Subsequently, the 1963 Republican Constitution³³⁰ and the 1979 Constitution³³¹ affirmed the need to protect human rights. Finally, in Chapter IV of the Nigerian Constitution 1999, the Bill of Rights is referred to as the Fundamental Human Right Provisions, and it guarantees the protection of civil and political rights, making them enforceable. However, this is contrary to the provisions of Chapter II, which contains Socio-Economic rights pursuant to section 17(3) under the Fundamental Objective and Directive Principles of State policy which the Supreme Court has described as non-justiciable.³³² This is further discussed in Section 3.4 of this chapter as it relates to the enforcement of fundamental human rights. For the purpose of this research, emphasis will be on the provisions of Chapter IV of the Nigerian Constitution 1999 (as amended 2011), which contains the enforceable fundamental rights as enshrined with particular attention to section 42.³³³

Section 42 of the Nigerian Constitution,³³⁴ which is the right to freedom from discrimination, has a wide-ranging effect on labour relations. Despite the Constitutional provisions of the right to freedom from discrimination, Nigerians still face a lot of violations and abuses.³³⁵ This makes it imperative to discuss the provisions of section 42 of the Nigerian Constitution 1999 (as amended 2011) in detail.

3.2 Right to Freedom from Discrimination – Section 42

All humans are born free and equal; thus, all are subject to the same rights and duties.³³⁶ However, it often occurs that many individuals suffer some form of undue disadvantage; this

³²⁹ Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' (2012) *International Journal of Humanities and Social Science* 33, 35.

³³⁰ Constitution of the Federal Republic of Nigeria 1963, Chapter II, s 18 to 40.

³³¹ Constitution of the Federal Republic of Nigeria 1979, Chapter IV, s 30 to 39.

³³² *AG Ondo v. AG Federation* [2002] 9 NWLR (Part 772) p.22.

³³³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³³⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³³⁵ Adetoro Rasheed Adenrele and Omiyefa Muraina Olugbenga, 'Challenges of Human Rights Abuses in Nigerian Democratic Governance – Which Way Forward?' [2014] *Journal of Social Economics Research* 87; Christian Okeke, 'International Law in The Nigerian Legal System' [1997] *California Western International Law Journal* 311.

³³⁶ Oluwatomiipe Adekola Paul, Abimbola Allen Adebimpe, Adebanke Olawole-Isaac, Ayokunle Akanbi Moses and Opeyemi Adewumi, 'Unemployment in Nigeria; A Challenge of Demographic Change?' [2016] *International Journal of Scientific Research in Multidisciplinary Studies* 1; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; Kola Odeku and Sola Animashaun, 'Accentuating the Inherent

prejudicial act is termed discrimination.³³⁷ In order to fully understand and interpret the meaning of section 42,³³⁸ it is essential to understand the meaning of discrimination. According to its most simple definition, discrimination refers to the unequal treatment of persons or groups on the basis of their personal characteristics.³³⁹ However, a comprehensive definition of discrimination is:

Any distinction, exclusion or preference, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, disability, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the equal enjoyment of any rights in relation to right at work.³⁴⁰

The right not to be discriminated against is a legal right that is internationally recognised as a human right, which falls under civil, political, cultural, social, and economic rights.³⁴¹ Section 42 (1) and (2) of the Nigerian Constitution 1999 (as amended 2011) provide for the right to freedom from discrimination.³⁴² This provision applies to all areas of human endeavour, including employment relations. Section 42 (1) and (2) states that:

(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: -

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic

Precarious Nature of the Remedy of Reinstatement in Employer-Employee Relationships' [2012] African Journal of Business Management 11751.

³³⁷ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139.

³³⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³³⁹ Karmela Liebkind, Liisa Larjab and Asteria Brylka, 'Ethnic and Gender Discrimination in Recruitment: Experimental Evidence from Finland' [2016] Journal of Social and Political Psychology 403; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689.

³⁴⁰ Adeyinka A Adejugbe and Adedolapo N Adejugbe, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2018) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 March 2021; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139.

³⁴¹ Adeyinka A Adejugbe and Adedolapo N Adejugbe, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2018) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 March 2021; Anthony O. Nwafor, 'Enforcing Fundamental Rights in Nigerian Courts – Processes and Challenges' [2009] Afr. J. of Leg. Stud 1.

³⁴² Jacob Abiodun Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' [2021] International Journal of Humanities and Social Science 33; Adedeji Bethel Oluwatosin and Ajayi Oluwatobiloba Ifedolapo, 'Women, Their Rights, and Workplace Discrimination' [2018] International Affairs and Global Strategy 22.

*groups, places of origin, sex, religions or political opinions are not made subject;
or*

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

From the above section, certain groups of people are seen as particularly vulnerable to unequal treatment because they have or share a combination of characteristics that may trigger discrimination. As such, section 42 has provided a number of categories where a person can be said to be vulnerable or likely to suffer discrimination. These are:

- Particular Community
- Ethnic Group
- Place of Origin
- Sex
- Religion
- Political Opinion
- Circumstances of Birth

While these prohibitive grounds might appear to cover all grounds, the provision of section 42 is a far cry from what was envisaged under Article 2 of the African Charter on Human and Peoples' Rights, which states that all individuals are entitled to the enjoyment of rights without distinction on the grounds of such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.³⁴³ The African Charter on Human and Peoples' Rights has more prohibitive grounds than the Nigerian Constitution. It is clear from the foregoing that the grounds envisaged under the African Charter are broad enough to accommodate a futuristic situation as opposed to what is obtainable under the Nigerian Constitution 1999. Therefore, the specific prohibited grounds listed in section 42 will be discussed in the next section.

³⁴³ African Commission on Human and Peoples' Rights <<https://www.achpr.org/legalinstruments/detail?id=49>> accessed on 16 December 2020.

3.2.1 Specific Grounds of Discrimination Under Section 42

It is imperative to discuss the specific prohibitive grounds enunciated in section 42 of the Nigerian Constitution 1999 (as amended 2011) in more detail and as interpreted and applied by the judiciary. This is because, according to the rules of statutory interpretation in Nigeria, words or phrases can be interpreted differently.³⁴⁴ There are some ambiguities in the words of the statute that courts must resolve, and this needs to be taken into consideration while discussing the prohibitive grounds outlined in section 42 of the Nigerian Constitution.³⁴⁵ Moreover, as this thesis explores the various forms of discrimination that could occur in pre-employment practices, such as age, ethnicity, sex, religion, political opinion etc., it is important to understand how some of these prohibitive grounds in section 42 are interpreted and protected by law.

3.3.1.1 Particular Community, Ethnic Group and Place of Origin

A community is a social group of any size whose members live in the same area, share government, and often share a cultural and historical heritage.³⁴⁶ An ethnic group is characterised as a group that considers itself or is perceived as a distinct community by virtue of certain characteristics that differentiate the group from the surrounding communities, such as sharing a common and distinctive language, culture, religion, and traditions that contribute to the groups' identity.³⁴⁷ Lastly, a place of origin can be said to be synonymous with a person's roots, native home or birthplace.³⁴⁸

³⁴⁴ Rules of statutory interpretation – The Literal rule suggest that statutes are to be interpreted to the ordinary and literal meaning. The Golden rule suggests that statutes should be interpreted to avoid ambiguity while the mischief rule suggests that statutes can be defined more broadly by the courts to deal with unforeseen loopholes or ambiguity within the legislation; *Rabiu v Kano State* [1982] 2 NCLR 117; *Bronik Motors Limited and Another v Wema Bank Limited* [1985] 35 NCLR 296.

³⁴⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³⁴⁶ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139; Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] *Development Southern Africa*, 695; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

³⁴⁷ Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] *Development Southern Africa*, 695; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

³⁴⁸ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139; Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] *Development Southern Africa*, 695; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

Nigeria is made up of 250 ethnic groups and over 520 languages; thus, an individual who is not an indigene of a specific community or does not belong to the ethnic group that resides there is considered a non-indigene, an alien, outsider, or a foreigner. However, the law does not permit such a person to be deprived of benefitting from certain rights and privileges that people from that community, place of origin, or ethnic group would ordinarily benefit from. This is because Nigeria is made up of 250 ethnic groups and over 520 languages. Thus, under section 42 of the Constitution, this deprivation is considered as discriminatory as all persons are citizens and equal. The constitutional principle is not being adhered to, as this research reveals in Chapter Five, Section 5.6.3, that Igbo job applicants were more preferred to other ethnic groups due to their culturally perceived entrepreneurship nature.

Nigerians have a deep attachment to their ethnicity or states of origin, regardless of whether they reside in the State.³⁴⁹ This indigenous attachment manifests in employment practices as well. Employment discrimination based on ethnicity ranks first among all forms of discrimination practised in Nigeria.³⁵⁰ Job seekers are restricted from accessing job opportunities in the State outside theirs on the ground of their ethnic group or place of origin. This will be discussed in Chapter Five of this thesis.

3.3.1.2 Sex

The term 'sex' used in section 42 refers to the biological differences of being a male or female.³⁵¹ However, 'gender' is another term used in Nigeria also to describe the biological differences of being a male or female and the role assigned to men and women, which are social rather than biologically determined.³⁵² As discussed in Chapter One, Section 1.8, sex and gender are used simultaneously or interchangeably

³⁴⁹ Aminu Mamman and Nabil Baydoun, 'Managerial Perspective on the Impact of Globalisation in an African Commercial Bank: Implications for Strategy Implementation' [2009] *International Journal of Organisational Analysis* 184; Takim Asu Ojua, David Gever Ishor and Pefun Joshua Ndom, 'African Cultural Practices and Health Implications for Nigeria Rural Development' [2013] *International Review of Management and Business Research* 176.

³⁵⁰ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139; Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] *Development Southern Africa*, 695; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

³⁵¹ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63, [63]; Oluwaseun Olanrewaju, 'Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State' [2018] *The Journal of Social Encounters* 69.

³⁵² Oyesola Animashaun, 'A Legal Analysis of Gender Discrimination at the Nigerian and South African Workplace' [2019] *Gender & Behaviour* 14258.

Discrimination on the ground of sex can range from employment opportunities, political appointments, property rights and education.³⁵³ Gender discrimination in Nigeria is fuelled by cultural practices that limit and construct males and females differently.³⁵⁴ Discourse on gender inequality in employment has persisted for decades, and women's lives in Nigeria are not any better than in the western world.³⁵⁵

For example, in the case of *Uke & Anor v Iro*,³⁵⁶ Justice Ignatius Chukwudi Pats-Acholonu of the Court of Appeal stated, among other things, that 'a custom which strives to deprive a woman of constitutionally guaranteed rights is otiose and offends the provisions that guarantee equal protection under the law'.

Another example of discrimination against women in Nigeria is the provisions of section 55 of the Penal Code 1960. Despite the Constitutional provisions in section 42, section 55 of the Penal Code permits domestic violence against wives as a form of discipline as long as no grievous bodily harm is inflicted.³⁵⁷ In 2017, the United Nations, in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Nigeria is a signatory to, also voiced their concerns about this.³⁵⁸ Despite the fact that the United Nations has reinstated its position on discrimination against women pursuant to the provisions of Article 1 of the Convention and Sustainable Development Goal 5.1,³⁵⁹ it has remained evident that the Government of Nigeria has not fully aligned itself with these realities and provide further independent legislation, guidelines or the domestication of CEDAW to this effect. For instance, in 2016, 2019 and 2021, there were attempts of protection by legislating on specific

³⁵³ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63; Oluwaseun Olanrewaju, *Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State* [2018] *The Journal of Social Encounters* 69.

³⁵⁴ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

³⁵⁵ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63; Oluwaseun Olanrewaju, *Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State* [2018] *The Journal of Social Encounters* 69.

³⁵⁶ [2001] LPELR 6964 (CA), JCA (Pp 4 - 8 Paras F - A).

³⁵⁷ United Nation, 'Convention on the Elimination of All Forms of Discrimination against Women' (2017) <<https://undocs.org/CEDAW/C/NGA/CO/7-8>> accessed 27 April 2021; Women's International League for Peace and Freedom (WILPF), 'Outcome of CEDAW Review of Nigeria: More Action Needed to Implement the WPS Agenda' <<https://www.wilpf.org/outcome-of-cedaw-review-of-nigeria-greater-action-needed-to-implement-the-wps-agenda/>> accessed 27 April 2021.

³⁵⁸ United Nation, 'Convention on the Elimination of All Forms of Discrimination against Women' (2017) <<https://undocs.org/CEDAW/C/NGA/CO/7-8>> accessed 27 April 2021.

³⁵⁹ "To end all forms of discrimination against all women and girls, covering all prohibited grounds of discrimination, including direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination."

areas of discrimination against women.³⁶⁰ There were propositions to enact a Gender and Equal Opportunities Bill, which was championed by the Federal Ministry of Women Affairs and Social Development with the support of several local and international agencies.³⁶¹ This Bill was aimed to end unpleasant and questionable stereotypical practices that drive discrimination based on gender.³⁶² More importantly, it was aimed at domesticating gender-focused international treaties/conventions, particularly the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the African Union protocol on the rights of women in Africa (Federal Ministry of Women Affairs and Social Development, 2013).³⁶³

However, this Bill was voted down and encountered insurmountable opposition on the Senate floor because the Gender and Equal Opportunities Bill was against the beliefs/culture of certain communities. For instance, many Nigerian societies maintain rigid social practices and gender norms, such as issues of equitable sharing of inheritance between the male and female, restriction on the movement of women, uneven distribution of power in marital relations, and low participation of women in political and social spheres of decision-making.³⁶⁴ More on the hindrances of culture on gender discrimination will be discussed in Chapters Five, Six and Seven.

Notwithstanding, the Nigerian judiciary has stood up to the occasion in some instances, such as the case of *Mrs Folarin Oreka Maiya v The Incorporated Trustees of Clinton Health Access*

³⁶⁰ Olusesan Ayodeji Makinde, Cheluchi Onyemelukwe, Abimbola Onigbanjo-Williams, Kolawole Azeez Oyediran and Clifford Obby Odimegwu, 'Rejection of the Gender and Equal Opportunities Bill in Nigeria: A Setback for Sustainable Development Goal Five' [2017] *Gender in Management* 234; Valeria Esquivel and Caroline Sweetman, 'Gender and the Sustainable Development Goals' [2016] *Gender and Development* 1; BBC News, 'Nigeria Anger as Gender and Equal Opportunity Bill Fails' (BBC News, 16 March 2016) <<https://www.bbc.co.uk/news/world-africa-35820970>> accessed on 28 December 2021.

³⁶¹ Gideon Fakomogbon, 'A Law to Empower Women & Girls Was Just Rejected Again in Nigeria' (Global Citizen, 16 December 2021) <<https://www.globalcitizen.org/en/content/gender-equal-opportunities-bill-nigeria-setback/>> accessed on 16 December 2021; Queen Esther Iroanusi, 'Again, Gender Equality Bill Suffers Setback at Senate' (Premium Times, 15 December 2021) <<https://www.premiumtimesng.com/news/headlines/500980-again-gender-equality-bill-suffers-setback-at-senate.html>> accessed on 16 December 2021.

³⁶² Olusesan Ayodeji Makinde, Cheluchi Onyemelukwe, Abimbola Onigbanjo-Williams, Kolawole Azeez Oyediran and Clifford Obby Odimegwu, 'Rejection of the Gender and Equal Opportunities Bill in Nigeria: A Setback for Sustainable Development Goal Five' [2017] *Gender in Management* 234.

³⁶³ Olusesan Ayodeji Makinde, Cheluchi Onyemelukwe, Abimbola Onigbanjo-Williams, Kolawole Azeez Oyediran and Clifford Obby Odimegwu, 'Rejection of the Gender and Equal Opportunities Bill in Nigeria: A Setback for Sustainable Development Goal Five' [2017] *Gender in Management* 234; Valeria Esquivel and Caroline Sweetman, 'Gender and the Sustainable Development Goals' [2016] *Gender and Development* 1.

³⁶⁴ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63, [63]; Oluwaseun Olanrewaju, 'Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State' [2018] *The Journal of Social Encounters* 69.

Initiative, Nigeria & 2 Ors,³⁶⁵ the court referred to the ILO convention, Discrimination (Employment and Occupation) Convention 1958 (No 111) when considering a claim of unlawful termination of employment on the basis of pregnancy.

3.3.1.3 Religion

Religion has been defined as an organised system of beliefs, values, practices, rituals, and worship centred on one Supreme Being called God, or the Deity.³⁶⁶ It is also an expression of faith and belief.³⁶⁷ The three main religions in Nigeria are Christianity, Islam, and Africa Traditional Religion.³⁶⁸ Section 38 of the Nigerian Constitution 1999 (as amended 2011) guarantees all citizens the right to freedom of thought, conscience and religion. This fundamental right to freedom of religion means that the government does not prohibit any religious affairs, prescribe orthodoxy or belief.³⁶⁹ More so, section 10 of the Nigerian Constitution 1999 (as amended 2011) states that the Federation or State shall not adopt any religion as State Religion. This means that the Sovereign entity called Nigeria shall not be associated with any particular religion.

No religion is superior to the other, and just like the other grounds of discrimination, it can be violated either directly or indirectly.³⁷⁰ With respect to employment issues, particularly pre-employment-related matters, individuals can be discriminated against solely on the grounds of their religious beliefs. For example, organisations asking religious questions during job

³⁶⁵ [2012] 27 NLLR (Pt 76) 110 NICN; *Ejike Maduka v Microsoft Nigeria Limited & Ors Unreported Suit* NICN/LA/492/2012, 19 December 2013.

³⁶⁶ Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139; Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45.

³⁶⁷ Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139; Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45.

³⁶⁸ Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45.

³⁶⁹ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139; Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45; Ayiola Tomilayo Akindele and Emmanuel Olaniyi Dunmade, 'The Role of Gender and Religion on Women Participation in Decision Making Process in Nigeria' [2020] Fountain University Osogbo Journal of Management 23.

³⁷⁰ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139; Rimamsikwe Habila Kitause and Hilary Chukwuka Achunike, 'Religion in Nigeria from 1900-2013' [2013] Research on Humanities and Social Sciences 45.

interviews.³⁷¹ This can be seen in the primary data discussed in Chapter Six, Section 5.6.4, where a respondent was denied employment because they were Muslim while the owner of the company was a pastor.

3.3.1.4 Political Opinion

A political opinion refers to the evaluations expressed by a person on political related policies, issues, and institutions. Section 40³⁷² guarantees a citizen's right to peaceful assembly and association; hence citizens have a right to join any political party they so choose or vote for any person they choose to represent their political ideology. However, it has been found that some organisations now victimise employees or would-be employees who have opposing political ideologies (Chapter Six, Section 6.3).

3.3.1.5 Circumstances of Birth

This term 'circumstances of birth' is a phrase that is hardly found in other discrimination prohibition provisions of other Constitutions in Africa.³⁷³ Yet, the drafters of the 1999 Constitution found it important to include. It has been judicially noticed that this provision applies to discriminatory practices towards legitimising children with respect to succession law.³⁷⁴ The phrase 'circumstances of birth' means a fact or condition that is relevant to the event of being born or the kinship relation of an offspring to the parents.³⁷⁵ Section 42(2) of the Nigerian Constitution 1999 (as amended 2011) has effectively eliminated the status of illegitimacy in Nigeria and recognised that children born out of wedlock are legitimately provided for by their biological father irrespective of the existence of marriage between the father and mother.³⁷⁶ However, it is unclear whether the Courts will extend the interpretation

³⁷¹ Nigeria Muslim Nurses Fired for Hijab (International Quran News Agency, 29 April 2014) <<https://iqna.ir/en/news/1400958/nigeria-muslim-nurses-fired-for-hijab>> accessed 2 May 2021.

³⁷² Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³⁷³ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] International Journal of Discrimination and the Law in Nigeria 70.

³⁷⁴ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] International Journal of Discrimination and the Law in Nigeria 70; Daniel Terhemba Achi and Japheth Ordue Akaaunde, 'The Legal Status of Children Born out of Wedlock in Nigeria: Is the Concept of Illegitimacy in Decline?' UCC Faculty of Law Journal 445; *Okeke v Okeke* [2017] LPELR-42582(CA); *Chiduluo & Ors v Attanse & Anor* [2019] LPELR 48243 (CA).

³⁷⁵ Paul Okhaide Itua, 'Legitimacy, Legitimation and Succession in NIGERIA: An Appraisal of Section 42(2) of the Constitution of the Federal Republic of Nigeria 1999 on the Rights of Inheritance' [2012] Journal of Law and Conflict Resolution 31.

³⁷⁶ Daniel Terhemba Achi and Japheth Ordue Akaaunde, 'The Legal Status of Children Born out of Wedlock in Nigeria: Is the Concept of Illegitimacy in Decline?' UCC Faculty of Law Journal 445; *Dr T E A Salubi v Mrs. Benedicta Nwariaku & Ors* [1997] 5 NWLR (Pt. 505) 442.

and applicability of the phrase ‘circumstances of birth’ to persons who are born with disabilities as it did with section 42(1) when it extended the section to apply to individuals as opposed to only government agencies. However, there are no cases to this effect.

Although the term ‘circumstances of birth’ is vague and ambiguous, it can also be linked to discrimination towards women when it comes to the Law of Succession. This is because, in some Nigerian cultures, such as the Igbos, women are barred from inheriting or owning and proprietary rights over their fathers’ properties.³⁷⁷

In summary, the discriminatory grounds highlighted above can be violated by organisations during pre-employment practices, which forms the basis for this research. This will be discussed further along in this thesis. From the preceding, the research will examine the challenges of section 42³⁷⁸ in the next section.

3.3 Shortcomings of Section 42 of the Nigerian Constitution

While the prohibitive grounds have been discussed above, there are some lacunas. This is attributed to the fact that section 42 as a whole is written in a restrictive language. It is therefore important to discuss whether or not section 42 is adequate enough to regulate discrimination in Nigeria. As with any statute, there are some challenges that hinder its interpretation, application, and enforceability.

The first challenge with section 42 is in the general interpretation of the section.³⁷⁹ It reads to cover only legislative and administrative acts that are capable of leading to discrimination on the prohibited grounds. It does not apply to discriminatory acts perpetrated by individuals, private organisations, or discriminatory workplace policies or practices.³⁸⁰ To reiterate, section 42(1)(a) states that

be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or

³⁷⁷ Sylvia Chika Ifemeje and Nneka Umejiaku, ‘Discriminatory Cultural Practices and Women’s Rights among the Igbos of South-East Nigeria: A Critique’ [2014] Journal of Law, Policy and Globalization 18; Nduka Orjinmo, ‘Nigeria inheritance: ‘My brothers took everything when my father died’’ (BBC, 2 February 2021) <<https://www.bbc.co.uk/news/world-africa-55675987>> accessed on 27 September 2021.

³⁷⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³⁷⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³⁸⁰ Onyeka C Okongwu, ‘Are Laws the Appropriate Solution: The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria’ [2020] International Journal of Discrimination and the Law 26; Ebenezer Durojaye and Yinka Owoeye, ‘Equally Unequal or Unequally Equal’: Adopting a Substantive Equality Approach to Gender Discrimination’ [2017] International Journal of Discrimination and the Law in Nigeria 70.

restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject

This is also the same for section 42 (1)(b).³⁸¹ The interpretation of this can be seen in the case of *Uzoukwu v Ezeonu*,³⁸² where the Court of Appeal held, amongst other things that, a claim for discrimination must be based on law, must flow from the act of the government or its agencies to contravene his fundamental rights, and that it does not apply to non-citizens, and can be invoked if the conditions provided are the only reasons for discriminating against the individual. This restrictive and formal way of interpretation will not in any way benefit vulnerable and marginalised groups of people that deserve to be protected under the Constitution. Nevertheless, section 42 does not expressly exclude individuals or private organisations from preparators of discriminatory acts, thereby making this section ambiguous and unclear. In the case of *Madu v Onuaguluchi*³⁸³ and *Onwo v Oko*,³⁸⁴ the Court of Appeal in both cases departed and overruled its earlier decisions and held that section 42 was enforceable against private individuals. Does this mean that by extension, this should also be applicable to private organisations that discriminate against employees? Can job seekers enforce their rights against private institutions in court? According to Okongwu, the interpretation of section 42 by the courts is still limited and flawed in scope as it is unclear if protection extends to private organisations and institutions.³⁸⁵ Ebenezer Durojaye and Yinka Owoeye also stated that the prohibited grounds for discrimination under this section should not be interpreted as exhaustive but purposive.³⁸⁶ This means that instead of giving a literal meaning to the section, the mischief that the drafters' aims to cure should be considered when interpreting the section. The researcher may be inclined to agree with this position. According to section 43(1) of the Nigerian Companies and Allied Matters Act (CAMA) 2020, 'every company shall, for the furtherance of its business or objects, have all the powers of a natural person of full capacity', which means that private organisations can be sued or be sued. As such, when private organisations infringe peoples' rights, they can and should be sued for the breach.

³⁸¹ '(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.'

³⁸² [1991] 6 NWLR (pt. 200) 708; See also, *Madu v Onuaguluchi* [1985] 6 NCLR 356 and *Onwo v Oko* [1996] 6 NWLR 584.

³⁸³ *Madu v Onuaguluchi* [1985] 6 NCLR 356.

³⁸⁴ *Onwo v Oko* [1996] 6 NWLR 584.

³⁸⁵ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26.

³⁸⁶ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination' [2017] International Journal of Discrimination and the Law in Nigeria 70.

The second challenge with section 42 is that it does not appear to extend to foreigners (individuals who are not citizens of Nigerian) based on the choice of words used. By implication, this makes section 42 in itself discriminatory. Section 42 (1)(b) and (2) states that:

(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: -

(a) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

In contradiction with these provisions is that the Nigeria Labour Act 1971 makes provisions for the recruitment of foreigners. Yet, they are not protected from discrimination on the grounds of race or national origin, as this is not a prohibitive ground listed in section 42.³⁸⁷ More so, Nigeria has ratified the ILO's Migration for Employment Convention (Revised), 1949 (No. 97) that seeks to protect migrants yet, foreigners are not awarded the same level of protection as citizens. However, Nigeria not having domesticated the United Nations convention – International Convention on the Elimination of All Forms of Racial Discrimination,³⁸⁸ means that some foreigners who have been discriminated against may be left in limbo and cannot seek legal redress in Nigerian Courts as no remedy known to Nigerian law will be available to them.

The third challenge with section 42 is the absence of defining what constitutes discrimination. For example, the United Kingdom's Equality Act 2010 outlines the different forms of discrimination that could occur, such as direct, indirect, harassment and victimisation.³⁸⁹ In the case of *Ukeje v Ukeje*,³⁹⁰ the Supreme Court was called upon to determine many issues, among which was whether the Igbo cultural practice that denies inheritance rights to female children was discriminatory. According to Durojaye and Owoeye, the Supreme Court, even though it determined that the practice constitutes a gross violation of section 42(2),³⁹¹ did not provide reasons for its decision and missed an opportunity to clarify the scope and nature of

³⁸⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

³⁸⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 12 – 'No treaty between the Federation and any other country shall have the force of law except to the to which any such treaty has been enacted into law by the National Assembly.'

³⁸⁹ Equality Act 2010, s13, 19, 26 and 27.

³⁹⁰ [2014] LPELR-22724 (SC).

³⁹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

the non-discrimination provision of the Constitution.³⁹² The need for the Supreme Court to clarify which acts constitute discriminatory conduct or even give a judicial definition to the term 'discrimination' cannot be overemphasised as the section has been drafted in a restrictive language.³⁹³ This is because it is important to understand when an act amounts to direct and indirect discrimination under the Constitution, in addition to the rationale used in determining whether or not there has been a violation.

The fourth challenge is that the prohibitive grounds listed in section 42 are not exhaustive. The use of the term 'only' in section 42 means that discrimination is prohibited 'only' when it is solely based on the expressly specified grounds; however, there are many more grounds than envisaged by the drafters of the Constitution. For instance, section 42 does not make mention of age as a prohibited ground. As would be shown in the subsequent chapters, age was a prominent ground with which organisations discriminate against job seekers. Age discrimination is boldly written in job adverts. The omission of age as a prohibitive ground explains why some organisations are bold in explicitly stating age as a criterion for employment. Interestingly, the Nigeria Police Act 2020 has an age limit for people seeking employment in the Nigerian police force as a traffic warden as not less than 18 years and not more than 25 years.³⁹⁴ However, there seems to be a glimmer of hope as the Bill for an Act to Eradicate the Age Discrimination against Job seekers in Federal Government Agencies; and for Related Matters that aims to eradicate age discrimination against Job seekers in Federal Government Agencies, and for Related Matters has recently passed in 2019.³⁹⁵ However, this Bill does not apply to government security agencies such as the Nigerian Armed Forces, where there may be requirements for high levels of physical ability. The problem is that section 120(2)(a) of the Nigeria Police Act 2020 does not state whether the age restriction for traffic wardens is based on physical abilities. Another problem with this Bill is that it would not apply to private organisations. Age discrimination affects all citizens, and limiting it to just Federal agencies is insufficient and unacceptable. The government should do more in protecting all persons from discrimination.

³⁹² Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

³⁹³ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

³⁹⁴ Nigeria Police Act 2020, s 120 (2) (a).

³⁹⁵ Agediscrimination.info, 'First Steps Taken on Age Discrimination Laws in Nigeria' (2018) < <http://www.agediscrimination.info/news/2019/5/15/new-age-discrimination-law-in-nigeria-bans-age-limits-in-government-jobs> > accessed on 7 June 2021; A copy of this Bill was not found anywhere online. As such, this research is relying on the information of the website.

Finally, section 42 also does not make mention of disability. Disability is a broad concept that covers impairments, participation and activity limitations.³⁹⁶ It is not just a mere health predicament. Persons with Disabilities (PWD) have struggled to live a full and productive life as independently as possible in a society burdened with discrimination, stigma, environmental and attitudinal barriers.³⁹⁷ The Nigerian National Assembly in 2013 estimated that over 20 million people are living with disabilities in Nigeria.³⁹⁸ A way to make the Nigerian Constitution more inclusive is for the courts to extend the application of section 42(2), which talks about circumstances of birth, to cover PWD. However, it would be limited to PWD who suffer this condition from birth and not persons who become disabled from an event that occurs after birth. The Constitution should be altered to cover disability because it is a worldwide phenomenon with no boundary and cuts across countries irrespective of sex, religion, age, race, social status, political and economic positions.³⁹⁹ It is not new that persons with disabilities are discriminated against in almost all walks of life, with employment being more difficult.

From the foregoing, it is evident that although the motive of the legislative drafters was to make provision for the protection of the right to freedom from discrimination, it falls short at adequately doing that. Instead, it leaves everyone, including the judiciary, with a lot of unanswered questions. Constitutional commitments and interpretations of human rights will be futile unless they are enforced through and by institutions established for that purpose. More particularly, those empowered to interpret the Constitution.⁴⁰⁰ According to Ekanem and Ekanem, in the development and growth of any country, Labour matters play a vital role.⁴⁰¹ Therefore, the proper operation of the country's labour force strengthens the economic

³⁹⁶ Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] *International Journal of Managerial Studies and Research* 1; Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] *Journal of Law, Policy and Globalization* 103.

³⁹⁷ Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] *International Journal of Managerial Studies and Research* 1; Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] *Journal of Law, Policy and Globalization* 103.

³⁹⁸ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] *Journal of Law, Policy and Globalization* 103; Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] *International Journal of Managerial Studies and Research* 1.

³⁹⁹ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] *Journal of Law, Policy and Globalization* 103; Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] *International Journal of Managerial Studies and Research* 1.

⁴⁰⁰ Nsongurua Udombana, 'Interpreting Rights Globally: Courts and Constitutional Rights in Emerging Democracies' [2005] *African Human Rights Law Journal* 47.

⁴⁰¹ Etefia E Ekanem and Bassey J Ekanem, 'An Analysis of the Jurisdiction of the National Industrial Court of Nigeria as a Court of First and Last Resort in Civil Matters' [2017] *Journal of Humanities and Social Science* 58.

development of any country. Conflicts are inevitable in any human relationship, and an organised labour system⁴⁰² is necessary for the existence of a proper and effective dispute resolution mechanism.⁴⁰³ The enabling provision for the enforcement of fundamental human rights in Nigeria is section 46(1),⁴⁰⁴ which states that a person who alleges that their fundamental rights have been breached or violated may apply to the High Court in that State for redress.

3.4 Enforcement of Fundamental Human Rights

To begin, the research needs to evaluate the rights under Chapter II in the Nigerian Constitution 1999 relating to Fundamental Objective and Directive Principles referred to in section 3.1.1 before discussing the enforcement of fundamental human rights. Section 17(3) of the Nigerian Constitution 1999 (as amended 2011) provides, amongst other things, that the State shall direct its policy towards ensuring that:

- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;*
- (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life*

It is trite law that Chapter II of the Nigerian Constitution 1999 contains socio-economic rights that have been declared non-justiciable. In the case of *AG Ondo v AG Federation*,⁴⁰⁵ the Supreme Court held that the provisions of Chapter II were merely declaratory and thus non-justiciable. This is a sad contradiction in that whilst the Constitution makes provision for all citizens to have equal opportunity to make a livelihood without any form of discrimination, this provision has been declared to be a mere declaration and thus cannot be enforced against the State. The enabling provision for the enforcement of fundamental human rights in Nigeria is section 46(1),⁴⁰⁶ which states that a person who alleges that their fundamental rights have been breached or violated may apply to the High Court in that State to seek redress. Section 46 (4) conversely confers on the National Assembly the powers to confer on a High Court such

⁴⁰² An organised labour system ensures the unification of employees/workers as a single, representative entity to improve the economic status and working conditions through collective bargaining with company management.

⁴⁰³ Etefia E Ekanem and Bassey J Ekanem, 'An Analysis of the Jurisdiction of the National Industrial Court of Nigeria as a Court of First and Last Resort in Civil Matters' [2017] *Journal of Humanities and Social Science* 58.

⁴⁰⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

⁴⁰⁵ [2002] 9 NWLR (Part 772) p.22.

⁴⁰⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

powers, as the National Assembly deems necessary to enable the court to effectively exercise the jurisdiction conferred pursuant to this section.

When it comes to employment-related matters, the Nigerian Constitution 1999 creates the National Industrial Court (NIC), a superior Court of record with powers of a High Court. Also, the enactment of the National Industrial Court Act, 2006 also confers the NIC with the status of a superior court of record on the court with exclusive jurisdiction to entertain industrial disputes.⁴⁰⁷ The NIC has the exclusive jurisdiction to entertain industrial related disputes.⁴⁰⁸ NIC is empowered to adjudicate on labour matters, trade disputes, matters related to the Trade Unions Act, Factories Act, Trade Disputes Act, Employee's Compensations Act and appeals from the Industrial Arbitration Panel. In exercising its jurisdiction, the NIC is also allowed to establish an Alternative Dispute Resolution Centre within its premises to allow the disputing employer and employee to resolve their disputes without the legal technicalities that encumber any formal Court setting.⁴⁰⁹

In 2011, the Nigerian Constitution 1999 was amended, and exclusive jurisdiction over human rights cases arising from labour relations was vested in the NIC.⁴¹⁰ This is seen in the case of *Echelunkwo John O. & 90 Others v Igbo Etiti Local Government Area*,⁴¹¹ where the Court of Appeal declared that State High Courts are bound to transfer human rights cases arising from labour relations to the NIC. Consequently, the High Courts have been excluded from exercising jurisdiction in human rights issues that are labour related. More so, the Constitution and the NIC Act have made adequate provisions for the NIC to carry out its role in conformity with international best practices.⁴¹² This has somewhat helped in the development of the labour law jurisprudence in Nigeria.⁴¹³ The challenge with vesting the enforcement of human

⁴⁰⁷ O Aforoghene Vreme and Ifeanyi Ajobor, 'The Role of the National Industrial Court in the Promotion of Industrial Harmony in Nigeria' [2019] International Journal of Business & Law Research 77.

⁴⁰⁸ A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44; Martins Daniel, 'Power of State High Courts in Nigeria to Transfer Labour Matters to the National Industrial Court: Suggesting the Way Forward Martins Daniel' [2014] International Journal of Humanities & Social Science Studies 49; Abdullahi Saliu Ishola, Adekumbi Adeleye and Dauda Momodu, 'Rethinking the Jurisdiction of the National Industrial Court in Human Rights Enforcement in Nigeria: Lessons from South Africa' [2016] The Transnational Human Rights Review 17.

⁴⁰⁹ Etefia E Ekanem and Bassey J Ekanem, 'An Analysis of the Jurisdiction of the National Industrial Court of Nigeria as a Court of First and Last Resort in Civil Matters' [2017] Journal of Humanities and Social Science 58; Adetayo Oluwafemi Talabi, 'Judicial Absolutism: Propriety of the National Industrial Court as the First and Final Court in Labour and Other Related Matters in Nigeria' [2015] Journal of Law, Policy and Globalization 70.

⁴¹⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 254 (c) (1) (d) - *relating to or connected with any dispute over the interpretation and application of the provisions of Chapter IV of this Constitution as it relates to any employment, labour, industrial relations, trade unionism, employer's association or any other matter which the Court has jurisdiction to hear and determine.*

⁴¹¹ [2013] 7 NWLR 1 (CA) (pt. 1352).

⁴¹² National Industrial Court Act 2006.

⁴¹³ A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44; Martins Daniel, 'Power of State High

rights cases arising from labour relations to the NIC is that the NIC does not have judicial divisions in all states in Nigeria.⁴¹⁴ There are currently only 26 divisions in the whole of Nigeria. Meaning that if an infringement of human rights occurs in a state without a court division, access to justice would be limited and impaired. More so, it is common knowledge in Nigeria that the generality of people are not accustomed to resolving disputes through the medium of litigation.⁴¹⁵ This is because access to courts for legal redress has been hindered for many reasons such as increased delay, costs, too much adherence to legal technicalities and procedural technicalities, judicial corruption etc.⁴¹⁶ More needs to be done by the government to ensure that enforcement of labour rights are accessible to all persons.

3.5 Historical Background to Labour Relations in Nigeria

Each nation's historical and political background profoundly impacts the evolution of workers' rights and the future of those rights.⁴¹⁷ For the purpose of this thesis, this section will consider what constitutes Labour law, its evolution in Nigeria and its significance, if any, to the regulations of employment discrimination, particularly as it relates to pre-employment practices.

Labour law, which is also referred to as employment law, governs employment relationships in order to create a balanced bargaining power between employer and employee, which invariably fosters a just relationship for the workers.⁴¹⁸ In Nigeria, labour law, a composite and dynamic aspect of the law, can be traced from common law principles modified with time by

Courts in Nigeria to Transfer Labour Matters to the National Industrial Court: Suggesting the Way Forward Martins Daniel' [2014] International Journal of Humanities & Social Science Studies 49.

⁴¹⁴ Abdullahi Saliu Ishola, Adekumbi Adeleye and Dauda Momodu, 'Rethinking the Jurisdiction of the National Industrial Court in Human Rights Enforcement in Nigeria: Lessons from South Africa' [2016] The Transnational Human Rights Review 17; A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44; Martins Daniel, 'Power of State High Courts in Nigeria to Transfer Labour Matters to the National Industrial Court: Suggesting the Way Forward Martins Daniel' [2014] International Journal of Humanities & Social Science Studies 49.

⁴¹⁵ O Aforkoghene Vreme and Ifeanyi Ajabor, 'The Role of The National Industrial Court in the Promotion of Industrial Harmony In Nigeria' [2019] International Journal of Business & Law Research 77.

⁴¹⁶ Rufai Muftau, 'Access to Judicial Justice in Nigeria: The Need for Some Future Reforms' [2016] Journal of Law, Policy and Globalization 144.

⁴¹⁷ Adeyinka AAdejugbe and Adedolapo N Adejugbe, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2019) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 April 2021; Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴¹⁸ Otto Kahn-Freund, *Labour and the Law* (Stevens 1972); Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

legislation with private and public law flavours.⁴¹⁹ In the colonial era, the first labour statute in Nigeria was the Master and Servant Ordinance, 1917.⁴²⁰ This ordinance initially applied only to Lagos state, but with the creation of the Northern and Southern Protectorate, similar legislations were introduced in these protectorates.⁴²¹ The ordinance brought with it a very structured, rigid and individualist approach to employment relations such as recruitment of labour, method of payment, conditions of service, hours of work, among others. This was a clear contradiction from the humane traditional economic experience such as farming, trading and blacksmithing Nigerians were used to.⁴²² The labour movement rectifies this by implementing social justice, improved employment policies, power to bargain, and fairness in the distribution of economic rewards, amongst others.⁴²³ However, this movement encountered stiff opposition from employers whose interest is to increase efficiency, flexibility, profit-maximisation, and protection of their property.⁴²⁴

In Nigeria, Labour law is not found in the provisions of a single statute; rather, it is spread out in different legislation that provides the framework and is largely influenced by case law.⁴²⁵ The history and sources of Nigerian labour law are rooted in English law.⁴²⁶ As such, it is important to identify the sources of Labour law in Nigeria, which are:

⁴¹⁹ A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44; Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴²⁰ Regina Obi, *Industrial Sociology and Labour Relations in Nigeria* (Revised Edition, Sylva Publishers 2010); Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴²¹ Regina Obi, *Industrial Sociology and Labour Relations in Nigeria* (Revised Edition, Sylva Publishers 2010); Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; A Ahmed, Abubakar Ahmad Nuhu and Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44.

⁴²² Regina Obi, *Industrial Sociology and Labour Relations in Nigeria* (Revised Edition, Sylva Publishers 2010); Chieka Ifemesia, *Traditional Humane Living Among the Igbo: An Historical Perspective* (Enugu Fourth Dimension Publishing Co. Ltd 1979).

⁴²³ Adeyinka A Adejugbe and Adedolapo N Adejugbe, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2019) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 April 2021; Edeh Joseph Nwokpoku, Nwokwu Paul Monday, M O E Nwoba and Ezika Goodness Amaka, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴²⁴ Adeyinka A Adejugbe and Adedolapo N Adejugbe, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2019) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 April 2021; Edeh Joseph Nwokpoku, Nwokwu Paul Monday, M O E Nwoba and Ezika Goodness Amaka, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴²⁵ Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; A Ahmed, Abubakar Ahmad Nuhu and Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44.

⁴²⁶ Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; A Ahmed, Abubakar Ahmad Nuhu and

- The Received English Law – This comprises of the Common Law, Doctrines of Equity and Statutes in force in England on or before 1st of January, 1900.⁴²⁷
- The Nigerian Constitution - The Constitution has several provisions relating to labour management relations, such as Section 17 (3), 34, 40, 41, 42 and 254 of the Nigerian Constitution 1999 (as amended 2011).
- Nigerian Labour Legislation – These are the laws enacted by the Nigerian legislatures. It also comprises of Acts of Parliament and other Subsidiary Legislations such as the Labour Decree 1974, Trade Disputes Decree 1976, Trade Disputes Act 2004, Labour Act of 2004, The Pensions Act 2004, The National Industrial Court Act 2006, The Employees Compensation Act 2010 etc.
- Case Law – These are judgement of the court, and it has a binding effect which all inferior and Courts of equal jurisdiction are bound by.
- International Laws – These are primarily customary International Laws and International Treaties (Convention) relating to labour and human rights.
- Subsidiary Sources – These include collective agreement, workplace notices and documents etc., which may constitute terms of employment as long as they are incorporated into the contract of employment.

Having established the sources of labour law in Nigeria, it becomes important to examine the purpose of Labour law and the mischief it aims to solve. Prior to the introduction of labour law, workplaces were governed solely by the owner's ethics and the employee's bargaining power.⁴²⁸ Labour law is implemented to protect individual workers and employers' rights and promote a safe, productive workplace. Labour law defines the rights and obligations of workers, employers and union members in the workplace.⁴²⁹ It also mandates employers to give consideration and equal opportunities to workers, regardless of their age, disability,

Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44.

⁴²⁷ Joseph Nwokpoku Edeh, Paul Monday Nwokuwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; A Ahmed, Abubakar Ahmad Nuhu and Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44.

⁴²⁸ A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44; Joseph Nwokpoku Edeh, Paul Monday Nwokuwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴²⁹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689; A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] International Journal of Humanities and Social Science 44.

religion, national origin, race, or sex.⁴³⁰ The nexus between labour law and prohibition against discrimination will be dealt with in detail below.

3.6 The Nigerian Labour Act 1971

The Nigerian Labour Act 1971 (Labour Act)⁴³¹ is the primary legislation that regulates the relationship between employees and employers in Nigeria. It is important to detail the structure of the Act and what it contains, as this will provide an overview of how the Labour Act operates.

The Act is divided into four parts; Part I contains 22 sections that deal primarily with the general provisions regarding the protection of wages, contract of employment, terms and conditions of employment. *Part II* of the Act generally deals with recruiting. It comprises of 26 sections and makes statutory provisions for employer's permit, recruiter license, restrictions on recruitment, recruitment for employment in Nigeria, right to be accompanied by family, recruitment for employment outside Nigeria, international agreements, enforcement and application, amongst other things. It is noteworthy to state that this part, which ought to have dealt with pre-employment guidelines vis-a-vis employer/employee rights and obligations, is silent on such an integral part of the recruitment process.

Provisions relating to special classes of workers and miscellaneous special provisions are dealt with under *Part III*. This part of the Act concerns issues relating to apprenticeship, employment of women, maternity protection, young persons, domestic service regulations, labour health regulations, employment exchange, offences, prohibition of forced labour, amongst other things. This part of the Act constitutes the fairest attempt the law makes in dealing with the issue of workplace discrimination by containing provisions that protect women, young persons and prohibit forced labour. While section 54 of the Act makes provisions for maternity protection for women, section 55(1) discriminates against them by stating that no woman should be employed on night work except when employed as nurses, agricultural undertaking and 'responsible' management positions. It is easy to deduce the patronising connotation of the word 'responsible' used in section 55(1). Finally, *Part IV* of the Act contains supplemental provisions, administration of the Act, settlement of disputes and interpretation are amongst the issues.

⁴³⁰ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; A Ahmed, Abubakar Ahmad and Nuhu Idris, 'Emerging Trends in Labour Law and Industrial Relations in Nigeria' [2014] *International Journal of Humanities and Social Science* 44.

⁴³¹ Laws of the Federation of Nigeria 2004, Chapter L1.

As earlier stated, the Nigerian Labour Act 1971 is the primary legislation that regulates the relationship between employer and employee and still contains no provisions dealing with instances of discrimination in employment practices, particularly issues relating to recruitment and selection practices. The best attempt at providing a sort of protection from discrimination was in respect to maternity protection under Section 54. In addition, the only recruitment practice mentioned in the Act relates only to the recruitment of foreigners. This is an unacceptable circumstance for such major legislation. Furthermore, the Act also does not make provisions for the likelihood of discrimination or makes provisions for acceptable pre-employment practices.⁴³²

As this thesis will show, discrimination in pre-employment practices does occur, and the Labour Act, which was enacted to regulate employment practices, does nothing to protect people from being discriminated against on the basis of their personal characteristics.⁴³³ Even if the Labour Act contained some regulation of discrimination, it does not mean that people would adhere to it. For instance, in 2017, the governor of Kaduna State, Nigeria, Governor Nasir El-Rufai sacked 30,000 workers in the state without following due process.⁴³⁴ According to Edeh et al., there is a gross violation of Nigerian labour laws by employers (Including the government) evident by refusal to adhere to minimum wage salary, withholding of salaries and non-uniformed salary structure.⁴³⁵ Edeh et al. further stated that successive governments on numerous occasions had amended the Nigerian Labour Laws without adequate consultation with the Nigerian Labour Congress (an organisation that defends workers' interests).

Furthermore, the Labour Act makes reference to only the 'workers', which are people who perform manual labour or clerical work.⁴³⁶ It does not apply to all classes of employees in Nigeria.⁴³⁷ The Act does not apply to persons working under professional functions, administrative, technical or executive as public servants, or to any person employed on a vessel or aircraft to which the laws regulating merchant shipping or civil aviation already

⁴³² Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwaba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; Olufunmilayo F Odeku and Kola O Odeku, 'In Pursuit of the Employees' Welfare in the Workplace: Issues in Perspectives' [2014] Mediterranean Journal of Social Sciences 652.

⁴³³ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703; Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwaba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴³⁴ Collins Olayinka, 'NLC faults sack of 30,000 Kaduna workers by El-Rufai' (Guardian 11 November 2017) <<https://guardian.ng/news/nlc-faults-sack-of-30000-kaduna-workers-by-el-rufai/>> accessed 2 October 2021.

⁴³⁵ Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

⁴³⁶ Labour Act 1971, s 91 (1) (e).

⁴³⁷ Lawpadi (9 June 202) <<https://lawpadi.com/9-things-every-nigerian-know-labour-act/>> accessed 2 October 2021.

apply.⁴³⁸ Consequently, people who do not fall under the term ‘worker’ are not adequately protected, making this particular piece of legislation outdated and not in line with the International Labour Organisation standards. The Labour Act should be amended to reflect the current realities.

In addition to the Labour Act, the Job Creation and Protection (Establishment) Bill 2013 was another potentially promising Bill created to regulate employment relationships with the inclusion of non-discriminatory practices. This Bill aimed to consolidate Nigeria’s employment laws. In terms of human rights and discrimination, clause 4 of the Bill states:

4. (1) (a) No worker shall be treated in a discriminatory manner by his employer in his employment or occupation.

(b) No person shall be treated -in a discriminatory manner by a prospective employer in respect of access to employment or occupation.

Subsequently, section 4 (5) defines what discrimination is:

(5) For the purpose of this section-

(a) “discrimination” includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or education.

(b) “employment” or “occupation” includes access to vocational training, access to employment and particular occupations and terms and conditions of employment

As stated above, clause 4 not only defines what discrimination is but goes further to state the types of discrimination - age, race, colour, caste, creed, sexual orientation, HIV status, religion, political opinion, place of origin, and national extraction or social origin. The categories listed are an extension of the prohibited grounds listed in section 42 of the Constitution. Furthermore, clause 4(1)(b) makes provisions for non-discrimination by a prospective employer in respect of access to employment or occupation. Consequently, it could be safe to infer that the criteria for the prospective employer should not be discriminatory in nature.

It is quite disappointing that this Bill never made it past its draft, as the National Assembly never passed it. This would have been the first Bill to extend prohibited grounds of discrimination and promote non-discriminatory practices in pre-employment matters in Nigeria. The reason(s) why this Bill failed is unknown, and a copy of this Bill is no longer

⁴³⁸ Labour Act 1971, s 91(1) (a-f).

available to access. These are some of the challenges with the enactments of statutes in Nigeria. There is a significant lack of resources in Nigeria via the internet, limiting knowledge availability. The National Assembly website (www.nass.gov.ng) is the primary domain for access to Bills and enacted laws. It is also responsible for updating people on the progress of a Bill(s). However, this website has failed in providing access to bills or enacted laws due to website errors.

The National Assembly is saddled with the constitutional responsibility of making laws with respect to Labour relations has failed to amend, repeal and re-enact the Labour Act or enact new laws to help reflect today's realities.⁴³⁹ Even though labour relation is listed under the exclusive legislative list in the Constitution,⁴⁴⁰ the Lagos State government has attempted to help resolve discrimination issues as it relates to disabled people. Consequently, it would be important to examine the attempt by the Lagos State Government to address issues relating to discrimination amongst PWD under the Lagos State Special Peoples Law.

3.7 The National Employment Policy 2017

The National Employment Policy (NEP) was created to promote decent work that is in line with the ILO standards.⁴⁴¹ It seeks to promote the fundamental rights of Nigerian workers by ensuring that the right to work forms part of a broader agenda of human rights. It is also designed to ensure that there is an availability of work for people, which creates incentives for individuals to alleviate poverty. Although the NEP recognises the role of the private sector in job creations and increasing employment, it also recognises that the private sector also marginalises the vulnerable section of the population, such as women, youths, older persons, and persons with disabilities.⁴⁴²

An interesting finding in the NEP is that it recognises that women, youth, and the disabled are often neglected in Nigeria, and their potentials are underutilised. More so, it recognises that gender disparity in Nigeria is deeply rooted due to certain cultural practices, customs and norms. The NEP noted that the promotion of gainful employment is imperative for the eradication of poverty and social exclusion in the country. As such, one of its main objectives outlined in clause 3.2 (ii) is that it seeks to

⁴³⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 58.

⁴⁴⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), Second Schedule, Item 34, Part I: Exclusive Legislative List, item 34.

⁴⁴¹ The Nigeria National Employment Policy 2017 <https://www.ilo.org/africa/countries-covered/nigeria/WCMS_619096/lang--en/index.htm> accessed 8 August 2021.

⁴⁴² The Nigeria National Employment Policy 2017 <https://www.ilo.org/africa/countries-covered/nigeria/WCMS_619096/lang--en/index.htm> accessed 8 August 2021.

Provide the fullest possible opportunity to each worker to qualify for and use his/her skills and endowment in a job for which he/she is well suited for irrespective of race, sex, religion, political opinion, physical disabilities, national extraction, ethnic or social origin.

Although age is missing from this clause, disability, race and national extraction are included, which is more inclusive than section 42.⁴⁴³ The impressive thing about the NEP is the provision of the national employment strategy, which takes into account job adverts discrimination. Section 4, clause 4.11, deals with recruitment into employment and states that:

1.1 – Job advertisement shall reflect the job description and the selection criteria shall principally be related to qualifications, skills, knowledge and experience.

1.2 – Job advertisements shall not state any requirement related to sex, age, ethnicity, religion or other personal attributes except where such attribute are inherent requirements for the job

Not only does Clause 4.11 make provisions for age discrimination, the use of the words 'other personal attributes' allows for the inclusion of other forms of discrimination to apply. These clauses also make provisions for affirmative actions, which is absent from section 42 of the Nigerian Constitution 1999 (as amended 2011). However, if age is included in the NEP 2017 and excluded in the Nigerian Constitution 1999 (as amended 2011), which one takes precedence? The answer is the Constitution.⁴⁴⁴ The NEP 2017 is more an informative guideline and cannot be directly relied on. A policy outlines what a government intends to do (i.e., a specific plan of action). Thus, if the Nigerian Government does not make adequate provisions to implement the NEP 2017, the NEP will just be a piece of document with no legal backing.

These are some of the challenges of not having a coherent independent piece of legislation that solely deals with equality and discrimination. Lacunas and contradictions occur, which are left to the courts to decide upon. Another problem is that there are no pre-employment discriminations cases before the NIC; therefore, precedence cannot be set. Not every person in Nigeria is aware of their rights not to be discriminated against. Even if they do, most of them will not enforce their rights due to the tedious process. More on the awareness of section 42⁴⁴⁵ will be discussed in Section 3.10 of this chapter.

⁴⁴³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

⁴⁴⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 1(3) – '*If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.*'

⁴⁴⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

3.8 Lagos State Special Peoples Law 2010

As discussed in Section 3.3 above, disability is a worldwide phenomenon, and it cuts across all boundaries such as countries, social status, age, sex, religion, race, economic and political positions.⁴⁴⁶ It is the continuing condition that restricts everyday activities in the manner considered normal for a human being.⁴⁴⁷ Persons with disabilities (PWD) suffer from intimidation, harassment, economic exclusions, and discriminatory attitudes from many members of the public and the government in terms of lack of laws, policies, and implementation on issues that affect their lives.⁴⁴⁸

In Nigeria, Labour related matters are within the concurrent legislative list. This means that both the National Assembly and State Assemblies have the legislative competence to make laws in that regard. To this end, the Lagos State Special Peoples Law 2010 was enacted as a result of the demands of people living with disabilities. This Bill was first passed by the Lagos State House of Assembly on the 21st of June 2012 and assented to by the then Governor of the State, Babatunde Fashola (SAN), in Ikeja on the 24th of June 2012, pursuant to section 15 and 17(3) of the Nigerian Constitution 1999 (as amended 2011), which directs a state to ensure unity and faith, peace and progress in addition to directing its policy towards ensuring non-discriminatory practices towards adequate opportunity to secure suitable employment.

Under section 40 of the Lagos State Special Peoples law 2010, disability is defined as

A state of substantial impairment of the physical, visual, vocal, auditory, sensory or mental capabilities of a person at birth or by injury, sickness or its effect or congenital deficiency.

Some provisions in the Lagos State Special Peoples law 2010, such as sections 26, 27 and 34, provide prohibition from discrimination and harmful treatment, prohibition from cruelty and inhuman treatment, and the right to work and employment respectfully. Section 26(2) goes further to include discrimination against people with disabilities based on sex, work, age or tradition in any area of life.⁴⁴⁹

⁴⁴⁶ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103; Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] International Journal of Managerial Studies and Research 1.

⁴⁴⁷ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103; Deborah Kaplan, 'The Definition of Disability: Perspective of the Disability Community' [2011] Journal of Health Care Law and Policy 352.

⁴⁴⁸ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103; Dakung Reuel Johnmark and John Munene, 'Discrimination in Predicting Entrepreneurial Intentions of the Disabled Students in Nigeria' [2016] International Journal of Managerial Studies and Research 1.

⁴⁴⁹ Lagos State Special Peoples Law 2010.

With regards to the right to work and employment, section 34(2)⁴⁵⁰ states that:

An employer or his agent or purported agent shall not discriminate against a person living with disability in any manner whatsoever but not limited to —

(a) job application procedure

This can be interpreted to mean pre-employment practices such as recruitment and selection, which means that organisations should be cautious of publishing adverts that promote or indicate an intention to discriminate against people with disabilities.⁴⁵¹ It is safe to say that people with disabilities in Lagos state are protected. Furthermore, section 34(5) requires employers with over 100 staff should have at least 1% of its staff consisting of qualified and competent persons with disabilities.⁴⁵² The Lagos State government aims to protect the rights of persons with disabilities as well as give them equal rights in society.⁴⁵³ To advertise its commitment towards ensuring that PWD is adequately protected, the Lagos State Government mandated that the State government offers persons with disabilities employment.⁴⁵⁴ With adequate support from society, especially from the government, persons living with disabilities will flourish, which invariably promotes economic and social development through the harnessing of their talents.⁴⁵⁵ This, therefore, reduces their dependency on family, friends or government.⁴⁵⁶

Worth noting is that even though Section 42 of the Nigerian Constitution 1999 (as amended 2011) is silent about PWD, section 42(2) should be given a more expansive interpretation by extending it to not only apply to the legitimacy of children under the law of succession but PWD as well. This is called the purposive approach to statutory interpretation.

⁴⁵⁰ Lagos State Special Peoples Law 2010.

⁴⁵¹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689; Joseph Onyekwere, 'Passage of Disability Bill is Fulfilment of Nigeria's Obligation to International Treaties' (Guardian, 01 May 2018), <<https://guardian.ng/features/passage-of-disability-bill-is-fulfillment-of-nigerias-obligation-to-international-treaties/>> Accessed on 06 March 2016.

⁴⁵² Lagos State Special Peoples law 2010.

⁴⁵³ Bartholomew B Madukwe, 'Implementing Lagos State Special People's Law' (Vanguard, 8 November 2012) <<https://www.vanguardngr.com/2012/11/implementing-lagos-state-special-peoples-law/>> Accessed on 06 March 2016.

⁴⁵⁴ Joseph Onyekwere 'Passage of Disability Bill is Fulfilment of Nigeria's Obligation to International Treaties' (The Guardian, 01 May 2018) <<https://guardian.ng/features/passage-of-disability-bill-is-fulfillment-of-nigerias-obligation-to-international-treaties/>> Accessed on 06 March 2016.

⁴⁵⁵ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103.

⁴⁵⁶ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103.

A purposive approach to statutory interpretation occurs when courts develop the law in line with Parliament's intention.⁴⁵⁷ It can also be seen as an extension of the Mischief Rule where Instead of confining itself simply to the mischief which the statute was intending to correct, courts are required to look at the purpose of the statute, and Parliament's (or a legislature's) intention when they created the statute, as well as the words written in the statute itself. The words must be interpreted in the broader context of the statute itself.⁴⁵⁸

With the purposive approach, the Nigerian courts must first determine the purpose of section 42(2), which is the protection of people based on the circumstances of their birth. In this instance, the inclusion of people born with congenital disabilities. Once the court identifies this, the court must then determine what activity is protected under this right and what activity is not. In this instance, the activity is discrimination in pre-employment processes (i.e., job adverts and job interviews). As this thesis will show, discrimination does occur in pre-employment. As such, everyone, including PWD, should be equally protected.

In 2013, the Nigerian National Assembly estimated that over 20 million persons are living with at least one form of disability. The United Nations estimates it to be one in every ten people in Nigeria.⁴⁵⁹ In an attempt to address these discrimination issues amongst persons living in Nigeria, Nigeria's President Muhammadu Buhari signed the Discrimination Against Persons with Disabilities (Prohibition) Act into law, 2018.⁴⁶⁰ The Act aimed at providing social protection and safeguarding persons with disabilities against any discrimination. Under the Act, a National Commission was established to provide persons with disabilities the rights to healthcare, education and employment. Section 28 of the Act⁴⁶¹ makes provisions for an equal right to work, including the right to gain a living by work freely chosen or accepted into the labour market. If any person or organisation contravenes this right, it commits an offence punishable with a minimum fine of ₦250,000.00 (Two Hundred and Fifty Thousand Naira) payable to the person with a disability. However, section 29 of this Act mandates that all public organisations must have persons with disabilities constituting at least 5% of their workforce.

⁴⁵⁷ Vijay Awana, 'Jurisprudential Aspects and Significance of Rule of Purposive Interpretation' [2020] International Journal of Legal Science and Innovation 46

⁴⁵⁸ Agbaje v. Fashola (2008) ALL FWLR (Pt. 443) 1302 @ 1337 B-C.

⁴⁵⁹ Mohammed Awaisu Harnma, 'The Problems of Living with Disability in Nigeria' [2017] Journal of Law, Policy and Globalization 103.

⁴⁶⁰ Anietie Ewang, 'Nigeria Passes Disability Rights Law: Offers Hope of Inclusion, Improved Access' (Human Rights Watch, 52 January 2019) <<https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law>> accessed on 28 September 2021.

⁴⁶¹ Discrimination Against Persons with Disabilities (Prohibition) Act 2018.

3.9 International Treaties / Conventions

Nigeria's efforts at promoting and protecting human rights are not limited to constitutional provisions. Nigeria played a role in the process of actualising the African Charter on Human and Peoples' Rights and is also a signatory to the Universal Declaration of Human Rights, 1948.⁴⁶² More so, in showing commitment to human rights, Nigeria adopted and ratified major international human rights instruments, such as the International Convention on the Elimination of all Forms of Racial Discrimination, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Prevention and Punishment of the Crime on Genocide, International Covenants on the Civil and Political Rights; and the International Covenants on Economic, Social and Cultural Rights just to name a few. As discussed in Chapter One, out of all the international treaties ratified by Nigeria, the African Charter on Human and Peoples' Rights is the only comprehensive human rights treaty that has been domesticated in Nigeria via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983.⁴⁶³

With regards to employment, the International Labour Organisation (ILO) standards are at the forefront. Established in 1919 after the First World War, ILO has been the major inter-governmental and international body influencing and driving the need to ensure that all workers, both individually and collectively, get the minimum rights. The ILO was created with the goal of alleviating labour standards and conditions.⁴⁶⁴ It has continually laid out standards aimed at promoting opportunities for productive and decent work under the conditions of equity, equality, freedom, security and dignity.⁴⁶⁵ The International Labour Standards (ILS) are conventions agreed upon by international actors (government representatives, workers and employers).⁴⁶⁶ It focuses on creating decent work in order to ensure economic and

⁴⁶² Eghosa Ekhaton, 'The Impact of the African Charter on Human and Peoples' Rights on Domestic Law: A Case Study of Nigeria' [2015] Commonwealth Law Bulletin 253; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] Journal of Human Resource Management 15.

⁴⁶³ Eghosa Ekhaton, 'The Impact of the African Charter on Human and Peoples' Rights on Domestic Law: A Case Study of Nigeria' [2015] Commonwealth Law Bulletin 253.

⁴⁶⁴ Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] Journal of Human Resource Management 15; David Cabrelli, *Employment Law in Context* (Oxford University Press 2014).

⁴⁶⁵ Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] Journal of Human Resource Management 15; David Cabrelli, *Employment Law in Context* (Oxford University Press 2014); Samuel Emeka Mbah and C O Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] International Journal of Business Administration 1.

⁴⁶⁶ Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] Journal of Human Resource Management 15.

developmental growth in associated countries.⁴⁶⁷ According to ILO, out of the 40 ratified ILO conventions, only 26 of them are currently in force in Nigeria. This is because, over the years, the National Assembly has shown little commitment and interest in carrying out this all-important constitutional task.⁴⁶⁸ One important Convention ratified and in force in Nigeria since October 2002 is the 'Discrimination (Employment and Occupation) Convention, 1958 (No. 111)'. This Convention is designed with a view to eliminate discrimination and promote equality of opportunity and treatment in respect of occupation and employment. However, this convention has not been domesticated in Nigeria.

Before the passage of the National Industrial Court Act, 2006, the position of the law when it comes to the ratification and domestication of international instruments has been controversial.⁴⁶⁹ For instance, section 12(1) of the Nigerian Constitution 1999 (as amended 2011) makes provision for the domestication of treaties. It states that 'No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly'. It is very clear from section 12(1) above that the mere ratification of treaties in Nigeria does not validate or make it enforceable.⁴⁷⁰ Ratified treaties do not form part of domestic laws unless they are passed into law by the National Assembly.⁴⁷¹ This was also affirmed in the case of *Abacha and Ors v Fawehinmi*⁴⁷² where the Supreme Court held that undomesticated treaties have no force of law in Nigeria except enacted by the National Assembly. Although section 12(1) of the Nigerian Constitution 1999 (as amended 2011) states that a treaty must be domesticated before it can

⁴⁶⁷ Kabiru Genty, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15.

⁴⁶⁸ C Okeke and M Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and the Way Forward' [2018] *NAUJILJ* 216; Samuel Emeka Mbah and C O Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] *International Journal of Business Administration* 1; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15.

⁴⁶⁹ Babatunde Isaac Olutoyin, 'Treaty Making and Its Application under Nigerian Law: The Journey So Far' [2014] *International Journal of Business and Management Invention* 7; O Aforkoghene Vreme and Ifeanyi Ajabor, 'The Role of the National Industrial Court in the Promotion of Industrial Harmony in Nigeria' [2019] *International Journal of Business & Law Research* 77.

⁴⁷⁰ C Okeke and M Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and the Way Forward' [2018] *NAUJILJ* 216; Samuel Emeka Mbah and C O Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] *International Journal of Business Administration* 1; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15; Babatunde Isaac Olutoyin, 'Treaty Making and Its Application under Nigerian Law: The Journey So Far' [2014] *International Journal of Business and Management Invention* 7.

⁴⁷¹ Peter Obi Okonkwo, 'Application of Treaties in Nigeria Vis-à-vis the Instruments of the International Labour Organisation' [2018] *NAUJILJ* 149; Babatunde Isaac Olutoyin, 'Treaty Making and Its Application under Nigerian Law: The Journey So Far' [2014] *International Journal of Business and Management Invention* 7.

⁴⁷² [2000] 6 NWLR 228; *Barrister Ray Nnaji v Nigerian Football Association & Anor* (2010) LPELR-4629(CA); *Medical Health Workers Union of Nigeria v Minister of Health and Productivity & Ors* [2005] 17 NWLR 120

be in force, this contradicts the Treaties (Making Procedure, etc.) Act 1993, which provides guidelines on how to give effect to treaties under Nigerian law. Section 3(1) of the Treaties (Making Procedure, etc.) Act 1993 divides treaties and other international instruments into three categories:

- a. *Law-making treaties, being agreements constituting rules which govern inter-state relationship and co-operation in any area of endeavour, and which have the effect of altering or modifying existing legislation or which affects the legislative powers of the National Assembly;*
- b. *Agreements which impose financial, political and social obligations on Nigeria, or which are of scientific or technological import;*
- c. *Agreements which deal with mutual exchange of cultural and educational facilities.*

Section 3(2) of the Treaties (Making Procedure, etc.) Act 1993 also provides the procedure to which these categories of treaties can be in force in Nigeria. Category one needs to be enacted into law; category two needs to be ratified, while category three may not need to be ratified. ILO Conventions and other instruments fall within this category two (b). This is because ILO conventions are not altering or modifying existing legislation and are not made in exchange for cultural and educational facilities. Therefore, ratified ILO conventions do not need to be domesticated before they can be in force in Nigeria.

More so, section 254(c)(2) confers powers on the NIC to apply international instruments relating to labour matters. It states that:

Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified relating to labour, employment, workplace, industrial relations or matters connected therewith.

The use of the preceding words '*notwithstanding anything to the contrary in this Constitution*' the Nigerian Constitution 1999 (as amended 2011) has empowered the NIC to apply ratified international instruments, which contain standards deemed by it to be of good or international practice in labour relations. This is also in line with section 7(6) of the National Industrial Court Act, 2006, which states that the NIC shall have due regard to good and international best practices in labour relations. More so, as seen in the case of *Mr. Peter Obi v Independent*

National Electoral Commission (INEC) & Ors,⁴⁷³ the Supreme Court cited *Nigeria Deposit Insurance Corporation v Okem Enterprises Limited*⁴⁷⁴ and stated that:

‘When the term ‘notwithstanding’ is used in a section of a statute, it is meant to exclude an impinging or impending effect of any other provision of the statute or other subordinate legislation so that the said section may fulfil itself’.

Meaning that Section 254(c)(2) of the Nigerian Constitution 1999 (as amended 2011) and section 7(6) of the National Industrial Court Act, 2006 has automatically nullified the effect of section 12(1) of the Nigerian Constitution 1999 as amended 2011 as it relates to employment relations only. Consequently, by virtue of these two sections above, the NIC is no longer bound by the Supreme Court judgment in *Abacha’s* case.⁴⁷⁵

However, Okonkwo argued that this will be stretching the powers of the NIC too far and that it ultimately undermines the doctrine of stare decisis if all it takes for a labour convention to apply is the view of a court that the instrument(s) provides for good or international best practice.⁴⁷⁶ The argument propounded by Okonkwo is an inaccurate analysis. This is premised upon the fact that the doctrine of state decisis requires that the present matter before a court must address the same legal questions and possess similar facts as the preceding case. This is not the situation with respect to the application of section 254(c)(2) of the Nigerian Constitution 1999 (as amended 2011) and the *Abacha’s* case. The rationale behind the application of 254(c)(2) is not solely on the basis of the fact that it is the view of the NIC that these international instruments provide for good or best international practice but rather on the basis that Nigeria, as a sovereign State has ratified these treaties and hence there is a legitimate expectation that it should be enforceable as it relates to labour matters.

Vreme and Ajabor argued that section 7(6) of the National Industrial Court Act, 2006 and Section 254(c)(1) and (2) of the Nigerian Constitution 1999 (as amended 2011) meets the domestication of treaty requirement and to hold otherwise means that the very basis of the NIC and all that the dispute resolution structure under part 1 of the Trade Dispute Act 1976 will collapse.⁴⁷⁷ In addition, Mucheazi and Anushiem also concurred that interpretation of section 12(1) of the Nigerian Constitution, which is intended to defeat section 7(6) of the National Industrial Court Act, 2006 on the applicability of the ILO Convention, is a narrow

⁴⁷³ [2007] 11NWLR (Pt. 1046) p. 565 at 636 ‘634.

⁴⁷⁴ [2004] 10 NWLR (Pt. 880) p. 107 at 182/182; See also, *Senator Rashidi Ladoja v INEC & Ors*. [2007] All FWLR (pt. 377) p. 934.

⁴⁷⁵ *Abacha and Ors v Fawehinmi* [2000] 6 NWLR 228; *Medical Health Workers Union of Nigeria v Minister of Health and Productivity & Ors* [2005] 17 NWLR 120.

⁴⁷⁶ Peter Obi Okonkwo, ‘Application of Treaties in Nigeria Vis-à-vis the Instruments of the International Labour Organisation’ [2018] NAUJILJ 149.

⁴⁷⁷ O Aforkoghene Vreme and Ifeanyi Ajabor, ‘The Role of The National Industrial Court in the Promotion of Industrial Harmony in Nigeria’ [2019] International Journal of Business & Law Research 77.

interpretation of the Constitution and should not be used to defeat the fulfilment of international obligations voluntarily entered into and ratified by Nigeria especially when it concerns ILO conventions.⁴⁷⁸

Based on the above, the NIC has relied on international instruments, especially the ILO conventions, when deciding on cases. For example, in the cases of *Mr Ebere Onyekachi Aloysius v Diamond Bank Plc*⁴⁷⁹ and *Bello Ibrahim v Eco Bank Plc*⁴⁸⁰ the NIC relied on Article 4 of ILO Termination of Employment Convention to declare the termination of employment of the claimants as wrongful even when ILO Convention has not been ratified by Nigeria.⁴⁸¹

Nonetheless, undomesticated treaties still play a crucial role as persuasive precedence in Nigerian Courts and in the entronement of a viable domestic legal system in Nigeria.⁴⁸² In a bid to solve the rising challenge of unemployment and underemployment in Nigeria, the Ministry of Labour and Employment issued a National Employment Policy (NEP) in 2017.⁴⁸³

Having discussed some of the relevance of international standards that guide labour relations in Nigeria and some of the challenges in domesticating and applying ratified conventions, it is pertinent to assess the respondents' responses in the primary research of their awareness of their right to be free from discrimination as guaranteed by the Nigerian Constitution. This is because the aim of the law is to govern both individuals and organisations. However, with this research, the awareness of section 42⁴⁸⁴ is the primary focus, and this will be discussed below.

⁴⁷⁸ O D Amucheazi and M I Anushiem, 'The National Industrial Court of Nigeria and the Application of Fair Hearing in Master-Servant Employment Disputes: A Critique' [2018] *Journal of Commercial and Property Law* 1.

⁴⁷⁹ [2015] 58 NLLR 92 (Pt. 199) 92.

⁴⁸⁰ Unreported suit NO: NICN/ABJ/144/2018; see also *Ejike Maduka v Microsoft & Ors* [2014] NLLR (Pt. 125) 67, where the NIC relied on the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), ILO Discrimination (Employment and Occupation) Convention in arriving at the meaning of sexual harassment at workplace.

⁴⁸¹ Article 4 of the ILO Termination of Employment Convention states that: '*The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.*'

⁴⁸² C Okeke and M Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and the Way Forward' [2018] *NAUJILJ* 216; Samuel Emeka Mbah and C O Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] *International Journal of Business Administration* 1; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15.

⁴⁸³ The Nigeria National Employment Policy 2017 <https://www.ilo.org/africa/countries-covered/nigeria/WCMS_619096/lang--en/index.htm> accessed 8 August 2021.

⁴⁸⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

3.10 Awareness of the Right to be Free from Discrimination

One of the themes generated in the analysis of the online survey (Chapter Two, Section 2.4.3, Tables 2.1 and 2.2, was 'Awareness of Law'. This theme sought to explore whether respondents were aware of their rights and more importantly, their right not to be discriminated against as provided for in section 42 of the Nigerian Constitution 1999 (as amended 2011). From the analysis of the findings, two significant factors emerged. They are:

1. Some job seekers are aware of this right but choose not to enforce it or know the medium to which to enforce it.
2. Some job seekers are unaware of their rights, so they are oblivious to its infringement.

This exploration is essential to the overall research objectives because it is important for people to be aware of their human rights and know the medium with which to enforce its infringement. Consequently, this section aims to explore whether the Nigerian government have made adequate provision for securing the rights of its citizens vis-a-vis residents against all forms of discrimination that occurs during pre-employment practices and, if so, what measures are put in place to remedy these rights. Also, this section seeks to understand how respondents deal with the breach of their rights.

Awareness is the state of being conscious of something.⁴⁸⁵ It is a state where a person is aware of some information that is directly available to bring to life the direction of a wide range of behavioural actions.⁴⁸⁶ As stated by Hepple, equality has deep roots in the philosophy of entitlement which involves the worth and dignity of all individuals.⁴⁸⁷ Pursuant to sections 15 and 17 of the Nigerian Constitution 1999 (as amended 2011), all 36 states in Nigeria are empowered to promote equality and social order. Although labour relation is listed under the exclusive Legislative List,⁴⁸⁸ which makes labour relations, including their welfare, within the legislative competence of the federal government alone, little has been done in this regard. More on this in Chapter Eight, Section 8.6.1.

Using a Likert Scale, respondents in the online survey were asked if they were aware of section 42 of the Nigerian Constitution, which provides the right to freedom from discrimination. For clarity, the provision of section 42 was summarised to them for easy reading. A total of 42% of respondents had no knowledge of section 42, 41% of respondents

⁴⁸⁵ Julia Carden, Rebecca J Jones and Jonathan Passmore, 'Defining Self-Awareness in the Context of Adult Development: A Systematic Literature Review' [2021] *Journal of Management Education* 1.

⁴⁸⁶ Julia Carden, Rebecca J Jones and Jonathan Passmore, 'Defining Self-Awareness in the Context of Adult Development: A Systematic Literature Review' [2021] *Journal of Management Education* 1.

⁴⁸⁷ Bob Hepple, *Equality: The New Legal Framework* (2nd edn, Hart Publishing 2001).

⁴⁸⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), Second Schedule, Item 34.

were either aware or extremely aware of this right, and a total of 17% of respondents were somewhat aware of the provision of section 42.

If a total of 42% of respondents had no knowledge of section 42, then this conflicts with the 81% of respondents who agreed that they find job adverts in Lagos State are discriminatory, and 55% of respondents who found job interviews discriminatory (as discussed in Chapter Six, Section 6.4 and Chapter Seven, Section 7.1). This is an interesting find because it shows that although the majority of respondents believed that job adverts and job interviews are discriminatory, they were not aware these discriminatory recruitment and selection processes were an infringement of their rights. However, the good news is that the lack of knowledge about the law does not vitiate its existence or its enforcement. Also, these results could also mean that just because respondents are not aware of their rights does not mean that they do not believe that something is wrong or that the discriminatory acts of organisations in pre-employment processes are not contrary to morality (i.e., knowing what is right or wrong).

The knowledge that something is wrong does not necessarily have to come from a legal stance, especially when it comes to direct discrimination. This could also link to the lack of pre-employment cases in the NIC courts. If respondents are not aware of their fundamental rights, they are likely to be unaware of their right to enforce such rights. Awareness of our human rights is fundamental. Human rights rose as a result of civilisation's increasing and continuous petition for dignity, justice, respect, protection and freedom.⁴⁸⁹ Having knowledge of human rights is one of the best defences against its violation. The problem is that because 40.91% of respondents are unaware of their rights, this could imply that they can be oblivious to its violation.

In respect of the 17% of respondents who were not aware of this right as contained in section 42 of the Nigerian Constitution 1999, does this mean that they only find personal information in job advertisements 'irrelevant' rather than discriminatory? In Chapter Five, Section 5.4, respondents noted that having personal information on their CV and seeing discriminatory requirements on CVs resulted from culture (Chapter Five). They were simply 'following the trend'. Looking back at some of their responses, where the majority of respondents linked having personal information on their CVs as the norm in Lagos State, a form of recruitment edge and identification with a respondent, in particular, noting that:

'It is a prerequisite for employment.'

Although these respondents know that it is probably wrong for organisations to discriminate, they either lack awareness of their basic fundamental human rights or the zeal to enforce

⁴⁸⁹ Anjna Agarwal, 'Human Rights Awareness among the People of Agra City: A Comparative Study' [2014] Journal of Culture, Society and Development 36.

them. Therefore, it can be inferred that 42% of respondents might interpret discriminatory job requirements in its literal meaning of being put at a disadvantage rather than it being illegal (prohibited by law) – having a right of claim in a Court of justice.

The United Nations is an avid preacher of people's awareness and education about human rights, including the 'right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination'.⁴⁹⁰

Technically, just because an individual is unaware of their right does not make such a right void or reduce the weight attached. As stated in section 3.2 above, the right not to be discriminated against is not just a constitutional right but a 'human right', which means that it is indivisible and cannot be denied because someone decides that it is not essential. Human rights are interdependent and interrelated.⁴⁹¹ The fulfilment of the right not to be discriminated against may depend on fulfilling the right to work. According to Neves-Silva et al., the human rights system was built on the understanding that in order to guarantee the dignity of the human person, all human rights should be reached.⁴⁹² The violation of one right, whether civil or political right, social and cultural, or economic, damages the achievement of the other rights.⁴⁹³ Therefore, awareness of the right to be free from discrimination is fundamental and needs to be protected.

In the second part of this question, respondents were asked an open-ended question on how they became aware of this right. In the analyses of these questions, only one theme was generated and labelled 'Awareness of Rights'. This theme sheds some light on how job seekers can recognise whether or not their rights are being breached or protected by the government. Some of the respondents stated that they were aware of the right due to general knowledge, word of mouth, media, teachings from schools, and their careers (some respondents were lawyers). One respondent stated that:

'I know these rights, but this right won't force employers' hands.'

⁴⁹⁰ United Nations, 'Human Rights' <<https://www.un.org/en/sections/issues-depth/human-rights/>> accessed 26 October 2019.

⁴⁹¹ United Nations, Vienna Declaration and Programme of Action (1993) <<https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>> accessed on 11 August 2020; Priscila Neves-Silva, Giselle Isabele Martins and Léo Heller, 'Human Rights' Interdependence and Indivisibility: A Glance over the Human Rights to Water and Sanitation' [2019] BMC International Health and Human Rights 1.

⁴⁹² Priscila Neves-Silva, Giselle Isabele Martins and Léo Heller, 'Human Rights' Interdependence and Indivisibility: A Glance over the Human Rights to Water and Sanitation' [2019] BMC International Health and Human Rights 1.

⁴⁹³ Priscila Neves-Silva, Giselle Isabele Martins and Léo Heller, 'Human Rights' Interdependence and Indivisibility: A Glance over the Human Rights to Water and Sanitation' [2019] BMC International Health and Human Rights 1.

This is definitely right. Organisations need to take responsibility for their actions. However, since pre-employment discrimination in Nigeria has long existed, it is safe to say that it is time for job seekers to call these organisations out by enforcing their rights in court. This way, discriminatory practices can be mitigated. However, as seen above, not everyone is aware of their right. Some might be aware but not understand what it means or if there is a remedy for its violation. A respondent stated:

'I was told by a friend who is a lawyer, but I didn't quite grasp the concept.'

Even if discrimination is not comprehensively defined in the Constitution, organisations should have information regarding equality in their company policies which should be available to those who need to access it. This way, job seekers have prior knowledge of how organisations promote equality. Subsequently, respondents were asked if they felt the Lagos State government protects their rights. This question is because sections 15 and 17 confer on each State in Nigeria an obligation to foster social order, such as equality of rights, human dignity, health, safety, welfare, and prohibition of discrimination in employment.⁴⁹⁴ In ensuring diversity and inclusion, section 15(4)⁴⁹⁵ states that:

The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

Consequently, it was important to know if respondents believed that Lagos State has measures in place to protect their Fundamental Human Rights, especially section 42. 10% of respondents selected 'yes', 52% of respondents selected 'no', while 38% of respondents selected 'don't know'. The researcher is inclined to believe the 52% of respondents who selected 'no'. From the researcher's experience, Lagos State has not done much to eradicate the occurrence of discrimination in pre-employment. Discriminatory job adverts are prominent, and nothing is being done to mitigate it. So far, the only discriminatory practice that has a better advantage are those that occur in job interviews as they are more direct, as discussed in Chapter Seven. Although Lagos State has tried to curb discrimination through the Lagos State Special Peoples Law, 2011, this only applies to PWD. The only option respondents have is to seek redress from the NIC. However, how will indirect discrimination that occurs in job adverts be proven when section 42 of the Constitution⁴⁹⁶ is silent on the definition of discrimination? Also, the Nigeria Labour Act 1971, which ought to take care of issues relating to discrimination in employment practices, particularly pre-employment practices, seems deliberately quiet on the issue. Perhaps the Courts will resort to using recommendations from

⁴⁹⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 15 and 17(2) and (3).

⁴⁹⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

⁴⁹⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

the ILO as persuasive precedence as provided by section 254(c)(2) of the Nigerian Constitution 1999 (as amended 2011).

3.11 Conclusion

This chapter has confirmed, identified and assessed the challenges present in the legislation regulating employment in Lagos State, Nigeria. This chapter has explored and discussed the Nigerian Constitution as it relates to the protection of human rights. Fundamental human rights are guaranteed to all citizens of Nigeria by virtue of Chapter IV of the Nigerian Constitution 1999 (as amended 2011). More specifically, section 42 of the Nigerian Constitution 1999 (as amended 2011) guarantees the right to be free from discrimination. Section 42 provides that a person should not be discriminated against based on their community, ethnic group, place of origin, sex, religion or political opinion. However, this chapter has highlighted some challenges with section 42 that hinders its effectiveness, applicability and enforceability. For one, section 42 seems to cover only acts perpetuated by only legislative and administrative acts and does not seem to apply to discriminatory acts done by private organisations. Secondly, it does not extend and protect foreigners who are suffered discrimination. Thirdly, the prohibitive grounds listed in section 42 are not exhaustive as it omits some other grounds such as age and disability. Finally, the definition of discrimination is limited, and a comprehensive definition is required to cover other forms of discrimination, such as discrimination by association or victimisation.

It is recognised in this chapter that the Nigerian Labour Act 1971, which ought to be a pivotal piece of legislation regulating labour relations, has also failed to protect people against discrimination in pre-employment practices. The general aim of the Labour Act is to ensure that both employers and employees have equal bargaining powers. However, it does not cover pre-employment practices. There is no specific section in the Nigerian Labour Act effectivity regulating pre-employment practices. Instead, the recruitment practices mentioned deal with the employment of expatriates. As such, it is safe to assert that the Labour Act is outdated.

A way to strengthen employment relations in Nigeria is by looking towards international instruments for support. However, there are some challenges with the domestication and enforceability of international treaties or instruments in Nigeria, such as the ILO conventions or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As discussed in section 3.9, there are discrepancies between the Nigerian Constitution and the Treaty Making Act. Section 12(1) of the Nigerian Constitution 1999 (as amended 2011); however, section 254(c)(2) of the Nigerian Constitution has empowered the NIC to apply international instruments relating to labour matters. It would be more effective if these

international treaties could be applied to pre-employment discrimination. The ILO conventions act as frameworks on which labour legislations and policies are formulated at the national level. The Nigerian government have consistently failed to live up to the expectation.

There is no point in the Nigerian Constitution prohibiting discrimination if it cannot be applied purposively to areas where its occurrence is prominent. When people are discriminated against during job application processes, their means of livelihood is cut short, and poverty increases. A lot is needed to be done to protect people from discrimination.

Another challenge with the enforceability of human rights in Nigeria is that not all persons know their rights. Research findings from this chapter have revealed that 42% of respondents had no knowledge of their right to be free from discrimination. The awareness of human rights is important to all people. When people are aware of their rights, then they can speak up and enforce them when in breach. This, in time, will create an avenue for better laws to be created. In order to limit the occurrence of discrimination in employment, there is a need for an updated, effective and efficient law. More needs to be done to ensure a free and safe work opportunity for people to seek and apply. As such, enacting new laws to specifically regulate discrimination is the way forward (see Chapter Eight).

As this chapter has identified and discussed the challenges of the Nigerian legislation as it relates to employment relations, the next chapter will explore and discuss the concept of HRM and recruitment and selection processes in a holistic view compared to how they are practised in Nigeria.

Chapter Four

Human Resources Management in Nigeria

4.0 Introduction

'Urging an organisation to be inclusive is not an attack. It's progress'.

- DaShanne Stokes⁴⁹⁷

To effectively explore the concepts of recruitment and selection processes, one needs to understand the concept of Human Resources Management (HRM), what it means and its importance in recruiting and selecting the best candidates. This chapter aims to explore how HRM, recruitment and selection processes are carried out in Nigeria. To be able to analyse this effectively, it would be best to understand the general concept of HRM as well as the various steps required in recruitment and selection processes during pre-employment. The understanding of these areas can shed more light on what is universally expected during the recruitment and selection stage and what encourages discriminatory practices.

HRM as a concept has evolved considerably in literature,⁴⁹⁸ and presently, there seem to be no universally accepted definitions. Singh⁴⁹⁹ and Keenoy⁵⁰⁰ both agree that HRM can represent different meanings to different people. This is because, as a concept and practice, HRM is influenced by traditions and circumstances peculiar to the countries in which it is practised. With regard to Nigeria, Azolukwam and Perkins, and Anakwe, stipulate that HRM practices in Nigeria are hybridised, which means they are a blend of western HRM practices and African management style (Chapter One, Section 1.2).⁵⁰¹ However, in general terms and regardless of the country of execution, HRM is a holistic strategic approach to the effective

⁴⁹⁷ Whitney Hopler, 'Famous Quotes on Inclusivity and Well-Being: Motivational Quotes on Diversity and Inclusion' (George Mason University, 19 June 2018) <<https://wellbeing.gmu.edu/articles/11877>> accessed 14 January 2020.

⁴⁹⁸ Jay Barney, 'Firm Resources and Sustained Competitive Advantage' [1991] *Journal of Management* 99; Michael Beer, Bert Spector, Paul Lawrence, Quinn Mills and Richard Walton, *Managing Human Assets*, (Macmillan 1984); David Ulrich, *Human Resource Champions: The Next Agenda for Adding Value and Delivering Results* (Harvard Business School Press 1998); David Guest, 'Human Resource Management and Industrial Relations' [1987] *Journal of Management Studies* 503.

⁴⁹⁹ Kuldeep Singh, 'Impact of HR practices on perceived firm performance in India' [2004] *Asia Pacific Journal of Human Resources* 301; N Divyalakshmi, Neeraja Baskar and Bala Nageswara Rao, 'A Study on Recruitment and Selection Process in Manufacturing Industry' [2017] *IJARIE* 3341.

⁵⁰⁰ Tom Keenoy, 'HRM: a case of the wolf in sheep's clothing?' [1990] *Personnel Review* 3.

⁵⁰¹ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Terence Jackson, 'Reframing Human Resource Management in Africa: A Cross-cultural Perspective' [2002b] *International Journal of Human Resource Management* 998.

management of people in an organisation in order to gain a competitive advantage.⁵⁰² It is also a function within an organisation, whether it is in the public or private sector.

Nevertheless, before HRM can be fully implemented, people need to be recruited first; thus, the importance of recruitment and selection as an HR primary function.⁵⁰³ This is the first interaction organisations have with potential employees and the early stage where organisations select the individual(s) they believe would be best suited for their organisational needs. Hence, this chapter narrows its exploration of HRM to focus primarily on pre-employment practices in Nigeria, such as recruitment and selection practices.

As this thesis will show, pre-employment practices are also the first stage where discrimination tends to occur in employment relationships, especially in Nigeria. Therefore, it is important to explore the literature on HRM, recruitment and selection practices and how they differ from those practised in Nigeria. As stated in Chapter One, there is limited literature that explores HRM and recruitment and selection within the context of indigenous Nigerian practices. Therefore, most of the academic sources cited would be Western based to support the understanding of HRM and recruitment and selection processes.

For better understanding, this chapter will be divided into two parts.

- Part One – This discusses the concept of HRM and recruitment and selection processes. Though descriptive, this part discusses the bare minimum Human Resources (HR) practices accepted by various scholars and considered as universal in managing people effectively in an organisation (i.e., what are the minimum standards of practice that organisations need to inculcate when it comes to people management). Once this is understood, it links with part two, which explores HRM practices in Nigeria.
- Part Two – This explores the knowledge of HRM and recruitment and selection practices in Nigeria and, more importantly, factors and challenges that impact HRM practices and the occurrence of discrimination during recruitment and selection

⁵⁰² Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Vathsala Wickramasinghe, 'Staffing Practices in the Private Sector in Sri Lanka' [2007] *Career Development International* 108.

⁵⁰³ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Vathsala Wickramasinghe, 'Staffing practices in the private sector in Sri Lanka' [2007] *Career Development International* 108; Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An Analysis of the Link with Business Performance' [2014] *Ruhuna Journal of Management and Finance* 37.

practices. This section feeds on the general understanding of HRM as discussed in Part One and how it differs from the HRM practices in Nigeria.

Part One – Human Resources Management

4.1 HRM in a Nutshell

As stated above, there are different definitions of HRM. However, HRM would be defined here as the management of people to help organisations achieve strategic objectives and goals in order for the organisations to compete effectively in the marketplace.⁵⁰⁴ It involves how organisations maximise employees' full potential such as skills, knowledge, talent and capabilities.⁵⁰⁵ As such, the performance of the people who work for an organisation is directly linked to the success of the organisation.⁵⁰⁶ As stated by Ejiofor and Mbachu:

Without human resource, organisations are no more than mere assemblages of buildings, plants and equipment. No other factor is as important as human resource in maintaining corporate stability, development and profitability of an enterprise, whether in the long or short-run.⁵⁰⁷

The goal of HRM is to link HR policies and practices with the objectives of an organisation, also known as Strategic Human Resources Management (SHRM).⁵⁰⁸ Researchers such as Ulrich, Guest, Fombrun et al., Beer et al., Barney and Armstrong, to name a few, have all written on how SHRM involves the series of planned Human Resource (HR) positioning and activities intended to enable an organisation to achieve its desired goals.⁵⁰⁹ Strategy within

⁵⁰⁴ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395; Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22; Biljana Milikić, 'The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia' [2009] *Economic Annals* 93.

⁵⁰⁵ John Kew and John Stredwick, *Human Resource Management in a Business Context* (2nd edn, Chartered Institute of Personnel and Development 2013); Michael Armstrong and Stephen Taylor, *Armstrong's Handbook of Human Resource Management Practice* (14th edn, Kogan Page 2017).

⁵⁰⁶ Oko Ameh and Emmanuel Itodo Daniel, 'Human Resource Management in the Nigerian Construction Firms: Practices and Challenges' [2017] *Journal of Construction Business and Management* 47.

⁵⁰⁷ P N O Ejiofor and A U Mbachu, 'Imperatives of Human Resource Practices in the New Millennium' (2001) 5 *Journal of the Management Sciences* 121, 121.

⁵⁰⁸ David Farnham, *Human Resource Management in Context*, (3rd edn, McGraw-Hill Education 2010); Jim Grieses, *Strategic Human Resource Development* (Sage Publications 2003).

⁵⁰⁹ David Ulrich, *Human Resource Champions: The Next Agenda for Adding Value and Delivering Results* (Harvard Business School Press 1998); David Guest, 'Human Resource Management and Industrial Relations' [1987] *Journal of Management Studies* 503; David Guest 'Human Resource Management, Corporate Performance and Employee Well-Being: Building the Worker Into HRM' [2002] *Journal of Industrial Relations* 335; Charles Fombrun, Noel Devanna and May-Anne Tichy, *Strategic Human Resource Management* (John Wiley & Sons 1998); Michael Beer, Bert Spector, Paul Lawrence, Quinn Mills and Richard Walton, *Managing*

HRM means the achievement of an organisation's long-term goals and objectives through the allocation of people necessary to accomplish these goals.⁵¹⁰ These goals are achieved by developing employee skills and competencies.

Talented employees are seen as valuable assets to the organisation, and acquiring them is becoming a challenge due to the present ongoing war for talent⁵¹¹ This is because recruiting the wrong person for a job can be costly.⁵¹² This war on talent, which is the competition for the recruitment and retention of talented employees, is influenced by globalisation, demographics, economic trends, diversity, technology, etc.⁵¹³ Organisations compete for the best talent to help grow the company vis-à-vis skilled people looking for a great company within which to maximise their potential.⁵¹⁴ This has led scholars to conclude that an organisation's human resources are its primary source of competitive advantage.⁵¹⁵

The human resources an organisation recruits and retains determines the human capital that the organisation has.⁵¹⁶ This is because human capital is the collective skill and knowledge of a workforce that holds economic value for an organisation.⁵¹⁷ That is, without recruitment,

Human Assets, (Macmillan 1984); Jay Barney, 'Firm Resources and Sustained Competitive Advantage' [1991] *Journal of Management* 99; Armstrong Michael, *A Handbook of Human Resource Practice* (10th edn, Kogan Page 2006).

⁵¹⁰ John Purcell, 'Sustaining the HR and performance link in difficult times' (2015)

<<https://docplayer.net/20762392-Sustaining-the-hr-and-performance-link-in-difficult-times.html>> accessed: 12 July 2019.

⁵¹¹ Dianne Jacobs, 'In Search of Future Leaders: Managing the Global Talent Pipeline' [2005] *Ivy Business Journal Online* 1; Schon Beechler and Ian Woodward, 'The global "War for Talent"' (2009) *Journal of International Management* 273, 273.

⁵¹² Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] *IUP Journal of Business Strategy* 93; Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] *IJLTEMAS* 1; Vladimíra Klementová, Lenka Hvolková and Ladislav Klement, 'Recruitment and Employment of Human Resources in Slovak Enterprises' [2016] *Journal of Economic Literature* 1.

⁵¹³ Schon Beechler and Ian Woodward, 'The global "War for Talent"' (2009) *Journal of International Management* 273.

⁵¹⁴ Tanuja Agarwala, *Strategic Human Resource Management* (Oxford University Press 2017).

⁵¹⁵ David Ulrich, 'The talent trifecta' [2006] *Workforce Management* 32; Toby Wall and Stephen Wood, 'The Romance of Human Resource Management and Business Performance: And The Case For Big Science' [2005] *Human Relations* 429; Hee-jung Cho and Ji-Young Ahn, 'The Dark Side of Wars for Talent and Layoffs: Evidence from Korean Firms' [2008] *Sustainability* 1365.

⁵¹⁶ Mohammad Pasban and Sadegheh Nojehdeh, 'A Review of the Role of Human Capital in the Organization' [2016] *Procedia - Social and Behavioral Sciences* 249; Maran Marimuthu, Lawrence Arokiasamy and Maimunah Ismail, 'Human Capital Development and its Impact on Firm Performance: Evidence from Developmental Economics' [2009] *The Journal of International Social Research* 265; P N Rastogi, 'Sustaining Enterprise Competitiveness – Is Human Capital the Answer' [2002] *Human System Management* 193.

⁵¹⁷ Mohammad Pasban and Sadegheh Nojehdeh, 'A Review of the Role of Human Capital in the Organization' [2016] *Procedia - Social and Behavioral Sciences* 249; Maran Marimuthu, Lawrence Arokiasamy and Maimunah Ismail, 'Human Capital Development and its Impact on Firm Performance: Evidence from Developmental Economics' [2009] *The Journal of International Social Research* 265; P N Rastogi, 'Sustaining Enterprise Competitiveness – Is Human Capital the Answer' [2002] *Human System Management* 193.

there would be no human capital. It is opined that human capitals are rare and inimitable,⁵¹⁸ and this was clearly affirmed by Robert Grant, who posited that:

‘The firm’s most important resources and capabilities are those which are durable, difficult to identify and understand, imperfectly transferable, not easily replicated and in which the firm possesses clear ownership and control’.⁵¹⁹

This is also known as the VRIO framework – Value, Rareness, Imitability, and Organised.⁵²⁰ VIRO framework provides the criteria for deciding the types of human capital organisations need to recruit, select and retain in order to sustain a competitive advantage. To this, organisations need to find the right, talented candidates, and this starts by first attracting, recruiting and selecting talented people to apply for job vacancies. As such, understanding the importance of recruitment and selection within the concept of HRM is fundamental and will be discussed in Section 4.2.

Before then, two of the most widely adopted models of managing people in an organisation, ‘hard’ HRM and ‘soft’ HRM, need to be discussed. This is because the value of employees is determined by how organisations perceive them. Are they perceived as valuable or just another organisational resource? Therefore, the ‘Soft’ and ‘Hard’ HRM models will be discussed in the following sub-section.

4.1.1 ‘Soft’ and ‘Hard’ HRM

HRM has frequently been described as a concept with two distinct approaches: soft and hard. The key distinction between the soft and hard approaches to HRM is placed on whether organisations manage their employees as ‘humans’ or as ‘resources’.⁵²¹

⁵¹⁸ Nuno Cardeal and Nelson António, ‘Valuable, Rare, Inimitable Resources and Organization (VRIO) Resources or Valuable, Rare, Inimitable Resources (VRI) Capabilities: What Leads to Competitive Advantage?’ [2012] *African Journal of Business Management* 10159.

⁵¹⁹ Robert Grant, ‘The Resource-Based Theory of Competitive Advantage: Implications for Strategy Formulation’ [1991] *California Management Review* 114.

⁵²⁰ Nuno Cardeal and Nelson António, ‘Valuable, Rare, Inimitable Resources and Organization (VRIO) Resources or Valuable, Rare, Inimitable Resources (VRI) Capabilities: What Leads to Competitive Advantage?’ [2012] *African Journal of Business Management* 10159; Dianne Jacobs, ‘In Search of Future Leaders: Managing the Global Talent Pipeline’ [2005] *Ivy Business Journal Online* 1.

⁵²¹ Paulinus Woka Ihuah, ‘A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria’ [2014] *Journal of Business Management and Economic Development* 16; Ashfaque Alam and Ujjal Mukherjee, ‘HRM- A Literature Survey’ [2014] *IOSR Journal of Business and Management* 31.

The hard HRM model, which the Michigan Business School first articulated, focuses on the resource side of management.⁵²² It takes a business-strategy approach.⁵²³ The hard approach is seen as an economically and instrumental rational approach to HRM and is driven by strategic considerations to gain a competitive advantage.⁵²⁴

There is also a severe control system with the hard HRM where strong control over employees' activities and performance is aimed at securely achieving competitive advantage. The hard HRM emphasises that employees are treated as a cost and a means to achieving the organisation's strategy.⁵²⁵ Cost minimisation is a central part of the business model, and people have to be managed in a similar manner to raw materials and equipment. As such, it should be obtained as cheaply as possible, used economically, developed, exploited as much as possible, and control is firmly placed in the hands of management.⁵²⁶ Therefore, recruitment policies are planned as the hiring and firing are always on.⁵²⁷

On the other hand, Soft HRM, a concept developed by Harvard Business School, is about adopting a developmental and humanistic approach to HRM.⁵²⁸ Its roots emphasise communication, motivation, and leadership when managing people. According to Ihuah and

⁵²² Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Ashfaq Alam and Ujjal Mukherjee, 'HRM- A Literature Survey' [2014] *IOSR Journal of Business and Management* 31; Catherine Truss, Lynda Gratton, Veronica Hope-Hailey, Patrick McGovern and Philip Stiles, 'Soft and Hard Models of Human Resource Management: A Reappraisal' [1997] *Journal of Management Studies* 53.

⁵²³ Ashton, 'How Human Resources Management Best Practice Influence Employee Satisfaction and Job Retention in the Thai Hotel Industry' [2018] *Journal of Human Resources in Hospitality and Tourism* 175.

⁵²⁴ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Ashfaq Alam and Ujjal Mukherjee, 'HRM- A Literature Survey' [2014] *IOSR Journal of Business and Management* 31; Catherine Truss, Lynda Gratton, Veronica Hope-Hailey, Patrick McGovern and Philip Stiles, 'Soft and Hard Models of Human Resource Management: A Reappraisal' [1997] *Journal of Management Studies* 53.

⁵²⁵ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nor Khomar Ishak, Fakhrul Zaman Abdullah and Zainal Abidin Ramli, 'The Association Between Hard and Soft Human Resource Management Orientations in the Malaysian Hotel Organizations' [2011] *International Journal of Business and Social Science* 213.

⁵²⁶ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nor Khomar Ishak, Fakhrul Zaman Abdullah and Zainal Abidin Ramli, 'The Association Between Hard and Soft Human Resource Management Orientations in the Malaysian Hotel Organizations' [2011] *International Journal of Business and Social Science* 213.

⁵²⁷ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nor Khomar Ishak, Fakhrul Zaman Abdullah and Zainal Abidin Ramli, 'The Association Between Hard and Soft Human Resource Management Orientations in the Malaysian Hotel Organizations' [2011] *International Journal of Business and Social Science* 213.

⁵²⁸ Michael Beer, Bert Spector, Paul Lawrence, Quinn Mills and Richard Walton, *Managing Human Assets*, (Macmillan 1984).

Ishak et al., people are responsive; they think, feel and act.⁵²⁹ The soft approach believes that employees are the resources that add value to the organisation through their creativity, commitment and skills.⁵³⁰ Therefore, human resources have to be managed carefully to ensure that only the best people are recruited and selected. Both the hard and soft HRM feeds into the strategic decisions of organisations, such as having effective management systems that have a direct impact on an organisation's recruitment policies, practices and processes.⁵³¹

However, Gill illustrates that there is a difference in reality when it comes to the implementation of these two models.⁵³² Gill argued that 'organisational behaviour and surveys of practice do not match HRM rhetoric'.⁵³³ Soft HRM communicates trust amongst people, sharing rewards and risks etc. But in the real world, an employee's experience is more concerned with strategic control, which is similar to the hard approach.⁵³⁴ It was discovered that even when the soft HRM was incorporated at the rhetorical level, 'the underlying principle was invariably restricted to improvement of bottom-line performance' with the organisation's interests prevailing over their employees.⁵³⁵ This is why Beardwell and Thompson have opined that the hard and soft

⁵²⁹ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁵³⁰ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁵³¹ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nor Khomar Ishak, Fakhru Zaman Abdullah and Zainal Abidin Ramli, 'The Association Between Hard and Soft Human Resource Management Orientations in the Malaysian Hotel Organizations' [2011] *International Journal of Business and Social Science* 213.

⁵³² Carol Gill, 'Use of Hard and Soft Models of HRM to illustrate the gap between Rhetoric and Reality in Workforce Management' (1999) RMIT Business Working Paper Series No.WP 99/13 <
https://www.researchgate.net/publication/46484859_Working_Paper_Series_Use_of_Hard_and_Soft_Models_of_HRM_to_illustrate_the_gap_between_Rhetoric_and_Reality_in_Workforce_Management> accessed on 21 October 2021.

⁵³³ Carol Gill, 'Use of Hard and Soft Models of HRM to illustrate the gap between Rhetoric and Reality in Workforce Management' (1999) RMIT Business Working Paper Series No.WP 99/13 <
https://www.researchgate.net/publication/46484859_Working_Paper_Series_Use_of_Hard_and_Soft_Models_of_HRM_to_illustrate_the_gap_between_Rhetoric_and_Reality_in_Workforce_Management> accessed on 21 October 2021.

⁵³⁴ Carol Gill, 'Use of Hard and Soft Models of HRM to illustrate the gap between Rhetoric and Reality in Workforce Management' (1999) RMIT Business Working Paper Series No.WP 99/13 <
https://www.researchgate.net/publication/46484859_Working_Paper_Series_Use_of_Hard_and_Soft_Models_of_HRM_to_illustrate_the_gap_between_Rhetoric_and_Reality_in_Workforce_Management> accessed on 21 October 2021.

⁵³⁵ Carol Gill, 'Use of Hard and Soft Models of HRM to illustrate the gap between Rhetoric and Reality in Workforce Management' (1999) RMIT Business Working Paper Series No.WP 99/13 <
https://www.researchgate.net/publication/46484859_Working_Paper_Series_Use_of_Hard_and_Soft_Models_of_HRM_to_illustrate_the_gap_between_Rhetoric_and_Reality_in_Workforce_Management> accessed on 21 October 2021.

HRM approach can co-exist.⁵³⁶ For example, with the soft HRM, highly qualified personnel, skill-enhancing, motivation and opportunity for knowledge and growth sharing are prominent.⁵³⁷ Hard HRM, on the other hand, can be seen in the process of obtaining short-term financial benefits, intensifying the workload or lack of job security.⁵³⁸ Therefore, organisations should strive in adopting both HRM models where necessary, especially when it comes to recruiting and selecting people. Both HRM models advocate that the right employees are a link to competitive advantage. Therefore, employees can both be led and managed. However, before this can happen, there needs to be a recruitment and selection process. This will be discussed in the next section.

4.2 Recruitment and Selection Processes

Recruitment and selection processes are important operations in HRM. Recruitment and selection are designed to make the best use of employees for the overall development of an organisation. Recruitment and selection are the processes of evaluating and determining the need for a vacant job. According to Beer et al., recruitment and selection are not only about attracting, obtaining, and retaining the quality and quantity of human resources the organisation needs to achieve its strategic goals but also the significant impacts in the workforce composition and employees' fit with the organisational needs and culture.⁵³⁹

Recruitment and selection are two different concepts with different processes.⁵⁴⁰ Recruitment is defined as 'the process of searching the candidates for employment and stimulating them to apply for jobs in the organisation'.⁵⁴¹ The recruitment process involves not just attracting the right candidates but analysing the requirements for the job.⁵⁴² The recruitment process is a

⁵³⁶ Julie Beardwell and Amanda Thompson, *Human Resource Management: A Contemporary Approach* (5th edn, Pearson Education Limited 2007).

⁵³⁷ Julie Beardwell and Amanda Thompson, *Human Resource Management: A Contemporary Approach* (5th edn, Pearson Education Limited 2007); Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁵³⁸ Julie Beardwell and Amanda Thompson, *Human Resource Management: A Contemporary Approach* (5th edn, Pearson Education Limited 2007); Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁵³⁹ Michael Beer, Bert Spector, Paul Lawrence, Quinn Mills and Richard Walton, *Managing Human Assets*, (Macmillan 1984).

⁵⁴⁰ Michael Armstrong and Stephen Taylor, *Armstrong's Handbook of Human Resource Management Practice* (14th edn, Kogan Page 2017); Mick Marchington and Adrian Wilkinson, *Human Resource Management at Work: People Management and Development* (5th edn, Chartered Institute of Personnel and Development 2005).

⁵⁴¹ Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5, 5.

⁵⁴² Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5; Janes Samwel, 'Human Resource Planning as an Important Practice to Anticipate Future Human Resource Requirements of the

function that precedes the selection process in order to create a pool of prospective employees for the organisation to select.

On the other hand, selection is the process of picking or choosing the right candidate who is most suitable for the job. Although recruitment and selection are closely connected, they each require a separate range of expertise and skills. Recruitment and selection of potential employees within the organisations are a planned, rational activity that goes through a systematic process.⁵⁴³ Sometimes, in practice, they may be carried out by different staff members in an organisation.⁵⁴⁴ The distribution of recruiting responsibilities varies with the structure and size of the organisation.

In almost all organisations, recruitment and selection are considered fundamental to the overall business development.⁵⁴⁵ They need to find the right person(s) with the right skills at the right time.⁵⁴⁶ The need for human capital is fundamental to the achievement of organisational goals.⁵⁴⁷ As mentioned in Chapter Two (Methodology), Alison Barber⁵⁴⁸ identified three applicant classifications during recruitment. They are:

4. The applicant population – These are the targeted group of people organisations can recruit from based on their decisions in targeting a particular segment of the labour market. For instance, when organisations post job adverts, the job adverts' contents target a specific group of skilled individuals.

Organization – Literature review' [2018] International Journal of Research in Business Studies and Management 24.

⁵⁴³ Daniel Gberevbie, 'Strategies for Employee Recruitment, Retention and Performance: Dimension of the Federal civil Service of Nigeria' [2010] African Journal of Business Management 1447; Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5; Janes Samwel, 'Human Resource Planning as an Important Practice to Anticipate Future Human Resource Requirements of the Organization – Literature review' [2018] International Journal of Research in Business Studies and Management 24.

⁵⁴⁴ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] Journal of Management and Strategy 57; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem in Focus' [2015] European Scientific Journal June 161.

⁵⁴⁵ Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An analysis of the link with Business Performance' [2014] Ruhuna Journal of Management and Finance 37; Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] Journal of Asia Pacific Studies 395.

⁵⁴⁶ Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An analysis of the link with Business Performance' [2014] Ruhuna Journal of Management and Finance 37; Chioma Anya, I Umoh and Gift Worlu, 'Human Resource Planning and Organizational Performance in Oil and Gas firms in Port Harcourt' [2017] International Journal of Academic Research 110; Janes Samwel, 'Human Resource Planning as an Important Practice to Anticipate Future Human Resource Requirements of the Organization – Literature review' [2018] International Journal of Research in Business Studies and Management 24.

⁵⁴⁷ Daniel Gberevbie, 'Strategies for Employee Recruitment, Retention and Performance: Dimension of the Federal civil Service of Nigeria' [2010] African Journal of Business Management 1447.

⁵⁴⁸ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications, 1998).

5. Applicant pool – These are the job seekers who choose to apply to the organisations based on the content of the job advert. For example, if an applicant meets the criteria on the job adverts, they may apply for the job.
6. Selectees – These are the targeted applicants who are eventually shortlisted for interviews by the organisations based on the job requirements. If candidates make it past the interview, they will be employed for the job.

These classifications of groups are important in HRM as it shows the transitions of job seekers from one phase to the other during recruitment and selection processes.⁵⁴⁹ However, before this transition can be achieved, there has to be human resource planning. This will be discussed in the next section.

4.3 Recruitment Planning

The first step in the recruitment process is establishing objectives such as identifying the number of vacancies to be filled, how to get a large number of reliable applicant pool, types of applicants sought (e.g., skills, knowledge, capability etc.), work experience, educational background, diversity, interest and values.⁵⁵⁰ This list is not exhaustive, but these are the basic reference points to substantive Human Resource Planning (HRP) (Figure 4.1).

HRP analyses the gap between where the organisation is presently and where it wants to be in the future.⁵⁵¹ As an objective, forecasting the demand and supply of manpower will help all organisations recruit and select individuals with the right skills at the right time.⁵⁵²

⁵⁴⁹ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications, 1998).

⁵⁵⁰ Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] IUP Journal of Business Strategy 93; Manender Singh, Manjeet Sharma and Preeti Bhuker, 'Job Analysis Behavior and Legal Issues' [2014] International Research Journal of Management and Commerce 26; Angel Sharma, Tahir Nisar, 'Managing Diversity and Equality in The Workplace' [2016] Cogent Business & Management 1.

⁵⁵¹ Tanuja Agarwala, *Strategic Human Resource Management* (Oxford University Press 2017); Susan Jackson and Randall Schuler, 'Human Resource Planning - Challenges for Industrial/Organizational Psychologists' [1990] American Psychologist 233; Chioma Anya, I Umoh and Gift Worlu, 'Human Resource Planning and Organizational Performance in Oil and Gas firms in Port Harcourt' [2017] International Journal of Academic Research 110.

⁵⁵² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703; Vathsala Wickramasinghe, 'Staffing Practices in the Private Sector in Sri Lanka' [2007] Career Development International 108; Cherrie Zhu and Peter Dowling 'Staffing Practices in Transition: Some Empirical Evidence from China' [2002] International Journal of Human Resource Management 569.

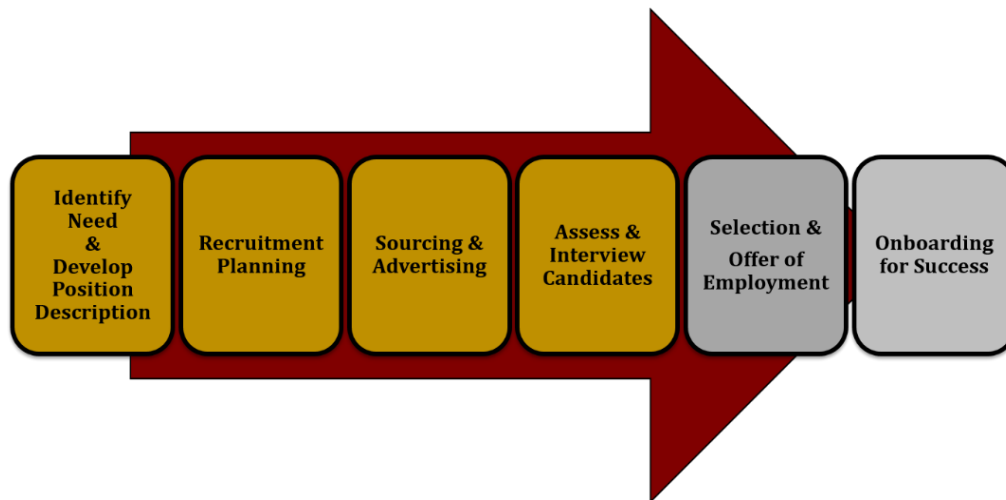


Figure 4.1 Recruitment and Selection Processes⁵⁵³

Recruitment in itself is a challenging task, and considerable effort goes into finding the right candidate.⁵⁵⁴ Organisations can leverage several recruitment sources to reach the best talent out there. The recruitment methods adopted by an organisation represents how job seekers view the whole recruitment process and what messages the recruitment transmits, such as:⁵⁵⁵

- Will job seekers feel the organisation is interested in them?
- Does the recruitment message directly address why a person should apply?
- Is the recruitment message believable?

Therefore, recruitment and selection are challenging tasks that require a lot of planning. Studies by Boxall, Purcell and Wright⁵⁵⁶ have identified five questions an organisation should answer for an effective strategic recruitment and selection processes which are - whom to recruit?', 'where to recruit?', 'what recruitment sources to use?', 'when to recruit?' and 'what message to communicate?'. To answer these questions, organisations first and foremost carry out a job analysis. This concept will be discussed in the next sub-section.

⁵⁵³ Iowa State University, 'Recruitment & Selection Process' <<https://www.hr.iastate.edu/employing-units/recruitment-selection>> accessed on 6 March 2018.

⁵⁵⁴ Emanoil Muscalu, 'Sources of Human Resources Recruitment Organization' [2015] Management and Economics 351.

⁵⁵⁵ James Breagh, 'Recruiting and Attracting Talent: A Guide to Understanding and Managing the Recruitment Process' (SHRM Foundation, 2010) < www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Recruiting-Attracting-Talent.pdf> accessed 31 January 2020

⁵⁵⁶ Peter Boxall, John Purcell and Patrick Wright, The Oxford Handbook of Human Resources Management (1st edn, Oxford University Press 2008).

4.3.1 Job Analysis

Job analysis is an important element in the process of recruitment (Figure 4.2). The responsibilities, duties and skills that are to fall within a particular role are formulated in the job analysis.⁵⁵⁷ A job analysis is carried out to determine why jobs exist and what impact it has on organisational performance.⁵⁵⁸ It also helps the organisation clearly design the organisational workforce structure.⁵⁵⁹ It should be noted that the purpose of job analysis is to evaluate the job and not the person doing the job.⁵⁶⁰ As such, this should be done by looking beyond the physical attributes of job seekers or the person currently doing the job if the job already exists. If the process of a job analysis is not outlined correctly, it can lead to discrimination.⁵⁶¹

The quality of job analysis data collected can and should contribute significantly to the overall performance of an organisation. HR practitioners within organisations source information about a vacant job from either line managers or senior management teams, depending on the level they are recruiting for. This can be done by interviewing managers or using questionnaires.⁵⁶² This is then used to create job specifications and job descriptions. As a result, job seekers develop a better understanding of the organisation's expectations in terms of relating to customers, production and service delivery standards.

⁵⁵⁷ Jeff Weekley, Jeffrey Labrador, Michael Campion and Kathleen Frye, 'Job Analysis Ratings and Criterion-related Validity: Are They Related and can Validity be Used as a Measure of Accuracy?' [2019] *Journal of Occupational and Organizational Psychology* 764; Fred Lunenburg, 'Human Resource Planning: Forecasting Demand and Supply' [2012] *International Journal of Management, Business, and Administration* 1.

⁵⁵⁸ Aleksandra Stoilkovska and Gordana Serafimovic, 'Job Analysis as an Important Human Resources Management Function' [2017] *Vision International Refereed Scientific Journal* 114; Jeff Weekley, Jeffrey Labrador, Michael Campion and Kathleen Frye, 'Job Analysis Ratings and Criterion-related Validity: Are They Related and can Validity be Used as a Measure of Accuracy?' [2019] *Journal of Occupational and Organizational Psychology* 764; Fred Lunenburg, 'Human Resource Planning: Forecasting Demand and Supply' [2012] *International Journal of Management, Business, and Administration* 1.

⁵⁵⁹ Fred Lunenburg, 'Human Resource Planning: Forecasting Demand and Supply' [2012] *International Journal of Management, Business, and Administration* 1; Jeff Weekley, Jeffrey Labrador, Michael Campion and Kathleen Frye, 'Job Analysis Ratings and Criterion-related Validity: Are They Related and can Validity be Used as a Measure of Accuracy?' [2019] *Journal of Occupational and Organizational Psychology* 764.

⁵⁶⁰ C M Siddique, 'Job Analysis: A Strategic Human Resource Management Practice' [2004] *The International Journal of Human Resource Management* 219; Manender Singh, Manjeet Sharma and Preeti Bhuker, 'Job Analysis Behavior and Legal Issues' [2014] *International Research Journal of Management and Commerce* 26; Biobele Richards Briggs, 'Problems of Recruitment in Civil Service: Case of the Nigerian Civil Service' [2007] *African Journal of Business Management* 142.

⁵⁶¹ Aleksandra Stoilkovska and Gordana Serafimovic, 'Job Analysis as an Important Human Resources Management Function' [2017] *Vision International Refereed Scientific Journal* 114; Jeff Weekley, Jeffrey Labrador, Michael Campion and Kathleen Frye, 'Job analysis ratings and criterion-related validity: Are They Related and can Validity be Used as a Measure of Accuracy?' [2019] *Journal of Occupational and Organizational Psychology* 764.

⁵⁶² Biobele Richards Briggs, 'Problems of Recruitment in Civil Service: Case of the Nigerian Civil Service' [2007] *African Journal of Business Management* 142.

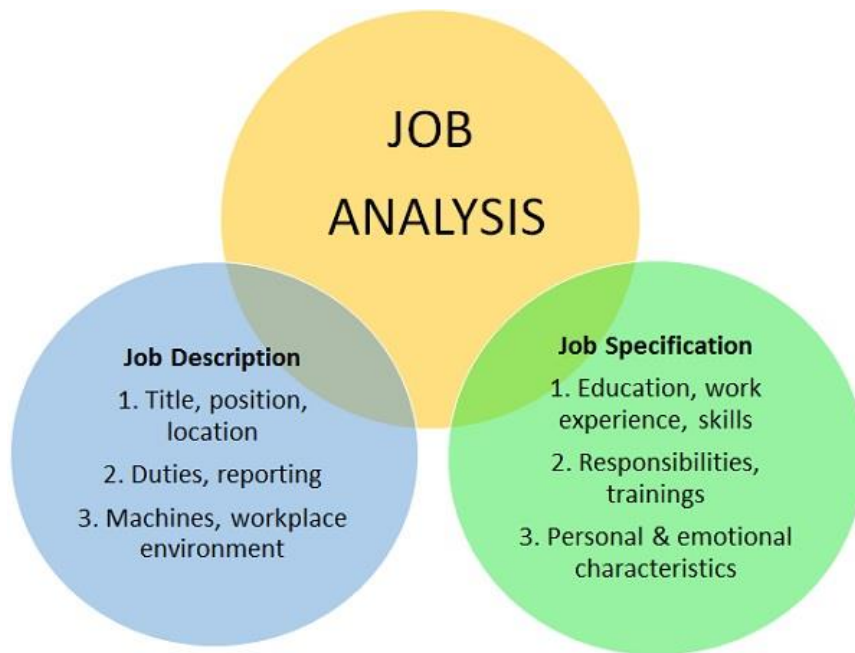


Figure 4.2 Job Analysis in Perspective⁵⁶³

4.3.2 Job Description

A job description is a descriptive document that outlines the elements of a job position, such as job title, the purpose of the job, responsibilities, reporting structure and location.⁵⁶⁴ The description of the job is also useful in the determination of grades and remuneration. A job description needs to be well-written as it is a communication tool between employee and employer and what is expected of the role and duties. Also, if a job description is not well-written, the wrong candidate might be selected for the job, which in turn affects organisational performance.⁵⁶⁵ More so, a job description forms the foundation for the development of interview questions.⁵⁶⁶ The job description as well should be free from discrimination as the

⁵⁶³ MBA Skool Team, Job Analysis (MBA Skool, 6 January 2020) <<https://www.mbaskool.com/business-concepts/human-resources-hr-terms/1797-job-analysis.html>>accessed on 10 January 2020.

⁵⁶⁴ Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] IJLTEMAS 1; Christopher Odogwu Chidi, 'Recruitment Practices and Performance of Unionised Organisations in the Food, Beverage and Tobacco Industry in Lagos State, Nigeria' [2013] Interdisciplinary Journal of Contemporary Research in Business 359; Laurence Stybel, 'Managing the Inner Contradictions of Job Descriptions: A Technique for Use in Recruitment' [2010] The Psychologist-Manager Journal 105.

⁵⁶⁵ Christopher Odogwu Chidi, 'Recruitment Practices and Performance of Unionised Organisations in the Food, Beverage and Tobacco Industry in Lagos State, Nigeria' [2013] Interdisciplinary Journal of Contemporary Research in Business 359; Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] IJLTEMAS 1.

⁵⁶⁶ Christopher Odogwu Chidi, 'Recruitment Practices and Performance of Unionised Organisations in the Food, Beverage and Tobacco Industry in Lagos State, Nigeria' [2013] Interdisciplinary Journal of Contemporary Research in Business 359; Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on

contents can directly link to the selection criteria, which can either be lawful or unlawful. According to Martin Gasiokwu, 'discrimination is the most comprehensive, systematic and severe deprivation of human rights'.⁵⁶⁷ Overtime, the recruitment and selection messages of organisations through the job description have received considerable attention with questions like:

- Is the information explicit?
- Is the information accurate?
- Is the information discriminatory?

These questions should stand as the basis for drafting the job description. The process of drafting a job description forces a job seeker to identify the ideal job candidate needed and why.⁵⁶⁸ As Boxall, Purcell and Wright stated, the messages employers communicate to potential candidates during recruitment starts from here.⁵⁶⁹ Is the job description positively or negatively inviting or deterring specific groups of people from applying? Targeting a specific group can cause a decrease in the number of applications received and discourage an entire group from applying.

4.3.3 Job Specification

A job specification provides information such as experiences, education, qualifications, training, technical, communication skills and competencies required to effectively perform all responsibilities in the position advertised.⁵⁷⁰ Job Specification makes explicit the aptitudes and intelligence that are sought after in candidates for available job openings in an organisation.⁵⁷¹ Based on the job description, job specification helps job seekers evaluate whether they are eligible to apply for a particular job vacancy or not.⁵⁷² Before this can happen, organisations need to decide on which recruitment and selection methods to utilise.

Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] IJLTEMAS 1.

⁵⁶⁷ Martin Gasiokwu, *Human Rights: History ideology and Law* (CAFAB 2003), 224.

⁵⁶⁸ Amity Perry and Brian H Kleiner, 'How to Hire Employees Effectively' [2002] Management Research News 1

⁵⁶⁹ Peter Boxall, John Purcell and Patrick Wright, *The Oxford Handbook of Human Resources Management* (1st edn, Oxford University Press 2008).

⁵⁷⁰ Rotimi Adeyori and Folorunso Fajebe, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

⁵⁷¹ Rotimi Adeyori and Folorunso Fajebe, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230.

⁵⁷² Eniola Sule Olatunji and Elizabeth I Ugoji, *Impact of Personal Recruitment on Organizational Development: A Survey of Selected Nigerian Workplaces* [2013] *International Journal of Business Administration* 79.

4.4 Recruitment and Selection Methods

Organisations need to ensure that the right people with the right skills are recruited for the advertised roles. Recruitment and selection involve two main processes: shortlisting job candidates and assessing job candidates against the job-related criteria. Within these two processes, organisations use different recruitment and selection methods such as job advertisements, interviews, psychometric testing, ability and aptitude tests, assessments or references. However, for the purpose of this research, job advertisements would be looked at as a method of recruitment and job interviews as a method of selection. As this research will reveal, these are the main recruitment methods where discrimination usually occurs. Therefore, it is important to understand what these methods are and how they are supposed to be actioned.

4.4.1 Recruitment Methods – Job Advertisements

In attracting attention, the type of job seeker sought is crucial to the success of a recruitment campaign. A job advertisement or recruitment message can significantly impact whether people apply or accept jobs with an organisation.⁵⁷³ This can also determine whether recruits remain after they are employed. The job advertisement communicates the information organisations present to their target groups. A job advertisement is essential and is needed to communicate the type of skills, work experience, location or educational background needed to carry out the job responsibilities. The messages contained in job adverts can sometimes either be discriminatory in nature or the job role not properly outlined. This is why it is critical to go through a proper job analysis process.

The information provided in a job advert translates to the extent to which organisations can attract potential job seekers.⁵⁷⁴ When a job advert is based on skills, education, experiences and qualifications required to carry out the job role, job seekers can align their strengths and weaknesses to the requirement and see if they are a fit. If they are, this would automatically align with the organisation's goal of hiring the most productive job seekers.⁵⁷⁵ The information

⁵⁷³ Richard Arvey and Gary Renz, 'Fairness in the Selection of Employees' [1992] *Journal of Business Ethics* 331; Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, 'Anonymous job applications of fresh PhD Economists' [2012] *Economics Letters* 117.

⁵⁷⁴ Marieke Carpentier, Greet Van Hove and Qingxiong Weng, 'Social Media Recruitment: Communication Characteristics and Sought Gratification' [2019] *Frontier in Psychology* 1.

⁵⁷⁵ Taslim Ahammad, 'Personnel Management to Human Resource Management (HRM): How HRM Functions?' [2017] *Journal of Modern Accounting and Auditing* 412; Yashar Harky, 'The Significance of Recruitment and Selection on Organizational Performance: The Case of Private owned Organizations in Erbil, North of Iraq' [2018] *International Journal of Contemporary Research and Review* 20393; Randall Schuler, Susan Jackson and Ibraiz Tarique, 'Global Talent Management and Global Talent Challenges: Strategic Opportunities for IHRM' [2011] *Journal of World Business* 506.

conveyed by organisations to potential job seekers should relatively be 'objective' in nature to avoid discrimination (see as discussed in Chapter Six).⁵⁷⁶

4.4.2 Selection Methods – Job Interviews

Selection is defined as a process whereby specific tools are used to choose from the attracted candidates' persons who are likely to succeed in the job(s).⁵⁷⁷ It is the process of carefully choosing the most suitable applicant from the pool of applicants sourced to fill the job vacancy.⁵⁷⁸ Selection involves the use of one or more methods such as interviews, assessments, psychometric testing or references in assessing the suitability of potential applicants with the hope of making an accurate decision.⁵⁷⁹

Selection can alternately be seen as a medium of rejecting unsuitable job applicants.⁵⁸⁰ Thus, selection can be both a positive and a negative function.⁵⁸¹ Furthermore, subjective judgement of applicants during recruitment and selection processes is inevitable, which can either have a positive or negative impact on job applicants.⁵⁸² When the right people are selected for the job, productivity increases.⁵⁸³ Selection processes utilise various methods such as interviews, knowledge or skills tests, assessments, medical tests, and references to assess an applicant's suitability.⁵⁸⁴

⁵⁷⁶ Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece Through a Snapshot of Internet Sites for Job Vacancies' [2014] *International Journal of Economics and Management Sciences* 9.

⁵⁷⁷ Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

⁵⁷⁸ Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22; Monday Osemeke, 'The Impact of Human Resource Management Practices on Organisational Performance: A study of Guinness Nigeria Plc' [2012] *International Journal of Arts and Humanities* 79.

⁵⁷⁹ Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22.

⁵⁸⁰ Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22.

⁵⁸¹ Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An analysis of the link with Business Performance' [2014] *Ruhuna Journal of Management and Finance* 37.

⁵⁸² Dan Ofori and Majoreen Aryeetey, 'Recruitment and Selection Practices in Small and Medium Enterprise' [2011] *International Journal of Business Administration* 45; Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22; Henry Ongori, 'Recruitment and Selection Practices in SMEs: Empirical Evidence from a Developing Country Perspective' [2010] *Advances in Management* 52.

⁵⁸³ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395; Patrick Edewor, Yetunde Aluko and Folarin Sheriff, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70; Daniel Gberefie, 'Staff Recruitment and its effects on Organisational Performance' [2010] *The Abuja Management Review* 177.

⁵⁸⁴ Gary Rees and Ray French, *Leading, Managing and Developing People* (5th edn, Kogan Page 2016).

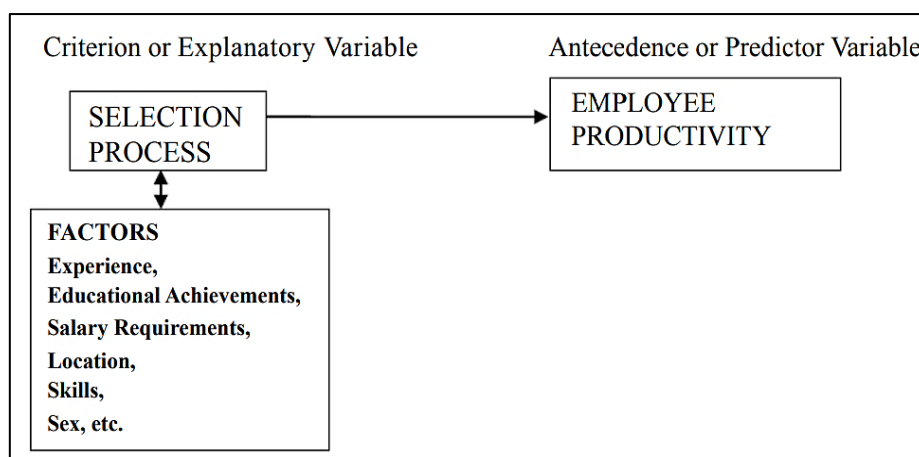


Figure 4.3 Factors Influencing Selection Process⁵⁸⁵

One of the most commonly used methods during the selection of potential candidates is the interview.⁵⁸⁶ When interviews are conducted effectively, the employer can determine if an applicant's experience, skills, and personality meet the job requirements (see Figure 4.3 above).⁵⁸⁷ Interviews are designed to review candidates based on their experiences, motivation, ability to work under pressure, and ability to 'fit in' with the company.⁵⁸⁸ Interviews play a predictive role in assessing the applicant with regard to the vacant role.⁵⁸⁹ It was argued that interviews involve a high cognitive load when making good judgements.⁵⁹⁰ According to Barrick et al., during interviews, 'a myriad of pieces of applicant information is received,

⁵⁸⁵ O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] Business and Economics Journal 1.

⁵⁸⁶ Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46; Richaard Camp, Eric Schulz, Mary Vielhaber and Fraya Wagner-Marsh, 'Human Resource Professionals' Perceptions of Interviewer Training' [2011] Journal of Managerial Issues 250; SHRM, 'Interviewing Candidates for Employment' <<https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/interviewingcandidatesforemployment.aspx>> accessed on 01 February 2020; Therese Macan, 'The Employment Interview: A Review of Current Studies and Directions for Future Research' [2009] Human Resource Management Review 203.

⁵⁸⁷ Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019; Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46.

⁵⁸⁸ Richaard Camp, Eric Schulz, Mary Vielhaber and Fraya Wagner-Marsh, 'Human Resource Professionals' Perceptions of Interviewer Training' [2011] Journal of Managerial Issues 250.

⁵⁸⁹ Therese Macan, 'The Employment Interview: A Review of Current Studies and Directions for Future Research' [2009] Human Resource Management Review 203; Richaard Camp, Eric Schulz, Mary Vielhaber and Fraya Wagner-Marsh, 'Human Resource Professionals' Perceptions of Interviewer Training' [2011] Journal of Managerial Issues 250.

⁵⁹⁰ Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

interpreted, and evaluated by the interviewer in an attempt to 'score' the applicant and ultimately make an accept-or-reject decision'.⁵⁹¹ Interviewers may not have the full range of data available to them, thereby making hasty decisions.⁵⁹² Some researchers have even suggested that the decision about candidates are made in the first four minutes of the interviews.⁵⁹³ There are three primary types of interviews, namely structured, semi-structured or unstructured.

4.4.2.1 Structured Interviews

The structured interview is a variation of the employment interview designed to limit different biasing factors or the degree of discretion an interviewer is allowed when conducting the interview.⁵⁹⁴ Structure improves selection interviews as it makes interviewers focus more on job-related questions. The questions are usually specific and mostly offer a fixed range of answers that are relatively quick and easy to control.⁵⁹⁵ However, during the interview and if necessary, the interviewers can still ask questions for clarity and further information. Levashina et al., in their research, outlined six structured interviewing components which relate to the interview content and interview evaluation.⁵⁹⁶ They are:

1. Creating questions based on the job analysis
2. Asking all candidates the same questions
3. Asking better questions such as behavioural and/or situational interview questions

⁵⁹¹ Murray Barrick, Jonathan Shaffer and Sandra Deggrasi, 'What You See May Not Be What You Get: Relationships Among Self-Presentation Tactics and Ratings of Interview and Job Performance' (2009) 94 *Journal of Applied Psychology* 1394, 1395.

⁵⁹² Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

⁵⁹³ Murray Barrick, Jonathan Shaffer and Sandra Deggrasi, 'What You See May Not Be What You Get: Relationships Among Self-Presentation Tactics and Ratings of Interview and Job Performance' [2009] *Journal of Applied Psychology* 1394; Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

⁵⁹⁴ Mamin Ullah, 'A Systematic Approach of Conducting Employee Selection Interview' [2010] *International Journal of Business and Management* 106.

⁵⁹⁵ Julia Levashina, Christopher J Hartwell, Frederick P Morgeson and Michael A Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' (2014) 67 *Personnel Psychology* 241; Mamin Ullah, 'A Systematic Approach of Conducting Employee Selection Interview' [2010] *International Journal of Business and Management* 106.

⁵⁹⁶ Julia Levashina, Christopher J Hartwell, Frederick P Morgeson and Michael A Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' [2014] *Personnel Psychology* 241.

4. Rating each answer given
5. Using anchored rating scales
6. Training the interviewers

This makes structured interviews more effective and efficient because they force attention on job-relevant variables rather than inappropriate variables such as age, sex, or race. Also, it 'prevent a degeneration of the interview into a quasi-personality test'.⁵⁹⁷ This is why a lot of studies have shown that structured interviews have more predictive validity than unstructured interviews.⁵⁹⁸ There are some advantages and disadvantages of structured interviews, as shown in Figure 4.4.

Advantages	Disadvantages
It promotes standardization, which will minimize error due to variation in the questions asked.	Interviewers' characteristics and attributes can have an influence on the replies.
As the questions are specific, hence the potential for interviewer's variability is reduced.	As the respondent's answers in a more consistent way, it could lead to irrelevance to the topic being measured.
Closed questions will facilitate the data processing, which will limit potential errors.	May exhibit loss of spontaneity.
Able to clarify the meaning of a question with the availability of answers.	Difficult to establish rapport.
Easy to complete.	

Figure 4.4 Advantages and Disadvantages of Structured Interviews⁵⁹⁹

4.4.2.2 Semi-structured Interviews

A semi-structured interview is a meeting whereby the interviewer does not strictly follow a formalised list of questions. However, the interviews must have a degree of structure during implementation.⁶⁰⁰ This is usually achieved by having a planned set of questions, at least in

⁵⁹⁷ Jean M Barclay, 'Employee Selection: A Question of Structure' (1997) *Personnel Review* 134, 137.

⁵⁹⁸ Mamin Ullah, 'A Systematic Approach of Conducting Employee Selection Interview' [2010] *International Journal of Business and Management* 106; Julia Levashina, Christopher J Hartwell, Frederick P Morgeson and Michael A Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' [2014] *Personnel Psychology* 241; Jean M Barclay, 'Employee Selection: A Question of Structure' [1997] *Personnel Review* 134.

⁵⁹⁹ M Nor Rashidi, R Ara Begum, M. Mokhtar and J J Pereira, 'The Conduct of Structured Interviews as Research Implementation Method' (2014) *Journal of Advanced Research Design* 28, 29.

⁶⁰⁰ Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] *Management Teaching Review* 46; Nicholas S Miceli, Harvey Michael and Buckley M Ronald,

part, so that all candidates in the interview are asked some questions in common. A semi-structured interview allows for some flexibility for the interviewer to ask follow-up questions from candidates.⁶⁰¹ It is also conversational, or a two-way communication and most of the questions are created during the interview.⁶⁰² However, because of the use of open-ended questions to gain more information from candidates, it is difficult to establish uniformity across candidates. This is where the advantages and disadvantages of using semi-structured interviews come in. They are as follows:

Advantages of Semi-structured interviews

- Allows for more interaction
- Provides more flexibly for the exploration of more information
- It can help clarify and converse complex questions and issues

Disadvantages of Semi-structured interviews

- Room for subjectivity and bias
- It required the interviewer to be trained
- It can be time-consuming
- It might be difficult to compare or evaluate candidates' responses

4.4.2.3 Unstructured Interviews

An unstructured interview is an interview where there is no specific set of predetermined questions. However, the interviewers generally have certain topics in mind that form the basis

'Potential Discrimination in Structured Employment Interviews' [2001] Employee Responsibility and Rights Journal 15.

⁶⁰¹ Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46; Nicholas S Miceli, Harvey Michael and Buckley M Ronald, 'Potential Discrimination in Structured Employment Interviews' [2001] Employee Responsibility and Rights Journal 15; Karen Zee, Arnold Bakker and Paulien Bakker, 'Why Are Structured Interviews So Rarely Used in Personnel Selection?' [2002] Journal of Applied Psychology 176; Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] Personnel Psychology 281.

⁶⁰² Karen Zee, Arnold Bakker and Paulien Bakker, 'Why Are Structured Interviews So Rarely Used in Personnel Selection?' [2002] Journal of Applied Psychology 176; Nicholas S Miceli, Harvey Michael and Buckley M Ronald, 'Potential Discrimination in Structured Employment Interviews' [2001] Employee Responsibility and Rights Journal 15; Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46; Karen Zee, Arnold Bakker and Paulien Bakker, 'Why Are Structured Interviews So Rarely Used in Personnel Selection?' [2002] Journal of Applied Psychology 176.

of the interview.⁶⁰³ As such, interviewers tend to talk most.⁶⁰⁴ Unstructured interviews have a conversational flow to them like an everyday conversation and tend to be more open-ended and informal.⁶⁰⁵ An unstructured interview has been perceived to be the best way to uncover important information about a candidate, which might be traits that might make them ideal or unsuitable for the job.⁶⁰⁶

A major problem that can occur with an unstructured interview method is when bias intrudes. This happens when interviewers' opinions of candidates 'leak' into their nonverbal behaviour.⁶⁰⁷ For instance, an interviewer might believe that the Yoruba tribe is manipulative, rude, and lacks common sense. Upon discovering that a candidate is Yoruba, the interviewer would immediately form a negative opinion against the candidate. It has been reported that interviewers are influenced by candidates' race, gender, disability, and age.⁶⁰⁸ The following are some of the potential problems that may occur during an employment interview, especially the unstructured interview method of selecting employees:⁶⁰⁹

- Concerns on what questions interviewers should ask candidates and how candidates are evaluated.
- Appearance bias in the interview such as cosmetics, facial attractiveness, and attire.
- Interviewer bias relating to non-verbal cues such as eye contact, smiling, etc.

⁶⁰³ Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512; Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281.

⁶⁰⁴ Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281.

⁶⁰⁵ Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281; Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512.

⁶⁰⁶ Karen Zee, Arnold Bakker and Paulien Bakker, 'Why Are Structured Interviews So Rarely Used in Personnel Selection?' [2002] *Journal of Applied Psychology* 176; Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512; Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281.

⁶⁰⁷ Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512; Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281.

⁶⁰⁸ Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512.

⁶⁰⁹ Timothy Judge, Chad Higgins and Daniel Cable, 'The Employment Interview: A Review of Recent Research and Recommendations for Future Research' [2000] *Human Resource Management Review* 383.

- More weight is given to negative information than positive information during interviews. Research shows that it takes more than twice the effort to change an interviewer's initial negative impression of a candidate than a positive impression.⁶¹⁰
- Any information obtained prior to the interview can dominate an interviewer's judgments.
- Candidates with similar attributes to the interviewer receive biased judgments and higher ratings.

Regardless of which interview structure method is used, discrimination seems to be a recurring problem. Interviews should always be adequately planned to avoid bias. Interviews present an opportunity for subtle cues that can affect the perception and judgments of interviewers.⁶¹¹ This is because job interviews are also widely criticised for being vulnerable to unfair discrimination and bias.⁶¹² Some organisations ask discriminatory questions to justify their business interest.⁶¹³ This will be explored in more detail in Chapter Six.

4.5 Summary

Part one of this chapter has examined the nature of HRM, recruitment and selection and its importance to an organisation in general. HRM has got prime importance in business organisations, especially when it comes to the recruitment of skilled labour. The core of HRM is for organisations to employ skilled individuals of value, rareness, imitability, and organised (VRIO framework). How organisations perceive their employees play a major role in how they are recruited and managed. If employees are seen as a valuable resource, then it is most likely that the organisation's HRM aligns with the soft approach. However, if employees are seen only as a resource, then the organisation's HRM practices align more with the hard approach. This is not to say that both HRM approaches cannot co-exist.

⁶¹⁰ P M Rowe, 'Unfavorable Information and Interview Decisions' in R W Eder and G R Ferris (eds.), *The Employment Interview: Theory, Research, and Practice* (Sage 1989).

⁶¹¹ Timothy Judge, Chad Higgins and Daniel Cable, 'The Employment Interview: A Review of Recent Research and Recommendations for Future Research' [2000] *Human Resource Management Review* 383; Jason Dana, Robyn Dawes and Nathaniel Peterson, 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] *Judgment and Decision Making* 512.

⁶¹² Mohammad Pasban and Sadegheh Nojehdeh, 'A Review of the Role of Human Capital in the Organization' [2016] *Procedia - Social and Behavioral Sciences* 249; Nicholas S Miceli, Michael Harvey and M Ronald Buckley, 'Potential Discrimination in Structured Employment Interviews' [2001] *Employee Responsibilities and Rights Journal* 15; Nuno Cardeal and Nelson António, 'Valuable, Rare, Inimitable Resources and Organization (VRIO) Resources or Valuable, Rare, Inimitable Resources (VRI) Capabilities: What Leads to Competitive Advantage?' [2012] *African Journal of Business Management* 10159; Harky Yashar, 'The Significance of Recruitment and Selection on Organizational Performance: The Case of Private owned Organizations in Erbil, North of Iraq' [2018] *International Journal of Contemporary Research and Review* 20393.

⁶¹³ Jacqueline Wilson, 'Weighing the Legality of Interview Questions' [2003] *The Dentist Assistant* 46.

HRM helps organisations maximise their employees' skills, competencies, capabilities, and strengths to meet their strategic goals. This can only be done through recruitment. However, before potential employees can be employed in an organisation, extensive HR planning is required. Recruitment and selection are one of the most significant functions of HRM in ensuring the performance and competitiveness of an organisation.⁶¹⁴ It emphasises that the availability of a skilled labour force does not just happen by chance but through effective and efficient HR planning.⁶¹⁵ When planning to increase the organisational workforce, care must be taken in ensuring that a proper job analysis is conducted. This subsequently feeds into the job description, specification and recruitment and selection method used.

As HR practices differ from country to country, it is important to explore how HRM is practised in Nigeria, specifically Lagos state in the next part of this chapter.

Part Two – Human Resources Management in Lagos State

In Part One of this chapter, the purpose of HRM, the importance of recruitment and selection practices and processes, and the significance of recruitment planning were discussed in a holistic view (Sections 4.2 – 4.4). Part Two will, therefore, examine the concept of HRM within the Nigerian context, the various challenges that affect the implementation of HR practices and how recruitment and selection processes are carried out but with particular reference to Lagos State. Although some discussions of HRM have been done in Chapter One, Section 1.2, it is important to discuss further how this relates to the occurrence of discrimination in recruitment and selection processes in Nigeria.

To avoid confusion, some of the contexts on recruitment and selection practices will be narrowed down to the HR practices in Nigeria. As stated in the introduction section above, due to the limited literature of HRM within the context of Nigeria or how HRM is been implemented or carried out in Nigeria, international literature on HRM would be used to support the knowledge understanding of HRM in Lagos State.⁶¹⁶ More so, quotes from the HR interviews conducted will be included only as a subjective view of their organisations.

⁶¹⁴ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703; Vathsala Wickramasinghe, 'Staffing Practices in the Private Sector in Sri Lanka' [2007] *Career Development International* 108; Cherrie Zhu and Peter Dowling 'Staffing Practices in Transition: Some Empirical Evidence from China' [2002] *International Journal of Human Resource Management* 569.

⁶¹⁵ Christopher Chidi, 'Recruitment Practices and Performance of Unionised Organisations in the Food, Beverage and Tobacco Industry in Lagos State, Nigeria' [2013] *Interdisciplinary Journal of Contemporary Research in Business* 359.

⁶¹⁶ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703.

4.6 Brief History

As discussed in Chapter One, Section 1.2, the concept of HRM was first introduced into Nigerian literature during the colonial era in 1940.⁶¹⁷ There were indigenous work relationships and traditions in organisations in Nigerian communities prior to the introduction of HRM through multinational companies.⁶¹⁸ It is argued that foreign, imported HRM practices may conflict with the traditional way of doing things in developing countries and can cause confusion.⁶¹⁹ The confusion is as a result of the lack of adaptation.⁶²⁰ The socio-cultural differences among countries mean that there are different approaches to work in organisations. Thus, the success of HRM practices in one country does not guarantee success in other countries. It has also been argued that the importation of western HRM practices may be detrimental to the development of African-style HRM practices.⁶²¹ This is because Western HRM approaches are built on the best HRM practice models underpinned by market-driven HRM practices, flexibility and economic rationality.⁶²² Also, best HRM practices are a set of Human Resources Management processes and actions that work universally, such as recruiting the right candidate, creating favourable working conditions, compensation and benefits etc.

As stated by Azolukwam and Perkins, Anakwe and Fajana et al., HRM in Nigeria has gradually been characterised by its lack of specialisation and professionalism.⁶²³ Nigeria is

⁶¹⁷ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶¹⁸ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶¹⁹ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Ernest Jebolise Chukwuka and Nkiru Peace Nwakoby, 'Effect of Human Resource Management Practices on Employee Retention and Performance in Nigerian Insurance Industry' [2018] *International Journal of Business, Accounting and Management* 27.

⁶²⁰ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; John O Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] *Management Research News* 57.

⁶²¹ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; John O. Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] *Management Research News* 57.

⁶²² Desmond Tutu Ayentimi, John Burgess and Kerry Brown, 'HRM Development in Post-colonial Societies: The Challenges of Advancing HRM Practices in Ghana' [2018] *International Journal of Cross Cultural Management* 125.

⁶²³ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human*

characterised by its over-reliance on culture, religion, language, gender and educational qualifications which is a strong basis for who gets employed, as discussed in Chapter Five.⁶²⁴ The data collected in this research also confirms that organisations use some cultural influences such as age, gender and ethnicity as a basis for job applicant selection. As such, HRM in Nigeria can be said to be at the infancy stage, and more research is required in this area.⁶²⁵ Human resources planning and development as HRM practices in Nigeria are also yet to be fully explored and analysed.⁶²⁶

HRM practices in Nigeria have always functioned within dual organisational systems, which subscribes to the traditional and foreign patterns of operation, although foreign practices seem more dominant.⁶²⁷ Literature suggests that HRM practices such as recruitment and selection, rewards, training, and employee development, among others present in Nigerian organisations, bear some resemblance with HRM activities in the developed world, such as the UK and USA.⁶²⁸ The difference between HRM in Nigeria and other developed countries is as a result of the unique institutional environment in which HRM is practised.⁶²⁹ Whether the HRM practices in Nigeria are hybridised or not, the ultimate goal is for organisations to sustain a competitive advantage in the marketplace. How this is achieved is sometimes dependent of their HRM strategy(ies). In light of this research, the next section will discuss the two of the most common HRM strategic approaches as it relates to recruitment and selection practices in Nigeria.

Resource Management 1042; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶²⁴ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Oko Ameh and Emmanuel Itodo Daniel, 'Human Resource Management in the Nigerian Construction Firms: Practices and Challenges' [2017] *Journal of Construction Business and Management* 47.

⁶²⁵ John O Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] *Management Research News* 57; Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2020] *Employee Relations* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶²⁶ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Oko Ameh and Emmanuel Itodo Daniel, 'Human Resource Management in the Nigerian Construction Firms: Practices and Challenges' [2017] *Journal of Construction Business and Management* 47; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

⁶²⁷ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights' [2002] *International Journal of Human Resource Management* 1042.

⁶²⁸ Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2020] *Employee Relations* 1.

⁶²⁹ Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2020] *Employee Relations* 1.

4.7 'Soft' and 'Hard' HRM in Nigeria

Strategic Human Resource Management research in Nigeria is an emerging area in management studies.⁶³⁰ When it comes to the soft and hard approaches to HRM, it is almost straightforward to determine which approach aligns more with the management of people in the private sector in Lagos State. It was also affirmed by Ihuah, who noted that the Nigerian real estate sector utilises the Hard HRM approach.⁶³¹

It is a known fact that employers in Nigeria have a right to hire and fire at will with little to no legal implication, especially within the private sectors in Nigeria.⁶³² As such, their modus operandi seems to align with the 'hard' HRM.⁶³³ As discussed in Section 4.2 above, the Hard HRM approach sees people as a business resource that is used to secure a competitive advantage in the marketplace, and this can be seen in the way people are recruited and selected for jobs. With Hard HRM, organisational control is firmly in the hands of the management, and they effectively manage the number of employees and match them closely with desired goals and objectives of the organisation.⁶³⁴ More so, recruitment in the private sector in Lagos State are rigid and based on the perceived needs: recruiting those deemed credible.⁶³⁵ This could explain the discriminatory requirements during recruitment and selection, which can be based on personal characteristics. As this research will show in Chapters Five, Six and Seven, some organisations openly discriminate against job seekers by demanding specific personal characteristics such as age, sex, religion, or ethnicity. For example, an organisation can see a male candidate as a better, stronger candidate than a female or a younger candidate as opposed to an older one.

⁶³⁰ Olufemi J Adeyeye, 'An Evaluation of Human Resource Management (HRM) Practices in Nigerian Universities: The Impact of Size' [2009] *Journal of Social Sciences* 534.

⁶³¹ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁶³² Bamidele Rasak, Modupe Ake, Festus Femi Asamu and Rasaq O Ganiyu, 'Casual Work Arrangements (CWAs) and Its Effect on Right to Freedom of Association in Nigeria' [2019] *International Journal of Innovative Legal & Political Studies* 1.

⁶³³ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁶³⁴ Mukarramah Modupe Adeola and Sulaimon Olanrewaju Adebisi, 'Employee Motivation, Recruitment Practices and Banks Performance in Nigeria' [2016] *International Journal of Entrepreneurial Knowledge* 70; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁶³⁵ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

For this reason, Soft HRM should be the ideal approach in managing people in organisations.⁶³⁶ This is where an open system strategy is adopted to allow total participation and integration of all employees while consideration is given to the external organisational environmental issues.⁶³⁷ As illustrated by Ihuah, the Soft HRM approach provides opportunities for awareness and understanding of the personal internal factors that should be included in the recruitment and selections responsibilities. If the private sector sees people as valuable, then recruiting them should be based on a merit system (i.e., finding the right skills). In a study conducted by Ashton in the Thai hotel industry, it was concluded that soft HRM practices helped to resolve the crisis of shortage of labour and skills, thus improving job satisfaction and retention.⁶³⁸ As discussed in Chapter One, there is a reported case of unemployment and underemployment in Nigeria. It has been established that poor HRM practices can result in labour and skills crises.⁶³⁹ Therefore, the soft HRM model could help resolve this.

However, this does not mean that the Hard HRM approach would become obsolete. Both approaches can co-exist in any particular strategy of HRM of an organisation.⁶⁴⁰ Beardwell and Thompson have opined that the Hard HRM approach may contain some elements of the Soft HRM approach.⁶⁴¹ As such, it is possible for the private sector in Nigeria to maintain maximum control of their business and have cost-effective policies, with faster decisions amongst managers without compromising the value they place on workforce by having recruitment policies, creating equal opportunity for each individual and recruiting the right people for the demands of the job.⁶⁴²

⁶³⁶ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁶³⁷ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

⁶³⁸ Ashton, 'How Human Resources Management Best Practice Influence Employee Satisfaction and Job Retention in the Thai Hotel Industry' [2018] *Journal of Human Resources in Hospitality and Tourism* 175.

⁶³⁹ Ashton, 'How Human Resources Management Best Practice Influence Employee Satisfaction and Job Retention in the Thai Hotel Industry' [2018] *Journal of Human Resources in Hospitality and Tourism* 175.

⁶⁴⁰ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Julie Beardwell and Amanda Thompson, *Human Resource Management: A Contemporary Approach* (5th edn, Pearson Education Limited 2007); Karen Legge, *HRM: Rhetorics and Realities* (Macmillan Business 1995).

⁶⁴¹ Julie Beardwell and Amanda Thompson, *Human Resource Management: A Contemporary Approach* (5th edn, Pearson Education Limited 2007).

⁶⁴² Monday Osemeke, 'The Impact of Human Resource Management Practices on Organisational Performance: A study of Guinness Nigeria Plc' [2012] *International Journal of Arts and Humanities* 79; Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16.

However, Truss et al., in their research, found that no single organisation adopted either a pure Hard or Soft approach to human resource management. Rather there is an element of both.⁶⁴³ However, their research also revealed that in organisations, if the rhetoric of HRM is soft, in reality, most organisations practise the Hard HRM approach, with the interests of the organisation prevailing over those of the individual.⁶⁴⁴ Meaning that the precise elements of the mixture of Hard and Soft HRM are unique to each organisation, with factors such as the internal and external environment of the organisation, its strategy, culture and structure playing a vital role in the way in which HRM operates.⁶⁴⁵ It could then be implied that private organisations in Nigeria could be influenced by the external environment, such as culture, which seems to be rigid (Hard) and shapes the directions of recruitment and selection practices. More on the influence of culture will be discussed in Chapter Five of this thesis. The next sections will explore the recruitment and selection practices and their challenges in Nigeria but with emphasis on the private sector.

4.8 Recruitment and Selection Practices in Lagos State

As stated in Section 4.2, the primary objective of HRM is to positively impact organisational performance through the availability of human resources. Therefore, recruitment and selection of the right candidate in any organisation, be it public or private, is of utmost importance.

In both the public and private sectors in Nigeria, similarities and differences occur in the recruitment practices, which are reflected in the budget, methods, organisation culture, and skills.⁶⁴⁶ The public sector is directly regulated and controlled by the government, which is determined by three factors – vacancies, qualifications, and the Federal Character Principles (FCP) (Chapter One, Section 1.2).⁶⁴⁷ On the other hand, private sectors have a more rigid approach to recruitment and selection. They understand that the availability of competent and qualified personnel does not just happen but through effective recruitment and selection

⁶⁴³ Catherine Truss, Lynda Gratton, Veronica Hope-Hailey, Patrick McGovern and Philip Stiles, 'Soft and Hard Models of Human Resource Management: A Reappraisal' [1997] *Journal of Management Studies* 53.

⁶⁴⁴ Catherine Truss, Lynda Gratton, Veronica Hope-Hailey, Patrick McGovern and Philip Stiles, 'Soft and Hard Models of Human Resource Management: A Reappraisal' [1997] *Journal of Management Studies* 53.

⁶⁴⁵ Catherine Truss, Lynda Gratton, Veronica Hope-Hailey, Patrick McGovern and Philip Stiles, 'Soft and Hard Models of Human Resource Management: A Reappraisal' [1997] *Journal of Management Studies* 53.

⁶⁴⁶ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶⁴⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 14 (3), Federal Character Principles - seeks to ensure that appointments to public service institutions fairly reflect the linguistic, ethnic, religious, and geographic diversity of the country.

practices.⁶⁴⁸ However this is not always the case. Hence the aim of this research is to explore whether or not recruitment and selection processes are carried out properly in the private sector. More specifically, the private sector in Lagos State.

Lagos State is the most industrial and commercial hub of Nigeria.⁶⁴⁹ It is also the financial capital of Nigeria.⁶⁵⁰ It accounts for 80% of the value-added growth in Nigeria's manufacturing sector and generates 65% of Nigeria's Value Added Tax (VAT).⁶⁵¹ Lagos is also the country's financial capital and accommodates the largest number of businesses among all the states in Nigeria.⁶⁵² As such, in Lagos State, recruitment and selection take place more often in the private sector than in the public sector.

Organisations in Lagos, just like every other organisation, compete in the war for talent.⁶⁵³ It has a concentration of experienced professionals and a high influx of fresh graduates from other states, thereby stimulating the fierce competition for exceptional talent.⁶⁵⁴ As such, organisations are aware that human resources should be in the right quality, quantity, and time if they want to be effectively utilised.⁶⁵⁵ Unfortunately, studies have shown that in the Nigerian workplace, organisational performance is hindered by poor human resources recruitment and selection practices.⁶⁵⁶ This is not to say that HR professionals do not practice traditional HRM functions, such as recruitment and selection, training and development, and

⁶⁴⁸ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶⁴⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶⁵⁰ Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107.

⁶⁵¹ Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107.

⁶⁵² Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107.

⁶⁵³ Dianne Jacobs, 'In Search of Future Leaders: Managing the Global Talent Pipeline' [2005] *Ivy Business Journal Online* 1; Schon Beechler and Ian Woodward, 'The global "War for Talent"' (2009) *Journal of International Management* 273, [273].

⁶⁵⁴ Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107.

⁶⁵⁵ Nwachukwu Precious Ikechukwu, Tamuno Daniel Achori, Pepple Barnabas Gogo and Barbara Ejemeh NcheyAchukwu, 'The Interference of Politicians in the Recruitment and Selection of Academic Staff in Tertiary Institutions: A Case Study of Polytechnics in Niger Delta' [2019] *International Journal of Engineering and Management Research* 147.

⁶⁵⁶ Nwachukwu Precious Ikechukwu, Tamuno Daniel Achori, Pepple Barnabas Gogo and Barbara Ejemeh NcheyAchukwu, 'The Interference of Politicians in the Recruitment and Selection of Academic Staff in Tertiary Institutions: A Case Study of Polytechnics in Niger Delta' [2019] *International Journal of Engineering and Management Research* 147; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

performance appraisal.⁶⁵⁷ However, according to Adisa et al., there are many restraints that hinder the recruitment and selection process in Nigeria.⁶⁵⁸ For instance, a stable electricity supply and good internet facilities are required for e-recruitment and other online recruitment activities. Without reliable internet and electricity facilities, international recruitment quality standards would not be met.⁶⁵⁹ One of the themes generated in the analysis of the HR interviews conducted was 'Organisational Requirements' (see Chapter Two, Section 2.5.3, Tables 2.5 and 2.6). This explored how HR is being practiced in their respective organisations. HRP3 was asked how recruitment and selection were conducted in their organisation – they stated that:

'One of the things we do in our organisation is to train people in recruitment and selection practices, especially in interviews. It's called HR for Non-HR managers. We train them on what to look out for and how to tie what you are accessing in a candidate to the job description and person specification. I think we have come a long way in achieving this, and people are able to see what they need.'

Although HRM practices are not fully developed,⁶⁶⁰ HRP3 still tries to follow HR best practices and train staff to achieve this. A key to organisational success lies in involving line managers to actively design and implement HR activities.⁶⁶¹ Osemeke stated that it is important for managers to understand the policies, objectives, and practices used for recruitment and selection. In that way, they can be highly involved in the process from the very beginning.⁶⁶² However, even when organisations take proactive steps in ensuring that recruitment and selection are done right, challenges still occur that can hinder effectiveness. Therefore, the challenges found in recruitment and selection practices in Nigeria will be discussed in the next section.

⁶⁵⁷ John O Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] Management Research News 57.

⁶⁵⁸ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703.

⁶⁵⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703, 713.

⁶⁶⁰ Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional Context and Human Resource Management in Nigeria' [2018] Employee Relations: The International Journal; K A Seny, S M Apitsa and E Adegbite, "'African Management": Concept, Content and Usability' [2015] Society and Business Review 258; E D Prinsloo, 'The African View of Participatory Business Management' [200] Journal of Business Ethics 275.

⁶⁶¹ John O Okpara and Pamela Wynn, 'Human Resource Management Practices in a Transition Economy Challenges and Prospects' [2008] Management Research News 57.

⁶⁶² Monday Osemeke, 'The Impact of Human Resource Management Practices on Organisational Performance: A study of Guinness Nigeria Plc' [2012] International Journal of Arts and Humanities 79.

4.9 Challenges of Recruitment and Selection Practices in Nigeria

As discussed above, the criteria for recruitment play a major role in determining the rareness and value of assets.⁶⁶³ The recruitment and selection process aims to attract, at a minimum cost, many qualified and suitable candidates to satisfy the organisation's performance needs. However, different studies have outlined the challenges that affect recruitment and selection practices in Nigeria, such as:

1. Interference by political office holders, especially in the public sector using their influence in the recruitment process.⁶⁶⁴
2. Nigeria's socio-cultural diversity - culture is ingrained and influences every aspect of behaviour.⁶⁶⁵
3. Nepotism - taking the place of meritocracy and fairness.⁶⁶⁶
4. Corruption⁶⁶⁷
5. Lack of proper legislative control.⁶⁶⁸
6. Lack of indigenous and comprehensive HRM models⁶⁶⁹
7. Discrimination

The above was also supported by the study conducted by Adisa et al. on the challenges of employee resourcing from the perceptions of managers in Nigeria, which included private

⁶⁶³ Chandan Sahoo, Sitaram Das and Bijaya Sundaray, 'Strategic Human Resource Management: Exploring the Key Drivers' [2011] *Employment Relations Record* 18.

⁶⁶⁴ Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

⁶⁶⁵ Uzoamaka P. Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

⁶⁶⁶ Oginni Babalola Oluwayemi and Afolabi Gbadegeshin Victor, 'A study of Human Resource Management Practices and Labour Turnover in the Manufacturing Organisations in Lagos, Nigeria' [2012] *IOSR Journal of Business and Management* 13; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

⁶⁶⁷ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

⁶⁶⁸ Christopher Chukwudi Orga and Ann I Ogbo, 'Evaluating the Challenges of Human Resource Management in Nigeria' [2012] *European Journal of Business and Management* 78; Clifford Zirra, Ogbu Ogbu and Grace Ojo, 'Impact of Recruitment and Selection Strategy on Employees' Performance: A Study of Three Selected Manufacturing Companies in Nigeria' [2017] *International Journal of Innovation and Economic Development* 32.

⁶⁶⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

organisations in Lagos State (Figure 4.5).⁶⁷⁰ Adisa et al. noted that most organisations advertise jobs just to fulfil employment laws. Job vacancies are already filled up before the job advertisements are made public.⁶⁷¹ Adisa et al. also found that private commercial banks do not follow rigorous recruitment and selection processes.⁶⁷² Some of their recruitments and selection practices are based frequently on the sponsor's or director's recommendations (usually on a complementary card) and not on academic, experience or professional qualifications in previous or current jobs.⁶⁷³ Also, they found that some recruitment agencies collect bribes from job seekers in order for them to gain employment.⁶⁷⁴ As this research will show in subsequent chapters, Nigeria's socio-cultural diversity, nepotism and discrimination were found to be the cause of poor recruitment and selection practices.

Emerging themes	Illustrative extracts
Discrimination, favouritism, and nepotism	Most organisations prefer to employ male workers over female workers [...] The recruitment and selection process in Nigeria is characterised by nepotism and favouritism
Corruption	Vacant positions are often corrupted either through payment of bribes or exchange of favours
Federal Character Principle (FCP) and Quota System Policy (QSP)	The FCP prevents us from hiring the best employees because the distribution of government jobs is based on a quota system [...] the problem is that it puts equality over excellence
Resource constraints	Good recruitment and selection mechanisms require resources that not all organisations have
Unemployment rate	There are too many people unemployed, too many people looking for jobs. There are a higher number of responses than expected and more work in terms of the selection process
The recruitment process	The process and practice for most organisations are different. They do not advertise vacant positions – they just employ whoever they want. The few that do advertise vacant positions will ask whoever they actually want to apply like everyone else, and the jobs will eventually be offered to them, even if there are other better candidates

Figure 4.5 Challenges of Employee Resourcing in Nigeria. Source by Adisa et al.⁶⁷⁵

⁶⁷⁰ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

⁶⁷¹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

⁶⁷² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

⁶⁷³ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

⁶⁷⁴ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703.

⁶⁷⁵ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703, 710.

Studies have shown that although organisations in Nigeria do not follow recruitment and selection best practices, there is an influence of internal and external forces that limits its effectiveness.⁶⁷⁶ Internal forces in the sense that job candidates may be employed not because of their skills, experiences, knowledge or academic excellence, but because of the people they know within the organisation.⁶⁷⁷ It can also be externally based on corruption, where job seekers use influential people (in or outside the organisation) to get jobs.

Another challenge faced by organisations is the lack of adequate resources. Many organisations lack resources such as technology and finance to attract the best candidates.⁶⁷⁸ Stable electricity supply and internet facilities are required for online recruitment, without which standards would not be met.⁶⁷⁹ This makes recruitment harder for some job seekers and organisations. Some job seekers who do not have access to the internet or technology are forced to apply for jobs by submitting their CVs in person, which means travelling long distances or experiencing discrimination (evidence of discrimination during CV submission is discussed in Chapter Six, Section 6.2). On the other hand, organisations lose out on attracting a pool of candidates due to a lack of online CV submission alternatives.

An additional challenge affecting recruitment and selection is the cultural diversity in Nigeria. Africa has one of the most complex societal configurations due to its diverse belief systems.⁶⁸⁰ Lagos State is endowed with various ethnic groups and cultures. It is well diverse. The complexity of culture in Nigeria, let alone Lagos State is difficult for organisations to understand and harness in the workplace.⁶⁸¹ Culture is an aspect of the external environment

⁶⁷⁶ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Uzoamaka P. Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042.

⁶⁷⁷ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁶⁷⁸ Oluyemi Theophilus Adeosun and Adeku Salihu Ohiani, 'Attracting and Recruiting Quality Talent: Firm Perspectives' [2020] *Rajagiri Management Journal* 107; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁶⁷⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁶⁸⁰ Desmond Tutu Ayentimi, John Burgess and Kerry Brown, 'HRM Development in Post-colonial Societies: The Challenges of Advancing HRM Practices in Ghana' [2018] *International Journal of Cross Cultural Management* 125; O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59.

⁶⁸¹ O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59; Ifedaop Adeleye, Florence Aja-Nwachukwu and Abayomi Fawehinmi, 'Managing Diversity in Nigeria: The Chevron Way' [2012] *CIPMN Human Resource Management Journal* 1.

in Lagos that seems to have a major influence on pre-employment practices, as the findings in this research revealed in Chapter Five.

Culture is both a blessing and a challenge to HRM. A blessing because HRM thrives in diversity, and there is a wide recognition of the value of workforce diversity.⁶⁸² Cultural diversity is 'the co-existence of staff from diverse racial and cultural backgrounds in a particular organisation'.⁶⁸³ Various research has found that a diverse workforce can raise organisational effectiveness, efficiency and profitability.⁶⁸⁴ However, culture is also a challenge because it fosters favouritism and unconscious bias alongside kinship and ethnicity.

Generally, people show care, support and favouritism to those from similar or same tribe.⁶⁸⁵ More so, cultural diversity in organisations is not limited to values and beliefs associated with certain tribes but a broader picture of race, religion, disability, gender, skills, education, geographical location, amongst others.⁶⁸⁶ David Farnham posits that an organisation has to evaluate external factors to determine its strategic direction.⁶⁸⁷ An organisation's strategic decisions also include when and who to recruit.⁶⁸⁸ However, what organisations choose to access might be detrimental to both them and job seekers. When there is an existing culture

⁶⁸² Desmond Tutu Ayentimi, John Burgess and Kerry Brown, 'HRM Development in Post-colonial Societies: The Challenges of Advancing HRM Practices in Ghana' [2018] *International Journal of Cross Cultural Management* 125; O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59; Ifedaop Adeleye, Florence Aja-Nwachukwu and Abayomi Fawehinmi, 'Managing Diversity in Nigeria: The Chevron Way' *CIPMN Human Resource Management Journal* 1.

⁶⁸³ O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59, 60.

⁶⁸⁴ Ifedaop Adeleye, Florence Aja-Nwachukwu and Abayomi Fawehinmi, 'Managing Diversity in Nigeria: The Chevron Way' *CIPMN Human Resource Management Journal* 1; O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59; Barbara Mazur, 'Cultural Diversity in Organisational Theory and Practice' [2010] *Journal of Intercultural Management* 5.

⁶⁸⁵ Ifedaop Adeleye, Florence Aja-Nwachukwu and Abayomi Fawehinmi, 'Managing Diversity in Nigeria: The Chevron Way' *CIPMN Human Resource Management Journal* 1; O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59; Barbara Mazur, 'Cultural Diversity in Organisational Theory and Practice' [2010] *Journal of Intercultural Management* 5.

⁶⁸⁶ O J George and G O Akaighe, 'Cultural Diversity and Work Engagement in Nigerian Civil Service' [2018] *Journal of Economics and Business Research* 59; Barbara Mazur, 'Cultural Diversity in Organisational Theory and Practice' [2010] *Journal of Intercultural Management* 5.

⁶⁸⁷ David Farnham, *Human Resource Management in Context: Strategies, Insights and Solutions* (4th edn, Chartered Institute of Personnel and Development 2015).

⁶⁸⁸ P Ejiofor and Mbachu A, 'Imperatives of Human Resource Practices in the New Millennium' (2001) 5 *Journal of the Management Sciences*, 121; David Farnham, *Human Resource Management in Context: Strategies, Insights and Solutions* (4th edn, Chartered Institute of Personnel and Development 2015); Taslim Ahammad, 'Personnel Management to Human Resource Management (HRM): How HRM Functions?' [2017] *Journal of Modern Accounting and Auditing* 412.

on the way things are done in a particular society, whether right or wrong, it can influence HRM decisions. This is because culture is learned and not inherited.⁶⁸⁹

The culture of a country exerts a powerful influence not only on the system of attitudes, behaviour and values of people in a particular country but also on procedures and policies in the field of HRM.⁶⁹⁰ Therefore, it is possible that some of the discriminatory recruitment and selection practices in Lagos State may have been learned or passed down over time. As a result, the negative influence of national culture on recruitment and selection processes will be discussed in the next chapter.

Finally, one major challenge that affects recruitment and selection practices is discrimination. This is the primary area of focus of this research. Diversity supports the inclusion of all qualified persons without discrimination, and that talent is not excluded because of gender, ethnicity, age, disability, or race. Discrimination, on the other hand, is one of the major causes of unemployment and poverty in Nigeria and also the medium through which job seekers are excluded from gaining employment.⁶⁹¹ Therefore, discrimination in pre-employment practices in Lagos state are discussed in the next section.

4.10 Discrimination in Recruitment and Selection Practices

The employment of people is fundamental to the functioning of an organisation, and there are compelling reasons for getting it right.⁶⁹² As Boxall, Purcell and Wright stated, when it comes to recruitment, organisations should know ‘when to recruit’, ‘where to recruit’, ‘whom to recruit’, and ‘what recruitment sources to use’. However, some organisations lack the understanding of ‘whom to recruit?’ and ‘what message to communicate’ These questions should ideally be put into perspective during recruitment and selection. However, this does not seem to resonate with some organisations in Lagos State. Some organisations in Lagos State know ‘when to recruit’, ‘where to recruit’, ‘whom to recruit’, and ‘what recruitment sources to use’ but, lack the

⁶⁸⁹ Biljana Milikić, ‘The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia’ [2009] *Economic Annals* 93; Paul Sparrow and Pei-Chuan Wu, ‘Does National Culture Really Matter? Predicting HRM Preferences of Taiwanese Employees’ [1998] *Employee* 26; Mark Easterby-Smith, Danusia Malina and Lu Yuan, ‘How Culture-sensitive is HRM? A Comparative Analysis of Practice in Chinese and UK Companies’ [1995] *International Journal of Human Resource Management* 30.

⁶⁹⁰ Biljana Đorđević, ‘Impact of National Culture on International Human Resource Management’ [2016] *Economic Themes* 281; Sunday Izuogu, ‘Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus’ [2015] *European Scientific Journal* June 161.

⁶⁹¹ Mercy Odeh and Christie Okoye, ‘Poverty Reduction Policy and Youth Unemployment in Nigeria’ [2014] *Public Policy and Administration Research* 92.

⁶⁹² Evans Brako Ntiamoah, Eugene Abrokwa, Mark Agyei-Sakyi, Beatrice Opoku and Anthony Siaw, ‘An Investigation into Recruitment and Selection Practices and Organisational Performance’ [2014] *International Journal of Economics, Commerce and Management* 1.

fundamental foundation of 'what message to communicate'. This is because recruitment and selections processes in Lagos seem to be practised slightly differently. Bad recruitment and selection practices are marred by personal influence, discrimination, political and corruption, tribalism and nepotism.⁶⁹³

Discrimination has long been a part of employment practices, and Lagos State is not exempted from this. It can occur at any employment stage, such as before hiring, on the job, or upon leaving. According to Painter and Puttick, discrimination is a well-established feature of employment⁶⁹⁴ and it is the most 'comprehensive, systematic and severe deprivation of human rights'.⁶⁹⁵ Discrimination against job seekers could be based on religion, ethnicity, disability, age, political affiliation and sex.⁶⁹⁶ According to Onyeaghala and Hyacinth, many organisations in Nigeria ignore standard recruitment and selection programmes due to a myriad of unethical practices; bias, favouritism and discrimination.⁶⁹⁷ If organisations in the private sectors in Lagos adequately carry out a job analysis as discussed in Section 4.3.1 above, the content of their job descriptions would not be discriminatory, and the focus would not be the physical characteristics of a job candidate but on the skills they possess.⁶⁹⁸ For example, Figures 4.6 and 4.7 show recruiting firms requiring a 'female' who is 'married' for a legal assistant job and a 'male' litigation Assistant, respectively.

⁶⁹³ Adeyori Rotimi and Fajebi Folorunso, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230; Oginni Babalola Oluwayemi and Afolabi Gbadegeshin Victor, 'A study of Human Resource Management Practices and Labour Turnover in the Manufacturing Organisations in Lagos, Nigeria' [2012] *IOSR Journal of Business and Management* 13; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

⁶⁹⁴ R Painter, K Puttick, and A Holmes, *Employment Rights* (Pluto Press 2004).

⁶⁹⁵ Martin Gasiokwu, *Human Rights: History ideology and Law* (CAFAB 2003), 224.

⁶⁹⁶ Adeyori Rotimi and Fajebi Folorunso, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230; Onyeaghala, O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1.

⁶⁹⁷ O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1.

⁶⁹⁸ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

Legal Assistant	
Job Type	Full Time
Qualification	BA/BSc/HND
Experience	
Location	Lagos
Job Field	Law / Legal
Responsibilities <ul style="list-style-type: none"> Assisting in summarizing written briefs of lawyers for Rulings and Judgments. Proofreading transcript of proceedings produced by verbatim court recorders and vetting Court Orders produced by Registrars. Legal research. Any other responsibility as may be assigned. 	
Attributes/ Qualities <ul style="list-style-type: none"> Will work mostly with Word documents. Speed is of utmost importance. Ability to summarize voluminous legal submissions with brevity. Ability to work with deadlines and with little supervision. Punctuality. Court sits at 9am. Staff resume at 8. Closing time is 5pm. 	
Preferences: <ul style="list-style-type: none"> Residence - mainland. Gender - Married female. 	

Figure 4.6 Job Advertisement for a Legal Assistant

Legal Associate (Litigation)	
Job Type	Full Time
Qualification	BA/BSc/HND
Experience	7 years
Location	Abuja
Job Field	Law / Legal
Job Descriptions <ul style="list-style-type: none"> Product liability litigation caseload and other cases of company-wide significance Develop and execute litigation strategy, manage discovery obligations, manage outside counsel, determine proper case disposition, and monitor litigation Maintain good client relationship skills, gaining clients' confidence and that of other professionals. Offer advice on the law, legal procedures and a wide range of associated issues. Attend and represent the firm at client meetings. Draw up contracts and other legal documents. Represent clients in Courts where required. 	
Requirements <ul style="list-style-type: none"> Minimum of LL.B, BL and LL.M with not less than Second Class Upper (Class Degree) Minimum of 7 years post NYSC experience as a LEGAL ASSOCIATE with practicing experience in related firms. Preferrably Male Candidates 	
Deadline 4th February, 2020.	

Figure 4.7 Job Advertisement for a Legal Associate

This is because some of the criteria used to attract and select the right job applicant are sometimes laced with discriminatory requirements such as age, sex, ethnicity or religion.⁶⁹⁹ This, in turn, reduces the applicant population, applicant pool and selectees. Taylor stated that:

Most of the explanations for skill shortages are plainly simplistic... superficial considerations of labour shortages are used as an indication of skill shortage when factors such as labour mobility, migration, segmentation and discrimination rather than skill deficit can explain a shortage of workers in a field.⁷⁰⁰

The importance of these discriminatory requirements to the overall performance of the job role is unknown. An individual's personal characteristics such as age, gender, ethnicity, disability or race should not be a determining factor for value and contribution to the organisational goals.⁷⁰¹ If the recruitment and selection of candidates were predominantly based on the personal characteristics they possess, it could be detrimental to an organisation's overall effectiveness.⁷⁰²

The requirements for discriminatory personal characteristics in recruitment and selection processes in Lagos are usually found in job advertisements and job interviews. Although an in-depth analysis of discriminatory job advertisements and job interviews are discussed in Chapters Six and Seven, respectively, it is important to state how it affects effective recruitment and selection processes in Lagos. Private organisations preach that they want qualified, skilled job applicants. However, the applicant must also possess specific personal attributes or characteristics in order to be selected.⁷⁰³ Which means they will inevitably discriminate against candidates who do not meet these criteria.

The problem lies mainly with the job description and specification. As stated in Sections 4.3.1 to 4.3.3, having a proper job analysis helps with the creation of the job description. The job description and specification allow job seekers to present their skills in a manner that aligns with the job role. The same goes for organisations. The skills of the job seeker should match the job description and specification. This was confirmed by HRP2, who stated that:

⁶⁹⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁷⁰⁰ Anthea Taylor, 'What Employers Look For: The Skills Debate and the Fit with Youth Perception' (2005) 18 *Journal of Education and Work* 201, 203.

⁷⁰¹ Iowa State University, 'Recruitment & Selection Process' <<https://www.hr.iastate.edu/employing-units/recruitment-selection>> accessed 08 December 2019.

⁷⁰² Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] *IUP Journal of Business Strategy* 93; Fred Lunenburg, 'Human Resource Planning: Forecasting Demand and Supply' [2012] *International Journal of Management, Business, and Administration* 1.

⁷⁰³ Anthea Taylor, 'What Employers Look For: The Skills Debate and the Fit with Youth Perception' [2005] *Journal of Education and Work* 201.

'The most important thing is the Job description (JD). You are looking at the profile [job seeker] and trying to match with the JD'.

In as much as job specifications are about experiences, education, qualifications and so on, stating a high level of experience sometimes can be unrealistic and discriminatory to certain people. For instance, asking for 20 years' experience can prevent people within a certain age from applying. It seems like organisations are more interested in the applicants' ages plus their work experience. As such, some job seekers would be at a disadvantage because the recruitment message only directly applies or favours certain groups of people and rejected job seekers would feel that the organisation is interested in those preferred groups (Chapter Six). These recruitment practices go against what researchers have addressed over the years about how valuable human resources are (soft HRM).⁷⁰⁴

With job interviews, unconscious bias and social influence (social theory) can lead to a positive or negative outcome in the interviewer's conscious or unconscious awareness of the candidate. As discussed in Section 4.4.2, semi-structured or unstructured job interviews are prone to be discriminatory as it allows for some flexibility for the interviewer to ask more questions from candidates. Thus, candidates are, to some extent, dependent or reliant on the interviewer. Furthermore, the role of appearance has been argued to indicate that the interviewer forms judgments based on very little information about the candidate during interviews. More on discriminatory job interviews will be discussed in Chapter Seven of this thesis.

4.11 Conclusion

This chapter has explored the concept of HRM and various stages of recruitment and selection. It starts by reaffirming that the key importance of HRM is attracting the right candidate with the right skills. A job applicant's skills are fundamental to their performance of the demands of job role and the overall organisational goals and objectives. Recruitment generates a large pool of applicants to apply for work in an organisation, while selection shortlists candidates to a selected few and rejects a good proportion of those who apply. This is the basis of carrying out a job analysis before recruitment in order to find suitable job seekers with the right skills.

⁷⁰⁴ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nuno Cardeal and Nelson António, 'Valuable, Rare, Inimitable Resources and Organization (VRIO) Resources or Valuable, Rare, Inimitable Resources (VRI) Capabilities: What Leads to Competitive Advantage?' [2012] *African Journal of Business Management* 10159; Dianne Jacobs, 'In Search of Future Leaders: Managing the Global Talent Pipeline' [2005] *Ivy Business Journal Online* 1.

This chapter also explored the two main HRM approaches, Soft and Hard HRM, and how they shape how organisations see their current and future employees. As discussed in this chapter, the method of the Hard HRM dictates that people should be seen as any other resource an organisation owns, while the Soft HRM stipulates that people should be viewed as the most important resource they possess. The HRM approach adopted by an organisation influences who they recruit and select for a vacant job. With organisations in the private sector in Nigeria having the autonomous power to hire and fire at will, there is an assumption that most private organisations practice hard HRM. This is because some of their recruitment and selection processes are sometimes discriminatory.

Various scholars have argued that Nigeria's recruitment and selection practices are still underdeveloped with some challenges, such as discrimination, nepotism, and lack of advanced technology, making effective implementation difficult. The presence of discrimination in recruitment and selection processes are usually found in the job descriptions of job adverts and sometimes in the type of interview methods adopted, such as semi-structured or unstructured. Some job adverts often require more than a job seeker's skills, capabilities, experiences and qualifications but also their gender, age, religion, and even ethnicity, as seen in the samples of online job adverts provided.

If organisations in the private sector in Lagos adequately carry out a job analysis (Section 4.3), the content of their job descriptions would not be discriminatory, and the focus would not be the physical characteristics of a job candidate but the skills they possess. These discriminatory requirements can increase unemployment in Nigeria as it puts some qualified job seekers at a disadvantage. It creates unequal opportunities for job seekers with equal skills in the labour market. In pre-employment practices such as recruitment and selection, manifestations of discrimination are particularly acute. This is also not beneficial to organisations as they miss out on potential skilled employees.

One of the challenges found to be affecting recruitment and selection in Nigeria is its cultural diversity. It seems that the occurrence of discrimination in pre-employment practices in Nigeria could have developed over time from external factors such as culture. The multitude of cultural practices can also influence who should and should not be recruited or selected for employment, such as whether a specific gender should be employed or not. The culture of a society wields a powerful influence not only on the system of attitudes, behaviour and values of people in a particular society but also on procedures and policies in the field of HRM.⁷⁰⁵

⁷⁰⁵ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

Culture can also influence the recruitment and selection of a job applicant consciously and unconsciously. As a result, exploring the influence of the national culture on HRM will be discussed in the next chapter.

Chapter Five

Influence of Culture on Recruitment and Selection Processes

5.0 Introduction

'Culture is a deeply compromised idea I cannot yet do without.'

- James Clifford⁷⁰⁶

The overall intent of this chapter is to understand the influence of culture on Human Resources Management (HRM) practices in Nigeria. It explores the literature surrounding the relationship between HRM and culture as well as how certain cultural practices can influence discrimination in recruitment and selection processes. This chapter will draw upon the concept of hybridised HRM practice as discussed in Chapter One, Section 1.2, as part of the discussion of the impact of culture on recruitment and selection process to help shed light on some African management style practices. It provides insight into how the African management style of practice, which projects/presents itself through culture, impacts how organisations recruit and select potential job seekers. In this study, 'culture' and 'national culture' mean the same thing and are used interchangeably.

In Chapter Four, the concepts of HRM and the importance of recruitment and selection were discussed. To reiterate, the overall purpose of recruitment and selection is finding and hiring the best-skilled candidate for the job. Employing the right candidate starts with proper recruitment planning, then a good job description and specification, which bring about an effective recruitment and selection process. Furthermore, the previous chapter discussed the challenges of recruitment and selection practices in Lagos State, such as favouritism, nepotism, and discrimination, which are evident on the job descriptions samples and data collated and analysed, contributing to pre-employment discrimination. From the analysis of research data collected, it was evident that one of the challenges of recruitment and selection in Lagos State was the presence of cultural influence. As such, this chapter progresses the findings made in Chapter Four by examining in-depth how culture can influence recruitment and selection practices or processes and how it undermines the significance of an effective recruitment process in Lagos State, Nigeria.

As discussed in Chapter Four, Section 4.10, pre-employment discrimination in Lagos is not new. It has been happening for years, and both organisations and job seekers seem to have accepted it as a way of life. As this chapter will show, this way of life defines the presence of culture. The visibility of organisations discriminating against job seekers has been practised

⁷⁰⁶ James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art* (1st edn, Harvard University Press 1988), 10.

for a long time regardless of its prohibition in the Nigerian Constitution.⁷⁰⁷ Discrimination appears to have become a norm amongst organisations by having some discriminatory job requirements in their job adverts or during job interviews.⁷⁰⁸ This way of life or trend is one of the focuses of this research and also one of the research questions that this study seeks to answer: 'Whether pre-employment discrimination is influenced by the culture.'

Culture is a broad concept that is still being researched. Culture as a norm dictates how people interact with one another.⁷⁰⁹ It also dictates people's perceived notion of what is right or wrong.⁷¹⁰ According to David Drennan, 'culture is how things are done around here'.⁷¹¹ It consists of a patterned way of thinking, reacting or feeling that can be acquired or transmitted.⁷¹² The crucial core of culture consists of traditional notions and their attached importance and values. As stated in Chapter One, Section 1.2.1, culture can transfer to recruitment and selection practices by shaping the way the processes are carried out. However, research on the presence of culture impacting recruitment and selection is very limited.⁷¹³ Therefore, the presence of this indigenous force (culture) that seems to outweigh the balance of the universally accepted HRM practices needs to be explored.

Thus, this chapter explores how cultural influence during recruitment and selection processes can sway what organisations and job seekers perceive to be normal or expected. It also explores the possibility of how certain job requirements that are deemed discriminatory by law (i.e., the Nigerian Constitution 1999 (as amended 2011)) can be deflected by existing

⁷⁰⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji, Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] *International Journal of Social, Human Science and Engineering* 101.

⁷⁰⁸ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] *International Journal of Social, Human Science and Engineering* 101.

⁷⁰⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] *International Journal of Social, Human Science and Engineering* 101.

⁷¹⁰ Kwok Leung, Rabi Bhagat, Nancy Buchan, Miriam Erez, and Cristina Gibson, 'Culture and International Business: Recent Advances and Their Implications for Future Research' [2005] *Journal of International Business Studies* 357; Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

⁷¹¹ David Drennan, *Transforming Company Culture* (1st edn, McGraw-Hill Education, 1992).

⁷¹² Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70.

⁷¹³ Mark Easterby-Smith, Danusia Malina and Lu Yuan, 'How Culture-sensitive is HRM? A Comparative Analysis of Practice in Chinese and UK Companies' [1995] *International Journal of Human Resource Management* 30.

culture(s). This chapter includes an analysis of the empirical primary data collected to understand both job seekers' and HR professionals' perspectives of the presence and impact culture has on recruitment and selection in Lagos State.

This chapter will be structured as follows:

- What is Culture or National Culture? (Section 5.1) – This section discusses the concept of culture.
- Culture and HRM (Section 5.2) – This section builds upon Section 5.1, discusses how the culture of a given country, state or society influences HR practices. It identifies and analyses the norm with which HR practices are formed or shaped.
- Culture and Pre-employment Discrimination in Lagos State (Section 5.3) – This specifically examines the influence of the existing culture in Lagos State and how it shapes dictates the methods and requirements with which recruitment and selection processes are carried out. It also looks at how this negatively impacts HR practices, especially when it comes to discrimination.
- Culture from the Perspective of Jobseekers (Section 5.4) – This section explores how discrimination is perceived by job seekers and how certain discriminatory job requirements became notorious.
- Culturally influenced Discriminatory Requirements (Section 5.6) – This section explores how certain job requirements stem from some cultural practices.

5.1 Defining Culture?

Culture encompasses various things such as religion, food, music, clothing, marriage, greetings etc., which makes it a notoriously challenging term to define.⁷¹⁴ It can mean different things to people and can be interpreted differently, as well. The Cambridge Dictionary defines culture as 'the way of life, especially the general customs and beliefs, of a particular group of

⁷¹⁴ Biljana Milikić, 'The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia' [2009] *Economic Annals* 93; Paul Sparrow and Pei-Chuan Wu, 'Does National Culture Really Matter? Predicting HRM Preferences of Taiwanese Employees' [1998] *Employee* 26; Mark Easterby-Smith, Danusia Malina and Lu Yuan, 'How Culture-sensitive is HRM? A Comparative Analysis of Practice in Chinese and UK Companies' [1995] *International Journal of Human Resource Management* 30; Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] *IJBMER* 704; Geert Hofstede, 'Riding the Waves of Commerce: A Test of Trompenaars "Model" of National Culture Differences' [1996] *International journal Intercultural Relation* 189.

people at a particular time'.⁷¹⁵ John Bodley identifies three fundamentals of culture: what people think, what they do, and the material products they produce.⁷¹⁶ However, characterising national culture does not mean that all persons in the country have all the characteristics assigned to that culture.⁷¹⁷ Al-Sarayrah et al., in their research, noted that culture does not describe individuals but the values, beliefs, and practices shared by the majority of people belonging to a society or nation.⁷¹⁸ As such, culture can be viewed as omnipresent and can operate unconsciously.⁷¹⁹

In this study, and as the data presented subsequently will show, culture is defined as an accepted belief on how things are done or should be done.⁷²⁰ Behaviours and practices are determined because cultural beliefs persist. As Groysberg et al. observed, 'culture expresses goals through values and beliefs and guides activity through shared assumptions and group norms'.⁷²¹ Meaning that if a particular practice, value or belief has been done for an extended period without challenge, it becomes a way of life. An example is a respondent from the empirical data collected stating that it is a '*standard practice down here [Lagos State]*' to have more personal information on CVs (see Section 5.4).

However, culture can be both stable and dynamic.⁷²² Culture is also an orientation to life, behavioural conventions, ideas or policies shared by a group of people which influences their behaviour and their interpretation of other people's behaviours or actions.⁷²³ For instance, when a person or a group of people behave in a way that is different from others, there is an assumption of a new, distinct or different cultural presence. Furthermore, for culture to thrive, it needs to be learnable and thinkable.⁷²⁴ As Schwartz in 1992 noted:

⁷¹⁵ Cambridge Dictionary <<https://dictionary.cambridge.org/dictionary/english/culture>> accessed on 30 November 2019.

⁷¹⁶ John Bodley, *Cultural Anthropology: Tribes, States, and the Global Systems* (Mayfield Publishing Company, 1991).

⁷¹⁷ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] IJBMER 704.

⁷¹⁸ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] IJBMER 704.

⁷¹⁹ Omotayo Adewale Osibanjo and Adenike Anthonia Adeniji, 'Impact of Organizational Culture on Human Resource Practices: A Study of Selected Nigerian Private Universities' [2013] Journal of Competitiveness 115, 117.

⁷²⁰ Boris Groysberg, Jeremiah Lee, Jesse Price and J Yo-Jud Cheng, 'The Leader's Guide to Corporate Culture' Harvard Business Review (2018) < <https://hbr.org/2018/01/the-culture-factor>> accessed on 05 February 2020; David Drennan, *Transforming Company Culture* (1st edn, McGraw-Hill Education, 1992).

⁷²¹ Boris Groysberg, Jeremiah Lee, Jesse Price and J Yo-Jud Cheng, 'The Leader's Guide to Corporate Culture' [2018] Harvard Business Review 1, 1.

⁷²² Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] Developing Country Studies 70.

⁷²³ Geert Hofstede, *Culture's Consequences. Comparing Values, Behaviours, Institutions, and Organizations across Nations* (2nd edn, Sage 2001).

⁷²⁴ Antonio Lebrón, 'What is Culture?' [2013] Merit Research Journal of Education and Review 126.

‘Culture consists of the derivatives of experience, more or less organised, learned or created by the individuals of a population, including those images or encodements and their interpretations (meanings) transmitted from past generations, from contemporaries, or formed by individuals themselves.’⁷²⁵

Because culture is learned and not inherited, it is therefore derived from one’s social environment. It is passed on from generation to generation. As such, it should be distinguished from a person’s human nature and an individual’s personality.⁷²⁶ Marshall Sahlins, in their book, noted that culture is constituted⁷²⁷ as it provides regularities, continuity, coordination and meaning to human actions and interactions.⁷²⁸ However, Chi-yue Chiu and Ying-yi Hong took a different view in understanding the concept of culture by expressing it as an ‘agency’ whereby people use culture as a resource to attain their goals.⁷²⁹ They noted that people are passive carriers of culture that are expressed adaptably and discriminatively across different situations.⁷³⁰ This is why various researchers have stated that culture is not easy to change due to a specific aspect of it being invisible.⁷³¹

As this study shows, some discriminatory HR practices were learned and passed down from generation to generation. For instance, discriminatory practices against women stem from the notion that they should be housewives or should not be educated (see Section 5.5.2).⁷³² Consequently, understanding the various ways culture manifests is crucial. When it comes to HRM, due to the invincibility of culture, researchers have argued that the degree of cultural influence on HRM practices differs, with some HR practices being more culture-bound than

⁷²⁵ Shalom Schwartz, *Universals in the Content and Structure of Values: Theory and Empirical Tests in 20 Countries*. In Mark Zanna (ed), *Advances in Experimental Social Psychology* (Academic Press, INC 1992) Vol. 25, 1-65.

⁷²⁶ Patrick Edewor, Yetunde Aluko and Sheriff Folarin, ‘Managing Ethnic and Cultural Diversity for National Integration in Nigeria’ [2014] *Developing Country Studies* 70.

⁷²⁷ Marshall Sahlins, *Culture in Practice: Selected Essays* (1st edn, Zone Books 2000), [286]

⁷²⁸ Daniel Kahneman, *Thinking, Fast and Slow* (Penguin, 2011); Chi-yue Chiu and Ying-yi Hong, ‘Cultural Processes: Basic Principles’ in Arie Kruglanski and Tory Higgins (eds), *Social Psychology: Handbook of Basic Principles* (The Guilford Press 2007); Marshall Sahlins, *Culture in Practice: Selected Essays* (1st edn, Zone Books 2000).

⁷²⁹ Chi-yue Chiu and Ying-yi Hong, ‘Cultural Processes: Basic Principles’ in Arie Kruglanski and Tory Higgins (eds), *Social Psychology: Handbook of Basic Principles* (The Guilford Press 2007).

⁷³⁰ Chi-yue Chiu and Ying-yi Hong, ‘Cultural Processes: Basic Principles’ in Arie Kruglanski and Tory Higgins (eds), *Social Psychology: Handbook of Basic Principles* (The Guilford Press 2007).

⁷³¹ Geert Hofstede, *Culture’s Consequences. Comparing Values, Behaviours, Institutions, and Organizations across Nations* (2nd edn, Sage 2001); Patrick Edewor, Yetunde Aluko and Sheriff Folarin, ‘Managing Ethnic and Cultural Diversity for National Integration in Nigeria’ [2014] *Developing Country Studies* 70; Marshall Sahlins, *Culture in Practice: Selected Essays* (1st edn, Zone Books 2000, [286].

⁷³² Abdullahi Kangiwa, ‘Gender Discrimination and Feminism in Nigeria’ [2015] *International Journal of Economics, Commerce and Management* 752; Linda Anyalebechi, ‘The Issue of Gender Inequality in Nigeria’ [2016] *Journal of Policy and Development Studies* 63; Okeoma John-Paul Okeke, ‘Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria’ [2017] *Global Journal of Human Resource Management* 1; Okeoma John-Paul Okeke, ‘Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria’ [2017] *Global Journal of Human Resource Management* 1.

others.⁷³³ For instance, some Islamic states in the Middle East have constrained women from either employment or advancing in management roles.⁷³⁴ Due to countries having different cultures (i.e. values, norms, and customs), organisations need to understand cultural context as an external factor within which they operate in order to manage their human resources effectively.⁷³⁵

5.2 Impact of Culture on HRM

As discussed above, the culture of a country wields a powerful influence not only on the system of attitudes, behaviour and values of the people but also on procedures and policies in the field of HRM.⁷³⁶ According to Ikyanyon et al., HRM in Africa adopts cultural frameworks that seek to differentiate cultural values between Africa and developed countries.⁷³⁷ This is why understanding the culture of different countries is observed when it comes to designing the content of International Human Resources Management (IHRM).⁷³⁸ It is one of the most important factors considered when organisations enter the international business scene.⁷³⁹ While some HRM practices may generally be appropriately implemented in many countries, others may be seen to be inappropriate.⁷⁴⁰

⁷³³ Biljana Milikić, 'The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia' [2009] *Economic Annals* 93; Paul Sparrow and Pei-Chuan Wu, 'Does National Culture Really Matter? Predicting HRM Preferences of Taiwanese Employees' [1998] *Employee* 26; Mark Easterby-Smith, Danusia Malina and Lu Yuan, 'How Culture-sensitive is HRM? A Comparative Analysis of Practice in Chinese and UK Companies' [1995] *International Journal of Human Resource Management* 30; Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] *IJBMER* 704.

⁷³⁴ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] *IJBMER* 704.

⁷³⁵ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395.

⁷³⁶ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

⁷³⁷ Darius Ikyanyon, Phil Johnson and Jeremy Dawson, 'Institutional context and human resource management in Nigeria' [2020] *Employee Relations* 1.

⁷³⁸ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Dianna Stone, Eugene Stone-Romero, Kimberly Lukaszewski, 'The Impact of Cultural Values on the Acceptance and Effectiveness of Human Resource Management Policies and Practices' [2007] *Human Resource Management Review* 152.

⁷³⁹ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Dianna Stone, Eugene Stone-Romero, Kimberly Lukaszewski, 'The Impact of Cultural Values on the Acceptance and Effectiveness of Human Resource Management Policies and Practices' [2007] *Human Resource Management Review* 152.

⁷⁴⁰ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281.

Looking at the literature on IHRM, it compares the existing HRM practices in different countries but with limited explanations for the presence of cultural influences detected in those different countries.⁷⁴¹ To effectively and efficiently implement HRM practices in organisations in a country, it must be compatible with the existing culture of that country to be deemed credible or acceptable to the receiving country.⁷⁴² This is because culture plays a significant role in shaping and forming HRM practices that impact organisational perception, behaviours and decisions.⁷⁴³ This could explain the cross-culturally blended orientation to HRM in Nigeria (see Chapter One, Section 1.2).⁷⁴⁴ HRM practices are likely to be more sensitive to cultural diversity as they are designed by culture bearers (individuals who carry and diffuse cultural values and traits between societies).⁷⁴⁵ Al-Sarayrah et al. has argued that different varieties of HRM practices match different cultural and social environments.⁷⁴⁶ Societies are formed of institutions, firms, and organisations that replicate the prevailing values of a country's culture.⁷⁴⁷

In as much as individuals have different cultural beliefs, researchers have argued that multiculturalism offers substantial benefits for the workforce's changing nature in terms of improved decision-making and increased creativity.⁷⁴⁸ This is one of the benefits of IHRM. It is why diversity management is advised, as it is beneficial to organisational development and

⁷⁴¹ Zeynep Aycan, 'The Interplay between Cultural and Institutional/Structural Contingencies in Human Resource Management Practices' [2005] *International Journal of Human Resource Management* 108; Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Irena Chow, 'The Impact of Institutional Context on Human Resource Management in Three Chinese Societies' [2004] *Employee Relations* 626.

⁷⁴² Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395.

⁷⁴³ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395.

⁷⁴⁴ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁷⁴⁵ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] *IJBMER* 704.

⁷⁴⁶ John Milliman, Stephen Nason, Elayne Gallagher, Paul Huo, Mary Ann Von Glinow, and Kevin Lowe, *The Impact of National Culture on Human Resource Management Practices: The Case of Performance Appraisal* [1998] *Advances in International Comparative Management* 157.

⁷⁴⁷ Geert Hofstede, 'Riding the Waves of Commerce: A Test of Trompenaars "Model" of National Culture Differences' [1996] *International journal Intercultural Relation* 189; Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] *Journal of Asia Pacific Studies* 395.

⁷⁴⁸ Dianna Stone, Eugene Stone-Romero, Kimberly Lukaszewski, 'The Impact of Cultural Values on the Acceptance and Effectiveness of Human Resource Management Policies and Practices' [2007] *Human Resource Management Review* 152.

growth. Also, some of the criteria used in recruitment and selection can also be culturally influenced.⁷⁴⁹ Culture can influence not only recruitment but also the process of selecting applicants in several ways, such as profiling the ideal applicant, selection criteria, and methods of selection.⁷⁵⁰ For example, India's selection criteria have been noted to require candidates to belong to the same 'in-group' such as the same family or homeland as the manager.⁷⁵¹ Some HRM practices cannot be separated from the overall cultural environment's customs and values.⁷⁵² These customs and values are as necessary as other external variables such as religion or language are also known to have major impacts on HRM (Figure 5.1).⁷⁵³

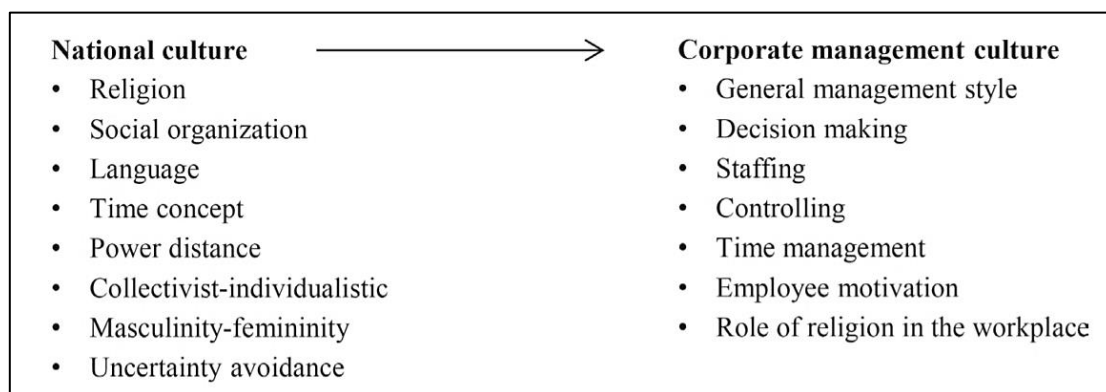


Figure 5.1 National Cultures Influence the Management Cultures of Organisations.⁷⁵⁴

For example, Figure 5.1 demonstrates that there are several factors of national culture such as religion, masculinity-femininity, language, etc., that can influence decision-making or staffing. This thesis will show that religion, social organisation and masculinity-femininity play a significant role in recruitment and selection decisions (see Section 5.5). These factors also

⁷⁴⁹ Zeynep Aycan, 'The Interplay between Cultural and Institutional/Structural Contingencies in Human Resource Management Practices' [2005] *International Journal of Human Resource Management* 108; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

⁷⁵⁰ Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281.

⁷⁵¹ Zeynep Aycan, 'The Interplay between Cultural and Institutional/Structural Contingencies in Human Resource Management Practices' [2005] *International Journal of Human Resource Management* 108.

⁷⁵² Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

⁷⁵³ Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161.

⁷⁵⁴ Mohammad Ayub Khan and Laurie Smith Law, 'The Role of National Cultures in Shaping the Corporate Management Cultures: A Three-Country Theoretical Analysis' in Jolita Vveinhardt (ed) *Organizational Culture* (Intechopen 2018).

influence discrimination. Therefore, the next section will explore the influence of culture in Nigeria's recruitment and selection practices.

5.2.1 Influence of Culture on Recruitment and Selection Practices in Nigeria

As stated in Chapter Four, recruitment and selection are primary functions of HRM. As such, the cultural impact can be seen through the system of values and preferences of the organisations.⁷⁵⁵ Anthropologist Edward Hall noted that 'culture hides much more than it reveals, and . . . it hides most effectively from its own participants'.⁷⁵⁶ This is usually expressed through ideologies that reflect aspects of experiences to which they are committed. This research supports this notion because cultural influence in recruitment and selection from the perspectives of job seekers in Nigeria seemed to be relatively unconscious. As this chapter will reveal, respondents from this research, though aware that certain recruitment and selection practices were culturally bound (for example, organisations wanting applicants from a certain tribe), they were not aware of how prominent it affected their views on the way HRM should be conducted (see Section 5.4). This is the reason why Chapter Four, Part One, discussed the generic concept of HRM in order to differentiate it from the cultural norm that guides a given society. This is because it has been reported that HRM is reliant on the cultural assumptions underlying them.⁷⁵⁷ More on this is discussed in Sections 5.4 and 5.5.

Additionally, there is an ideology by organisations that having a specific personal characteristic in job seekers can influence the production and performance of the organisation. If not, organisations would not require them in job adverts or ask intrusive questions during job interviews. Schwartz's definition of culture gave the understanding that beliefs can be learned or created by individuals themselves. This could mean that certain beliefs on how things can be done could result from notions created by people over time. Could we then say that organisations' discriminatory practices were due to man-made beliefs that certain people are better than others? And, do these beliefs underpin the discriminatory practices of HR policies within the private sector?

Various research studies show the significant influence of internal organisational culture on recruitment and selection processes, but there is limited research on the impact of external

⁷⁵⁵ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] IJBMER 704; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] European Scientific Journal June 161

⁷⁵⁶ Edward Hall, *The silent language* (Doubleday 1959) 53.

⁷⁵⁷ Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] IJBMER 704.

cultural practices.⁷⁵⁸ For instance, Taylor Cox argued that many of the current HRM practices such as recruitment, selection, performance appraisal and training used in the United States (US) were based on Northern and Western European values that were less effective.⁷⁵⁹ The same can be said about Nigeria. Lagos State is multicultural, and the recruitment and selection processes in terms of HR planning are adopted from the western countries without sufficient recourse to its multi-diversity (Chapter One, Section 1.2).⁷⁶⁰ Being multicultural also means there is bound to be conflict amongst cultures.

This thesis' research supports the views of John Bodley and David Drennan, who both stated that some of the basics of culture are 'what people think', 'what they do' and 'how things are done around here'.⁷⁶¹ Evidence of this was found in this research, such as respondents noting having more personal information (i.e., gender, ethnicity, marital status and religion) on their CVs due to the requirements on job adverts (see Section 5.4). A study by Adisa et al., which involved interviewing 61 Managers from different regions in Nigeria, reported that most respondents noted that recruitment is influenced considerably by ethnicity, age, gender, and religious affiliation.⁷⁶² This biased view can result in a mismatch of skills.⁷⁶³ The recruitment and selection stages of employment are very critical and need to be done legally, judiciously, and, where possible, free from discrimination (see Chapter Four, Section 4.3).⁷⁶⁴

The next section will investigate at how culture impacts recruitment and selection practices in Lagos State, Nigeria, as this is the focus of this research.

5.3 Culture and Pre-employment Discrimination in Lagos State

In a study by Sunday Izuogu, findings revealed that recruitment methods in Nigeria were impacted by a host of external cultural influences and different communities' cultures practised in Nigeria.⁷⁶⁵ Nigeria is a country of multitudes of cultures where some are similar and different

⁷⁵⁸ Geert Hofstede, *Culture's Consequences: International Differences in Work Related Issues* (Sage 1980); Kotter and Heskett, 'Culture: The Missing Concept in Organizational Studies' [1992] *Administrative Science Quarterly* 229.

⁷⁵⁹ Taylor Cox, *Cultural Diversity in Organizations: Theory, Research, and Practice* (Berrett-Koehler 1993).

⁷⁶⁰ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁷⁶¹ John Bodley, *Cultural Anthropology: Tribes, States, and the Global Systems* (Mayfield Publishing Company 1991); David Drennan, *Transforming Company Culture* (1st edn, McGraw-Hill Education 1992).

⁷⁶² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703.

⁷⁶³ J Petters and P Asuquo, 'The Awareness of Occupational and Labour Market Information among In-school Youths in Calabar, Nigeria' [2009] *Journal of Social Science* 211.

⁷⁶⁴ Richard Arvey and Gary Renz, 'Fairness in the Selection of Employees' [1992] *Journal of Business Ethics* 311

⁷⁶⁵ Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in The Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] *European Scientific Journal* June 161; Daniel Gberevbie, 'Strategies for Employee Recruitment, Retention and Performance: Dimension of the Federal civil

in their beliefs. It is Africa's most populous country with 36 states and a Federal Capital Territory with 250 ethnic groups, over 520 languages and various religions. Nigeria is a definition of cultural diversity.⁷⁶⁶ Lagos State is the smallest state and by far the most populous, with over 14.3 million people.⁷⁶⁷ There are multitudes of cultures existing in this geographical region where most people travel to search for work. Culture in Nigeria is widely understood to mean the traditional African way of doing things.⁷⁶⁸

In Lagos State, HRM can be said to be underdeveloped, and a lot of academic research is still required in this area.⁷⁶⁹ Some recruitment and selection processes in Lagos have an underlying subjective judgement inherent in them.⁷⁷⁰ Like, having a preconditioned mind that certain people are better than others based on their gender, religion or ethnicity. These stereotyped attitudes can be spread through socialisation from one generation to the next.⁷⁷¹ Organisations have, over time, developed the habit of including discriminatory requirements for their benefits, so much so that it almost seems like the norm, albeit a negative social norm. As culture is hard to break, stopping culturally influenced discrimination will prove twice as hard. As discussed in Chapter Three, assuming the Constitution regulating discrimination in Nigeria is effective, there would be a lesser cultural influence on discriminatory employment practices in Lagos State. This is because employers would have to comply with the law to avoid sanctions. However, this is not the case. The question now is, why are recruitment and selection processes so heavily influenced by cultural norms, values and beliefs?

According to Michael Frese, "as is" are cultural practices and "should be" refer to values'.⁷⁷² Norms prescribe certain behaviours, and once these behaviours are socially routinised, they

Service of Nigeria' [2010] *African Journal of Business Management* 1447; Daniel Gberevbie, 'Staff Recruitment and its effects on Organisational Performance' [2010] *The Abuja Management Review* 177.

⁷⁶⁶ Takim Asu Ojua, David Gever Ishor and Pefun Joshua Ndom, 'African Cultural Practices and Health Implications for Nigeria Rural Development' [2013] *International Review of Management and Business Research*, 176.

⁷⁶⁷ Lagos Population 2020, (World Population Review, 2020) < <http://worldpopulationreview.com/world-cities/lagos-population/> > accessed on 05 February 2020.

⁷⁶⁸ Funmi J. Para-Mallam, 'Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to Education' [2010] *Compare* 459.

⁷⁶⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703.

⁷⁷⁰ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁷⁷¹ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139.

⁷⁷² Michael Frese, 'Cultural Practices, Norms, and Values' [2015] *Journal of Cross-Cultural Psychology* 1327, 1327.

become practices. Accordingly, cultural norms lead to cultural practices and vice versa. Cultural practices and norms are perceived to be outside a person,⁷⁷³ which means that consistent outside control of behaviours can lead to formed routines. Once a specific behaviour is routinised, routines are enforced. With culture comes adaptation.

Social norms can change in a matter of years or decades.⁷⁷⁴ Time, as an abstract concept, also functions as a representation of how culture evolves.⁷⁷⁵ Cultural evolution helps in explaining why certain cultural contents may have developed, and it explains the transmission of information that enables cultural change. According to Michael Varnum and Igor Grossmann, 'human transmission of information is often biased'.⁷⁷⁶ There are a set of broad biases that contributes to cultural evolution during information transmission. They are:⁷⁷⁷

1. Conformity bias – this is the tendency to copy others or adopt their ideas if such ideas or behaviours are widely spread.
2. Prestige bias – the tendency to copy others or adopt their ideas if they are high in status
3. Self-similarity bias – the tendency to copy others who share one's characteristics or group memberships
4. Innovation – the creation of new ideas, tools, or behaviours, which are then selectively copied by others

These biases enumerated above can explain not only how ideas and behaviours are formed but how pre-employment discriminatory practices can evolve. For example, a job advert on some job websites in Lagos (Figures 5.2 and 5.3) for a Project Manager and an Online Sales Marketing/Bookkeeping Officer includes specified personal characteristics such as gender, age, and ethnicity. When organisations routinely advertise these discriminatory job adverts, there is a risk that other organisations will follow suit, hence innovation or conformity bias. More so, statements in job adverts that specify either men or women as preferred are widely

⁷⁷³ Michael Frese, 'Cultural Practices, Norms, and Values' [2015] *Journal of Cross-Cultural Psychology* 1327.

⁷⁷⁴ Michael E. W. Varnum and Igor Grossmann, 'Cultural Change: The How and the Why' [2017] *Perspectives on Psychological Science* 1.

⁷⁷⁵ Michael E W. Varnum and Igor Grossmann, 'Cultural Change: The How and the Why' [2017] *Perspectives on Psychological Science* 1; Joseph Henrich, 'Cultural Transmission and The Diffusion of Innovations: Adoption Dynamics Indicate That Biased Cultural Transmission Is the Predominate Force in Behavioural Change and Much of Sociocultural Evolution' [2001] *American Anthropologist* 992.

⁷⁷⁶ Michael E W Varnum and Igor Grossmann, 'Cultural Change: The How and the Why' [2017] *Perspectives on Psychological Science* 1, 5.

⁷⁷⁷ Michael E W Varnum and Igor Grossmann, 'Cultural Change: The How and the Why' [2017] *Perspectives on Psychological Science* 1; Joseph Henrich, 'Cultural transmission and the diffusion of innovations: Adoption dynamics indicate that biased cultural transmission is the predominate force in behavioural change and much of sociocultural evolution' [2001] *American Anthropologist* 992.

used in Lagos, which can be attributed to Self-similarity bias (a routinised discriminatory job advert that has become a norm and cultural practice amongst organisations).⁷⁷⁸ It has become a shared belief among organisations (i.e., people follow the practice). An adverse result of this is that some job seekers or applicants have learned to routinise, adding their personal characteristics to their CVs to conform to the growing trend of discrimination. This is evident from the empirical data collected, analysed and discussed in next section.

Job Position: Project Manager
Job Location: Lagos

The Role

- We seek a Project Manager who will ensure that production processes run optimally and efficiently
- Some one who is result oriented, able to manage resources, cope with pressure delegate and supervise effectively.
- **Nice to have; male between 35- 40 years, able to communicate in Yoruba.**
- Must have; at least one-year experience in a similar role.

Responsibilities


- Plan and organize production schedules
- Work order preparation, including consumption calculation of fabrics and any other accessories
- Oversee production process patterning, grading (downgrade and upgrade), shrinkage determination
- Fabric inspections and record
- Line setting and balancing techniques (group settings and parts production)
- Quality control management (a.q.l.)
- Relationships management with vendors and other stakeholders.

Required Skills

- Technical and numerical skills
- Good attention to details
- Good time management

Figure 5.2 Job Advertisement for a Project Manager

⁷⁷⁸ Akindele Richard Iyiola, 'Gender and Racial Differentials in the Nigerian Banking Industry' [2011] International Journal of Business and Management 228.



Online Sales and Marketing/Bookkeeping Officer
 Calvtrust Ltd
 Administrative & Office
 Lagos | Full Time | Technology | Below 75,000

1mo

Job Summary

We are currently recruiting for the position of an online sales and marketing /bookkeeping officer

Minimum Qualification: Degree
Experience Level: No Experience
Experience Length: No Experience/Less than 1 year

Job Description

Job Summary:

To interact with online customers, take and fulfil their order and keep accurate digital records of all transaction

Requirements

Candidate must be internet and social media proficient
 Must be computer savvy
 The successful candidate must be highly competent
Female under 25 fluent in Igbo, Yoruba is preferred

Figure 5.3 Job Advertisement for Online Sales Marketing/Bookkeeping Officer

5.4 Culture from the Perspective of Jobseekers

As discussed in Section 5.1, culture and cultural beliefs and practices are manifest in what people think and do. To understand this, it is important to ask the following questions: what do job seekers think and do when they experience or come across discrimination in job advertisements and job interviews? How do job seekers culturally respond to discrimination in job advertisements and job interviews? An exploration into job seekers' perceptions is essential to understand the correlation between culture and discriminatory pre-employment practices. Their perception provides an insight into the existing culture and how this affects their ability to secure employment. This will also provide insight into how job seekers adapt to culturally motivated recruitment and selection practices in Lagos. As such, respondents in the online survey research conducted were asked a series of questions on these matters. The first question was:

- *Tick all the personal information you have on your CV (age, sex, marital status, religion, state of origin and local government)*

As seen in Figure 5.4 below, the majority of job seekers that responded to the question had either some or all of the personal characteristics' options given on their CV. A CV (also known as a Curriculum Vitae or résumé) is the sum and substance of an individual's work history and

education that indicates a particular career direction. A CV is like a personal advertisement aimed at convincing a potential employer that an applicant is an outstanding candidate for the job and will contribute to the organisation. Likewise, it is also the first impression an organisation has about a job applicant. It is also the document organisations use to check if a job applicant matches the required job criteria.⁷⁷⁹ A CV aims to convince potential employers that the applicant is well-suited to the job role advertised. The findings below indicate that applicants consider it necessary to reveal certain of their personal characteristics on their CV (a practice that is discouraged in Western HRM).

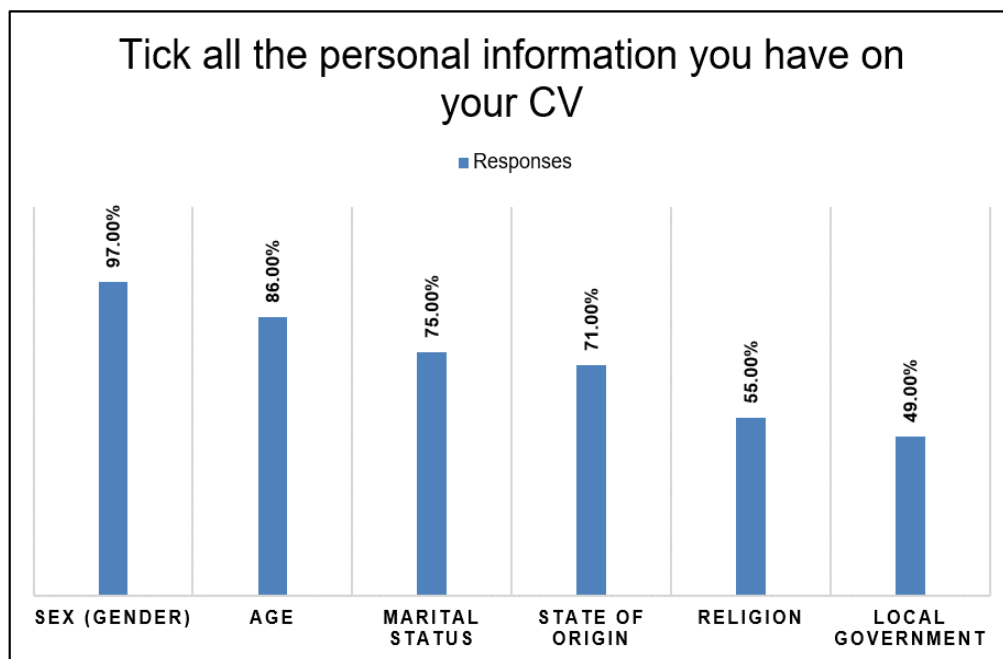


Figure 5.4 Percentage of Personal Information on a CV

Although the presence of personal information on CVs does not automatically translate to the occurrence of discrimination, it does tell a story of how having more personal information on CVs than required has been culturally motivated. Job seekers have adapted to discriminatory job adverts by tailoring their Resume (CV) to meet the discriminatory requirements (i.e., what we think and what we do). To do this, they write their personal information on their CVs to match themselves with the job. Practically, some respondents believe that it is better to have upfront, more personal information on a CV such as age, sex (gender), marital status, religion,

⁷⁷⁹ Frances McGinnity and Peter Lunn, 'Measuring Discrimination Facing Ethnic Minority Job Applicants: An Irish Experiment' [2011] *Work, Employment and Society* 693; Odogwu Chidi, 'Recruitment practices and performance of unionised organisations in the food, beverage and tobacco industry in Lagos State, Nigeria' [2013] *Interdisciplinary Journal of Contemporary Research in Business* 359.

ethnicity (local government) in order to get shortlisted. For example, two respondents stated that:

'They are vital in these parts, ... you may end up being screened out of the selection process owing to the absence of one or more of the personal information.'

'Because it is the norm in Nigeria. If you don't put them in, you might not be shortlisted.'

These two respondents had their age, sex, marital status, and state of origin on their CVs. This way, respondents are seen by recruiting organisations to match the criteria they are looking for and are more likely to be shortlisted. Some even go as far as having their picture on their CVs, as seen in Figure 5.5 (picture and personal data are cut out to ensure privacy). This practice has been going on for years and has been passed down from generation to generation.

<div style="border: 1px solid black; width: 100%; height: 20px; margin-bottom: 5px;"></div> NAME	<div style="border: 1px solid black; width: 100%; height: 50px; margin-bottom: 5px;"></div> PHOTO
POST APPLIED FOR (MICROBIOLOGY)	
PERSONAL INFORMATION:	
CONTACT ADDRESS: HOME ADDRESS: E-MAIL ADDRESS: PHONE NUMBERS: PLACE OF BIRTH: DATE OF BIRTH: SEX: MARITAL STATUS: LOCAL GOVT AREA: STATE OF ORIGIN: NATIONALITY:	<div style="border: 1px solid black; width: 100%; height: 100px; margin-bottom: 5px;"></div> CONTACT DETAILS
CAREER AIMS AND OBJECTIVES: <p>This is a profile of a young and virile graduate with trait below and aim of working with a team of skilled and dedicated professionals from whom he can learn, work and collaborate with opportunity of using his acquired skilled in a pragmatic approach for the achievement of your organizational goal.</p> <ul style="list-style-type: none"> Ability to work with little supervision under detailed information with strives to understand the content rather than cramming. Potential to work in collaboration with group of people. Ability to learn, adapt and to adopt new ideals and Strive to achieve set goals and excellence by using practical and skill. 	
EDUCATIONAL BACKGROUND WITH DATES	
<ul style="list-style-type: none"> Ladoke Akintola University of Technology, Ogbomosho, Oyo State, Nigeria. - 2002 - 2008 Day Secondary School, Tunga, Minna, Niger State. - 2001 Baptist High School, Ogbomosho, Oyo State, Nigeria. - 1994-1997 Ori-Oke Community High School, Ogbomosho, Oyo State, Nigeria. - 1991-1994 Ayoka Memorial Nursery/Primary School, Ogbomosho, Oyo State, Nigeria. - 1998-1991 Osupa Baptist Day School, Ogbomosho, Oyo State, Nigeria. - 1995-1998 	
ACADEMIC QUALIFICATIONS WITH DATES:	
<ul style="list-style-type: none"> National Youth Service Corps Discharge Certificate. - 2011 Intem Medical Laboratory Certificate. - 2010 Bachelor of Medical Laboratory Science (2nd class lower division) - 2008 Senior Secondary School, Certificate (SSCE) 2000&2001 - Junior Secondary School (JSCE) - 1994 	

Figure 5.5 Copy of a CV in Nigeria

The downside of this is that job seekers are inadvertently encouraging organisations to discriminate against them. This is because if Figure 5.4 was a job seeker's standard CV, it means that there is a risk of using this CV to apply to all jobs whether or not the personal information on the CV is required by the organisation. The job seekers who match the required personal characteristics, though at a better advantage, are unconsciously allowing organisations to judge them based on their personal information. If an organisation has no intention of discriminating, the inclusion of these pieces of information might trigger unconscious bias. Unconscious biases are attitudes that are held subconsciously and affect the way individuals feel and think about others around them.

Furthermore, job seekers are also unconsciously allowing organisations to get away with discrimination by putting others at a disadvantage. More on CVs from job seekers' perspectives will be discussed in Chapter Six.

To avoid making too many assumptions, it was important to understand the reasons why respondents had personal information on their CVs. Therefore, as noted above, respondents were asked:

- *Why do you have this personal information on your CV?*

The majority of respondents had some or all personal information on their CVs. From the analysis of the responses, two themes generated and were labelled 'Cultural Trend' and 'Identification' (see Chapter Two, Section 2.5.3). Cultural trend is discussed in this chapter, while identification will be discussed in Chapter Six, Section 6.5.2 of this thesis. In this thesis, cultural trend connotes a practice that has been widely accepted and followed by people. It mirrors the 'herd mentality', which involves the tendency of the people in a group (in this case, job seekers) to think and behave in ways that conform with others in the group rather than as individuals.⁷⁸⁰

Some respondents linked the reason for having personal information on their CV to the presence of an existing cultural trend. Some of the responses are revealed in Table 5.1 below, and the type of personal information these respondents had on their CVs are added to support their reasons.

Responses	Personal Information on CV
<i>I feel they are information that is basic and sacrosanct.</i>	Age, sex, marital status, and state of origin

⁷⁸⁰ Ramsey M Raafat, Nick Chater and Chris Frith, 'Herding in humans' [2009] Trends in Cognitive Sciences 420.

<i>It is a prerequisite for employment.</i>	Age, sex, religion, marital status, state of origin and local government
<i>Following the trend.</i>	Age, sex, religion, marital status, state of origin and local government
<i>It is the typical standard format for CVs here.</i>	Age, sex, religion, marital status, state of origin and local government
<i>It's a criterion for creating your CV.</i>	Age, sex, religion, marital status, state of origin and local government
<i>That seems to be the trend.</i>	Age, sex, religion, marital status, and state of origin
<i>This information is <u>needed</u> by the employer.</i>	Age, sex, religion, marital status, state of origin and local government

Table 5.1 Reasons Respondents have Personal Characteristics on their CVs

From the above responses, the influence of culture is evident, as seen in the use of phrases like ‘standard practice’, ‘following the trend’, ‘required by organisations’, or it is ‘expected’ (this is discussed below). What initially stood out were comments on a ‘standard’ or ‘typical’ CV in Nigeria. Hence, it is important to discuss the assertion of what a ‘typical CV’ standard is. Years ago, before strict regulations against discrimination came into force globally, having one’s personal information on a CV was accepted or required (i.e., it was culturally accepted). It was a criterion for a typical CV. This is still done in Nigeria, and some countries in the Middle East, such as the UAE, where job applicants are still required to have their photographs on their CVs. This is because it creates the first impression to the recruiting organisations during resume screening. For example, two respondents stated that:

‘Anyone who comes in contact with my CV knows a bit about me first-hand.’

‘I have my personal information on my CV because it's a basic requirement when drafting a CV. It aids a prospective employer to have a general knowledge about who I am.’

However, according to Derous and Ryan, ‘resume screening is vulnerable to biased decision-making’.⁷⁸¹ It is also vulnerable to unconscious bias. Despite this, as a cultural practice, a typical Nigerian CV in Lagos State has more personal information stated. How this became a norm is unknown; however, a possible reason can be based on the requirements on job adverts. For example, if an organisation requires a male, it is only wise for a job seeker to specify their gender to show that they are a match (see Chapter Six, Section 6.5).

⁷⁸¹ Eva Derous and Ann Marie Ryan, 2019. ‘When Your Resume Is (Not) Turning You Down: Modelling Ethnic Bias in Resume Screening’ [2019] Human Resource Management Journal 113, 114.

Having personal information on a CV is a way to match or fit a job advert that has some personal characteristics as part of its requirements. Therefore, it is understandable. Yet, this might also be the reason why they were not shortlisted in the first place.⁷⁸² As shown in Figure 5.5 above (a copy of a CV from Nigeria), this individual has their age, sex, marital status, ethnicity and local government on their CV (see also Appendix F). If this individual finds a job that requires one or more of these criteria, coupled with the requisite skills, experiences and qualifications, then they might be a match. However, having so much personal information might be either positive or negative. For example, just because a job advert states only gender and age does not mean that the organisation does not require other requirements such as ethnicity or religion, which the job seeker does not have. These aspects of discrimination can be delayed until the job interviews stage. Therefore, having a lot of personal information on a CV might be either positive or negative. The availability of some personal information on CVs might also sway an organisation into wanting a specific personal attribute that might not have been their intention in the first place. This is because discrimination can be overt or subtle (see Chapter Seven, Section 7.1)

On the bright side, the advent of different legislation prohibiting discrimination has reduced the practice of having personal information in CVs across the world. For example, in the UK, the Equality Act 2010 makes having personal information such as age, sex, religion, race or sexual orientation etc., on CVs no longer necessary as it can encourage discriminatory practices in the recruitment process. The same can be said of section 42 of the Nigerian Constitution 1999 (as amended 2011), which prohibits discrimination because not all job seekers have a lot of personal information on their CVs.⁷⁸³ The prohibition of discrimination on certain grounds means that job seekers do not need to have more personal information than strictly required (Figure 5.5).

On the downside, culturally influenced discriminatory recruitment and selection practices have mitigated the Constitution's effects when it comes to its implementation. Some organisations do not seem to care about breaking the law. Cultural practices seem to have the upper hand by requiring more personal characteristics, thereby forcing or influencing job seekers to comply (see Figure 5.6). When people allow or view cultural practices as different from the law, the law becomes secondary or irrelevant.⁷⁸⁴ The law, according to Naomi Mezey, should

⁷⁸² Eva Derous and Ann Marie Ryan, 2019. 'When Your Resume Is (Not) Turning You Down: Modelling Ethnic Bias in Resume Screening' [2019] Human Resource Management Journal 113.

⁷⁸³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

⁷⁸⁴ Naomi Mezey, 'Law as Culture' [2001] Yale Journal of Law & the Humanities, 35.

be viewed as culture.⁷⁸⁵ Law should be a signifying practice that constitutes culture and cannot be divorced from it and vice versa.⁷⁸⁶

In analysing and interpreting a few specific responses in Table 5.1 above, some respondents stated that they were ‘following the trend’ or ‘that it seems to be the trend’ as the reason(s) for having personal information on CVs. This confirms that not only does culture influence recruitment and selection practices in the Lagos State private sector, but it also compels job seekers to adapt to the trend of having personal information on CVs. Hence, the herd mentality. More so, following the trend has created a shared knowledge or beliefs amongst job seekers when applying for jobs. According to Kruger and Tomasello, culture can sometimes impose itself on a person in the form of intentional instruction instead of being learned.⁷⁸⁷ Marshall Sahlins also noted that culture is constituted as it provides regularities, continuity, coordination and meaning to human actions and interactions.⁷⁸⁸ If organisations write in their job adverts that they are looking for a specific personal characteristic(s) such as gender or religion, job applicants will view this as an intentional instruction. Job seekers, in return, would have no choice but to put in more personal information on their CV in response to the organisations’ instructions. Therefore, making this practice a norm. This concept and influence of intentional instruction might then explain the normalisation of including personal characteristics on a CV. As Chiu and Hong stated, culture is an ‘agency’ people use as a resource to attain their goals⁷⁸⁹ – having personal information on a CV to get shortlisted.

As aforementioned, the origin of having personal information on CVs in Lagos State is unknown. Did it start from job seekers innocently adding personal information on CVs and organisations taking advantage of it? Or did it begin with organisations requesting specific personal characteristics during recruitment and selection while job seekers inadvertently adapted to it through their CVs? To shed some light on this, HRP2 and HRP3 (two of the participants in the interview conducted) both stated in the interviews conducted (Chapter Two, Section 2.5) that sometimes the discriminatory requirements come from the clients they are working for.

HRP2: ‘The truth is that, with every recruitment, the client will tell you very quietly. We want this; we want that.’

⁷⁸⁵ Naomi Mezey, ‘Law as Culture’ [2001] Yale Journal of Law & the Humanities.

⁷⁸⁶ Naomi Mezey, ‘Law as Culture’ [2001] Yale Journal of Law & the Humanities.

⁷⁸⁷ Ann Kruger and Michael Tomasello, ‘Cultural Learning and Learning Culture’ in David R Olson and Nancy Torrance (eds), *The Handbook of Education and Human Development: New Models of Learning, Teaching and Schooling* (Blackwell 1996).

⁷⁸⁸ Marshall Sahlins, *Culture in Practice: Selected Essays* (1st edn, Zone Books 2000), [286].

⁷⁸⁹ Chi-yue Chiu and Ying-yi Hong, ‘Cultural Processes: Basic Principles’ in Arie Kruglanski and Tory Higgins (eds), *Social Psychology: Handbook of Basic Principles* (The Guilford Press 2007).

HRP3: 'There was a case where we had to look at gender because our client requested it. We were recruiting for a client who pays us, and he doesn't work well with males. It got to a point he wanted to take the job away from us, so we had to recruit a female and get paid.'

From the responses above, the subjective perceived needs of the clients outweigh the perceived needs of the organisations in terms of competitive advantage. This supports Varnum and Grossmann's assertion of conformity, prestige, self-similarity and innovation bias.⁷⁹⁰ This also contributes to discriminatory cultural evolution. This is one of the crossroads HR professionals often face during recruitment. In as much as HR professionals try to sway recruiting organisations to adhere to the law, organisations still have the final say on the preferred candidates. HRP3 also stated that some discriminatory request from clients is subtle but intentional.

'Apparently, they know, so they don't outrightly request for that. What they do is indirect.'

HRP2, who is an independent HR consultant, also faces the same problem where clients are the ones who make the ultimate decisions. The responsibility to recruit may vary in stages depending on the size of the organisation. Line managers might oversee recruitment in smaller firms while the HR department deals with recruitments in larger organisations. This can impact how the recruitment procedures are carried out, seeing as some line managers have limited knowledge of HR activities and policies. It also accounts for why a large number of organisations employ haphazard and undeveloped approaches to selecting their workforces.⁷⁹¹ It disconnects the organisation's strategic goals through the lack of effective talent management.⁷⁹²

Generally, in collaboration with the management team, HR practitioners have a duty to ensure that recruitment is fair and justifiable to recruit and select potential candidates fairly.⁷⁹³ This was affirmed by HRP2, who stated that she tries to persuade her clients to focus more on skills and competencies. HRP2 stated that:

⁷⁹⁰ Michael E W Varnum and Igor Grossmann, 'Cultural Change: The How and the Why' [2017] Perspectives on Psychological Science 1.

⁷⁹¹ Elaine Pulakos, 'Selection Assessment Methods: A Guide to Implementing Formal Assessments to Build a High-Quality Workforce' (SHRM Foundation's Effective Practice Guidelines 2005) < <https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Selection-Assessment-Methods.pdf> > accessed on 07 February 2020.

⁷⁹² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703; David Ulrich, 'The Talent Trifecta' [2006] Workforce Management 32; Hee-jung Cho and Ji-Young Ahn, 'The Dark Side of Wars for Talent and Layoffs: Evidence from Korean Firms †' [2008] Sustainability 1365.

⁷⁹³ David Farnham, *Human Resource Management in Context: Strategies, Insights and Solutions* (4th edn, Chartered Institute of Personnel and Development 2015).

'I try to dissuade clients from that. For example, recently, I recruited a CEO for one of my clients, and I asked what she wanted. She said she wanted a male because most of her staff were females, and she wanted a diverse team. I said fine but based on the CVs I have on my database, I believed a female would suit the position. But I sent her four males and one female. She ended up picking the female as the best-suited candidate.'

From the response above, although the client wanted a male candidate in furtherance of positive action (i.e., taking measures and initiatives to improve equality in your workplace), this should not be the primary determining factor.⁷⁹⁴ Other attributes such as skills, qualifications, and wealth of experience, amongst others, should also be considered. From the response, it can also be inferred that the HRP2's client wanted a male with the necessary skills. However, using personal attributes as the main factor prolongs the search for the right candidate that fits their profile. This was also affirmed by HRP3, who stated that:

'As an HR practitioner, there is one thing to practice HR, and there is one thing to work for an organisation and merge your knowledge of HR, ethics and laws of the organisation. There's always that dilemma, and you are struggling and fighting with the organisation.'

As seen above, conflict can happen between what the organisation wants versus what the organisation actually needs. As such, what organisations need is a little reinforcement of what is right, as this is the essence of HRM. As discussed in Chapter Four, Sections 4.1.1 and 4.7, if organisations in Nigeria start to see human capital as 'value' instead of 'resources', their views on discrimination can change. Also, as mentioned in Chapter Four, the essence of recruitment and selection is to recruit the right person with the right skills, experience, qualifications, and capabilities to help with organisational performance and development.

Going back to other specific responses in Table 5.1 above, two respondents stated that:

'This information is needed by the employer.'

'I think it's a general requirement.'

Firstly, just because an organisation 'needs' personal information does not make it relevant or legal. This response shows that the respondent is not interested in why organisations require it, and s/he is just merely following instruction – an intentional instruction, as stated by Kruger and Tomasello.⁷⁹⁵ If more people share this belief, there is bound to be continuous discriminatory practices in pre-employment, leading to diminished labour market efforts, ultimately giving rise to adverse outcomes. It is a shame that the National Bureau of Statistics

⁷⁹⁴ Equality Act 2010, s 159.

⁷⁹⁵ Ann Kruger and Michael Tomasello, 'Cultural Learning and Learning Culture' in David R Olson and Nancy Torrance (eds), *The Handbook of Education and Human Development: New Models of Learning, Teaching and Schooling* (Blackwell 1996).

(NBS) does not recognise discrimination as a factor responsible for the increase of unemployment and underemployment in Nigeria.⁷⁹⁶ The personal characteristic of an applicant should only come into play when it is in furtherance of an affirmative action, as discussed in Chapter Four. How do organisations intend to maximise a person's personal characteristics to meet strategic objectives?

Secondly, when respondents think culture or a norm cannot be changed coupled with a lack of knowledge of their human rights, respondents have a preconditioned mindset of 'going with the flow'. It is agreed that culture is hard to change; however, it can be changed. Recruitment and selection practices play a significant role in shaping and forming HRM practices that impact organisational perception, behaviours and decisions when recruiting and selecting potential job applicants.⁷⁹⁷ If organisations stop discriminating through their job adverts, job seekers will stop including personal information on CVs, thereby reducing the occurrence of discrimination. This is also confirmed by some respondents who stated that:

'I think the style of resume which is generally acceptable in Lagos State could be tailored towards a neutral one where the age, sex, marital status of an applicant is unnecessary. Remove all unnecessary items on the CV list.'

'Personal information should not be requested to appear on a CV.'

If respondents learn to have a more neutral CV with only necessary personal information, such as name and contact details, it can help reduce discrimination. HRP2 also confirmed this by stating that:

'For me, when I get a CV with the personal information on it, I cover that section and focus on what is relevant to the job description.'

What HRP2 is doing is to practically make the CV anonymised. An Anonymous job application increase the chances of shortlisting skilled applicants regardless of personal characterisations as these would be unknown. HRP2 went further to state that:

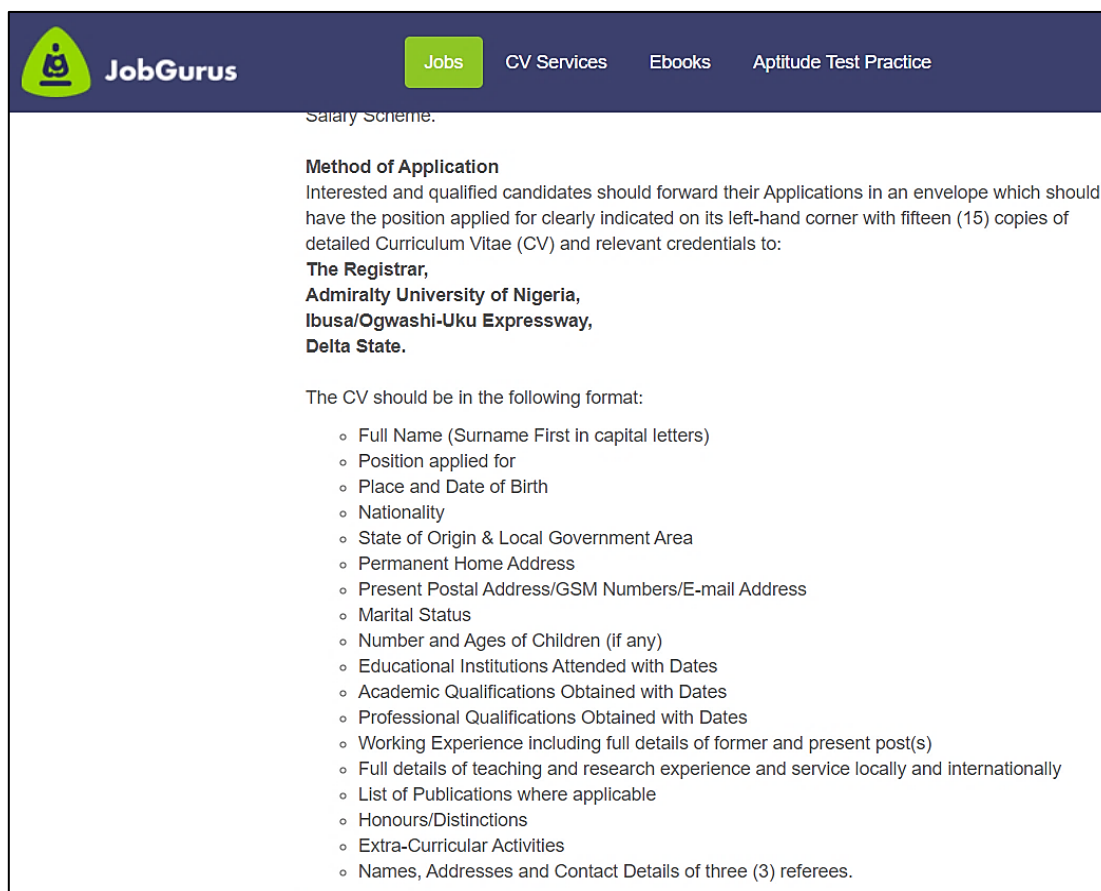
'You find out nowadays for contemporary CVs writing, they [HR professionals] tell you to get rid of personal information as possible. They don't want you putting, sex, age, nationality.'

Lastly, looking at the responses in Table 5.1 above about personal information being a general requirement, an example can be seen in Figure 5.6 below. Figure 5.6 is for the position of an

⁷⁹⁶ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

⁷⁹⁷ Wan Ismail, Rosmini Omar and Maryam Bidmeshgipour, 'The Relation of Strategic Human Resource Practices with Firm Performance: Considering the Mediating Role of Resource Based View' [2010] Journal of Asia Pacific Studies 395.

Assistant Lecturer (Law) from a university in Nigeria.⁷⁹⁸ The university has specific instructions and requirements for potential job applicants and what they want to see in applicants' CVs.



The screenshot shows the JobGurus website interface. At the top, there is a dark blue header with the JobGurus logo on the left and navigation links for 'Jobs', 'CV Services', 'Ebooks', and 'Aptitude Test Practice' on the right. The 'Jobs' link is highlighted in green. Below the header, the main content area is white. It starts with the text 'Salary Scheme:' followed by a blank line. Then, it has a section titled 'Method of Application' in bold. The text below this title states: 'Interested and qualified candidates should forward their Applications in an envelope which should have the position applied for clearly indicated on its left-hand corner with fifteen (15) copies of detailed Curriculum Vitae (CV) and relevant credentials to:'. This is followed by the address: 'The Registrar, Admiralty University of Nigeria, Ibusa/Ogwashi-Uku Expressway, Delta State.' Below the address, it says 'The CV should be in the following format:' followed by a bulleted list of requirements. The list includes: Full Name (Surname First in capital letters), Position applied for, Place and Date of Birth, Nationality, State of Origin & Local Government Area, Permanent Home Address, Present Postal Address/GSM Numbers/E-mail Address, Marital Status, Number and Ages of Children (if any), Educational Institutions Attended with Dates, Academic Qualifications Obtained with Dates, Professional Qualifications Obtained with Dates, Working Experience including full details of former and present post(s), Full details of teaching and research experience and service locally and internationally, List of Publications where applicable, Honours/Distinctions, Extra-Curricular Activities, and Names, Addresses and Contact Details of three (3) referees.

Salary Scheme:

Method of Application
Interested and qualified candidates should forward their Applications in an envelope which should have the position applied for clearly indicated on its left-hand corner with fifteen (15) copies of detailed Curriculum Vitae (CV) and relevant credentials to:
**The Registrar,
Admiralty University of Nigeria,
Ibusa/Ogwashi-Uku Expressway,
Delta State.**

The CV should be in the following format:

- Full Name (Surname First in capital letters)
- Position applied for
- Place and Date of Birth
- Nationality
- State of Origin & Local Government Area
- Permanent Home Address
- Present Postal Address/GSM Numbers/E-mail Address
- Marital Status
- Number and Ages of Children (if any)
- Educational Institutions Attended with Dates
- Academic Qualifications Obtained with Dates
- Professional Qualifications Obtained with Dates
- Working Experience including full details of former and present post(s)
- Full details of teaching and research experience and service locally and internationally
- List of Publications where applicable
- Honours/Distinctions
- Extra-Curricular Activities
- Names, Addresses and Contact Details of three (3) referees.

Figure 5.6 Job Application Requirements

As seen above, this job advert includes the date of birth, place of birth, marital status, ethnicity, and the number of children. To translate, this means is that if job applicants do not have what they (the university) want, they should not bother applying for the job. Some of these requirements in Figure 5.6 are actually surprising. No wonder some respondents stated that:

'Seriously. I think there shouldn't be lists like religion, state of origin and so on, on any reasonable job advertorials. It really isn't NECESSARY!'

'Most organisations request it.'

'My CV builder told me to fill them in, and they will be of use.'

'Because employers want to see this basic information.'

⁷⁹⁸ <https://www.jobgurus.com.ng/jobs/view/assistant-lecturer-law-recruitment-at-admiralty-university-of-nigeria>.

'Most often, employers ask for these details.'

This means that the personal information on CVs is not necessarily a wilful act. Some respondents might not want to put their personal information on their CVs wilfully, but in a bid to either follow the trend or comply with organisations' requests, they do as they are told. As such, in some instances, directly asking for something is not always culturally motivated. It constitutes direct discrimination.⁷⁹⁹ However, if it is a continuous practice, it can become cultural. As stated by Schwartz, culture consists of the derivatives of experience learned or created by the individuals of a population.⁸⁰⁰ This is also why some respondents stated that personal information on CVs is part of the employment requirements (see Table 5.1).

In as much as it is evident that organisations discriminate, asking for the applicant's number of children and their ages is outrageous. If these were asked in an interview, it would have been different, but this has been publicly advertised. Therefore, it is not unusual for some Nigerians to believe that the law has failed them or that it is not efficient enough to fulfil its purpose. This is also why some cultural beliefs prevail over the legislation in most African countries.

Moving on to the analysis of the responses to the question: (*Why do you have this personal information on your CV?*), some respondents stated that they did not have personal information on their CVs, besides from the basic essential details, such as name and contact details. One of the reasons stated was that:

'I don't have them on my CV, so I don't get unlucky if the information doesn't go down well with my interviewers.'

This perspective is rightly so. As stated above, having more personal information on a CV can create a bias that was not originally present. This also gives organisations more reason(s) to judge an applicant. Respondents need to understand that they also have control over how organisations should perceive them. Just because the inclusion of personally identifiable information is a cultural trend does not make it legal. Not all trends need to be followed, especially when they can alienate people.

⁷⁹⁹ Anthea Taylor, 'What Employers Look For: The Skills Debate and the Fit with Youth Perception' [2005] *Journal of Education and Work* 201; Cable Daniel and Judge Timothy, 'Interviewers' Perceptions of Person-Organization Fit and Organizational Selection Decisions' [1997] *Journal of Applied Psychology* 546; Higgins Chad and Judge Timothy, 'The Effect of Applicant Influence tactics on Recruiter Perceptions of Fit and Hiring Recommendations: A Field Study' [2004] *Journal of Applied Psychology* 622; Michael Morley, 'Person-Organization Fit' [2007] *Journal of Managerial Psychology* 109.

⁸⁰⁰ Shalom Schwartz, *Universals in the Content and Structure of Values: Theory and Empirical Tests in 20 Countries*. in Mark Zanna (ed), *Advances in Experimental Social Psychology* (Academic Press, INC 1992) Vol. 25, 1-65.

Since it has been established that discriminatory recruitment and selection practices are culturally motivated, it is, therefore, important to discuss in the next section some personal characteristics that are underpinned by culture.

5.5 Culturally Influenced Discriminatory Requirements

One of the major sources of the Nigerian legal system is the Customary Law.⁸⁰¹ Customary law in Nigeria existed before the common law, and civil law systems which were imposed through colonial rule.⁸⁰² Certain cultural practices are recognised and given the status of law because they are considered primary sources of law under the Nigerian legal system and can be enforced in the Customary Court.⁸⁰³ As noted by Oba, customary law in Nigeria can be described 'as an amalgam of customs or habitual practices accepted by members of a particular community as having the force of law as a result of long-established usage.'⁸⁰⁴ According to Andrews Otutu Obaseki, a Justice of the Supreme Court of Nigeria (JSC), customary law is:

'The organic and living law of all indigenous people of Nigeria regulating their lives and transactions. It is organic in that it is not static. It is regulatory in that it controls the lives and transactions of the community subject to it. It is said that custom is a mirror of the culture of the people.'⁸⁰⁵

However, before cultural practices can be enforced, they must first be subjected to validity tests.⁸⁰⁶ It must not be repugnant to natural justice, equity and good conscience or incompatible directly or by implication with any law.⁸⁰⁷ However, all law exists in culture. Culture shapes communities' relations while the law shapes culture.⁸⁰⁸ According to Kohler, a misconception by some people is that a central function of law is to create an appropriate balance between preservation and stability of culture on one hand and the flexibility and

⁸⁰¹ Umar Alkali, US Abbo Jimeta, Awwal Ilyas Magashi and Tijjani Musa Buba, 'Nature and Sources of Nigerian Legal System: An Exorcism of a Wrong Notion' [2014] International Journal of Business, Economics and Law 1; Abdulmumini A Oba, 'Religious and Customary Laws in Nigeria' [2011] Emory International Law Review 881.

⁸⁰² Abdulmumini A Oba, 'Religious and Customary Laws in Nigeria' [2011] Emory International Law Review 881.

⁸⁰³ Umar Alkali, US Abbo Jimeta, Awwal Ilyas Magashi and Tijjani Musa Buba, 'Nature and Sources of Nigerian Legal System: An Exorcism of a Wrong Notion' [2014] International Journal of Business, Economics and Law 1; Abdulmumini A Oba, 'Religious and Customary Laws in Nigeria' [2011] Emory International Law Review 881.

⁸⁰⁴ Abdulmumini A Oba, 'Religious and Customary Laws in Nigeria' [2011] Emory International Law Review 881, 886.

⁸⁰⁵ *Oyewunmi Ajagunbade III v Ogunesan* [1990] 3NWLR 182 at 207.

⁸⁰⁶ Umar Alkali, US Abbo Jimeta, Awwal Ilyas Magashi and Tijjani Musa Buba, 'Nature and Sources of Nigerian Legal System: An Exorcism of a Wrong Notion' [2014] International Journal of Business, Economics and Law 1.

⁸⁰⁷ Umar Alkali, US Abbo Jimeta, Awwal Ilyas Magashi and Tijjani Musa Buba, 'Nature and Sources of Nigerian Legal System: An Exorcism of a Wrong Notion' [2014] International Journal of Business, Economics and Law 1.

⁸⁰⁸ Josef Kohler, *Philosophy of Law* (General Books LLC 2012); Menachem Mautner, 'Three Approaches to Law and Culture' [2011] Cornell Law Review 839.

openness to change on the other.⁸⁰⁹ Law can achieve the function of preserving human values that are worthy of preserving,⁸¹⁰ and discrimination is not one of them. If the law does not support culture, it could impair the culture's further development. Just like cultural values, principles and languages, law evolves and grows. As such, perceptions are influenced not only by law but also by culture. And, culture is, in turn, being influenced by law. Although this section is not about customary law or the customary court, it provides some context into its recognition, applicability, and sustainability.

Invariably, some cultural practices continue to exist, whether they are discriminatory or not, depending on the context with which it is applied. For example, under the Igbo Customary law, a wife could be inherited by her deceased husband's brother.⁸¹¹ While this sort of practice is clearly discriminatory and would fail the validity test stated above, the problem is that some of the victims or parties who have suffered under such inappropriate practices do nothing. Therefore, unconsciously prolonging discriminatory cultural practices. As discussed in Chapter Three, Section 3.10, 42% of respondents had no knowledge of their right to be free from discrimination, as provided in section 42 of the Nigerian Constitution 1999 (as amended 2011), which means that some discriminatory cultural practices can potentially continue in perpetuity.

Having established the parameters within which customary practices are given the force of law in Nigeria, it is also imperative to note that since culture plays a significant role in the life of an average Nigerian, this may have a ripple effect and spill into recruitment and selection practices. This is because, as stated in Section 5.1, culture is learned and transmitted to which certain practices to be expected and accepted.⁸¹²

These cultural differences can have a negative implication on the universal applicability of HRM practices.⁸¹³ To make matters worse, in Nigeria, the rule of law is not often followed or practised.⁸¹⁴ Some people and institutions portray themselves as though they are above the laws and not subject to any authority. This makes it difficult for some people to question certain

⁸⁰⁹ Josef Kohler, *Philosophy of Law* (General Books LLC 2012); Menachem Mautner, 'Three Approaches to Law and Culture' [2011] Cornell Law Review 839.

⁸¹⁰ Josef Kohler, *Philosophy of Law* (General Books LLC 2012); Menachem Mautner, 'Three Approaches to Law and Culture' [2011] Cornell Law Review 839.

⁸¹¹ Chika Sylvia Ifemeje and Nneka Umejiaku, 'Discriminatory Cultural Practices and Women's Rights among the Igbos of South-East Nigeria: A Critique' [2014] Journal of Law, Policy and Globalization 18.

⁸¹² Shalom Schwartz, Universals in the Content and Structure of Values: Theory and Empirical Tests in 20 Countries. in Mark Zanna (ed), *Advances in Experimental Social Psychology* (Academic Press, INC 1992) Vol. 25, 1-65.

⁸¹³ Joseph C Rode, Xiaowen Huang and Barbara Flynn, 'A cross-cultural examination of the Relationships among Human Resource Management Practices and Organisational Commitment: An Institutional Collectivism Perspective' [2016] Human Resource Management Journal 471.

⁸¹⁴ Elijah John, 'The Rule of Law in Nigeria: Myth or Reality?' (2011) Journal of Politics and Law 211, 212.

discriminatory cultures as they believe nothing can remedy the injustices. Likewise, due to the rigidity and autonomy of private organisations, it is quite understandable that applicants may not be able to challenge them on their recruitment policies or who they decide to recruit. Legal proceedings in Nigeria take time, and some people would rather leave matters to God (religion) than pursue a court case with no end in sight. Thus, a misconception or ideology is created in the minds of some job seekers that organisations are above the law. As a respondent pointed out, there are:

‘Jobs that place preference on sex, religion and age.’

As stated in the introduction section above, this chapter sought to explore how some cultural practices deemed discriminatory by the Nigerian Constitution can be deflected by existing culture(s). A few major discriminatory requirements in recruitment and selection processes in Lagos seem to be culturally motivated. The relationship between culturally motivated discrimination and the cultural acceptance of discrimination in recruitment and selection processes must be explored. Based on the responses received from the data collected, age, gender and marital status, ethnicity and religion in the context of cultural practices will now be discussed below.

5.5.1 Age

As discussed in Chapter Three, Section 3.3, age discrimination is technically accepted in Nigeria. Section 42 of the Nigerian Constitution does not list age as a prohibited ground; therefore, organisations requesting certain age groups are not breaking the law. Also, the recently passed ‘Bill for an Act to Eradicate the Age Discrimination against Job seekers in Federal Government Agencies; and for Related Matters’ does not cover private-owned organisations.⁸¹⁵

Culturally, the concept of age plays a major role in how people relate to each other in Nigeria. For instance, the age-grade system is said to be a long-existing socio-cultural institution in the Igbo culture (South East of Nigeria) where individuals of similar age are grouped together to form an organisation.⁸¹⁶ The members of these groups have definite roles to ensure unity,

⁸¹⁵ Agediscrimination.info, ‘First Steps Taken on Age Discrimination Laws in Nigeria’ 2018 <<http://www.agediscrimination.info/news/2019/5/15/new-age-discrimination-law-in-nigeria-bans-age-limits-in-government-jobs>> accessed on 7 June 2021.

⁸¹⁶ C Ndukwe, ‘Changes and Continuity in Age Grade Practices in Nigeria: A Study of the Igbo Traditional and Modern Administrative System’ [2015] *Journal of Policy and Development Studies* 176; Ernest Osas Ugiagbe and Ijeoma Ugiagbe, ‘Transcending the Eurocentric Development Paradigms in Nigeria: The Traditional Age Grades in Discourse’ [2015] *Journal of Siberian Federal University. Humanities & Social Sciences* 366.

good human relation and the development of the community.⁸¹⁷ As a result, some of these cultural notions of age amongst people in Nigeria transfers to the occurrence and acceptance of age discrimination in recruitment and selection processes. Certain age groups are deemed too old or too young to be recruited. In terms of organisations preferring younger candidates, HRP3 stated why their organisation prefers to recruit younger candidates.

'The reason why I recruit younger people is because I need productivity. I need someone young, new, who is fresh, and his mind can think of all the impossible in the world than an older person who doesn't have conceptual blocks.'

This is why some job adverts openly request for younger candidates. They believe that younger people are more productive than older people. Although in some Nigerian cultures, older people are perceived to be wiser and stronger, which is contrary to what HRP3 believes. This can also be evident in age discrimination that can occur during employment in the form of 'age floors'. This means certain classes of people are required to have attained a certain age before advancing into senior roles or holding certain public offices.⁸¹⁸ Some individuals are often deemed 'too young' for certain managerial positions until they have attained a particular age, usually from 40 years upwards. This is affirmed by three respondents who share different views but are still related to age discrimination. They stated that:

'Age comes with experience, not only job experience but also life experience.'

'Some job needs people with demographic information. A 45-year-old can't work in a site efficiently.'

'I was turned down for a role because I'm a young female, and management thought I would have issues with the people I was to supervise as they are older than me and mostly men.'

The first respondent who believes that with age comes experience life holds a belief that is common to almost all tribes in Nigeria. Gerontocracy, which is deeply rooted in many African cultures, is still very much practised today.⁸¹⁹ Gerontocracy is a form of oligarchical rule

⁸¹⁷ C Ndukwe, 'Changes and Continuity in Age Grade Practices in Nigeria: A Study of the Igbo Traditional and Modern Administrative System' [2015] *Journal of Policy and Development Studies* 176; Ernest Osas Ugiagbe and Ijeoma Ugiagbe, 'Transcending the Eurocentric Development Paradigms in Nigeria: The Traditional Age Grades in Discourse' [2015] *Journal of Siberian Federal University. Humanities & Social Sciences* 366.

⁸¹⁸ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] *NG- Journal of Social Development* 97; Michael Sunday Afolayan, 'Youth Political Participation in Nigeria: Legality, Trends, Dilemmas and Opportunities' [2018] *Journal of Law, Policy and Globalization* 100; Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 131 - A person shall be qualified for election to the office of the President if - (a) he is a citizen of Nigeria by birth; (b) he has attained the age of forty years.

⁸¹⁹ Ifedapo Adeleye, Doyin Atewologun and Olusegun Matanmi, 'Equality, Diversity and Inclusion in Nigeria: Historical Context and Emerging Issues' [2012] Conference Paper.

whereby older individuals are in control of power.⁸²⁰ A lot of Nigerian cultural practices tend to be hierarchical.⁸²¹ Traditionally, it is believed that wisdom comes with age, with older people being favoured, respected and treated with reverence.⁸²² In some cultures in Nigeria, only the elderly can hold certain positions within the communities. For instance, in most cultures, especially the Yoruba culture, respect is an important aspect that symbolises peace and orderliness. Younger people are expected to bow or kneel when greeting their elders, while older people believe they are wiser and demand respect. For example, there is Yoruba proverb which states that *'B'omode ba laso bi agba, ko le l'akisa bi agba'*. The English translation of which reads thus: *'If a child has clothes like an elder, they cannot have as many rags as an elder'*, which means that an elder has more experience than a child or a younger person. This shared belief among different cultures in Nigeria can explain why the respondent relates age with job experience. In some instances, it is true that age has some correlation with experience as skills are developed over the years. The more people grow in their career, building experiences, so do their age. Alternatively, some people start working from an early age, which means they might have the relevant experience but are younger in age. However, with HRP3 above, the younger a candidate, the better their chance of being recruited into their organisation. HRP3 stated that:

'It is hard for me to get an older candidate to be my AD [advertising] director. You can't produce what I want them to produce.'

HRP3's statement is in line with the second respondent, who insinuated that an older person (45 years old) could not work in a site efficiently. The second respondent is probably thinking about jobs requiring physical demands, such as construction. However, 45 years is still young and can effectively carry out most other jobs. The problem with this belief is that age seems to be the primary reason for refusing to employ a person. According to Ng and Feldman, age was not significantly related to core task performance.⁸²³ However, HRP3 justified their organisational stance by stating that:

⁸²⁰ Omotade Adegbindin, 'The Problem of Gerontocracy in Africa: The Yorùbá Perspective as Illustrated in the Ifá Corpus' [2011] Human Affairs 454; Ifedapo Adeleye, Doyin Atewologun and Olusegun Matanmi, 'Equality, Diversity and Inclusion in Nigeria: Historical Context and Emerging Issues' [2012] Conference Paper.

⁸²¹ Omotade Adegbindin, 'The Problem of Gerontocracy in Africa: The Yorùbá Perspective as Illustrated in the Ifá Corpus' [2011] Human Affairs 454; Ifedapo Adeleye, Doyin Atewologun and Olusegun Matanmi, 'Equality, Diversity and Inclusion in Nigeria: Historical Context and Emerging Issues' [2012] Conference Paper.

⁸²² Omotade Adegbindin, 'The Problem of Gerontocracy In Africa: The Yorùbá Perspective as Illustrated in the Ifá Corpus' [2011] Human Affairs 454; Ifedapo Adeleye, Doyin Atewologun and Olusegun Matanmi, 'Equality, Diversity and Inclusion in Nigeria: Historical Context and Emerging Issues' [2012] Conference Paper; Friday Asiazobor Eboiyehi, 'Perception of Old Age: Its Implications For Care and Support for the Aged Among the Esan of South-South Nigeria' [2015] The Journal of International Social Research 340.

⁸²³ T W H Ng and D C Feldman. 'The Relationship of Age to Ten Dimensions of Job Performance' [2008] Journal of Applied Psychology 392.

'You see it in interviews when you give them a test to come up with a creative piece. People that are older come out flat while the younger ones come out with a great piece... You can't help it, and people that actually produce are younger.'

The third respondent was turned down because she was 'young' and 'female' (additive discrimination, see Chapter Six, Section 6.2), which automatically translated to her not being old enough to manage people older than her. Although most cultures around the world share this belief, the same should not be applied in employment relationships. If job applicants have the relevant skill(s) and experience to effectively carry out the job, the minimum a recruiting organisation can do is give the applicant a chance to prove they can do the job. With employment, age does not play a major role. As discussed in Chapter Three, the aim of HRM is to hire the right candidate with the right skill at the right time.

5.5.2 Gender and Marital Status

Culturally, gender inequality is prevalent in Nigeria, and globally gender inequality is still an issue within the labour markets.⁸²⁴ Gender discrimination has been fuelled and encouraged by cultural and religious factors that work against females and their participation in many social sectors.⁸²⁵ It should be noted that in Nigeria, gender is restricted to female and male (Chapter One, Section 1.8). However, females tend to suffer more discrimination than males. According to the CEDAW periodic reports between 1998 and 2003, it was revealed that discrimination is ingrained in Nigerian attitudes and culture.⁸²⁶ Due to Nigeria being a traditional society, emphasis is placed on the role of women as that of homemakers and baby factories. This can also be seen from the Gender and Equal Opportunities Bill that failed twice in 2006 and 2010 (see Chapter Three, Section 3.3.1.2).⁸²⁷ Probably this is the reason why HRP2, who, although does not support discrimination, stated that:

⁸²⁴ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] International Journal of Economics, Commerce and Management 752; Ekpe Dickson, Eja Alobo and John Egbe, 'Women, Gender Equality in Nigeria: A Critical Analysis of Socio-Economic and Political (Gender Issues)' [2014] Journal Research in Peace, Gender and Development 15; Etannibi Alemika and Austin Agugua, *Gender Relations and Discrimination in Nigeria Police Force Ikeja, Lagos* (Centre for Law Enforcement Education, 2001).

⁸²⁵ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] International Journal of Economics, Commerce and Management 752; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1.

⁸²⁶ Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 <<https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>> accessed on 23 November 2021.

⁸²⁷ Olusesan Ayodeji Makinde, Cheluchi Onyemelukwe, Abimbola Onigbanjo-Williams, Kolawole Azeez Oyediran and Clifford Obby Odimegwu, 'Rejection of the Gender and Equal Opportunities Bill in Nigeria: A Setback for Sustainable Development Goal Five' [2017] Gender in Management 234; Valeria Esquivel and

'For certain sensitive things, I will always have [recruit] women.'

The Nigerian labour market is gender orientated.⁸²⁸ Gender issues in employment have been studied globally.⁸²⁹ Onyeka Okongwu and Linda Anyalebechi have explained that differential gender in the Nigerian context is a consequence of cultural norms of the society, with women traditionally assigned to occupations that require skills with cultural values such as learning a trade or being full-time housewives.⁸³⁰ It has been observed that women in Nigeria are reduced to mere second-class citizens, hence the general belief system that the best place for women is in the 'kitchen'. This patriarchal notion was evident in the widely controversial statement by the current President of Nigeria, Muhammadu Buhari, in 2016.⁸³¹ The president stated that:

'I don't know which party my wife belongs to, but she belongs to my kitchen and my living room and the other room.'

The unfortunate need for the president of Nigeria to humiliate his wife, the first lady of the country on national TV, shows how ingrained discrimination against women is. As a traditional and multicultural society, Nigerian society is patriarchal; therefore, women are often relegated as objects of discrimination.⁸³² Some oppression and female subordination are rooted in the essential nature of male and female identity, which is also confirmed by 'divine' ordinances.⁸³³ Even during job interviews, discriminatory cultural norms are still

Caroline Sweetman, 'Gender and the Sustainable Development Goals' [2016] Gender and Development 1; BBC News, 'Nigeria Anger as Gender and Equal Opportunity Bill Fails' (BBC News, 16 March 2016) <<https://www.bbc.co.uk/news/world-africa-35820970>> accessed on 28 December 2021.

⁸²⁸ Adeleye, Ifedapo, Atewologun, Doyin and Matanmi, Olusegun, 'Employment Equity and Workforce Diversity in Nigeria' [2012].

⁸²⁹ Karmela Liebkind, Liisa Larjab and Asteria Brylka, 'Ethnic and Gender Discrimination in Recruitment: Experimental Evidence from Finland' [2016] Journal of Social and Political Psychology 403; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63.

⁸³⁰ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63, [63]; Oluwaseun Olanrewaju, Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State' [2018] The Journal of Social Encounters 69.

⁸³¹ Sede Alonge, 'My wife belongs in the kitchen'? President Buhari isn't helping Nigeria' (2016) <<https://www.theguardian.com/commentisfree/2016/oct/17/wife-job-look-after-me-buhari-nigerian-girls>> accessed on 09 January 2021; BBC News, 'Nigeria's President Buhari: My Wife Belongs in Kitchen' (2016) <<https://www.bbc.co.uk/news/world-africa-37659863>> accessed on 09 January 2021.

⁸³² Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Godiya Allana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115.

⁸³³ Funmi J Para-Mallam, 'Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to Education' [2010] Compare 459, 463; Rajaa Aquil, 'Change and Muslim Women' [2011] International Journal of Humanities and Social Science 21; Ephesians 5:22-24 ESV – *'Wives, submit to your own husbands, as to the Lord. For the husband is the head of the wife even as Christ is the head of the church, his body, and is himself its Saviour. Now as the church submits to Christ, so also wives should submit in everything to their husbands.'*; or in Islam where women have limited rights.

prevalent. However, as discussed in Chapter Three, Section 3.9, there are challenges with the enforcement of ratified international treaties in Nigeria.

Cultural patriarchy is a powerful determinant of male dominance over females, which has found its way into pre-employment decisions and workforce planning. More surprisingly, according to the Daily Post, 'women tend to have lower unemployment rate as they are not considered part of the labour force in the first place and as such have no bearing on the rate of unemployment.'⁸³⁴ Some respondents voiced out their frustrations by stating that:

'My gender and my age should not determine my capacity or suitability for a role.'

'...they specifically indicated that the offer is only open to members of the male gender.'

'When the members of the male sex are given preference over the female sex.'

Women are more at a disadvantage during recruitment and selection as some organisations believe that certain jobs are not suited to the female gender. Adisa et al. found evidence of this in their research that women were continually at a disadvantage during recruitment.⁸³⁵ Their research found that an organisation's chairman ordered the recruitment of more male workers, which resulted in the employment of 18 male workers and only seven unmarried female workers.⁸³⁶ This can also be seen from the response in Section 5.5.1, where a respondent stated that she was refused employment because she was 'young' and 'female'. HRP2 and a respondent also attested to this, stating that:

'Sex comes in when we look at the context of the job. Sometimes, there are some jobs that are difficult for women to do. If the job requires working until 1 am, and she is married. It might be difficult for her.'

'Because some jobs might need extra physical work and require male applicants or at least capable women.'

However, there is a perceived discriminatory undertone in the response above. It seems like jobs specifically 'designed' for women decreases their skills, experiences and most importantly, their value. It also feels like jobs like these are lower in grade as opposed to those offered to men. For instance, looking back at HRP2's statement that females are employed when it comes to 'sensitive' things. It is possible that HRP2 being female sometimes allow her subjective view to influence her recruitment decisions. This is why some job adverts tend to

⁸³⁴ Nsikak Nseyen, 'Bureau of Statistics Releases States with Highest Unemployment Rate' (Daily Post, 26 April) <<https://dailypost.ng/2019/04/26/bureau-statistics-releases-states-highest-unemployment-rate/>> accessed on 31 January 2020.

⁸³⁵ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703.

⁸³⁶ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703, 710.

show favouritism towards the male gender. An example is this job advert in an HR Recruiter WhatsApp group for a female (Figure 5.7).

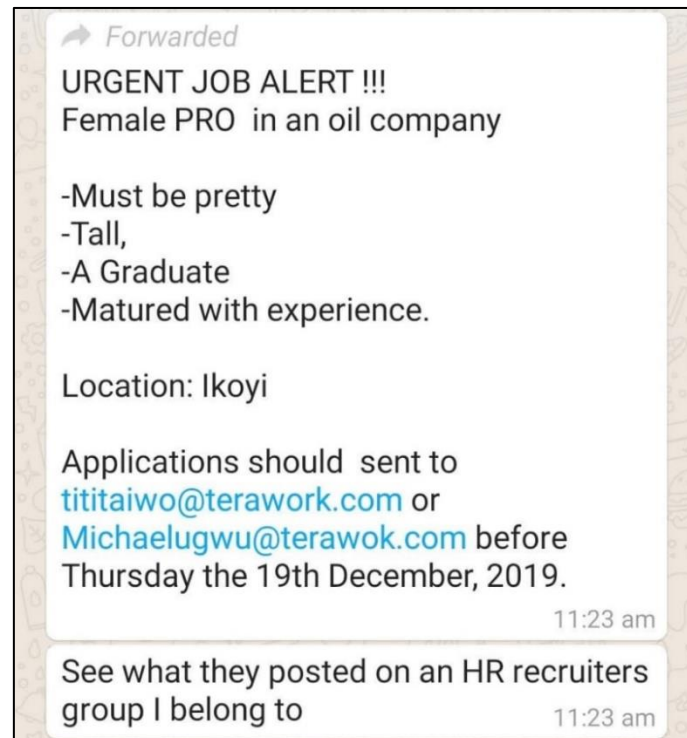


Figure 5.7 Job Advertisement for a Female Public Relations Officer (PRO)

As shown in Figure 5.7, job adverts like this with words like 'pretty', 'tall' and 'mature' only undermine and objectify women instead of seeing them as individuals just like their male counterparts who are skilful, capable, experienced and potential assets to an organisation's competitive advantage. This type of job advert would never be seen in western nations.

Some other reasons for male preference are partly due to the perceived notion that male candidates are more accepting of the idea of working long hours, travelling and relocation with or without a family. The problem is that in Nigeria, parenting is more attributed to women.⁸³⁷ It is the mother's job to ensure that the children are properly taken care of while the fathers are seen as providers. Women are classed as domesticated, putting family matters and children

⁸³⁷ Ekpe Dickson, Eja Aloba and John Egbe, 'Women, Gender Equality in Nigeria: A Critical Analysis of Socio-Economic and Political (Gender Issues)' [2014] *Journal Research in Peace, Gender and Development* 15; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 6; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1.

first before work.⁸³⁸ A man is expected to do whatever it takes to provide for the home, including working late hours. Also, some employers believe that women are more emotional, weak and feeble, which can get in the way of organisational performance.⁸³⁹ Therefore, it is not uncommon to find certain job adverts openly stating that they want a specific gender, be it male or female. Also, as stated above, gender discrimination can also be perpetrated against males. For example, the job advert in Figure 5.8 wants a male who is married with kids and not older than 35 years.



Figure 5.8 Job Advertisement for a Male Driver

If organisations do not directly ask for a specific gender in their job adverts, they tend to ask discriminatory, sometimes sexist, questions during job interviews (see Chapter Seven, Section 7.2). Regardless of which gender is being discriminated against, what organisations do not seem to consider is the adverse toll this would take on job seekers who actually meet the job criteria when it comes to the skills, experience and capabilities but are rejected based on

⁸³⁸ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Ekpe Dickson, Eja Aloba and John Egbe, 'Women, Gender Equality in Nigeria: A Critical Analysis of Socio-Economic and Political (Gender Issues)' [2014] Journal Research in Peace, Gender and Development 15; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63.

⁸³⁹ Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] Journal of Policy and Development Studies 63; Akindele Ayiola Tomilayo and Dunmade Emmanuel Olaniyi, 'The Role of Gender and Religion on Women Participation in Decision Making Process in Nigeria' [2020] Fountain University Osogbo Journal of Management 23; Iyiola Akindele Richard, 'Gender and Racial Differentials in the Nigerian Banking Industry' [2011] International Journal of Business and Management 228.

something they can neither change nor have control over. Job adverts or interviews like these have become a discriminatory culture, openly putting a particular group of people at a disadvantage.

Not all organisations discriminate against women. It is important to also explore situations where women of their own volition do not apply for jobs. As such, organisations cannot be blamed for their lack of inclusions. For instance, HRP1 stated that their male-dominated organisation has nothing to do with discrimination. HRP1 claims that they support diversity and inclusion and do not have any discriminatory requirements on their job adverts. HRP1 stated that:

I won't force a woman or drag her out of her house to apply just because I'm looking for a female. No! If they don't apply, how will they have the opportunity to work? If I do that, then I'm trying to subjectify and trying to fill a space. She comes "fill in the gap because she looks good or because I want females to be represented. If she doesn't have the skills, then I won't employ her.

HRP1 is right. A female job seeker cannot be forced to apply for a job. They have to do it willingly. However, they might need to overcome cultural barriers. If an organisation or the organisational sector is perceived to be male dominated, this can likely lead to a reduced job application from females. HRP1 further stated that:

'For me, it's about getting things done. If all my applicants are males, then so be it.

The problem with this statement is that organisations should strive to ensure that both genders are represented in furtherance of diversity and inclusion. In this case, it would be legal and understandable for HRP1's organisation to state in their job advert that they want a female as this would amount to a positive action. This was also confirmed by a respondent who stated that:

'Some job adverts clearly state preferred gender without stating reasons.'

An example is Figure 5.9; a job advert shared in an HR WhatsApp group that clearly states the reason for wanting a female applicant on the basis of gender balance in the workplace. This job advert is reasonable and seems more compliant in comparison to Figure 5.10, which was submitted in the same WhatsApp group. However, only the court of law can determine its legality.

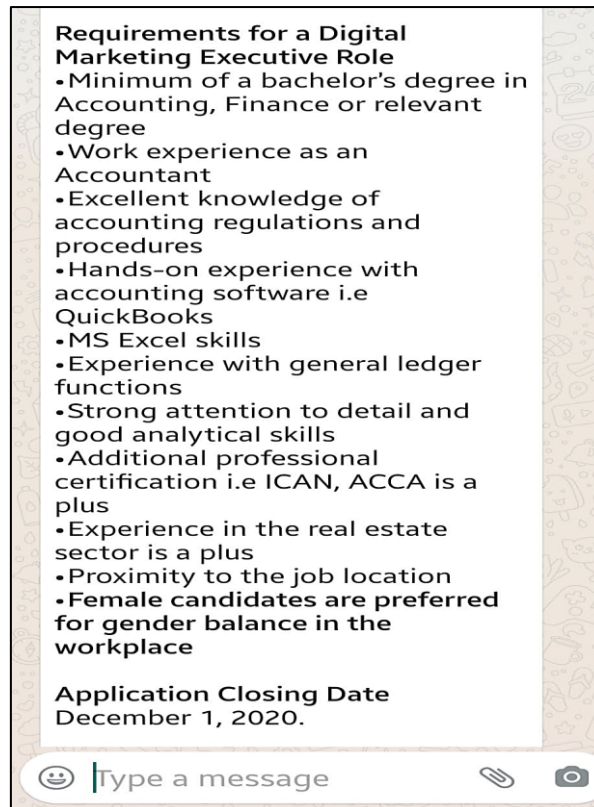


Figure 5.9 Job Advertisement for a Female Digital Marketing Executive



Figure 5.10 Job Advertisement for a Female Accountant

Sometimes, gender discrimination comes with discrimination based on marital status. The Nigerian Constitution does not make provisions for discrimination on the grounds of marital status, but its occurrences in pre-employment practices are mostly linked to gender

discrimination. Although both men and women fall into this category, women are more likely to be discriminated against.

'The discrimination was mostly gender and marital status based.'

'Employer preferred a candidate who was single rather than married.'

'Most bank jobs only cater to single people.'

Organisations sometimes believe that women tend to take multiple leaves of absence due to family commitments or maternity. However, whether female or male, anyone can be off work due to family issues. Pregnancy in Nigeria is all about women. Women are the ones who carry the child. If a woman falls pregnant twice in a year or every year, this can create a problem. This means more time off work for maternity leave. To an extent, some organisations may be discouraged from employing women of child-bearing age for fear of an unstable workforce.⁸⁴⁰ As noted by HRP1:

'I don't want a woman telling me she's going for maternity leave, then I would be discriminating.... The law of the land exists, and the law of the company must also tailor its policy around the law of the land as well. it is a business we are running, and the government would not pay us to pay our staff.'

Adisa et al., in their research, also found this to be true. Their findings revealed that some women were made to sign contracts not to get pregnant within seven years of their employment.⁸⁴¹ Organisations might require more stability in their workforce and might not have enough staff to fill in during the maternity leaves. Businesses are indeed created for profit. HRP1 further stated that:

'If she applies for the job, I will ask her if she can do the job because "we close at 5 pm", or if she's pregnant, she has to know that she would be on probation for six months like every other staff and might not be paid maternity pay. The law of the land says I should not discrimination, but the constitution does not state I should be paying my staff when them while not fully employed?'

This is the same reason why some organisations do not recruit pregnant women.⁸⁴² Why is there a need to ask a woman if she can do the job? If she could not do it, she would not have applied for it in the first place. There are other ways to potentially find out if a job applicant has

⁸⁴⁰ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703.

⁸⁴¹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703, 711.

⁸⁴² Bethel Oluwatosin Adediji and Oluwatobiloba Ifedolapo Ajayi, 'Women, Their Rights, and Workplace Discrimination' [2018] International Affairs and Global Strategy 22.

the required skills and experience to perform, such as conducting an 'assessment' or psychometric tests in addition to job interviews. If it were a man, such a line of questioning might not be considered. The HRP1 further stated that:

'In my previous employment where I worked as an HR generalist, a similar case came up where a woman went on maternity leave twice in 2 years. The company policy stated that there has to be a two-year gap before the next maternity, and she wasn't paid.'

This shows an organisation controlling and imposing on their female employees when they can get pregnant. This might be in a bid to avoid paying for maternity leave or low staffing issues. There is no doubt that gender discrimination is influenced by patriarchal culture. An example is the previous Nigeria Police Act 2004, which openly discriminated against women despite its prohibition by section 42 of the Constitution of Nigeria 1999 (as amended 2011). Section 118 (g) of the Nigeria Police Act 2004 states that a female seeking employment in the police force 'shall be unmarried and shall be not less than 1.67 metres in height'. Furthermore, section 124 and 127 of the Police Act 2004 provides that an unmarried woman needs the permission of the Commissioner of Police of her command before getting married. In addition, an unmarried woman who becomes pregnant shall be discharged from the force and shall not be re-enlisted except with the permission of the Inspector General of Police. Only recently, in September 2020, was the Nigeria Police Force (Establishment) Act repealed the Police Act of 2004 and eliminated discrimination against women.

5.5.3 Ethnicity

According to Mamman and Baydoun, 'many Nigerians owe their allegiance first and foremost to their ethnic/religious group than to an entity called Nigeria'.⁸⁴³ Cultural diversity in Nigeria has caused huge damages to the process of recruitment and selection.⁸⁴⁴ As mentioned earlier in this chapter, Nigeria is one of the most ethnically complex countries globally.⁸⁴⁵ Nigeria comprises of about 520 languages, 36 states and a Federal Capital Territory.⁸⁴⁶ Nigeria has

⁸⁴³ Aminu Mamman and Nabil Baydoun, 'Managerial Perspective on the Impact of Globalisation in an African Commercial Bank: Implications for Strategy Implementation' (2009) *International Journal of Organisational Analysis* 184, 194.

⁸⁴⁴ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

⁸⁴⁵ Takim Asu Ojua, David Gever Ishor and Pefun Joshua Ndom, 'African Cultural Practices and Health Implications for Nigeria Rural Development' [2013] *International Review of Management and Business Research* 176; Ray Ikechukwu Jacob, 'Ethnic Conflict between the Muslims and Christians in Nigeria: The Dilemma of Decision-Making of the Political Elites' [2014] *International Journal of Multicultural and Multireligious Understanding* 1.

⁸⁴⁶ Takim Asu Ojua, David Gever Ishor and Pefun Joshua Ndom, 'African Cultural Practices and Health Implications for Nigeria Rural Development' [2013] *International Review of Management and Business Research* 176.

been territorially and politically separated into 250 ethnic groups.⁸⁴⁷ The three major ethnic groups in Nigeria that account for nearly 60% of the country's current population of over 210,000,000 million. They are:⁸⁴⁸

- the Hausa/Fulani in the northern region (29% of the population),
- the Yoruba of the southwest region (20.3%), and
- Igbo of the southeast region (16.6%).

Nigeria is characteristically a mosaic of diversities, and it is a country characterised by intense ethnic conflict and polarisation.⁸⁴⁹ Ethnicity is the cause of many inter-tribal conflicts that have sparked violence.⁸⁵⁰ Ethnicity is also the primary cause of discrimination, oppression, accusations and allegations of neglect, domination, exploitation, victimisation, nepotism, marginalisation, and bigotry.⁸⁵¹ This is because different ethnic groups have diverse interests, with some groups having their needs met while others are left feeling deprived. This ultimately results in conflict.

With diversity comes discrimination. Like culture, 'ethnic bias is a product of personalised ties'.⁸⁵² Nigerians prefer to identify with their various ethnicities. They prefer others to identify them first as Yoruba, Hausa, Igbo, Ijaw, Edo etc. Ethnocentrism is a symptom of a multi-ethnic society.⁸⁵³ Ethnocentrism is a mental state or belief that one's ethnic group is more important

⁸⁴⁷ Hilal Ahmad Wani and Andi Suwirta, 'Ethnic Conflict in Nigeria: A Need for True Federalism' [2013] International Journal for Historical Studies 57.

⁸⁴⁸ Abdul Raufu Mustapha, 'Ethnic Structure, Inequality and Governance of the Public Sector in Nigeria' (2006) United Nations Research Institute for Social Development
<[https://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/C6A23857BA3934CCC12572CE0024BB9E/\\$file/Mustapha.pdf](https://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/C6A23857BA3934CCC12572CE0024BB9E/$file/Mustapha.pdf)> accessed on 09 January 2021.

⁸⁴⁹ Yakubu Joseph and Rainer Rothfuss, 'Threats to Religious Freedom in Nigeria: Analysis of a Complex Scenario' [2012] IJRF 76; Ema I Orji, 'Issues on Ethnicity and Governance in Nigeria: A Universal Human Rights Perspective' [2001] Fordham International Law Journal 43; Takim Asu Ojua, David Gever Ishor and Pefun Joshua Ndom, 'African Cultural Practices and Health Implications for Nigeria Rural Development' [2013] International Review of Management and Business Research 176.

⁸⁵⁰ Ray Ikechukwu Jacob, 'Ethnic Conflict between the Muslims and Christians in Nigeria: The Dilemma of Decision-Making of the Political Elites' [2014] International Journal of Multicultural and Multireligious Understanding 1.

⁸⁵¹ B Salawu, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' [2010] European Journal of Social Sciences 345.

⁸⁵² Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] Development Southern Africa, 695, 696.

⁸⁵³ Osolase Ehikioya Hilary, 'Ethnicism/Ethnocentrism in Nigeria's Political and Historical Space. 1999-2011' [2014] G.J.I.S.S. 80; Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] Development Southern Africa, 695.

than other ethnic groups.⁸⁵⁴ Some people see their own ethnic group as superior to others.⁸⁵⁵ Therefore, it is common to find ethnic bias in recruitment and selection. Some respondents had this to say about discrimination on the basis of ethnicity.

'The management was against recruiting from a particular tribe due to several previous "ugly" experiences with people from there.'

'It is much about religions and tribes.'

'Due to ethnic group.'

'Nepotism and tribalism.'

As discussed in Chapter One, Nigerians are known to be thralls to their ethnic or tribal origins, which fuels discrimination. These responses support Tiemo and Arubayi, Adisa et al., Odor et al.'s, Fajana et al. and Azolukwam and Perkin's research, who all noted that ineffective HRM and recruitment and selection practices were a result of nepotism, favouritism and discrimination (see Chapter One, Section 1.2).⁸⁵⁶ In particular, this finding supports the research of Adisa et al., where it was revealed that one of the participants from the interview conducted stated that they only got the job because they were from the same ethnic group as the manager.⁸⁵⁷

When it comes to recruitment and selection, especially job adverts and interviews, it is relatively easy to identify a person's tribe based on different things such as language, accent, attire, tribal marks, or even facial constructs. This was affirmed by a respondent who stated that:

⁸⁵⁴ Osolase Ehikioya Hilary, 'Ethnicism/Ethnocentrism in Nigeria's Political and Historical Space. 1999-2011' [2014] G.J.I.S.S. 80; Ema I. Orji, 'Issues on Ethnicity and Governance in Nigeria: A Universal Human Rights Perspective' [2001] Fordham International Law Journal 431.

⁸⁵⁵ Osolase Ehikioya Hilary, 'Ethnicism/Ethnocentrism in Nigeria's Political and Historical Space. 1999-2011' [2014] G.J.I.S.S. 80; Richard Ilorah, 'Ethnic Bias, Favouritism and Development in Africa' [2009] Development Southern Africa, 695.

⁸⁵⁶ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] Journal of Emerging Trends in Economics and Management Sciences 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] Career Development International 703; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] Journal of Management and Strategy 57; Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] Cross Cultural Management: An International Journal 62; Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] Global Journal of Human-Social Science: G Linguistics & Education 21.

⁸⁵⁷ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703, 711.

'I have referred a friend for a job sometime this year, the interviewer told him point blank that you have all I'm looking for in a candidate, but you have a Yoruba accent which I can't employ you cause of that.'

During the shortlisting stage of recruitment, job applicants can easily be identified based on their ethnicity or local government if written on their CV or by their names alone. Names are usually linked to a person's tribe. For example, first names or surnames that start with 'Ade' or 'Olu' can be linked to the Yoruba Tribe, names that have 'Chukwu', 'Obi' or 'Eze' are from the Igbo tribe, while a lot of Muslim names can be linked to either the Yoruba or Hausa tribes. If the author of this thesis were to submit her CV with the name 'Esther Adebisi', even though her first name is English, her surname (last name) would automatically create an assumption of her ethnicity. Meaning that if an organisation wants an applicant from the Northern tribe, she would automatically be excluded. Also, if a job applicant has both English first name and surname, they still can be linked to the Yoruba or Igbo tribes as these tribes are known to have more English names passed down from the colonial era. Furthermore, a person's name also links to their perceived sex (gender), as seen in the researcher's first name, 'Esther', which can be perceived as feminine. The recruiter can make biased assumptions before physically interacting with the job applicant. For this reason, some organisations request the state of origin of job applicants. This was also confirmed by some respondents and as well as Figures 5.4 and 5.6 above.

However, ethnic discrimination is not apparent in job adverts but more evident during interviews (Chapter Seven). As stated in Chapter Four, a job interview is a selection method that plays a predictive role in assessing the applicant in light of the vacant role.⁸⁵⁸ It is a face-to-face or in-depth oral conversation between an interviewer and an interviewee to appraise a person's acceptability regarding a certain job.⁸⁵⁹ The interview stage is also for more probing of personal information and allows for judgemental assumptions of job candidates by interviewers. For example, one of the HRP1 noted that:

'We have noticed over time and as a norm that the Igbo tribe are better sales representatives. The more Igbos we have, the better for us. They are known to be very good at sales. An Igbo person would get us through the door.'

⁸⁵⁸ Therese Macan, 'The Employment Interview: A Review of Current Studies and Directions for Future Research' [2009] Human Resource Management Review 203; Richaard Camp, Eric Schulz, Mary Vielhaber and Fraya Wagner-Marsh, 'Human Resource Professionals' Perceptions of Interviewer Training' [2011] Journal of Managerial Issues 250.

⁸⁵⁹ A I Huffcutt and S S Youngcourt, 'Employment Interviews' in Whetzel DL, WheatonGR (eds), *Applied Measurement: Industrial Psychology in Human Resource Management* (Psychology Press 2007); Julia Levashina, Christopher J. Hartwell, Frederick P. Morgeson and Michael A. Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' [2014] Personnel Psychology 241.

Some HR professionals have a preconditioned mindset on who to recruit. This can be unconsciously passed down to other people, which becomes a norm for recruiting and selecting job applicants. As seen in the response above, there is a preconceived unfounded notion by HRP1 that the Igbo tribes are better than other tribes. Just to reiterate, Nigeria has 250 tribes, and this belief lacks merit. HRP1 is clearly making assumptions based on their unconscious bias and not the organisation as a whole. HRP1 further stated that:

'We noticed that other tribes are a bit sluggish and slow during interviews and show no enthusiasm for the job, unlike the Igbo people, who are very active during interviews. They are more entrepreneurial in nature. They know that their failure determines their commission, so they are very determined in succeeding and are go-getters. That spirit is very strong in Igbos.'

However, although there is no evidence that job seekers from the Igbo tribe are better skilled than others when it comes to employment, the ideology that persons from the Igbo tribes are more 'entrepreneurial' than other tribes is actually common amongst Nigerians.⁸⁶⁰ It has been passed from generation to generation and has now become entrenched as a recruitment and selection criteria.⁸⁶¹ Igbos are seen as one of the most fearless ethnic groups in Nigeria, who are cultured particularly in the area of entrepreneurship by taking advantage of business opportunities.⁸⁶² As a perceived norm that Igbos are more business-driven, it would somewhat seem right for organisations to take advantage of job seekers from this tribe. The organisational end goal is to succeed. However, as stated above, this does not mean that the job seekers from the Igbo tribe are better employees. Being entrepreneurial (self-employed) is different from being an employee, and having this sort of preconditioned theory creates a division and an avenue to discriminate against others.⁸⁶³

⁸⁶⁰ Juwon Johnson and Nafiu Tunde, 'An Exploratory Study of Igbo Entrepreneurial Activity and Business Success in Nigeria as the Panacea for Economic Growth and Development' [2014] International Journal of Scientific and Technology Research 158; Emeka Gregory Chinweuba and Evaristus Chukwudi Ezeugwu, The Ontological Foundation of Igbo Entrepreneurship: An Analytical Investigation [2017] Journal of Philosophy, Culture and Religion 17.

⁸⁶¹ Juwon Johnson and Nafiu Tunde, 'An Exploratory Study of Igbo Entrepreneurial Activity and Business Success in Nigeria as the Panacea for Economic Growth and Development' [2014] International Journal of Scientific and Technology Research 158; Emeka Gregory Chinweuba and Evaristus Chukwudi Ezeugwu, The Ontological Foundation of Igbo Entrepreneurship: An Analytical Investigation [2017] Journal of Philosophy, Culture and Religion 17.

⁸⁶² Juwon Johnson and Nafiu Tunde, 'An Exploratory Study of Igbo Entrepreneurial Activity and Business Success in Nigeria as the Panacea for Economic Growth and Development' [2014] International Journal of Scientific and Technology Research 158; Emeka Gregory Chinweuba and Evaristus Chukwudi Ezeugwu, The Ontological Foundation of Igbo Entrepreneurship: An Analytical Investigation [2017] Journal of Philosophy, Culture and Religion 17.

⁸⁶³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

Finally, ethnicity is also the primary cause of ethno-religious conflicts, which involves conflicts between ethnic groups of different religions.⁸⁶⁴ More so, people experience religious or ethnic discrimination at different levels and times, which have led to unemployment. As such, discrimination based on religion and its cultural influence will be discussed in the next section.

5.5.4 Religion

In Nigeria, 'everything is religious!'⁸⁶⁵ Nigeria is a highly religious nation, and its religious activities predominate people's lives. Religion can be said to be part of culture as it is often combined with ethnicity and regionalism.⁸⁶⁶ Although religion has no universally acceptable and satisfactory definition, it can be explained as a belief in a supernatural power or the existence of a deity that created and controls the world.⁸⁶⁷ This deity or being is worshipped on the basis of such belief. Nigeria's population has both Christians and Muslims in a nearly equal ratio, and a small percentage of the population follows other indigenous faiths and atheism. Nigeria has the largest Muslim and Christian population in sub-Saharan Africa. Most religious values wield a powerful influence over many Nigerian social lives in general and over the nature of relations and gender roles in particular.⁸⁶⁸ Traditional or religious beliefs fuels individual, communal and organisational behaviours.⁸⁶⁹

The Christians and Muslims in Nigeria have been in constant conflict (ethno-religious) for centuries, especially after Nigeria's independence from the British in 1960 and the Nigerian civil war of 1967. More recently, there have been issues of insurgency, insecurity and terrorism as facilitated by the extremist Boko Haram in northern Nigeria. These conflicts also have an impact on recruitment and selection practices in Lagos State. Just like ethnicity, discrimination based on religion can occur in job adverts or during job interviews. However, much of it is present during job interviews. Some respondents revealed some of the discriminatory questions they were asked during job interviews:

⁸⁶⁴ Ray Ikechukwu Jacob, 'Ethnic Conflict between the Muslims and Christians in Nigeria: The Dilemma of Decision-Making of the Political Elites' [2014] *International Journal of Multicultural and Multireligious Understanding* 1.

⁸⁶⁵ Funmi J Para-Mallam, 'Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to Education' [2010] *Compare* 459, 463.

⁸⁶⁶ Edwin Etieyibo and Odirin Omiegbe, 'Religion, Culture, and Discrimination Against Persons with Disabilities in Nigeria' [2016] *African Journal of Disability* 1.

⁸⁶⁷ Edwin Etieyibo and Odirin Omiegbe, 'Religion, Culture, and Discrimination Against Persons with Disabilities in Nigeria' [2016] *African Journal of Disability* 1.

⁸⁶⁸ Funmi J Para-Mallam, 'Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to Education' [2010] *Compare* 459, 463.

⁸⁶⁹ Funmi J Para-Mallam, 'Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to Education' [2010] *Compare* 459.

'Asking whether one is born again would not actualise the dreams of a school.'

'Applicant must be residing within a specific region, must belong to a particular religion'

'That they need only Muslims to be employed, that the instruction is from the boss himself.'

As stated above, a lot of individuals in Nigeria are driven by their faith or religion and want to mix with others who share the same faith, whether they are family, friends or colleagues. A conflict that begins as an ethnic conflict sometimes end up as a religious crisis and vice-versa.⁸⁷⁰ Religion influences culture in many ways, which ultimately impacts HRM. Therefore, unconscious bias or subjectivisms during recruitment and selection practices become unavoidable.

5.6 Conclusion

This chapter has achieved two of its research objectives and answered some of its research questions by confirming that culture impacts recruitment and selection processes in Nigeria and that job seekers perceive some recruitment and selection processes to be discriminatory (Chapter One, Section 1.3).

Culture is a pattern of basic assumptions developed by people to learn how to cope with internal integration and external adaptation problems. Cultural practices manifest customs within a particular culture of what people hold to be right, true or proper.⁸⁷¹ Although there are universally accepted recruitment and selection practices/methods in HRM, a society's culture is also of great importance. While some recruitment and selection practices may be considered adequate and appropriate, others may be regarded as inappropriate. This feeds into Chapter Four, Part One of this thesis that considering what the minimum principles of HRM and recruitment and selections practices are, Nigeria is still far off.

The culture in Lagos State is a combination of multitudes of cultures. This diversity impacts HRM and sometimes dictates who should be recruited and selected for a job. Research findings in this chapter revealed that in Lagos State, some ideologies make existing discriminatory acts in recruitment and selection processes seem normal and acceptable. Findings revealed that most respondents had more personal information on their CVs because

⁸⁷⁰ B Salawu, 'Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies' [2010] European Journal of Social Sciences 345; Ray Ikechukwu Jacob, 'Ethnic Conflict between the Muslims and Christians in Nigeria: The Dilemma of Decision-Making of the Political Elites' [2014] International Journal of Multicultural and Multireligious Understanding 1.

⁸⁷¹ R U Antia, *Akwa Ibom Cultural Heritage: Its Incursion by Western Culture and its Renaissance* (Abbny Publishers 2005).

this information is required on job adverts. When respondents were asked about what personal information they had on their CVs and why they had it, some respondents noted that they had it because it is vital in the recruitment and selection processes in Lagos State, and they may be screened out of the selection process if they did not have it. Some also stated that they had personal information on their CV because it was a prerequisite for employment in Nigeria to have them. As such, it became a norm to have more personal information than needed on a CV.

Some job adverts in Lagos State explicitly state what personal characteristics job applicants must possess before applying, which means that job seekers need to state this on their CVs to show that they match the requirements. This practice has since become a norm in Lagos – ‘a cluster of learned behaviours that we share with others in a particular society’.⁸⁷² Interestingly, research findings found that some discriminatory requirements in job adverts were culturally motivated, such as age, gender, ethnicity and religion. With age, it was found that younger candidates are required because they are deemed to be more productive. This was also confirmed by the interviewed HR professionals. However, older candidates were preferred in certain roles because there is a belief that age comes with experience (i.e., life experience). With gender, it was found that a male was the preferred job candidate because they were not perceived as a ‘flight risk’ and could work longer hours as opposed to women who were seen to have home or child commitments.

The preference for ethnicity and religion was based on tribalism, conflict and the need to employ someone who shares the same similarities. For example, a respondent noted that an organisation did not employ them because of the bad experience they had with people from their tribe. One of the interviewed HR professionals also shared their preference for the Igbo tribe due to their entrepreneurial nature and deemed other tribes as sluggish. Also, some respondents were refused employment based on their religious beliefs.

In all, this chapter has revealed how cultural influences and subjective or objective assumptions influence discrimination in recruitment and selection practices. More importantly, respondents’ experiences provided an insight into how certain discriminatory recruitment and selection practices have become a norm and how this affects their ability to secure employment. The next chapter will explore and discuss the occurrence of discrimination in job adverts.

⁸⁷² Antonio Lebrón, ‘What is Culture?’ (2013) *Merit Research Journal of Education and Review* 126, 127

Chapter Six

Job Advertisements: Attracting Preferred Candidates

6.0 Introduction

‘The absence of equality indicates the presence of discrimination.’

- Adejugbe and Adejugbe⁸⁷³

This chapter ties Chapters Four and Five into a coherent discussion on job seekers’ perception of discriminatory pre-employment practices in Nigeria. In Chapter Four, discussions on HRM, recruitment and selection practices were made and how these are contextualised within the Nigerian setting. Chapter Five discussed the impact of culture on Human resources management (HRM) and recruitment and selection in Lagos State. To provide more insight, the research data collected from respondents in the online survey and HR professionals’ interviews were used to support and affirm how certain discriminatory cultural practices influence recruitment and selection decisions in Nigeria.

This research findings collated from respondents and HR professionals showed that certain discriminatory job requirements, such as age, gender, ethnicity and religion in job adverts and interviews, resulted from different cultural beliefs that are common or shared among respondents. Research findings showed that pre-employment discrimination requirements were normal and expected regardless of its prohibition by the Nigerian Constitution 1999 (as amended 2011).⁸⁷⁴ There was a culturally established trend amongst respondents to expect some form of discrimination in job advertisements (job adverts). Findings also revealed that although some respondents know and understand that discriminatory requirements in job adverts were wrong and illegal, they did nothing to challenge this.

Job adverts are usually the first stage, and the first contact job seekers have with a recruiting organisation. As such, the information presented through job adverts (see Chapter Four, Section 4.3) is crucial to the achievement of employment and the overall concept of HRM. The process of discrimination usually starts with the perception of unfairness, and whether discrimination occurred or not is important to the individual who believes it happened. Job seekers or applicants in Lagos State are often faced with discriminatory job adverts that stipulate certain personal attributes of applicants such as age, sex, ethnicity, religion etc.⁸⁷⁵

⁸⁷³ Adeyinka A Adejugbe and Adedolapo N Adejugbe, ‘Constitutionalisation of Labour Law: A Nigerian Perspective’ (2018) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 March 2021.

⁸⁷⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

⁸⁷⁵ J A Tiemo and D O Arubayi, ‘Recruitment Practices in Nigeria: Issues of Equality and Diversity’ [2012] Journal of Emerging Trends in Economics and Management Sciences 210.

This, in turn, has a limiting effect that reduces job seekers' chances of applying or being offered the job, thereby increasing the rate of unemployment in Nigeria.⁸⁷⁶

When it comes to pre-employment, particularly in relation to job adverts in Lagos State, there is limited research on the occurrence of discrimination, mainly because it is hard to substantiate.⁸⁷⁷ The majority of studies conducted are centred around discrimination during employment.⁸⁷⁸ This is the knowledge gap this chapter intends to explore and bridge.

Consequently, in furtherance of the first and second research objectives and the first, second and third research questions (Chapter One, Sections 1.3.1 and 1.3.2), this chapter seeks to explore, ascertain and analyse discrimination in recruitment processes (job adverts). It also seeks to explore whether job seekers perceive job adverts as discriminatory, and finally, what impacts discrimination in job adverts has on them. In exploring and understanding the standpoint of job seekers, this chapter includes the analysis of the primary data collected from the online survey and HR professional interviews (Chapter Two) with the goal of discovering valuable insights into how discrimination in job adverts is perceived and interpreted by those who experience it.

6.1 Explorations of Online Job Adverts in Lagos State

The exploration of online job adverts in Lagos State was necessary and important to the research objectives and questions. This research seeks to explore and ascertain the discriminatory recruitment and selection practices within the private sector in Lagos State, as well as determine how personal characteristics such as age, sex, ethnicity, or religion affect, influence or shape job recruitment in the Nigerian private sector. Job adverts are part of the recruitment stage; therefore, exploring online job adverts was a start to achieving this.

⁸⁷⁶ Taslim Ahammad, 'Personnel Management to Human Resource Management (HRM): How HRM Functions?' [2017] *Journal of Modern Accounting and Auditing* 412; Yashar Harky, 'The Significance of Recruitment and Selection on Organizational Performance: The Case of Private owned Organizations in Erbil, North of Iraq' [2018] *International Journal of Contemporary Research and Review* 20393; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

⁸⁷⁷ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703; Emmanuel Okom and Fidelis Aboh, 'Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)' [2019] *Global Journal of Human-Social Science: Sociology & Culture* 16; Fasina Fagbeminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] *Journal of the Population Association of Nigeria* 57.

⁸⁷⁸ Emmanuel Okom and Fidelis Aboh, 'Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)' [2019] *Global Journal of Human-Social Science: Sociology & Culture* 16; Fasina Fagbeminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] *Journal of the Population Association of Nigeria* 57.

A job advertisement is an informative print or electronic notification informing people that a particular job position is opened within an organisation.⁸⁷⁹ This can be found in local and national newspapers, job boards, social media, job centres etc.⁸⁸⁰ Research on job adverts has shown that job seekers make their decisions to apply for a job based on the job adverts' information.⁸⁸¹

Online job adverts were chosen because they are a richer source of information than printed (newspaper) job advertisements and have become a primary recruitment practice with technological advancement.⁸⁸² This is because online job adverts give potential applicants the opportunity to find a lot of information about the recruiting organisation, the different job offers, or the organisational culture as opposed to job adverts in a newspaper which have limited information.⁸⁸³ Also, unlike printed job adverts, online recruitment removes the complexity of waste and paperwork and introduces good sound workflow systems and reliable database applications.⁸⁸⁴

That said, the availability of more information can potentially include discriminatory context. Research carried out in Latvia and the Netherlands noted that job advertisements that are published on websites (online) were more discriminatory than those published in the newspaper.⁸⁸⁵ It was suggested that this could be due to a newspaper organisation being thoughtful and having more experience when it comes to publishing discriminatory content.

⁸⁷⁹ Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5.

⁸⁸⁰ Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] IUP Journal of Business Strategy 93; Clifford Zirra, Ogbu Ogbu and Grace Ojo, 'Impact of Recruitment and Selection Strategy on Employees' Performance: A Study of Three Selected Manufacturing Companies in Nigeria' [2017] International Journal of Innovation and Economic Development 32; Dan Ofori and Majoreen Aryeetey, 'Recruitment and Selection Practices in Small and Medium Enterprises' [2011] International Journal of Business Administration 45.

⁸⁸¹ Marieke Carpentier, Greet Van Hove and Qingxiong Weng, 'Social Media Recruitment: Communication Characteristics and Sought Gratification' [2019] Frontier in Psychology 1; Richard Arvey and Gary Renz, 'Fairness in the Selection of Employees' [1992] Journal of Business Ethics 331; Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, 'Anonymous job applications of fresh PhD Economists' [2012] Economics Letters 117; Taslim Ahammad, 'Personnel Management to Human Resource Management (HRM): How HRM Functions?' [2017] Journal of Modern Accounting and Auditing 412; Yashar Harky, 'The Significance of Recruitment and Selection on Organizational Performance: The Case of Private owned Organizations in Erbil, North of Iraq' [2018] International Journal of Contemporary Research and Review 20393.

⁸⁸² Matthias Baum and Rüdiger Kabst, 'Indirect and Interactive Effects on Applicant Attraction' [2014] Human Resource Management 353; David A Jones, Jonas W Shultz and Derek S. Chapman, 'Recruiting Through Job Advertisements: The Effects of Cognitive Elaboration on Decision Making' [2006] International Journal of Selection and Assessment 167; Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece Through a Snapshot of Internet Sites for Job Vacancies' [2014] International Journal of Economics and Management Sciences 9.

⁸⁸³ Matthias Baum and Rüdiger Kabst, 'Indirect and Interactive Effects on Applicant Attraction' [2014] Human Resource Management 353.

⁸⁸⁴ Mohd Fitri Mansor, Nabilah Huda Halim, Bibi Noraini Mohd Yusuf and Noor Hidayah Abu, 'Factors Influencing Decision on Job Application: A Study of Graduate's Business School Perspective' [2014] Australian Journal of Basic and Applied Sciences 499.

⁸⁸⁵ Paul Post and Rikki Holtmaat, 'A False Start: Discrimination in Job Advertisements' [2014] European Gender Equality Law Review 12.

More so, discriminatory adverts can amount to direct discrimination - where a person is treated less favourably than others.⁸⁸⁶

This can also be said to be the case in Nigeria. Discriminatory job advertisements are rarely found in national newspapers as opposed to online job adverts posted either on the organisational website or an online public recruiter website. More so, pursuant to section 9 of the Nigerian Press Council Act, 1992, which provides for journalists' code of conduct, the Nigerian Press Council and the Nigerian press organisation created the Editors' Code of Conduct. The Editors' Code of Conduct states that 'A journalist should refrain from making pejorative references to a person's ethnic group, religion, sex or to any physical or mental illness or handicap'.⁸⁸⁷ However, this regulation does not apply to private websites; hence, leading to a consistent presence of discriminatory job adverts in Lagos State. Although this has to do with published articles, advertising prejudiced job adverts can still amount to discrimination on the editor's part. By publishing discriminatory job adverts, newspaper editors are enabling organisations. Therefore, most organisations advertise job vacancies online.⁸⁸⁸ Consequently, this study must explore job adverts in Lagos to see whether or not discriminatory content can be found.

An exploration into a total of 300 online job adverts in Lagos State was conducted from three major online recruitment websites (Jobberman, Indeed and My Job Mag) on the 11th of May 2020 and 30th of June 2020 to see if they contain any discriminatory requirements (Appendix G). These three websites were selected due to their popularity amongst job seekers and based on their up-to-the-minute job opportunities updates from across the country. Jobberman was chosen more specifically because they contribute to the periodically published information on

⁸⁸⁶ Lee Audrey, 'Unconscious Bias Theory in Employment Discrimination Litigation' [2005] Harvard Civil Rights-Civil Liberties Law Review 481; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] Journal of Emerging Trends in Economics and Management Sciences 210.

⁸⁸⁷ Code of Ethics for Nigerian Journalists

<<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/pdf/Nigeria....code%20of%20ethics.pdf>> accessed 20 July 2019.

⁸⁸⁸ Matthias Baum and Rüdiger Kabst, 'Indirect and Interactive Effects on Applicant Attraction' [2014] Human Resource Management 353; Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece Through a Snapshot of Internet Sites for Job Vacancies' [2014] International Journal of Economics and Management Sciences 9.

online recruitment activities in Nigeria.⁸⁸⁹ They have also joined forces under the Global Alliance for Youth to tackle youth unemployment in Nigeria.⁸⁹⁰

As shown in the charts in Appendix G, a few job adverts had discriminatory requirements such as age, sex, ethnicity, religion and marital status. Other personal information, such as political opinions and places of origin, were not seen. The popular personal information requirements were age and sex (gender). During the exploration of the online job adverts, three issues were discovered:

1. Discriminatory requirements are more significant in junior roles (below five years)
2. Subtle discrimination was present in the contents of the job description
3. Presence of Intersectional discrimination (i.e., discrimination that takes place based on several personal characteristics, which operate and interact with each other at the same time in such a way as to be inseparable.

To elaborate further, the researcher found that job adverts (11th of May 2020 and 30th of June 2020) aimed at applicants with 'below five years' experience' were more discriminatory compared to job adverts with 'above five years' experience'. In essence, job adverts for more senior roles had less discriminatory requirements. The reason(s) for this is not clear. However, the second HR professional in the interview conducted, Human Resource Professional (HRP2), stated that:

'At the graduate level, personal information is very important because the employer has who they want in mind. Yes, it is discriminatory, but that's what the client wants. This is different for a professional level where personal information was not important.'

As noted by HRP2, with more experience, the capabilities and competencies necessary to carry out the job are better realised. Job candidates might require less training and supervision. However, jobs requiring candidates with less than five years' experience would require training and supervision. However, HRP3 said the opposite. HRP3 noted that they tend to be more discriminatory for professional roles. HRP3 stated that:

'When we are recruiting, we just need people who are eccentric and edgy, whether you are female or male. But when it comes to the more professional roles, there is discrimination, but it is not too loud.'

⁸⁸⁹ National Bureau of Statistics, 'Online Recruitment Services Report' (2016) <https://www.nigerianstat.gov.ng/pdfuploads/NBS_Online_Recruitment_Report%20.pdf> accessed on 5 May 2021.

⁸⁹⁰ Opeyemi Osijirin, 'Jobberman and Four Companies Form Alliance to Tackle Youth Unemployment in Nigeria' (Jobberman, 12th August 2021) <<https://www.jobberman.com/blog/jobberman-and-four-companies-form-alliance-to-tackle-youth-unemployment-in-nigeria/>> accessed on 12 November 2021.

These responses show that discrimination is subjective to each organisation, and it really does not matter what level organisations are recruiting for. What matters is the perceived needs of the organisation. Danity et al. stated that HR managers could manipulate the culture or needs of an organisation through recruitment (i.e., having control over the types of people that gain entry to the organisation). This was evident in HPR3 statement that:

'In the finance department, because of the workload, they tend to lean towards men. They don't want people who would complain or be late. They just want someone that is headstrong and can deliver.'

The finance department in HRP3's organisation determines who they want. They have built a culture based on a patriarchal system whereby women are deemed to be at home or cannot work late. As discussed in Chapter Five, Section 5.5.2, many Nigerian cultures believe that a woman's place is at home and this cultural belief influences some recruitment and selection decisions.

Secondly, the researcher found that the job adverts explored on the 30th of June 2020 had more discriminatory requirements than those explored on the 11th of May 2020. The reason is that the researcher scrutinised the job adverts in more detail by looking for subtle discrimination in the wordings of the job description and person specifications.⁸⁹¹ The awareness of this was gotten from the research by Gaucher et al., who found that stereotypically masculine words used in job advertisements are more likely to attract male applicants than female applicants.⁸⁹² In their study, which provided participants with six job advertisements to read from different organisational sectors, found that sentences like – *'Ability to deal with multiple senior staff in a demanding environment and navigate office hierarchy'* and *'The superior candidate will have a self-confident attitude, decisive judgment, and be detail-oriented'* were considered masculine.⁸⁹³ In contrast, sentences like *'We nurture and support our employees, expecting that they will become committed to their chosen career'* and *'Experience in providing administrative support services to a team of senior management and understand office organisation'* were considered neutral and feminine.⁸⁹⁴ Furthermore,

⁸⁹¹ Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109.

⁸⁹² Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109.

⁸⁹³ Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109, 19.

⁸⁹⁴ Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109, 19.

words like 'dynamic', 'leader', 'competitive', 'dominant' were considered synonymous with the male gender.⁸⁹⁵

Consequently, the researcher found that some job adverts used implicit and explicit words like youthful', 'young', 'beautiful', 'handsome', 'mature', 'newly qualified', 'he', 'aggressive', 'religious', 'salesgirl or salesboy', 'gateman' or 'athletic'. These types of words are likely to put some people at a disadvantage. Subtle discrimination is the negative or ambivalent demeanour that likely conveys ambiguous intent and is not necessarily conscious.⁸⁹⁶ For instance, it is unlikely for a male job seeker to apply for a job with the words like 'salesgirl' or beautiful, nor would a person over the age of 40 apply for a job with the word 'young' or 'newly qualified'. Even if the organisation had good intentions, their job adverts could deter qualified candidates from diverse backgrounds from applying. However, it should also be noted that using discriminatory language in job adverts might not be intentional. HRP3 seemed oblivious to this when asked during the interview. HRP3 stated that:

'Hmmm... Now that you have mentioned it, I am beginning to think about it. Maybe if we were in a developed country like yours, we would see certain words as masculine. However, just because they are perceived as masculine doesn't mean they are.'

This lack of awareness can be linked to Fajana et al., who noted that HRM practices in Nigeria are underdeveloped.⁸⁹⁷ The flip side is that ignorance of the law is not an excuse. If using masculine or feminine words to describe an ideal candidate, then it is discrimination. When the criteria for recruitment are objective, it is more likely to be 'consistent' and attract a wider applicant pool.⁸⁹⁸ This is why informativeness in a recruitment context involves the extent to which useful, relevant, and adequate information is provided for potential job seekers.⁸⁹⁹ An example is Figure 6.1 below, a job advert for an Automobile Garage Manager where the organisations used the masculine phrase 'he' to describe the job applicant needed. 'He' is the

⁸⁹⁵ Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109; Personnel Today, 'Law in Practice: Discriminatory Job Advertisements' 2008 <<https://www.personneltoday.com/hr/law-in-practice-discriminatory-job-advertisements/>> accessed on 19 February 2021.

⁸⁹⁶ Kristen P Jones, Dave F Arena, Christine L Nittouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

⁸⁹⁷ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁸⁹⁸ Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Barbara Reskin, 'The Proximate Causes of Employment Discrimination' [2000] *Contemporary Sociology* 319.

⁸⁹⁹ Marieke Carpentier, Greet Van Hoyer and Qingxiong Weng, 'Social Media Recruitment: Communication Characteristics and Sought Gratification' [2019] *Frontier in Psychology* 1.

gender pronoun for a male, which directly means that only the males are required to apply for the job advertised. Therefore, qualified females are exempted from applying for this job.

Automobile garage manager

SAVED

H

Hn Auto Centre
Lagos, Nigeria (+1 other)

Apply on Learn4Good

Over 1 month ago

Full-time

An indigenous automobile management company requires the service of an automobile garage manager.

Responsibilities

- He will be responsible for acting as a go-between customers and service staff.
- He is responsible for hiring into department and must choose the most qualified person for the job.
- He will be in charge of overseeing the employees to make sure they meet the dealership's quality standards.
- He must set a business plan into place and enforce the goals so they are met.
- He will be in charge of budgeting of the department in making sure the labour costs are kept in check, inventory balances, and they suffer no additional costs by retaining employees.
- He must stay current with the changes in the industry. He must also be able to schedule classes for other employees.

Figure 6.1 Job Advertisement for Automobile Garage Manager

Another example is by one of the HR professionals in the interviews conducted - HRP3, who, during the discussion about age discrimination, unconsciously masculinised job applicants by saying:

'So, when we get CVs, we don't search for the age first. The first thing we look out for is, "Is he a fit? Does he have the experience?" After that, we might remember to check if the person's age fits.'

HRP3 is the HR manager of an advertising firm, and the majority of the staff are males. Therefore, there is likely to be an unconscious bias against women, hence the continued use of the pronoun 'he'. Sometimes, individuals involved in recruitment or working in HR departments may act on personal preferences that are incorrectly aligned with the firm's objectives.⁹⁰⁰ Such biases can be unconscious or subtle where the recruiter holds personal

⁹⁰⁰ Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An Analysis of the Link with Business Performance' [2014] *Ruhuna Journal of Management and Finance* 37; Emanoil Muscalu, 'Sources of Human Resources Recruitment Organization' [2015] *Management and Economics* 351.

biases that they are not aware of or can be based on 'taste' discrimination.⁹⁰¹ Either way, this bias has a significant tendency of manifesting in job adverts.

Subsequently, HRP3 was asked about how they phrase the wordings of their job adverts; they stated that:

'Our adverts are usually very different from conventional ads. If you see one of our ads, we say stuff like, "we need someone who can keep running despite a gun is pointed at your head", "we need someone that can break the law". We try to make it creative so candidates can imagine, and the reason we do it is just for shortlisting.'

With this type of wording in job descriptions, it might not be attractive to female candidates or older candidates. The researcher, being female, does not believe that most women would apply for a job that states, 'we need someone who can keep running despite a gun is pointed at your head'. According to Adrian Furnham, 'gendered wording signals who belongs and who does not, and thus, in part, affects the appeal of the job, independent of whether one perceives one has the personal skills to perform that job'.⁹⁰²

However, this is not to say that job adverts like this will not appeal to women who have rejected the domesticated stereotype views assigned to women (Chapter Five).⁹⁰³ This could be an area for further research. The messages organisations communicate during recruitment is very important.⁹⁰⁴ Reflecting on how job descriptions were written from the researcher's experience as an HR professional, certain choice of words was used to attract a specific gender. Sentences like 'candidates are expected to work under pressure, travelling or work overtime' were used to attract male candidates as female candidates were perceived to not like working late hours due to family commitments (Chapters Five and Six). Also, if the organisation wanted a specific age range of applicants to apply, words like "young" or "energetic" were used. HRP3 stated that:

'In as much as we require age for some jobs, sometimes we might not say the age but specify that we need someone "young".'

From the examples of the contents of HRP3 organisation's job description, it is evident that the organisations have a specific type of candidates they want to attract from their applicant

⁹⁰¹ Clémence Berson, 'Local Labor Markets and Taste-Based Discrimination' [2016] IZA J Berson IZA Journal of Labor Economics 1.

⁹⁰² Adrian Furnham, *The Engaging Manager: The Joy of Management and Being Managed* (Palgrave Macmillan 2012), 85.

⁹⁰³ Adrian Furnham, *The Engaging Manager: The Joy of Management and Being Managed* (Palgrave Macmillan 2012).

⁹⁰⁴ Peter Boxall, John Purcell and Patrick Wright, *The Oxford Handbook of Human Resources Management* (1st edn, Oxford University Press 2008).

population⁹⁰⁵ – male and young. Alison Barber states that the classification of applicants' population is the group of people targeted by organisations in a particular segment of the labour market.⁹⁰⁶ In this instance, HRP3 targets applicants through their choice of words which can either be overtly or subtly discriminatory.

Lastly, it was seen in the contents of the job adverts explored that there were requirements for more than one personal characteristic. Some of the job adverts explored by the researcher had more than one personal characteristic requirement, such as age and sex or sex and religion. This renders job applications more difficult for a lot of potential applicants. Intersectional discrimination and additive discrimination are forms of multiple discrimination.⁹⁰⁷ Intersectionality recognises that different identity categories can co-exist and intersect in the same individual in such a way that it creates a different experience in comparison to any of the separate characteristics involved.⁹⁰⁸ On the other hand, additive discrimination occurs where an individual suffers discrimination on multiple grounds, but each element making up this discrimination can be kept separate.⁹⁰⁹ This way, the discrimination experienced can occur distinctively or concurrently.⁹¹⁰ For instance, Eli Clair stated that 'gender reaches into disability; disability wraps around class; class strains against abuse; abuse snarls into sexual orientation; sexual orientation folds on top of race (...) everything finally piling into a single human body'.⁹¹¹

Although much of intersectional discussions centre on the feminist view relating to gender and race, particularly black women, intersectionality can be used to explore a general theory of identity.⁹¹² Job seekers have more than one identity, such as gender, age, religion, political opinion, disability and ethnicity.⁹¹³ The combination of one or more of these characteristics in

⁹⁰⁵ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications, 1998)

⁹⁰⁶ Alison Barber, *Recruiting Employees: Individual and Organisational Perceptives* (Sage Publications, 1998)

⁹⁰⁷ Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] *Justice Journal* 89; Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73; Mike Noon, 'Pointless Diversity Training: Unconscious Bias, New Racism and Agency' [2018] *Employment and Society* 198.

⁹⁰⁸ Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73; Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] *Justice Journal* 89.

⁹⁰⁹ Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73; Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] *Justice Journal* 89.

⁹¹⁰ Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73; Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] *Justice Journal* 89; Z Krinitsyna and E Menshikova, 'Discrimination Issues in the Process of Personnel Selection' [2015] *Procedia - Social and Behavioural Sciences* 166.

⁹¹¹ Eli Clare, *Exile and Pride: Disability, Queerness and Liberation* (South End Press, 1999), 123.

⁹¹² Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73.

⁹¹³ Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] *Justice Journal* 89; Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] *The Equal Rights Review* 73.

a job advert makes more job seekers vulnerable. This is the case with some recruitment practices in Lagos State, particularly in job descriptions. Some of the job adverts contained both age and gender requirements (see Appendix H). Two respondents airing their grievances stated that:


'A job advert for an applicant stating many years of work experience in the same field, age should be 26, applicant must be residing within a specific region, must belong to a particular religion, and some other requirement that is possibly not possible.'

'I think HRs should get more professional and find a better way to communicate their adverts and be more intelligent with their job.'

An organisation might not necessarily be condemned for demanding certain requirements such as age, education and years of experience. Still, the problem persists when an organisation's requirements become unrealistic when combined. For instance, if the only personal requirement in a job advert is 'age which on its own eliminates a group of people, adding gender or religion to the mix widens the exempted population. This, in turn, increases discrimination and reduces the availability of a wider applicant population, which is one of the primary reasoning for HRM – having a greater number of qualified applicants to choose from.⁹¹⁴ The qualified applicants with the skill sets that match the job description might not match the personal characteristics. An example of such a job advert (Figure 6.2) is where this organisation asks applicants for their date of birth, gender, and degree. Gay Moon stated that the lack of one factor or characteristics required in a job application does not prevent a person from getting a job, but it less likely decreases the chances of being selected for the job.⁹¹⁵

⁹¹⁴ Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] Global Journal of Human Resource Management 22; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703; Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] IUP Journal of Business Strategy 93.

⁹¹⁵ Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' (2006) Justice Journal 89.


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opportunities to make a real personal impact on our customers, we also give them the tools to unlock their own potential and grow hand-in-hand with the business they support.

For these reasons and more, we invite you to be a part of the success story.

Key Responsibilities/Accountabilities

Key Responsibilities/Accountabilities

- Successful candidates will be required to work in varied work roles/ locations and context with increasing levels of complexity. They will be exposed to varied digital projects, workstreams, challenges and developmental programs.
- Applicants must be passionate about building a career in Stanbic IBTC and working in a dynamic and forward-thinking environment.
- Successful candidates would be based in Lagos but may be deployed to any department and locations across the country.

Preferred Qualification and Experience

Preferred Qualification and Experience

- Applicants must be IT Software Developers, Cloud Security Analyst, Cyber Security Engineers, Data Engineers, Mobile App Developers, Blockchain Developers, IoT Developers, UI/UX Developers, Linux OS Administrators, Database Administrators, Applications Support.
- Minimum of a Second Class Upper (or its equivalent) degree in an Information Technology or Engineering related course from an accredited University.
- Minimum of 5 credits (Mathematics and English inclusive) in GCE, NECO or its equivalent
- Applicants must have concluded NYSC and must have discharge certificate in hand.
- **Applicant's Date of Birth, Gender and Class of Degree must be clearly stated**

Knowledge/Technical Skills/Expertise

Figure 6.2 Job Advertisement Requirements for Stanbic IBTC Digital Programme

To conclude this section, the findings from the exploration of online job adverts have enlightened the possibilities and a probable explanation of the interpretation of job adverts and how job seekers are likely to interpret them. The findings revealed that jobs adverts targeting people below five years are more likely to have discriminatory requirements than those with more than five years' experience. The exploration of online job adverts provided insight into how subtle discrimination can potentially occur in the choice of the words used in job descriptions, such as using masculine or feminine words. More so, responses from the interviewed HR professionals also offers more insight that ascertains the fact that certain discriminatory requirements are conscious and unconsciously present in job adverts.

These findings have answered the first research question that personal characteristics determine, influence or shape job recruitment in the Nigerian private sector. In addition, it also answers the fifth research question that some organisations in Lagos State do not follow equality and diversity practices during recruitment processes. The presence of discriminatory requirements in online job adverts (regardless of how subtle it can be) influences: who organisations want to apply for the job, how job seekers interpret the contents of the job adverts and which job seekers eventually apply for the vacant job. All of these already shape the entire recruitment process because the ideal candidate in terms of personal characteristics is determined before the advert was posted.

However, because the researcher carried out the exploration of job adverts, it is imperative to explore whether job seekers find the recruitment process discriminatory. This will be investigated in the next section below.

6.2 Discrimination in Recruitment Processes in Lagos State

The section above explored some online job adverts in Lagos State, Nigeria, with findings showing that certain job adverts contain discriminatory requirements or words. This section explores whether or not the recruitment process in Lagos State is discriminatory from the experiences of respondents in the empirical data research conducted. The purpose is to answer the research question of whether personal characteristics determine, influence or shape job recruitment in the Nigerian private sector.

As discussed in the methodology chapter (Chapter Two, Section 2.4), an online survey was distributed to residents of Lagos State, Nigeria. The survey was divided into four sections, two of which are 'Job Application and Discrimination during Job application' (see Chapter Two, Section 2.4.1). The job application and discrimination during job application sections asked respondents a series of questions relating to the contents of their CVs and experience of discrimination with job advertisements.

To begin, respondents were asked:

- *Have you experienced discrimination at any of the following stages: Advertisement stage, CV submission stage and Interview stage?*

This question was central to the exploration of discrimination in pre-employment processes. Instead of directly asking whether discrimination is experienced during job adverts, the researcher decided to give respondents different options in order to rate where discrimination is most experienced. While discrimination exists in many markets worldwide, discrimination in the labour market can take various forms.⁹¹⁶

A total of 61% of respondents selected the interview stage as the place where they have mostly experienced discrimination. The second was the advertisement stage with 46%, and lastly, the CV submission stage with 30%. Although the interview stage has the highest rating of discrimination, it will not be discussed in this chapter as this section focuses on the job

⁹¹⁶ Ioannis Nikolaou and Timothy A Judge, 'Fairness Reactions to Personnel Selection Techniques in Greece: The Role of Core Self-Evaluations' [2007] *International Journal of Selection and Assessment* 206; Sonja Schinkel, Annelies van Vianen and Dirk Van Dierendonck, 'Selection Fairness and Outcomes: A Field Study of Interactive Effects on Applicant Reactions' [2013] *International Journal of Selection and Assessment* 22.

advertisement and CV submission. Chapter Seven, however, analyses the discrimination people face in the interview stage.

From the research findings, it is observed that respondents (46%) find job adverts discriminatory. As discussed in Chapter Four, Section 4.4, a job advert is part of the recruitment process, and it is one of the common ways by which organisations communicate vacant roles to job seekers.⁹¹⁷ Effective communication through job adverts is a critical element in the recruitment and selection processes.⁹¹⁸ From the job seeker's perspective, recruitment as an early stage of employment is viewed as a form of information search about the job and the organisation.⁹¹⁹ Job seekers build a mental representation and gather information about what it would be like to work for the organisation.⁹²⁰ The format in which organisations present information is just as important as the information presented.⁹²¹

When respondents were asked why they selected job adverts as the phase where they experience discrimination, some stated that:

'The age range disqualified me, and I would have performed well if given the opportunity as I possessed the requisite knowledge and skill set required.'

'Some adverts put out positions strictly for males... or people from a specific origin, or for a specific age bracket and not based on merits or ability to carry out the specific job required tasks.'

'It's much about religions and tribes.'

'They requested for a particular gender.'

'Non-inclusiveness'

⁹¹⁷ Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece through a Snapshot of Internet Sites for Job Vacancies' [2014] *International Journal of Economics and Management Sciences* 9; Sara Rynes and Daniel Cable, 'Recruitment Research in The Twenty-First Century' in Walter Borman, Daniel Ilgen and Richard Klimoski (eds), *Handbook of Psychology, Volume 12, Industrial and Organizational Psychology* (John Wiley & Sons 2003); David Allen, Jonathan Biggane, Mitzi Pitts, Robert Otondo and James Van Scotter, 'Reactions to Recruitment Web Sites: Visual and Verbal Attention, Attraction, and Intentions to Pursue Employment' [2013] *J Bus Psychol* 263.

⁹¹⁸ Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece through a Snapshot of Internet Sites for Job Vacancies' [2014] *International Journal of Economics and Management Sciences* 9.

⁹¹⁹ Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' [2014] *International Journal of Economics and Management Studies* 5.

⁹²⁰ David Allen, Jonathan Biggane, Mitzi Pitts, Robert Otondo and James Van Scotter, 'Reactions to Recruitment Web Sites: Visual and Verbal Attention, Attraction, and Intentions to Pursue Employment' [2013] *J Bus Psychol* 263.

⁹²¹ David Allen, Jonathan Biggane, Mitzi Pitts, Robert Otondo and James Van Scotter, 'Reactions to Recruitment Web Sites: Visual and Verbal Attention, Attraction, and Intentions to Pursue Employment' [2013] *J Bus Psychol* 263.

As seen from the responses, the reason why respondents find job adverts discriminatory is that they contain one or more personal information other than an applicant's name and contact details in job adverts such as age, sex, gender, ethnicity and religion. Employers' information to potential job seekers should relatively be 'objective' in nature to avoid discrimination.⁹²² According to the International Labour Organisation (ILO), employment should be inclusive and based on merit.⁹²³

With regards to CV submission, findings show that 30% of respondents find this recruitment stage discriminatory. CV submission is included in the recruitment stage because, before the advert and continuous growth of technology in Nigeria, recruitment was possible through direct submission of CV (i.e., without any job adverts). More so, CV submission is still practised in Nigeria. From the researcher's experience and before the popularity of online CV submission, job applicants would walk into an organisation to inquire about job vacancies and submit their CVs. Consequently, discrimination occurs instantly because job applicants do not match the ideal candidate or 'look the part'. This is because first impressions were unavoidable during CV submission. This rejection could stem from the recruiter's conscious or unconscious bias about who the perfect candidate should be. To exemplify, respondents were asked about their experiences regarding CV submissions, and a few respondents stated that:

'For CV submission, HR at Glo told me the vacancy had been filled, and another friend went days after and was able to submit her CV.'

'Submitting a CV in person, and you get looked down on because I'm female.'

'I did not enjoy seeing the HR not smiling but saying they are sorry.'

As seen from these responses, it shows that discrimination in the CV submission stage still occurs regardless of online CV submissions, and it also affirms the occurrence of overt and subtle discrimination.

Recruitment involves more than just organisations, applicants, and contexts; it is also a fundamentally interpersonal process. In a micro-social setting, similarity is one of the most powerful drivers of attraction and evaluation.⁹²⁴ This occurs when the applicant's membership

⁹²² Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece Through a Snapshot of Internet Sites for Job Vacancies' [2014] International Journal of Economics and Management Sciences 9.

⁹²³ International Labour Organisation, 'Eliminating Discrimination in the Workplace' ILO Helpdesk <https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_116342.pdf> accessed on 23 March 2020.

⁹²⁴ Lauren Rivera, 'Hiring as Cultural Matching: The Case of Elite Professional Service Firms' [2012] American Sociological Review 999; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689; Karmela Liebkina, Liisa Larjaj and Asteria Brylka, 'Ethnic and Gender Discrimination in Recruitment: Experimental Evidence from Finland' [2016] Journal of Social and Political Psychology 403.

is revealed to be in a negatively stereotyped group.⁹²⁵ Discrimination occurs when organisations sort applicants out according to traits rather than productivity.⁹²⁶ Therefore, there is a reduced likelihood of being offered a job following the submission of an application for a job vacancy.⁹²⁷

In summary, the occurrence of discrimination in pre-employment practices in Lagos State is central to this research. Thus, the confirmation of discrimination by respondents that discrimination is present in both job adverts and CV submission (i.e., recruitment processes) in Lagos State answers the first and second research questions that personal characteristics does influence recruitment in the Nigerian private sector. The presence of discrimination in both job adverts and CV submissions confirms that some organisations do not follow equality and diversity practices during recruitment. This is because the effective practice of equality and diversity connotes that job seekers should not be judged based on their personal characteristics. Also, linking this section to the previous one where online job adverts were explored, and discrimination was found, this undoubtedly ascertains the presence of discrimination in the first stage of pre-employment practices in Lagos State.

However, sometimes, the perception of discrimination can be subjective. Two people can view the same job advert, and only one person might find it discriminatory. Therefore, the next section explores deeper how respondents perceive job adverts, their experiences when searching for jobs and what discourages them from applying.

6.3 Limiting Contents in Job Adverts in Lagos State

Respondents from this research have stated above and in Chapter Five that they find job adverts discriminatory. Consequently, the purpose of this section is to evaluate the specific contents of job adverts that limits their job application process when attempting to apply for jobs. The exploration of this would determine the different types of discrimination present in recruitment processes and the extent to which personal characteristics influence job recruitment in the Lagos State private sector. Respondents were asked:

⁹²⁵ Karmela Liebkind, Liisa Larjab and Asteria Brylka, 'Ethnic and Gender Discrimination in Recruitment: Experimental Evidence from Finland' [2016] *Journal of Social and Political Psychology* 403; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689.

⁹²⁶ Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' (2018) 4 *International Journal of Advanced Academic Research | Social & Management Sciences* 52, 54.

⁹²⁷ Eden King and Afra Ahmad, 'An Experimental Field Study of Interpersonal Discrimination Toward Muslim Job Applicants' [2010] *Personnel Psychology* 881; Fasina Fagbeminiyi, 'Gender Discrimination and Development in Nigeria: Issues and Perspective' [2017] *Journal of the Population Association of Nigeria* 57.

- *Please tick which details you look for in a job advertisement (age, sex/gender, salary, education, marital status, location and job responsibility).*

These options were chosen because they were seen in online job adverts in Lagos State at the time of drafting the survey questions (Table 6.1). Also, since what job seekers look out for in a job advert varies from person to person (i.e., subjective), this question would shed light on how frequent these options occur for respondents to actually look out for them. Thus, ascertaining the discriminatory recruitments and the different types of discrimination present in recruitment processes (see Research Objectives one and two in Chapter One, Section 1.3.1).

Findings show that most job seekers lookout for job responsibilities, salary, location and qualifications before applying for a job.⁹²⁸

Job responsibility	86.00%
Location	72.00%
Salary	67.00%
Education	55.00%
Age	31.00%
Sex (gender)	16.00%
Marital status	10.00%

Table 6.1 Details Job Respondents Looks out for in Job Advertisement

From the selections above, the result affirms the different studies that prove that job seekers are influenced by relevant recruitment information such as job responsibilities, salary and benefits, and work location.⁹²⁹ It is not surprising that respondents see 'Job responsibility', which scored the highest, as a fundamental aspect of a job search. This is because job seekers need to ensure that they have the right skills to perform the job (see Chapter Four, Section 4.3), and the job responsibilities section of a job advert is the place to begin.⁹³⁰

⁹²⁸ Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] IJLTEMAS 1; Laurence Stybel, 'Managing the Inner Contradictions of Job Descriptions: A Technique for Use in Recruitment' [2010] The Psychologist-Manager Journal 105.

⁹²⁹ David A Jones, Jonas W Shultz and Derek S Chapman, 'Recruiting Through Job Advertisements: The Effects of Cognitive Elaboration on Decision Making' [2006] International Journal of Selection and Assessment 167; Greet Van Hoyer and Filip Lievens, 'Recruitment-Related Information Sources and Organizational Attractiveness: Can Something Be Done About Negative Publicity' [2005] International Journal of Selection and Assessment 179; Nancy Mason and John Belt, 'Effectiveness of Specificity in Recruitment Advertising' [1986] Journal of Management 425.

⁹³⁰ Krishnam Raju and Sweta Banerjee, 'A Study on Job Description and its Effect on Employee Performance: Case of Some Selected Manufacturing Organizations in the City of Pune, India' [2017] IJLTEMAS 1.

'Location' and 'Salary' were the next on what respondents look out for before applying. These two selections are quite understandable in terms of proximity to work, cost implication and work-life balance. These are also essential information that should be clearly stated in a job description. It is left to the applicants to decide if the information presented is within their expectations and can formally begin the job application process. However, the contents or information in a job advert are read as a whole. Meaning that respondents are not only going to read the job responsibilities, salary and location alone; they are also going to look at the person's specification before deciding to apply.

'Education' also scored high amongst the options given. Depending on the job role, skills, level of experience in a particular area etc., education or certification is also very important. However, there are some job adverts in Lagos State that require certain educational attainment that can be considered discriminatory or biased, such as requesting job seekers to have attended a particular school at home or abroad. As seen in Figure 6.3, although a job seeker with a foreign degree is desirable, it still puts the majority of Nigerians at a disadvantage.

Electrical / Mechanical Engineers (International University Graduate)
 Lagos, Nigeria
 Full-time RESPONSIBILITIES: MECHANICAL ENGINEERS

- Proper maintenance of diesel generator
- Troubleshooting and repair of diesel generators whenever fault occurs
- Responsible for top or complete overhauling of DGs
- Must be a good team player

Qualifications

QUALIFICATIONS

Requirement:

- An international University certificate
- BSc/HND in Electrical / Mechanical Engineering
- 0-1 year experience in an engineering firm.
- Seasoned technician with minimal OND/Nabteb qualifications can also be considered.

ADDITIONAL INFORMATION

Other Requirements:

- Must be a graduate of a university abroad
- Unquestionable character
- Sound and analytical minds.
- Excellent team players.
- Ability to work independently and in a team
- Good communication skills (oral and written)
- Detailed and goal oriented

- Must be ready to work in any part of the country.

Figure 6.3 Job Advertisement for a Foreign Degree

With regards to other options such as age, gender, and marital status, these factors rated low. However, respondents still look out for them in a job advert. These personal characteristics are usually found in the person specification section of a job advert. A person specification is derived from the job description to make explicit the ideal candidate's profile needed to fill the job.⁹³¹ It fully describes the type of person who is most likely to be able to do the job satisfactorily. It includes a person's educational background and qualifications, relevant training and personal stand out qualities. In Lagos State, this is where discrimination is usually found. When the person specification information in a job advert includes discriminatory requirements such as gender, religion, age, or ethnicity, the whole job advert is compromised. As seen in Table 6.1 above, age, sex, and marital status were some of the criteria respondents look out for when going through a job advert, thus, creating negative recruitment information.

If respondents look out for such content in job adverts, then it becomes important to explore whether some person specification requirements on job adverts actually stop them from going through the job application process. Just because respondents lookout for certain content in a job advert does not mean that it stops or hinders them from applying. Therefore, respondents were asked:

- *Tick which category(s) below may have stopped you from applying for jobs in the last 2 years?*

Age	51%
Job description	42%
Education	28%
Sex (gender)	17%
State of Origin	9%
Marital status	8%
Religion	6%
Political opinion	3%
Disability	2%

Table 6.2 Factors that Stop Respondents from Applying for a Job

As discussed above, to clarify whether or not discriminatory practices shape or influence recruitment practises in Lagos state, it was important to find out if different discriminatory requirements limit job applications. In Table 6.2 above, all the personal characteristics options given were selected, including the job description. Although some of the options such as religion, disability, state of origin, political opinion and marital status had lower percentages, it

⁹³¹ N Van Zwanenberg and L J Wilkinson, 'The Person Specification – A Problem Masquerading as a Solution?' [1993] Personnel Review 54.

still validated the occurrence of discrimination, as it influences respondents' decisions in applying for jobs. More so, further findings in this research revealed that inhibitions to applying for jobs based on religion, state of origin, political opinion and marital status were also experienced by job seekers during job interviews. As such, these factors will be discussed in Chapter Seven of this thesis.

From the above, the findings from Tables 6.1 and Table 6.2 are similar. The personal characteristics respondents look out for in job adverts before applying for the job also stop them from applying. As much as not all personal characteristics scored high except age and sex, it still shows that personal characteristics are present and are influencers of recruitment practices. Job responsibilities and job descriptions also scored high on both tables. It is possible that the reason why job descriptions scored high is that they can both contain discriminatory requirements. As discussed in Section 6.1, discrimination was embedded in some job descriptions and job responsibilities explored. If respondents were aware of this, then the job description and responsibilities would be the first areas of consideration not only because they want to match their skills but to see if they also match the discriminatory requirements.

Although age and sex discrimination has been discussed in previous chapters, it cuts across all chapters and ascertaining which discriminatory requirements are prevalent in pre-employment practices is the primary objective of this thesis. Consequently, age and sex would be discussed in more detail below to investigate how they manifest in job adverts, how respondents perceive it as discriminatory and how it prevents them from applying for a job.

6.3.1 Age

Age is a momentous factor in the Nigerian labour market,⁹³² and from the findings of this research, it is also the highest factor that hinders respondents from applying for a job scoring 51%. Age discrimination occurs as a result of not offering employment to an applicant based on age.⁹³³ Despite ageing and shrinking labour markets, companies are reluctant to recruit older candidates.⁹³⁴ It is widely argued that older people's diminishing employability is

⁹³² Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] *International Journal of Advanced Academic Research* 52; J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

⁹³³ Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' (2018) 4 *International Journal of Advanced Academic Research | Social & Management Sciences* 52, 54.

⁹³⁴ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] *NG- Journal of Social Development* 97; Konrad Turek and Kène Henkens,

triggered by adverse age categorises.⁹³⁵ As discussed in Chapter Five, Section 5.5.1, age discrimination is also influenced by culture, whereby some organisations actively prefer younger candidates because they believe that younger people are more productive than older people.⁹³⁶ This was also confirmed by one of the HR professionals interviewed, HRP3, who stated that their organisation recruits younger candidates due to their productivity and 'conceptual block'.

Age discrimination in employment in Nigeria is widespread and is inversely associated with positive job results across age groups.⁹³⁷ Organisations do not realise that when certain groups of applicants are excluded because of discrimination, they also bear the losses of missing out on some skilled and competent job applicants.⁹³⁸

As discussed in Chapter One, Section 1.2, Lucas et al., in their study, which probed into the lack of specific legislation governing age discrimination against job seekers in Nigeria, found that age discrimination is a common social issue confronting Nigerian youth.⁹³⁹ Age is not listed as a prohibitive ground under section 42 of the Nigerian Constitution 1999 (as amended 2011). So, technically, it is not illegal for organisations to state or request for a specific age range (see Chapter Three, Section 3.3). Even if it were clearly written in section 42, some organisations would still not adhere to it as having personal characteristics in job adverts is culturally influenced in Lagos state (Chapter Five). This was also affirmed by HRP2, who stated that:

'Even if age were there [Constitution], does anybody in Nigeria pay attention to section 42 of the constitution?'

'How Skill Requirements Affect the Likelihood of Recruitment of Older Workers in Poland: The Indirect Role of Age Stereotypes' [2019] Work, Employment and Society 1.

⁹³⁵ B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] NG- Journal of Social Development 97; Konrad Turek and Kène Henkens, 'How Skill Requirements Affect the Likelihood of Recruitment of Older Workers in Poland: The Indirect Role of Age Stereotypes' [2019] Work, Employment and Society 1; Connie Wanberg, Ruth Kanfer, Darla Hamann and Zhen Zhang, 'Age and Reemployment Success after Job Loss: An Integrative Model and Meta-Analysis' [2016] Psychological Bulletin 400.

⁹³⁶ Michael Sunday Afolayan, 'Youth Political Participation in Nigeria: Legality, Trends, Dilemmas and Opportunities' [2018] Journal of Law, Policy and Globalization 100.

⁹³⁷ Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] 4 International Journal of Advanced Academic Research | Social & Management Sciences 52; Konrad Turek and Kène Henkens, 'How Skill Requirements Affect the Likelihood of Recruitment of Older Workers in Poland: The Indirect Role of Age Stereotypes' [2019] Work, Employment and Society 1.

⁹³⁸ Z Krinitcyna, and E Menshikova, 'Discrimination Issues in the Process of Personnel Selection' [2015] Procedia - Social and Behavioural Sciences 166.

⁹³⁹ Lucas N Oluka, Gladness C Efeosa-Temple, Anthonia U Ugboma-Uti and Joshua A Okotie, 'Age Discrimination and It's Implication in Human Resource Development in Nigeria' [2020] International Journal of Management Studies and Social Science Research 1.

This is true. The presence of all other discriminatory requirements such as gender, religion, ethnicity in some job adverts proves that some organisations do not pay attention to the Constitution. Discriminatory advertisements signal to the wider public that discrimination is an accepted practice that the authorities are unable or unwilling to tackle.⁹⁴⁰ Just because the law is silent on age does not make the act less discriminatory. Organisations send out a message that distinctions based on the prohibited non-discrimination grounds may still be made and will not be punished, regardless of the legislation in place. Discriminatory job advertisements can plant a seed of a lack of confidence in the enforcement of equal treatment law to excluded job seekers.

However, as findings showed in Chapter Five, Section 5.4, Figure 5.5, 86% of respondents had their age written on their CVs. Thus, whether or not age is prohibited under section 42,⁹⁴¹ respondents would still reveal this to organisations which is likely to lead to discrimination.


With age discrimination in Lagos State, job seekers above the age of 30 are considered old or classed as older workers.⁹⁴² In most cases, some private organisations require their potential applicants to be within the ages of 25 - 27 on average.⁹⁴³ An example is Figure 6.4 below, where the recruiting organisation wants applicants' age to be a 'maximum of 26 years as of December 2019'.

⁹⁴⁰ Paul Post and Rikki Holtmaat, 'A False Start: Discrimination in Job Advertisements' [2014] European Gender Equality Law Review 12.


⁹⁴¹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).


⁹⁴² B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] NG- Journal of Social Development 97.

⁹⁴³ Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] International Journal of Advanced Academic Research 52.





Ikeja Electricity Distribution Company (IKEDC)
Lagos, Nigeria


SAVED



Apply on Jobs In Nigeria A...


Over 1 month ago


Full-time

Job Title:2020 Young Engineers Programme Responsibilities

- Successful candidates will be expected to work within the power distribution sector with experienced engineers, developing skills and experience in order to become a competent and effective professional Engineer within the Power Sector and provided with challenging job opportunities Minimum Qualifications
- Preferably fresh from the university but certainly with not more than 2 years' experience, who are highly intelligent, hardworking, having the ability to apply common sense in analyzing and resolving problems and who value integrity more than wealth.
- Minimum B.Sc. or, preferably, M.Sc. Degree in Engineering, in one of the following disciplines Electrical Engineering and Electronics Engineering from reputable Universities with a minimum of 2nd class upper
- Must have completed NYSC • Maximum age of 26 years as of December 2019

Figure 6.4 Job Advertisement for 'Young' Engineers Programme

This job advert shows the extreme length an organisation will go in discriminating against job seekers. Some respondents also confirmed this by stating that:

'Some [job adverts] are centred on certain age groups, especially graduate role – age group 24 to 30.'

'Some job offers want only young prospects from age 24-27.'

'Age or year of graduation discrimination.'

'A job advert for an applicant stating many years of work experience in same field, age should be 26.'

As one age or grow older in Nigeria, job opportunities become progressively lesser.⁹⁴⁴ This was confirmed by HRP3, who stated that:

'From the job advert, we already state we want a particular age range. We state it so that they don't stress us. 'Most time, we actually look at the year they were born.'

⁹⁴⁴ Ukah Anyalewachi, Mohammad Bala, Jacinta Opara and Aisha Bukar, 'Ageism, Myths and Rights of Older Persons in a Changing World' [2017] Scholarly Research Journal for Interdisciplinary Studies 8565; Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] International Journal of Advanced Academic Research 52.

To make matters worse, Nigeria's educational system makes it even harder for graduates based on multitudes of problems such as constant student and staff strikes, insufficient funding, classrooms, and inferior educational infrastructures.⁹⁴⁵ These problems translate to students graduating at a later age above the preferred recruitment age limit. Some people have had to falsify their age just to fall within the age limit requirement.⁹⁴⁶ A respondent stated that:

'In this part of the world, most companies discriminate based on age. It is unfair because of the epileptic school systems. You can graduate late because of the failures of the school systems.'

For example, fresh graduates in Nigeria above the age of 30 years are exempted from serving their country, a compulsory one-year employment programme sponsored by the National Youth Service Corps (NYSC) Act 2004.⁹⁴⁷ They are given an exemption certificate instead. This programme does not only provide employment and wages but also work experience. Older graduates are therefore discriminated against from partaking. The average student graduates between the ages of 25 and 29 in addition to the compulsory one-year NYSC, meaning some graduates hit the labour market by the time they are between 28 to 30 years. To buttress this point, the National Bureau of Statistics in 2020 noted that the unemployment rate in Nigeria is at a high of 33.3%.⁹⁴⁸

Discrimination within the private sector organisations in Lagos is to an extent understandable due to the employer's autonomy, but the government actively limiting the rights of its citizen is totally unacceptable. The government is meant to be the yardstick which private organisations emulate. Research conducted by Emmanuel Okom and Fidelis Aboh revealed that age discrimination has forced many job seekers to go to court and have their ages falsified in order

⁹⁴⁵ L Odi and S Omofonmwan, 'Educational System in Nigeria Problems and Prospects' [2007] *Journal of Social Sciences* 86; Francis Diana-Abasi Ibanga, 'Julius Nyerere's Philosophy of Education: Implication for Nigeria's Educational System Reforms' [2016] *Journal of Pan African Studies* 109; Tomi Adeaga, 'The Decline of the Nigerian Educational System' [2012] *Matatu: Journal for African Culture & Society* 301.

⁹⁴⁶ John Akubo, 'Nigerian Senate to Review Age Barrier for Graduate Employment' (The Guardian, 15 July 2020) <<https://guardian.ng/news/nigerian-senate-to-review-age-barrier-for-graduate-employment/>> accessed on 9 March 2021.

⁹⁴⁷ Section 2 National Youth Service Corps Act 2004; Comfort Dan-Jumbo and Christine Nwuche, 'Age-Based Discrimination and Employee Job Outcomes: Evidence from the Nigerian Civil Service' [2018] *International Journal of Advanced Academic Research* 52; B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] *NG- Journal of Social Development* 97.

⁹⁴⁸ National Bureau of Statistics, 'Labor Force Statistics: Unemployment and Underemployment Report (Q4 2020)' <<https://nigerianstat.gov.ng/elibrary?page=6&offset=50>> accessed on 16 July 2021.

to qualify for jobs advertised.⁹⁴⁹ This amounts to perjury, a crime punishable by law.⁹⁵⁰ The research further found that age falsification was becoming a norm in Lagos State.⁹⁵¹

Another way in which organisations discriminate by age is by requiring long job experiences. Long job experiences are stated in most job adverts. Some respondents shared their experiences, stating that:

'Adverts requesting for 5 years work experience and a 25 years age limit. How realistic is this expectation in Nigeria? Was it my fault that I spent over 8 years acquiring an education though I didn't have an extra year in Uni? It was difficult.'

'Yeah, they specify age limit and experience most times.'

'Some require ridiculous working experience years...'

'Age discrimination and work experience.'

'Expecting a very young person to have long years of work experience.'

'For age, in Nigeria, the younger you are, the easier it is to get a job, and that's because there's an age bracket that is employable.'

'Age and specified years of experience. Not specific as such but sometimes laughable.'

In most Nigerian communities, undergraduates most often do not work while studying. They are dependent on their parents and family members, which means that they only seek employment after university or college. More so, most people find it hard to get into university due to high tuition fees. At the end of the day, they either do not meet the age requirement or have the relevant work experience attached to the age group. As such, specific years of experience will ultimately put certain age groups at a disadvantage.

In the UK, asking job applicants for a certain number of years' experience is potentially indirect age discriminatory against younger candidates except where they can justify that it is essential to the job's performance (Figures 6.5 and 6.6).⁹⁵² If the researcher were to look at the years


⁹⁴⁹ Emmanuel Okom and Fidelis Aboh, 'Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)' [2019] Global Journal of Human-Social Science: Sociology & Culture 16.

⁹⁵⁰ Criminal Law of Lagos State 2011, s 84 – 86; Emmanuel Okom and Fidelis Aboh, 'Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)' [2019] Global Journal of Human-Social Science: Sociology & Culture 16.

⁹⁵¹ Emmanuel Okom and Fidelis Aboh, 'Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)' [2019] Global Journal of Human-Social Science: Sociology & Culture 16; B N Okpalaobi and Chineze Sophia Ibekwe, 'Proposing A Legislative Reform for Age Discrimination in the Nigerian Employment Sector' [2017] NG- Journal of Social Development 97.

⁹⁵² 'Employers: Preventing Discrimination' <<https://www.gov.uk/employer-preventing-discrimination/recruitment>> accessed on 15 February 2019; Age UK, 'Ageism at Work' (2019)

of experience as a form of age discrimination from the job adverts analysed, all 300 online job adverts in the Job grid (Appendix G) would be deemed discriminatory. In essence, virtually all the job adverts in Lagos State would be discriminatory. This is because all the job adverts explored had specific years of experience needed for the vacant job role. This also played a factor as to why the job grid was divided into two – above five years' experience and below five years' experience. However, as discussed in Chapter Three, this is not the case in Nigeria because age discrimination is not prohibited by law. Even the new Act to Eradicate the Age Discrimination against Job seekers in Federal Government Agencies; and for Related Matters as discussed in Chapter Three, Section 3.3 does not apply to private sectors, which means that private organisations can still discriminate against job seekers. More so, the National Employment Policy (NEP) 2017, which covers age discrimination that occurs in job advertisements (Clause 4.11), is riddled with its own challenges (see Chapter Three, Section 3.7).



SENIOR ASM
 Anonymous Employer
 Marketing & Communications
 Lagos | Full Time
 Manufacturing & Warehousing | **NGN Confidential**

21h

Job Summary

We are looking to hire a passionate, self-motivated Senior Area Sales Manager to regularly visit each store within the region to ensure that sales strategies are being instituted and that sales goals are being met. The Senior Area Sales Manager's responsibilities include evaluating the work done by managers, training sales teams and analyzing sales

- **Minimum Qualification:** Degree
- **Experience Level:** Senior level
- **Experience Length:** 10 years

Job Description/Requirements


To become a successful SASM, you should be motivated and driven towards meeting sales goals. A high-performing SAS Manager should possess the ability to suggest innovative ways to reach sales targets.

Responsibilities:

- Promoting the company's products after communicating with in-store management and marketing teams.
- Acting as the main point of contact with brokers, suppliers, and distributors in the region.
- Implementing sales goals and communicating them to key individuals.
- Preparing sales reports and submitting them to senior management.
- Communicating with store managers to determine their needs.
- Promptly responding to customer requests.
- Maximizing growth potential of stores within the region.


Figure 6.5 Job Advertisement for a Senior Area Sales Manager

<<https://www.ageuk.org.uk/information-advice/work-learning/discrimination-rights/ageism/ageism-at-work/>>
 accessed on 15 February 2019; ACAS, 'Age Discrimination: Key Points for the Workplace' (2021)
 <<https://www.acas.org.uk/sites/default/files/2021-03/age-discrimination-key-points-for-the-workplace.pdf>>
 accessed on 15 February 2019.



HEAD TREASURY

Anonymous Employer
Management & Business Development
Lagos | Full Time
Banking, Finance & Insurance | NGN 600,000 - 900,000

 1d

Job Summary

Responsible for executing the Bank's treasury function, efficiently measure & manage the treasury function and manage a team that performs a wide range of job duties and responsibilities.

- **Minimum Qualification:** Degree
- **Experience Level:** Management level
- **Experience Length:** 10 years

Job Description/Requirements

1. Monitoring and managing the Bank's liquidity.
2. Generate, lead and mobilise significant deposits across liquidity matrix.
3. Analysing various scenarios and risks and reporting to Executive Director, Business Development & Treasury.
4. Forecasting of medium and long-term funding and hedging requirements.
5. Daily cash management.
6. Debt facilities management.
7. Drive profitability of the unit, monitoring income generated through trading, fees, etc.
8. Oversee the management of the Bank's investment funds.
9. Preparation of Board and monthly ALCO report for management review.
10. Preparation of weekly gap analysis for planning and decision making.
11. Supporting the month end process where necessary.
12. Evaluating and reviewing opportunities in equity market and recommending appropriate opportunity to the management.
13. Interest rate risk management and development of risk mitigation strategies.

Figure 6.6 Job Advertisement for Head Treasury

6.3.2 Sex (Gender)

When it comes to sex, 16% of respondents identified this as a factor they look out for in a job advert (Table 6.1 above). Similarly, 17% of respondents identified that sex was a factor that stopped them from applying for a job (Table 6.2 above). This is not surprising. As this section will show, both male and female job seekers can experience discrimination. However, females tend to be more on the receiving end in Nigeria. A substantial body of evidence and the data findings from this research (Chapter Five, Section 5.5.2) has indicated that equally qualified women and men are assessed unequally when applying for the same jobs.⁹⁵³ Females are perceived to be more undesirable employees than males, and a lot of this stems from culture.⁹⁵⁴ However, HRP1 stated that with their organisations, more men apply for jobs even

⁹⁵³ Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] *Journal of Applied Psychology* 909; Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1.

⁹⁵⁴ Ronald G Ehrenberg and Robert S Smith, *Modern Labor Economics: Theory and Public Policy* (13th edn, Routledge 2017); Z Krinitcyna and E Menshikova, 'Discrimination Issues in the Process of Personnel Selection' [2015] *International Conference on Research Paradigms Transformation in Social Sciences* 12.

when the job advert does not specifically state gender, and there is nothing they can do about it. HRP1 stated that:

'The majority of our applicants are male developers. These are those who have shown interest in the job. But if the females applied and have the set skills, they will be considered.'

As discussed in Chapter Five, Section 5.5.2, an organisation cannot force women to apply for vacant roles in their organisations (i.e., if the content of the job advert for the vacancy position is not discriminatory). Studies by economists Kuhn and Shen have noted that statements in job advertisements that specify whether women or men are widely used in developing-economy labour markets.⁹⁵⁵ The Nigerian labour market is developing.⁹⁵⁶ The inequality between genders in Lagos State seems to align with a structural-functionalist view which stipulates that division of labour exists to predefined gender roles as complementary: a woman is expected to take care of the home while a man provides for the family.⁹⁵⁷ More so, gender discrimination has been fuelled, reinforced and encouraged by cultural/traditional and religious factors that work against women's status and their participation in many sectors of society.⁹⁵⁸ As such, employers tend to overestimate the uniqueness of women by recalling information about them as dictated by society.⁹⁵⁹ No matter how subtle gender discrimination is, it still plays a significant role in restricting access to employment. An example of a private sector where discrimination happens a lot is the legal industry. Law firms are known for gender discrimination (Figure 6.7).

⁹⁵⁵ Peter Kuhn and Kailing Shen, 'Gender Discrimination in Job Ads: Evidence from China' [2013a] *Quarterly Journal of Economics* 287; Kuhn, Peter and Kailing Shen, 'Do Chinese Employers Avoid Hiring Overqualified Workers? Evidence from an Internet Job Board' [2013b] *Research in Labor Economics* 1; Kuhn, Peter and Kailing Shen, 'Do Employers Prefer Migrant Workers? [2015] *Evidence from a Chinese Job Board* IZA Journal of Labor Economics 22.

⁹⁵⁶ Fajana Sola, Owoyemi Oluwakemi, Elegbede Tunde and Gbajumo-Sheriff Mariam, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

⁹⁵⁷ Dominic Azuh, Matthew Egharevba and Akunna E Azuh, 'Gender Discrimination and National Politics: The Nigerian Case' [2014] *Covenant University Journal of Politics and International Affairs* 19; Ritzer, *Contemporary Sociological Theory and Its Classical Roots: The Basic*. (McGraw-Hill, 2003); Damilola Agbalajobi, 'Women's Participation and the Political Process in Nigeria: Problems and Prospects' [2010] *African Journal of Political Science and International Relations* 75; Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] *International Journal of Economics, Commerce and Management* 752.

⁹⁵⁸ Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] *International Journal of Economics, Commerce and Management* 752; Linda Anyalebechi, 'The Issue of Gender Inequality in Nigeria' [2016] *Journal of Policy and Development Studies* 63.

⁹⁵⁹ Etannibi Alemika and Austin Agugua, 'Gender Relations and Discrimination in Nigeria Police Force Ikeja, Lagos,' [2001] *Centre for Law Enforcement Education*; Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] *Journal of Applied Psychology* 909; Richard Arvey, 'Unfair Discrimination in the Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736.

Legal Associate (Female)

Job Type

Full Time

Qualification

BA/BSc/HND

Experience

7 years

Location

Lagos

Job Field

Law / Legal

FEMALE

Job Descriptions

- Product liability litigation caseload and other cases of company-wide significance
- Develop and execute litigation strategy,
- manage discovery obligations, manage outside counsel, determine proper case disposition, and monitor litigation Maintain good client relationship skills, gaining clients' confidence and that of other professionals.
- Offer advice on the law, legal procedures and a wide range of associated issues.
- Attend and represent the firm at client meetings.
- Draw up contracts and other legal documents. Represent clients in Courts where required.
- Requirements Minimum of LL.B, BL and LL.M with not less than Second Class Upper (Class Degree) Minimum of 7 years post NYSC experience as a LEGAL ASSOCIATE with practicing experience in related firms.

Figure 6.7 Job Advertisement for a Female Legal Associate

To make matters worse, some law firms advertise discriminatory job requirements on billboards at the court's premises. Figures 6.8 and 6.9 below are job adverts taken from the Lagos State High Court's notice boards on the 27th of August 2021. These two job adverts specify the gender of their ideal candidates. Although some law firms in Lagos State are more on the Small and Medium-sized enterprises spectrum with little to no direct knowledge of HRM practices, it is still expected that they understand the law better than most organisations. Furthermore, their boldness to advertise discriminatory job adverts on court premises is uncanny. If law firms discriminate, what advice will they give an aggrieved person who wants to inquire about the enforcement of their right to be free from discrimination?

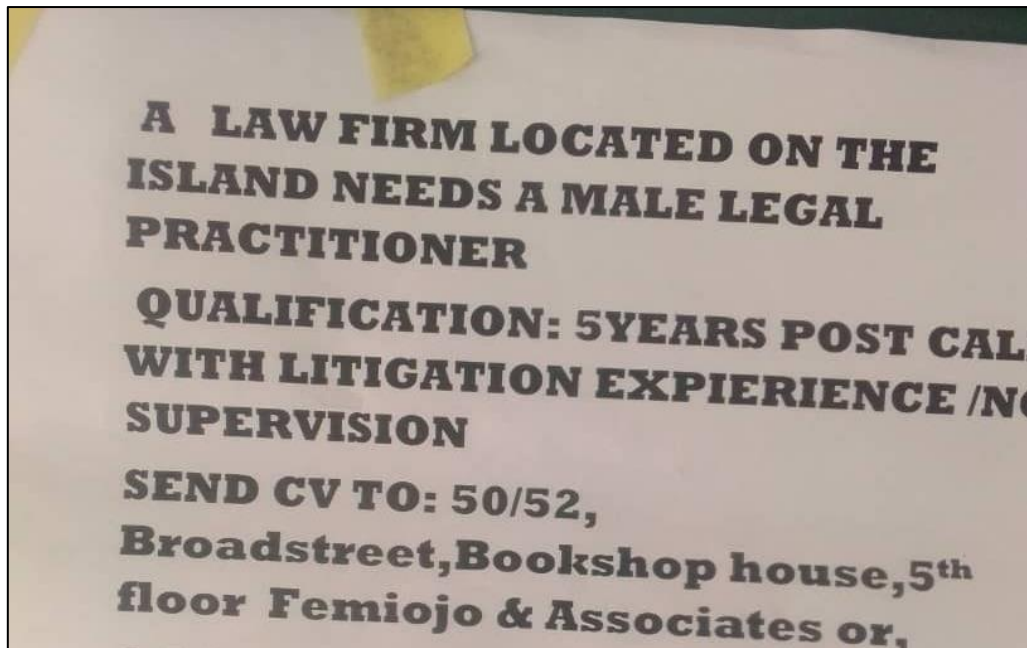


Figure 6.8 Job Advertisement for a Male Legal Practitioner Found in the Lagos State High Court, Nigeria



Figure 6.9 Job Advertisement for a Female Lawyer Found in the Lagos State High Court, Nigeria

As seen in the job adverts above, discrimination does occur both ways. This is confirmed by a male respondent who stated that:

'I am a man, but a woman is needed.'

This was also evident in HRP2 response in Chapter Five, Section 5.5.2, that a female is a better option when it comes to 'sensitive works'. Either way, gender discrimination is an

ongoing battle in Nigeria. Until cultural beliefs that promote the superiority of the male gender are reformed through education and awareness, discrimination will continue to be a problem.

In summary, as stated in the introduction, one of the objectives of this research is to critically analyse the different types of discrimination present in recruitment and selection processes within the private sector in Lagos State. From Tables 6.1 and 6.2, all personal characteristics listed were selected therefore achieving the first and second research objectives and also answering the first research questions that, to an extent, personal characteristics does influence job recruitment (see Chapter One, Section 1.3).

More specifically, Sections 6.3.1 and 6.3.2 have provided insight into how age and sex discrimination can manifest in job adverts, how respondents perceive it and how it hinders their decision to apply for a job. Age and sex are arguably two of the commonest discriminatory requirements present in job adverts, with age scoring highest as a limiting factor of job applications. Respondents in this research have stated their experiences on how organisations want a certain age group even in the midst of the challenges in Nigeria, such as the educational system. In as much as age is not part of the protected characteristics in section 42 of the Nigerian Constitution 1999 (as amended 2011) (Chapter Three, Section 3.3), it is still a major hindrance in job applications. Sex discrimination, on the other hand, is prohibited but still poses as a threat to job seekers partly due to the patriarchal nature of many societies in Nigeria (see Chapter Five, Section 5.5.2).

Whilst discrimination in the job application process in terms of the factors that limit respondents' applications for jobs has been discussed, it is now pertinent to explore their perceptions of job adverts and how and why they believe that these are discriminatory.

6.4 Perception of Discriminatory Job Advert by Job Seekers

The perception of a fair recruitment process by an applicant constitutes an important factor for employers.⁹⁶⁰ This is because all organisations, consciously or otherwise, have an employer brand. According to the Chartered Institute of Personnel and Development (CIPD), a strong employer brand helps organisations compete for the best talent and establish credibility.⁹⁶¹ Employer branding involves the intentional efforts of organisations in acquiring new talent and

⁹⁶⁰ Ioannis Nikolaou and Timothy A. Judge, 'Fairness Reactions to Personnel Selection Techniques in Greece: The Role of Core Self-Evaluations' [2007] *International Journal of Selection and Assessment* 206.

⁹⁶¹ Chartered Institute of Personnel and Development, 'Employer brand' (October 2021) <<https://www.cipd.co.uk/knowledge/fundamentals/people/recruitment/brand-factsheet#gref>> accessed on 10 November 2021.

enhancing their image as an excellent place to work.⁹⁶² A contributing factor to employer branding is fairness and consistency during recruitment and selection (is that, all applicants should be examined against a common set of standards and criteria).⁹⁶³ Therefore, using a Likert scale in measuring respondents' varying attitudes, respondents were asked:

- *I find some job adverts discriminatory.*

Findings revealed that 43% 'Strongly Agreed' that they found job advertisements discriminatory. A further 38% 'Agreed' that job advertisements are discriminatory, making a total of 81% in agreement that job adverts in Lagos State are discriminatory. 15% of respondents 'Neither Agreed nor Disagreed', while 5% 'Disagreed'. No respondent 'Strongly Disagreed'.

These findings have achieved this research's first and second objective that organisations in the private sector in Lagos State indeed discriminate at the pre-employment stage of recruitment. In exploring respondents' conceptualisation of discriminatory job adverts, respondents were asked to state the reasons why they find job adverts discriminatory. Based on the analysis of the responses as discussed in Chapter Two, Section 2.5.3, one of the themes was generated 'Unfairly Excluded'. The majority of the respondents felt that they were unfairly excluded from applying for a job due to not meeting the personal characteristics required by organisations. As discussed in Chapter Four, organisations' information to job applicants during recruitment should be explicit, accurate and non-discriminatory. If not, it might unfairly exclude some groups of people. Some of the responses were:

'Seriously, I think there shouldn't be lists like religion, state of origin and so on, on any reasonable job advertorials. It really isn't NECESSARY!'

'Where they specifically indicated that the offer is only open to members of the male gender.'

'Adverts that specify age, tribe or gender are discriminatory.'

'Stating on job ads the particular ethnicity or nationality, I find very discriminatory.'

'When the members of the male sex are given preference over the female sex.'

'It is much about religions and tribes.'

⁹⁶² Chartered Institute of Personnel and Development, 'Employer brand' (October 2021) <<https://www.cipd.co.uk/knowledge/fundamentals/people/recruitment/brand-factsheet#gref>> accessed on 10 November 2021.

⁹⁶³ Clifford Zirra, Ogbu Ogbu and Grace Ojo, 'Impact of Recruitment and Selection Strategy on Employees' Performance: A Study of Three Selected Manufacturing Companies in Nigeria' [2017] International Journal of Innovation and Economic Development 32; Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, 'Anonymous job applications of fresh PhD Economists' [2012] Economics Letters 117.

'The adverts are sometimes done to target some people and disenfranchise others.'

It is good to see that some respondents are able to conceptualise discrimination as being unfairly excluded.⁹⁶⁴ They were able to identify the types of discrimination present, such as age, ethnicity, gender and religion. More so, they showed significant understanding that these personal characteristics are not necessary for job performance. Respondents believe that organisations have wilfully segregated or disenfranchised them through their advertisements, thereby making the actual recruitment process unimportant.⁹⁶⁵

Looking at respondents' educational background (Chapter Two, Section 2.4.4.3), 55% of respondents have a bachelor's degree, 36% have a master's degree, and 2% have a Doctorate Degree. Therefore, applicants should be assessed based on their capabilities, skills, and qualification rather than personal characteristics. What would be the point of acquiring high levels of degree only to be turned down based on a personal attribute that cannot be changed?⁹⁶⁶ This is why this thesis argued in Chapter Three, Section 3.3 that the phrase 'circumstances of birth written in section 42 (2) of the Nigerian Constitution should be extended to cover other birth-related issues that one has no control over, such as age, gender, disability and ethnicity.

When organisations unfairly exclude certain types of people from applying, it shows that they believe certain types of personal characteristics are perceived to be either unproductive or unsuitable regardless of applicants' skills.⁹⁶⁷ This is also evident from the responses gotten from two respondents:

'Because no matter how good you are, they are always looking for a certain age group.'

'Most jobs come with age brackets which ultimately means despite my skills set and compatibility for the job, I'm denied just because of something irrelevant as age.'

This is what discrimination tends to achieve. Regardless of a person's skills, they are not perceived as valuable to the organisation. Some organisations sometimes evaluate

⁹⁶⁴ Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' (2015) *Journal of Education and Practice* 139, 140; Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736; Z Krinitcyna and E Menshikova, 'Discrimination Issues in the Process of Personnel Selection' [2015] *Procedia - Social and Behavioural Sciences* 166; Barbara Reskin, 'The Proximate Causes of Employment Discrimination' [2000] *Contemporary Sociology* 319.

⁹⁶⁵ E Cediey and F Foroni, 'Discrimination in Access to Employment on Grounds of Foreign Origin in France' [2008] *ILO International Migration Papers No. 85E*. Geneva: International Labour Organisation

⁹⁶⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

⁹⁶⁷ Audrey Lee, 'Unconscious Bias; Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481; Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109.

applicants' employability using imperfect and partial information, which can be conscious or unconscious.⁹⁶⁸ This is because the knowledge that prejudice is at the root of discrimination is not new.⁹⁶⁹ Unconscious biases are triggered when individuals judge people quickly by making assumptions and associations about their characteristics.⁹⁷⁰ As stated by a respondent that:

'Sometimes, not explicit discrimination but could be implied.'

Depending on the respondent's choice of words and meaning, 'implied' is interpreted in this thesis as subtle discrimination or unconscious bias. Not all implied discrimination can be perceived. To some people, discrimination can be very easy to spot as it stems from unfair treatment of another person or themselves, such as the security guard who keeps a watchful eye or the rude exchange of a shop clerk to a seemingly innocent person. In job adverts, it could be in the wordings. Instances such as these do not take a detective with a magnifying glass to confirm the case as discrimination. But the acts of discrimination can sometimes be based on presumptions. People rely on perceptions in measuring the acts of discrimination, which means that certain actions can be blown out of proportion. Acts of discrimination are often unnoticeable to the actual victim. Consequently, some researchers have argued that individuals who perceive discrimination rely on subtle discrimination to express bias in a way that does not explicitly violate expectations for equality and social norms.⁹⁷¹ Either way, the result is the same: respondents are left at a disadvantage, and the recruitment process is unfair.⁹⁷²

As stated at the beginning of this section, the perception of fairness by job seekers is an important factor during recruitment. This exploration also answers the first and second research questions (Chapter One, Section 1.3.2). Respondents have earlier stated in the

⁹⁶⁸ Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] *Gender in Management: An International Journal* 623; Mike Noon, 'Pointless Diversity Training: Unconscious Bias, New Racism and Agency' [2018] *Employment and Society* 198; Audrey Lee, 'Unconscious Bias Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481.

⁹⁶⁹ Frances McGinnity and Peter Lunn, 'Measuring discrimination facing ethnic minority job applicants: an Irish experiment' [2011] *Work, Employment and Society* 693; Miles Hewstone, Mark Rubin, and Hazel Willis, 'Intergroup Bias' [2002] *Annual Review of Psychology* 575; Barbara Reskin, 'The Proximate Causes of Employment Discrimination' [2000] *Contemporary Sociology* 319.

⁹⁷⁰ Brenda Allen and Kavita Garg, 'Diversity Matters in Academic Radiology: Acknowledging and Addressing Unconscious Bias' [2016] *Journal of the American College of Radiology* 1426; Audrey Lee, 'Unconscious Bias Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481.

⁹⁷¹ Kristen P Jones, Dave F Arena, Christine L Nittouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51; Christine Crandall and Amy Eshleman, 'A Justification-Suppression Model of the Expression and Experience of Prejudice' [2003] *Psychological Bulletin* 414.

⁹⁷² Kristen P Jones, Dave F Arena, Christine L Nittouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

preceding section that certain personal characteristics such as age, sex, religion, ethnicity etc., hinders them from applying for jobs. In this section, respondents have confirmed that they find job adverts discriminatory and have given some of their reasons, with some respondents believing that some job adverts are targeted at some groups of people while marginalising others. Therefore, this answers the first and second research questions and confirms that some organisations do not follow a fair process during recruitment and neither does their discriminatory requirement align with the concept of diversity (i.e., recognising, respecting and valuing differences based on ethnicity, gender, age, race, religion, disability etc.).

Moving forward, it is important to explore whether respondents believe that personal characteristics are relevant to the job advertised. This is because, if some respondents could believe that having personal characteristics on their CV was a norm and thus relevant (Chapter Five); therefore, it is imperative to explore if the same could be said of the personal characteristics that are present in job adverts. Consequently, the next section will explore whether or not respondents believe that personal characteristics in job adverts are relevant to a job.

6.5 Relevance of Personal Characteristic in Job Adverts

As discussed above, respondents have stated that they find job adverts in Lagos State discriminatory. However, just because some respondents agree that job adverts are discriminatory does not automatically translate to their perception of its relevance to the job advertised. Are the discriminatory requirements in job adverts necessary to carry out the job responsibilities? This question is important because there is a dire need to understand why personal characteristics are present in job adverts. What is the purpose of its inclusion in job adverts? Previous chapters have already discussed the lack of relevance of personal characteristics to job performance, yet some private organisations in Lagos State insist on having them irrespective of what the law states.⁹⁷³

This research agrees with the numerous literatures that personal characteristics are not relevant to jobs and should not be required in job adverts except in extreme circumstances, such as in furtherance of positive action.⁹⁷⁴ However, do job seekers believe the same? This is because the perception and interpretation of discrimination are subjective. As shown in Chapter Five, Section 5.4, culture also influences what is perceived as right, wrong or even relevant. To reiterate, in Chapter Five, Section 5.5.2, a few respondents stated that some

⁹⁷³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

⁹⁷⁴ Nuria Martín, 'Positive Action in EU Gender Equality Law: Promoting Women in Corporate Decision-Making Positions' [2014] Spanish Labour Law and Employment Relations Journal 20.

employment requires specific gender or age in order to effectively carry out a job. Even one of the HR professionals interviewed, HRP2 stated that for certain sensitive things, they will always recruit women.

Consequently, respondents were asked:

- *Do you think the personal information (Age, Sex (gender), Marital Status, Religion, State of Origin and Local Government) is relevant to the job?*

Findings revealed that 49% of respondents selected 'Yes', 41% of respondents selected 'No', while 10% selected 'Do not know'.

The results from the data collected were interesting. This is because the 41% of respondents who affirmed that personal information was relevant to the job advertised contradicts earlier findings of 81% of respondents who stated that they find job adverts discriminatory (see Section 6.4 above). If an act is presumed discriminatory, should it not automatically be believed to be unfair, and in most cases, such action is deemed to be avoidable and irrelevant?

Based on the deep-seated discriminatory practices of some privately-owned Nigerian organisations, some job seekers are ignorant of their rights and the irrelevances of the personal information required for recruitment processes. Also, not all job seekers are aware of the essence of HRM and, as such, cannot be blamed for their lack of awareness. This is why there are contradictions in the respondents' answers when asked if personal information was relevant for advert placement. This contradiction also links to how prevalent and dominant the cultural practices in Nigeria are. As discussed in Chapter Five, Section 5.4, some respondents also believed that certain discriminatory requirements are a prerequisite for employment. Therefore, in as much as 81% of respondents believe that job adverts are discriminatory, some of them also believe that it is paramount to employment. More so, these respondents might also believe that organisations are justified in requiring specific personal information. Justified in terms of:

1. Either the organisations have a right to discriminate, or
2. Respondents believe that certain people can do specific jobs

Additionally, some employees are desperate and thus eager to take up any job as a result of the dearth of jobs. As such, they do not care to be educated about or bother with their employment rights. However, more job seekers should be like the 41% of respondents who selected 'No', affirming that the list of aforementioned personal characteristics should not be relevant to a job. Or, like the 10% of respondents who selected 'Do not know'. This shows uncertainty and lack of adequate information, but also some form of openness or willingness

to explore the truth. This is why this thesis provides recommendations to help educate job seekers (see Chapter Eight).

To better understand this, respondents were subsequently asked to explain their reasons. Two prominent themes generated from the analysis of the responses, namely – ‘Organisational Requirement’ and ‘Recruitment Edge’. These will be discussed in the next section.

6.5.1 Organisational Requirement

Organisational Requirement as a theme was generated (see Chapter Two, Section 2.4.3) because some respondents believe that personal information is relevant to the job due to organisations’ perceived needs. The majority of respondents who affirmed that personal information was relevant to the job fell under this category. Some of the responses were:

‘In Nigeria, such demographic questions are used in selecting ‘suitable’ candidate.’

‘Different companies state different criteria for recruitment. Some want age, gender and, less commonly, religion. So, it helps if they know upfront who they’re interviewing.’

‘Some jobs are suited to certain people, and it is better to be upfront than to get there for the interview and find out it is not for you.’

Although this is surprising, it is easy to understand how respondents have come to this conclusion. This belief may stem from a combination of cultural stance and human resources practices (Chapter Five). It links to the discussions that certain HR practices have become culturally accepted (i.e., the way of doing things in Nigeria). The beliefs were created over time and passed from generation to generation (culture).⁹⁷⁵ It could have been acquired belief or learned.⁹⁷⁶ For instance, three respondents stated that:

‘In my location, stating personal information will assist the recruiter to determine the level of experience of the job seeker.’

‘Some employers require a certain age limit and gender for certain jobs.’

‘Most employers regard potential productivity as being a function of proximity.’

⁹⁷⁵ Patrick Edewor, Yetunde Aluko and Sheriff Folarin, ‘Managing Ethnic and Cultural Diversity for National Integration in Nigeria’ [2014] *Developing Country Studies* 70; Osibanjo Adewale and Adeniji Anthonia, ‘Impact of Organizational Culture on Human Resource Practices: A Study of Selected Nigerian Private Universities’ [2013] *Journal of Competitiveness* 115.

⁹⁷⁶ Osibanjo Adewale and Adeniji Anthonia, ‘Impact of Organizational Culture on Human Resource Practices: A Study of Selected Nigerian Private Universities’ [2013] *Journal of Competitiveness* 115; Edward Hall, *The silent language* (Doubleday 1959).

The problem with culture is that sometimes, there is no significant justification for its existence.⁹⁷⁷ As long as people believe it, it can be shared and learned.⁹⁷⁸ If these two respondents can believe that certain jobs require certain age or gender or that potential productivity is a function of proximity. In that case, it shows that they believe that such organisations must have a reason for their decisions.

As discussed in Chapter Five, culture provides regularities, continuity, and coordination.⁹⁷⁹ These ideologies are a system of ideas that a person or group of people holds over time and are committed to.⁹⁸⁰ A way of seeing things (reality) constrains or limits the other ways things can be viewed or seen.⁹⁸¹ If it is a norm for organisations to request personal characteristics from applicants, then, in the eyes of those applicants who share those beliefs, it is not discriminatory. Therefore, it can be inferred that discrimination, even though wrong and prohibited by law, is seen as a natural occurrence in society;⁹⁸² thus relevant.

6.5.2 Recruitment Edge

The second theme that generated from the question asked in Section 6.5 is 'Recruitment Edge' (see Chapter Two, Section 2.4.3).⁹⁸³ This resulted from observing that some respondents believed that personal information was relevant due to the advantage it gave them. When the

⁹⁷⁷ Boris Groysberg, Jeremiah Lee, Jesse Price and J. Yo-Jud Cheng, 'The Leader's Guide to Corporate Culture' [2018] Harvard Business Review 1; Shalom Schwartz, Universals in the Content and Structure of Values: Theory and Empirical Tests in 20 Countries. in Mark Zanna (ed), *Advances in Experimental Social Psychology* (Academic Press, INC 1992) Vol. 25, 1-65.

⁹⁷⁸ Boris Groysberg, Jeremiah Lee, Jesse Price and J. Yo-Jud Cheng, 'The Leader's Guide to Corporate Culture' [2018] Harvard Business Review 1; Shalom Schwartz, Universals in the Content and Structure of Values: Theory and Empirical Tests in 20 Countries. in Mark Zanna (ed), *Advances in Experimental Social Psychology* (Academic Press, INC 1992) Vol. 25, 1-65.

⁹⁷⁹ Marshall Sahlins, *Culture in Practice: Selected Essays* (1st edn, Zone Books 2000) 286.

⁹⁸⁰ Biljana Milikić, 'The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia' [2009] *Economic Annals* 93; Josué Nescolarde-Selva, José-Luis Usó-Doménech and Hugh Gash, 'What Are Ideological Systems?' [2017] *Systems* 21; Antonio Lebrón, 'What is Culture?' [2013] *Merit Research Journal of Education and Review* 126; Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Safa Al-Sarayrah, Ali Tarhini, Bader Obeidat, Zahran Al-Salti and Tagreed Kattoua, 'The Effect of Culture on Strategic Human Resource Management Practices: A Theoretical Perspective' [2016] *IJBMER* 704.

⁹⁸¹ Josué Nescolarde-Selva, José-Luis Usó-Doménech and Hugh Gash, 'What Are Ideological Systems?' [2017] *Systems* 21; Antonio Lebrón, 'What is Culture?' [2013] *Merit Research Journal of Education and Review* 126; Biljana Đorđević, 'Impact of National Culture on International Human Resource Management' [2016] *Economic Themes* 281; Biljana Milikić, 'The Influence of Culture on Human Resource Management Processes and Practices: The Propositions for Serbia' [2009] *Economic Annals* 93.

⁹⁸² Patrick Edewor, Yetunde Aluko and Sheriff Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' [2014] *Developing Country Studies* 70; Osibanjo Adewale and Adeniji Anthonia, 'Impact of Organizational Culture on Human Resource Practices: A Study of Selected Nigerian Private Universities' [2013] *Journal of Competitiveness* 115.

⁹⁸³ Question - *Do you think the personal information (Age, Sex (gender), Marital Status, Religion, State of Origin and Local Government) is relevant to the job?*

personal characteristics listed in a job advert matched their profile, they automatically become an ideal candidate for the vacant job. These respondents stated that:

'My gender is important for the proposed employer to the gender of the person they want to employ.'

'Most organisations are being specific on the gender, age and state (location) they want during their recruitment process; having this detailed on your CV gives you an edge.'

It seems that some respondents see discriminatory job adverts as a 'double-edged sword' (i.e., something that has or can have both favourable and unfavourable consequences). Probing further, the researcher decided to cross-check the respondents' answers to the online survey question – *'I find some job adverts discriminatory?* Out of the four responses above, three respondents strongly agreed, while one respondent stated that they agreed. It is interesting to see that even though these four respondents find job advert very discriminatory, they did not mind using their personal characteristics as a means to an end. Especially the respondents who said having personal information on their CV gives employers a good image of them. It subsequently functions more like a double-edged sword.

However, these responses are more personalised in nature. It appears that these respondents are saying this because they likely fit the profiles of the jobs they apply for. They are more at an advantage than a disadvantage. For instance, the responses about 'age' coming with experience and 'gender' translating to physical capabilities (see Chapter Five, Section 5.5.1) show that these respondents are happy with the job requirements because they are more likely to meet the job criteria. The researcher believes that culture has a part to play in this. If respondents have over time believed that discriminatory job adverts are a norm, they will start to believe that there is a reason why organisations require it, and those reasons can be justified as long as 'they' fit the profile. For instance, a respondent stated that:

'To create an edge for me in an interview or recruitment.'

This respondent strongly agrees that job adverts are discriminatory. So, what if the required personal characteristic(s) an organisation is asking for does not match that of the above respondent? Would this statement still be valid? The answer would most likely be 'no'. Then, their initial assertion that job adverts are discriminatory would suffice. Or it might be that the respondents still strongly agree that job adverts are discriminatory, but because they match a discriminatory job advert, it will not be relevant at that time.

To fully understand the reasons and responses respondents have stated above regarding the relevance of personal characteristics to the advertised job, it is important to revisit the question asked in Chapter Five, Section 5.4 – *'Why do you have this personal information on your CV?'*

As stated in that section, two themes generated from the analyses of responses – ‘Cultural Trend’ and ‘Identification’. ‘Cultural Trend’ was discussed in Chapter Five, Section 5.4, while the identification theme will be discussed here as there seems to be a correlation with the theme ‘Recruitment Edge’.

Identification was formed as a result of respondents using their CV as a means to allow organisations to know more about them (i.e., it involves providing a visual presentation of oneself). If an organisation requires specific individual characteristics for a job, then having these characteristics on CVs is essential. However, this form of identification was also used as a recruitment edge. Respondents also noted that this would help organisations with their search for the right candidate.

‘To give a potential employer an idea about me.’

‘It gives basic information about me without having to see me in person.’

‘Some jobs are suited to certain people, and it is better to be upfront than to get there for an interview and find out it is not for you.’

‘I feel it helps the recruiter know who you are and for criteria such as quota requirements.’

This means that although they found job adverts discriminatory, they still had personal information on their CVs in order to get recruited. Who can blame them? The rate of unemployment and underemployment in Nigeria is high, and people are actively looking for a source of livelihood. So, it is only fair or normal for job seekers to find a way to adapt to the situation and, where possible, present anything that may give them an upper hand against other candidates. To the respondent who stated that personal information is ‘basic’, yes, it is, but it is also not needed for assessing whether or not an individual matches a job. However, this study takes cognisance that some organisations require job seekers to complete an online profile that tends to ask for personal information. In this instance, such online forms should be only be used for separate equality monitoring, and the panel for interviewing candidates should not see this form.⁹⁸⁴

Theoretically, the concept of signalling can be used to explain this, specifically the literature on recruitment that discusses signalling theory from an applicant’s perspective.⁹⁸⁵ Signalling

⁹⁸⁴ Employers: Preventing Discrimination <<https://www.gov.uk/employer-preventing-discrimination/recruitment>> accessed 15 February 2019.

⁹⁸⁵ Meraiah Foley, ‘Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers’ Perspectives’ [2018] *Gender in Management: An International Journal* 623; Anthony Celani, and Parbudyal Singh, ‘Signaling Theory and Applicant Attraction Outcomes’ [2011] *Personnel Review* 222.

is used to understand how communication works in ambiguous conditions.⁹⁸⁶ Signalling can be used to explain how applicants' attraction to a recruiting organisation could potentially be influenced by signals or information about an organisation during recruitment activities.⁹⁸⁷ This is why CVs are important as it is generally the first communication between an applicant and a prospective employer.⁹⁸⁸ For instance, three respondents stated that having personal information on their CV will:

'Enable my assessors have a background knowledge of me.'

'To accurately describe myself.'

'It helps/guides prospective employers to hire an employee fit for the job.'

As seen from these responses, there is a link between respondents using their personal information as a form of identification and a recruitment edge. Respondents are using their information to signal their fit. If respondents believe that personal information is relevant to the job advertised, then it is normal for them to comply with the requirements because most job seekers usually apply for jobs, they believe they are a match with.

However, if it is known to these respondents that some job adverts are discriminatory, why would they want organisations to focus on how they look or their background knowing fully well this information might be used against them? A probable explanation is a lack of awareness of the law and the existing culture. Another explanation is noted by some respondents that:

'People that get the job most times don't have anything to do with their cv.'

'Some employers only publish adverts to fulfil an employment labour law requirement. Many already have family members and friends they want to employ.'

'You need to be connected before you can come into the system.'

As discussed in Chapter One, Section 1.2, Adisa et al. found that some organisations already knew who they were going to employ, and recruitment and selection processes are just for show.⁹⁸⁹ However, Adisa et al.'s findings further revealed that some jobs are only advertised

⁹⁸⁶ Anthony Celani, and Parbudyal Singh, 'Signaling Theory and Applicant Attraction Outcomes' [2011] Personnel Review 222; Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] Gender in Management: An International Journal 623.

⁹⁸⁷ Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] Gender in Management: An International Journal 623; Anthony Celani, and Parbudyal Singh, 'Signaling Theory and Applicant Attraction Outcomes' [2011] Personnel Review 222.

⁹⁸⁸ Michael Cole, Hubert Field, William Giles and Stanley Harris, 'Recruiters' Inferences of Applicant Personality Based on Resume Screening: Do Paper People have a Personality?' [2009] J Bus Psychol 5.

⁹⁸⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] Career Development International 703.

to fulfil employment laws, and vacant positions are already occupied by candidates who offer money or their bodies (in most cases, women) before the advertisements are made public.⁹⁹⁰ This is what the respondent above is implying, that having personal characteristics does not really matter because the organisation already have their candidate.

Going back to the theme 'Recruitment Edge', a few respondents also stated that they could perform better because they had the personal characteristics required than others who did not meet the criteria. For instance, this respondent stated that:

'For some jobs, the age of the job seeker matters because they cannot hire an old person for a job that is highly physical in nature. That I believe is the most important background information necessary.'

This, to an extent, shows that some respondents are not bothered about discrimination in job adverts as far as it does not have a direct consequence to them. But what these statements also mean is that these respondents are unconsciously biased towards other job applicants. Their stereotypical beliefs operate independently of their intent.⁹⁹¹ Bias against another begins from how individuals process incoming information. Just like when respondents stated in Chapter Five, Section 5.5.2, that certain jobs are better suited for men.

Two respondents noted that they included personal information because:

'It reveals high level of responsibility in my community.'

'I believe that since I am in a customer-facing role that my age and sex play an important role in my ultimate selection for the job and also in my interaction with the customers while on the job.'

Some jobs may be suited for certain individuals, but that should only be done except where there is a legitimate aim, as seen in the United Kingdom's Equality Act 2010. Preferably, recruitment criteria and standards should be based solely on capabilities, qualifications, skills, experience and the likes. Still, some can entail a person's personal characteristics only in pursuant to affirmative or positive action.⁹⁹² Positive action can be found in the United Kingdom

⁹⁹⁰ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The challenges of employee resourcing: the perceptions of managers in Nigeria' [2017] *Career Development International* 703, 712.

⁹⁹¹ Audrey Lee, 'Unconscious Bias Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481; Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

⁹⁹² Nuria Martín, 'Positive Action in EU Gender Equality Law: Promoting Women in Corporate Decision-Making Positions' [2014] *Spanish Labour Law and Employment Relations Journal* 20.

under the Equality Act 2010 and can only be accepted if it serves a legitimate aim.⁹⁹³ Positive action is not in itself lawful, but it is not prohibited.⁹⁹⁴ For it to be lawful, it must be done in promoting equal opportunities. For instance, where a job advertisement is aimed at assisting disadvantaged groups. However, this is not applicable or recognised in Nigeria, as it is neither prohibited nor accepted. What is preached by the constitution is equal opportunity amongst people.⁹⁹⁵

To digress a little, the proportion of females to males who believe that personal information is relevant to the job is higher (Table 6.3). Although more women completed this survey (Chapter Two, Section 2.4.4.2), one would think that due to the discrimination women have faced and continue to face, they would believe that personal information is not only discriminatory and unfair but irrelevant at best. However, this is not the case. More females believed that personal information requirements were relevant to the job advertised. It is possible that these female respondents do not understand or grasp the concept of discrimination. If the existing culture dictates that discrimination is normal, then respondents would believe it to be true. Graves and Powell, in their research, found that recruiters viewed applicants of the opposite sex more similar to them.⁹⁹⁶ To their surprise, female recruiters saw male applicants as more qualified than female applicants and more similar to themselves.⁹⁹⁷

Gender	Yes	No	I Don't Know
Female	26	22	4
Male	17	14	5

Table 6.3 Proportion of Females to Males on the Relevance of Personal Information

Women are under-represented despite global efforts of international bodies such as ILO, Commonwealth, and United Nations, among others, to improve women's rights and an equal future of women through numerous conventions, gender discrimination has not ceased.⁹⁹⁸ In

⁹⁹³ Equality Act 2010, s 159; Nuria Martín, 'Positive Action in EU Gender Equality Law: Promoting Women in Corporate Decision-Making Positions' [2014] Spanish Labour Law and Employment Relations Journal 20.

⁹⁹⁴ Ian Smith, Aaron Baker and Owen Warnock, *Smith & Wood's Employment Law* (13th edn, Oxford University Press 2015), 283.

⁹⁹⁵ Nigerian Constitution 1999 preamble – '... And to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people'.

⁹⁹⁶ Laura Graves and Gary Powell, 'The Effect of Sex Similarity on Recruiters' Evaluations of Actual Applicants: A Test of The Similarity-Attraction Paradigm' [1995] Personnel Psychology 85.

⁹⁹⁷ Laura Graves and Gary Powell, 'The Effect of Sex Similarity on Recruiters' Evaluations of Actual Applicants: A Test of The Similarity-Attraction Paradigm' (1995) 48 Personnel Psychology 85, 94.

⁹⁹⁸ Dominic Azuh, Matthew Egharevba and Akunna E. Azuh, 'Gender Discrimination and National Politics: The Nigerian Case' [2014] Covenant University Journal of Politics and International Affairs 19; Danielle Gaucher,

the researcher's opinion, not only does this question the female respondents' beliefs in their skills and capabilities to perform a job role but also how much culture has taken from them.

Finally, going back to 41% of respondents who selected 'No' that personal information is not relevant to a job (see Section 6.5 above). As stated above, this is the right mindset Nigerians should have. Personal characteristics should only be relevant in furtherance of positive action. Everyone should have an equal opportunity to apply for jobs. Equal opportunity is where everyone has the same chance to participate in and succeed at any aspect of their work and life.⁹⁹⁹ Equal opportunity flows from non-discrimination; this means access to apply for job vacancies, training, promotions, wages, and so much more.¹⁰⁰⁰ Some of the respondents who stated 'No' had this to say:

'The information doesn't align with the role.'

'Employment should not be determined by personal preferences but rather on skills and efficiency.'

'My age, gender or religion has nothing to do with my skills and my ability to do the required job.'

'The personal information is meant to be personal to start with and shouldn't be a criterion for job selection which ought to be based on my ability to match the required qualifications for the applied job.'

'It is personal, and besides, it may be lopsided depending on the recruiting officer.'

'My gender and my age should not determine my capacity or suitability for a role.'

'Personal information shouldn't be relevant to prevent discrimination.'

'I feel it's not necessary because it's discriminatory and infringes on Fundamental Human Rights of some set of individuals.'

An interesting statement by the last two respondents was their awareness of their Fundamental Human Rights (FHR) provided for under (Chapter IV) in the Nigerian

Justin Friesen and Aaron Kay 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109.

⁹⁹⁹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; ILO: Workplace Discrimination, A Picture of Hope and Concern (International Labour Organisation, 2003) <[https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081324/lang--en/index.htm](https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081324/lang-en/index.htm)> accessed 21 July 2019.

¹⁰⁰⁰ Augustin Agu, 'Ending Discrimination is Everyone's responsibility' (Economic Commission for Africa, 2009) <http://www.lcdsouthasia.org/callforaction/section_4.htm> accessed 21 July 2019; ¹⁰⁰⁰ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689.

Constitution.¹⁰⁰¹ It shows that these two respondents are aware of their rights not to be discriminated against. However, does this awareness translate to an awareness of an infringement? Are respondents aware that there can be an action to a court regarding discrimination?¹⁰⁰²

In the concluding sections of the online survey relating to 'Job Application and Discrimination during Job application', respondents were asked if they would apply for a job irrespective of meeting the job requirements. Results indicated that 56% of respondents would apply regardless, while 44% noted that they would not apply. It is normal for job applicants to try their luck by applying for a job where they do not meet the requirements, whether discriminatory or not. Also, with the rate of unemployment rising, it is better to apply and hope for the best. More so, recruiters are also known to look for other factors apart from CV, such as cover letters, CV construction (clear and concise formatting), accurate spelling and grammar, summary header, etc., as a deciding factor in selecting a job applicant. These other factors can help shift the focus from job seekers' personal characteristics to other more important things like skills and experiences. Therefore, there is no harm in job applicants applying.

Respondents were asked if they got accepted for a job despite not meeting the job advertisement requirements. 73% noted that they did not get employed, with 27% saying they were offered employment. Also, the 'job' in this instance means all the stages of recruitment and selection, such as job application, shortlisting, and interview.

If a candidate's personal characteristics is an essential determining factor, this would explain the percentage of the respondents rejected for a job. This is also because sometimes when respondents apply for the job despite not meeting the discriminatory requirements, discrimination can still likely transfer to the job interview phase. When it does, the job candidate will experience discrimination and not be employed for the job. More on job interviews will be discussed in the next chapter.

Finally, regarding the 27% of respondents who actually got the job despite not meeting the personal characteristics required, it can be inferred that in these peculiar cases, the organisation put candidates' skills, competencies and capabilities over personal characteristics. As stated earlier, organisations consider many variables before shortlisting

¹⁰⁰¹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹⁰⁰² *Odogu V. Attorney General of the Federation* [1999] 6 NWLR (Pt. 456) Pg. 508 (a) 552 – 'Fundamental Rights is a right guaranteed in the Nigerian Constitution and can be found entrenched in a particular chapter therein i.e., Chapter IV. It follows therefore that for an applicant to successfully institute an action under the Fundamental Rights (Enforcement Procedure) Rules, the claim must fall within sections 33 – 44 of the 1999 constitution being the sections under Chapter IV of the said 1999 Constitution.'

candidates for job interviews, and a candidate's personal characteristics are one of them. So, if respondents match the skills and experiences needed, their personal characteristics can be overlooked. Even if a specific personal characteristic is preferred, it might not be enough to outweigh the ability to perform a job. This was confirmed by HRP2, who stated that:

'I've found out over the years that it [personal characteristics] doesn't really matter. What matters is that you hire people who have the capacity, the ability and motivation to do the job.'

As discussed in previous chapters, HRM aims to match the applicant's skills, ability, knowledge, and experience with job requirements fairly and legally.¹⁰⁰³ More so, going back to the root of organisational strategy as a key tool for business performance in sustaining competitive advantage, organisations need people who can enhance their performance.¹⁰⁰⁴ Hence, this shows that organisations have either reverted to the fundamental basis of HRM by realising that personal information is not as significant as they thought.

6.6 Conclusion

In furtherance of the first and second research objectives, this chapter has identified discriminatory recruitment practices in Lagos State's private sector and analysed different types of discrimination present. It is evident from the analysis and discussions of the data collected that respondents acknowledge and recognise discrimination in job adverts. More importantly, it also concludes that discrimination does occur in job advertisements in Lagos State based on the exploration of online job adverts. These job adverts state the personal attributes potential applicants 'must' have before applying. Some job adverts not only state the skills and qualifications needed for the job, but they also demand specific physical characteristics or attributes they believe would help carry out the job such as age, gender, ethnicity, religion and sometimes marital status. Asides from organisations overtly

¹⁰⁰³ Stephen Robbins, Tim Judge, Aletta Odendaal and G Roodt, *Management of Organisational Behaviour: Global and Southern Africa Perspective* (3rd ed, Pearson Southern Africa Ltd 2016); Joy Ekwoaba, Ugochukwu Ikeije and Ndubuisi Ufoma, 'The Impact of Recruitment and Selection Criteria on Organizational Performance' [2015] *Global Journal of Human Resource Management* 22; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Vathsala Wickramasinghe, 'Staffing practices in the private sector in Sri Lanka' [2007] *Career Development International* 108.

¹⁰⁰⁴ Randall Schuler, Susan Jackson and Ibraiz Tarique, 'Global Talent Management and Global Talent Challenges: Strategic Opportunities for IHRM' [2011] *Journal of World Business* 506; Kathir Sangeetha, 'Effective Recruitment: A Framework' [2010] *IUP Journal of Business Strategy* 93; Clifford Zirra, Ogbu Ogbu and Grace Ojo, 'Impact of Recruitment and Selection Strategy on Employees' Performance: A Study of Three Selected Manufacturing Companies in Nigeria' [2017] *International Journal of Innovation and Economic Development* 32.

discriminating against certain classes of people, clear evidence of discrimination is not always as prevalent as some can be hidden in the wordings of the job descriptions.

When job seekers look out for vacant positions on job adverts, they are generally expected to focus on the job description to see if the skills needed to carry out the job role matches the skills and experiences they possess. However, this is not the case; job seekers also need to make sure they match the personal characteristics required by organisations. Respondents have voiced out the different types of discrimination they have experienced and how it deters them from applying for jobs. These were evident in the options respondents selected when asked what they look out for in job adverts and what deters them from applying for jobs. These attributes decide applicants' fate before they even get the chance to prove their skills and capabilities.¹⁰⁰⁵

However, what stood out was the 46.94% of respondents who believed that personal information was relevant to the job advertised. More particularly, those respondents who believed that they were relevant because the discriminatory requirements in job adverts favoured them. They used their personal information as a recruitment edge and means of identification. They also believed it was better for organisations to know who they were upfront. These beliefs were attributed to the lack of knowledge on the prohibition of discrimination and the rate of unemployment in Nigeria. Respondents are doing what they believe will favour them. However, this belief also triggered unconscious bias. Findings revealed that some respondents were biased towards other job applicants. They believed that organisations had the right to require certain personal characteristics because not everyone would be eligible to perform the job. They also believed that some jobs are better suited for certain types of people. This study found that a possible reason for the unconscious bias towards other job seekers is because respondents matched the job advert profile and did not care about others who did not.

Discrimination in pre-employment has a stronger negative impact on job seekers as it deprives them of their right to work and earn, which has been linked to poverty.¹⁰⁰⁶ It is present and contributes to the rate of unemployment in Nigeria. Organisations within the private sector can autonomously decide who they want to employ with significant dictations on the preferred applicant's characteristics, leading to potential discrimination. Recruitment criteria and standards should be based solely on capabilities, qualifications, skills and experiences needed

¹⁰⁰⁵ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Karmela Liebkind, Liisa Larjab and Asteria Brylka, 'Ethnic and Gender Discrimination in Recruitment: Experimental Evidence from Finland' [2016] *Journal of Social and Political Psychology* 403.

¹⁰⁰⁶ M N Thompson and J J Dahling, 'Employment and Poverty: Why Work Matters in Understanding Poverty' [2019] *American Psychologist* 673.

to carry out the job. It is believed that discrimination in pre-employment is just as significant as the occurrence of discrimination during employment.

Worth noting is that job adverts are not the only recruitment stage that discrimination occurs. Job seekers still have to cross the hurdles of job interviews where discrimination is still likely to occur, but discrimination is more direct and personal. In this view, the next chapter will explore the occurrence of discrimination during job interviews.

Chapter Seven

Discrimination in Job Interviews

7.0 Introduction

‘A question that discriminates illegally has no objective definition.’

- Keyton and Springston¹⁰⁰⁷

In Chapter Six, the occurrence of discrimination in job adverts from job seekers' perspectives was explored, with findings showing that respondents found job adverts discriminatory. Some online job adverts in Lagos State were also explored (Section 6.1), which confirmed the presence of discriminatory requirements as well. Surprisingly, some respondents stated that although they believe that job adverts are discriminatory, they also believe that the discriminatory requirements were relevant to the job. Some respondents even used the discriminatory requirements in job adverts to their advantage because they matched the requirements with even a few justifying why organisations need specific types of people.

Once job seekers are shortlisted for meeting the job requirements (job advert stage), the next stage is assessing whether the applicant should be hired. This is usually done through a job interview which typically precedes the ultimate hiring decision. As discussed in Chapter Four, job interviews are face-to-face interactions carried out to determine the qualifications of a given individual for a particular open position.¹⁰⁰⁸ Although the validity of the job interviews has been questioned, it remains the most widely used and accepted method for employee selection.

Consequently, in furtherance of answering the research questions one to four (Chapter One, Section 1.3.2), the aim of this chapter is to explore whether or not job interviews can be discriminatory and, if discriminatory, is it direct or indirect, and how does it impact on respondents? In Section C of the online survey administered (Chapter Two, Section 2.4), respondents were asked a series of questions about their experiences with discrimination in job interviews with questions ranging from the specific types of discrimination experienced, the emotional effects of discrimination, and whether or not they were able to challenge interviewers on the basis of discrimination. These questions were grouped, and the analysis

¹⁰⁰⁷ Joann Keyton and Jeff Springston, 'I Don't Want to Answer That! A Response Strategy Model for Potentially Discriminatory Questions' (1989) <<https://files.eric.ed.gov/fulltext/ED313763.pdf>> accessed 12 June 2020.

¹⁰⁰⁸ Julia Levashina, Christopher J Hartwell, Frederick P Morgeson and Michael A Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' (2014) *Personnel Psychology* 241, 243.

of the data collected from respondents will be discussed thematically within this chapter. Hence, this chapter will be divided into the following sections.

- Job Interviews and Discrimination in Lagos State – This sets the scene by affirming the occurrence of discrimination in job interviews by respondents.
- Gender Disparity in Job Interviews – This explores specific inferences of gender bias in job interviews. It also explores how gender discrimination mostly affects women in Lagos State, especially when it has to do with linking the notion of being responsible to a woman's marital status.
- Culture – This considers how culture influences conscious and unconscious bias towards job candidates in Lagos and how it can influence job interview questions and, ultimately, hiring decisions. This section also explores the interview methods that can encourage discrimination.
- Effects of Verbal Discrimination on Respondents – This investigates how discriminatory questions negatively affects respondents' well-being and self-esteem.
- Challenging Discriminatory Job Interviews – This discusses whether or not respondents could challenge the outcome or decisions of job interviews based on discriminatory requirements.

7.1 Job Interviews and Discrimination in Lagos State

Researchers have noted that employment interview is sometimes filled with inappropriate and discriminatory practices.¹⁰⁰⁹ A number of other studies dating back to the 1990s have investigated discrimination in job interviews.¹⁰¹⁰ Foreign reports have been documented that job interviewers often request job candidates to answer questions that might be considered discriminatory, inappropriate, or illegal, such as race, nationality, age, family status,

¹⁰⁰⁹ Lynne Bennington, 'Age Discrimination: Converging Evidence from Four Australian Studies' [2001] *Employee Responsibilities and Rights Journal* 125; Rick Hackett, Laurent Lapierre and Helen Gardiner, 'A Review of Canadian Human Rights Cases Involving the Employment Interview' [2004] *Canadian Journal of Administrative Sciences/Revue Canadienne des Sciences de l'Administration* 215; Frederick Morgeson, Matthew Reider, Michael Campion and Rebecca Bull, 'Review of Research on Age Discrimination in the Employment Interview' [2008] *Journal of Business and Psychology* 223.

¹⁰¹⁰ Lynne Bennington, 'Age Discrimination: Converging Evidence from Four Australian Studies' [2001] *Employee Responsibilities and Rights Journal* 125; Nicholas S Miceli, Michael Harvey and M Ronald Buckley, 'Potential Discrimination in Structured Employment Interviews' [2001] *Employee Responsibility and Rights Journal* 15; Richard D Arvey and James E Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281; Allen Huffcutt and Philip Roth, 'Racial Group Differences in Employment Interview Evaluations' [1998] *Journal of Applied Psychology* 179.

disabilities, sex, and religion.¹⁰¹¹ Data from this research confirms these reports apply to Lagos State as well. Discrimination during job interviews is one of the problems facing employment in Lagos State, Nigeria. Some organisations in Lagos State tend to ask discriminatory questions related to job candidates' age, gender, marital status, religion or even ethnicity. More so, job candidates are expected to answer.

Several studies show that organisations hire people like themselves by seeking potential candidates who are similar to them in terms of experiences, qualifications, looks, leisure activities and self-presentation styles.¹⁰¹² For instance, HRP3 stated that sometimes their ideal candidate has to fit a particular job role, whether discriminatory or not.

'We have a job description, and we already know the person's specification. So, let's say we are recruiting for a brand that represents the younger generation. It's [organisation] a party jolly brand; you have to recruit for the brand. Therefore, when recruiting, you need someone that can represent the brand. So, you have to look at the age and personality of the applicant.'

As HRP3 stated above, for their organisation, there has to be a fit between the job candidate and the organisation. This is what is called Person-Organisational fit (P-O fit). P-O fit, according to HRM scholars, involves a person's compatibility with multiple systems in the work environment.¹⁰¹³ P-O fit can also be 'the assumption that attitudes, behaviour and other person level outcomes result not from the person or the work environment independent of each other,

¹⁰¹¹ Lieselotte Blommaert, Marcel Coenders and Frank van Tubergen, 'Ethnic Discrimination in Recruitment and Decision Makers' Features: Evidence From Laboratory Experiment and Survey Data Using a Student Sample' [2014] *Social Indicators Research* 731; Lynne Bennington, 'Age Discrimination: Converging Evidence from Four Australian Studies' [2001] *Employee Responsibilities and Rights Journal* 125; Rick Hackett, Laurent Lapierre and Helen Gardiner, 'A Review of Canadian Human Rights Cases Involving the Employment Interview' [2004] *Canadian Journal of Administrative Sciences/Revue Canadienne des Sciences de l'Administration* 215; Frederick Morgeson, Matthew Reider, Michael Campion and Rebecca Bull, 'Review of Research on Age Discrimination in the Employment Interview' [2008] *Journal of Business and Psychology* 223.

¹⁰¹² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689. Timothy Judge, Chad Higgins and Daniel Cable, 'The Employment Interview: A Review of Recent Research and Recommendations for Future Research' [2000] *Human Resource Management Review* 383; Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] *J Bus Psychol* 175; John Hausknecht, David Day and Scott Thomas, 'Applicant Reactions to Selection Procedures: An Updated Model and Meta-Analysis' [2004] *Personnel Psychology* 639.

¹⁰¹³ Amy L Kristof-Brown, Ryan D Zimmerman, Erin C Johnson, 'Consequences of Individuals' Fit at Work: A Meta-Analysis of Person-Job, Person-Organization, Person-Group, and Person-Supervisor Fit' [2005] *Personnel Psychology* 281; Michael J Morley, 'Person-Organization Fit' [2007] *Journal of Managerial Psychology* 109; Sally A Carless, 'Person-job Fit Versus Person-Organization fit as Predictors of Organizational Attraction and Job Acceptance Intentions: A Longitudinal Study' [2005] *Journal of Occupational and Organizational Psychology* 411.

but rather from the relationship between the two'.¹⁰¹⁴ According to the Chartered Institute of Personnel and Development (CIPD), the dangers of P-O fit occurs when organisations select applicants who seem similar to themselves or their colleagues.¹⁰¹⁵ From an organisational perspective, while conventional recruitment and selection processes are centrally concerned with work-oriented analyses such as skills, experiences, capabilities and abilities required for the performance of the job, P-O fit looks beyond the job to identify extra-role behaviour.¹⁰¹⁶ As stipulated in HRP3 response above, HRP3 was selecting younger job candidates because the organisation represents the younger generation. Selecting for organisational fit can also occur unconsciously because the fit can be assessed subjectively – Affinity bias (the unconscious predisposition to get along with others who are like us).¹⁰¹⁷ HRP3 likely used past experiences rather than a job candidate's knowledge, skills, and abilities commensurate with what the job requires (Person-Job fit).

Discriminatory questions during job interviews have a significant adverse effect on a candidate's perceptions of the organisation, treatment of employees, intentions to pursue employment and recommend the organisation to others.¹⁰¹⁸ This can be said to be the same as the occurrences of discrimination during job applications. However, as seen in job adverts (Chapter Six), written forms of discrimination have a different effect from verbal ones.¹⁰¹⁹ Discrimination during job interviews is more personal. It may be inferred that if job seekers apply for a job without meeting the personal criteria required, they are more likely to face discrimination at the interview stage, where many of their physical/personal characteristics

¹⁰¹⁴ Michael J Morley, 'Person-Organization Fit' [2007] *Journal of Managerial Psychology* 109, 110.

¹⁰¹⁵ Chartered Institute of Personnel and Development, 'A Head for Hiring: The Behavioural Science of Recruitment and Selection' (2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed on 19 October 2019.

¹⁰¹⁶ Amy L Kristof-Brown, Ryan D Zimmerman, Erin C Johnson, 'Consequences of Individuals' Fit at Work: A Meta-Analysis of Person-Job, Person-Organization, Person-Group, and Person-Supervisor Fit' [2005] *Personnel Psychology* 281; Michael J Morley, 'Person-Organization Fit' [2007] *Journal of Managerial Psychology* 109; Sally A Carless, 'Person-job Fit Versus Person-Organization fit as Predictors of Organizational Attraction and Job Acceptance Intentions: A Longitudinal Study' [2005] *Journal of Occupational and Organizational Psychology* 411.

¹⁰¹⁷ Amy L Kristof-Brown, Ryan D Zimmerman, Erin C Johnson, 'Consequences of Individuals' Fit at Work: A Meta-Analysis of Person-Job, Person-Organization, Person-Group, and Person-Supervisor Fit' [2005] *Personnel Psychology* 281; Michael J Morley, 'Person-Organization Fit' [2007] *Journal of Managerial Psychology* 109.

¹⁰¹⁸ Alan SaksEmail and Julie McCarthy, 'Effects of discriminatory interview questions and gender on applicant reactions' [2006] *Journal of Business and Psychology* 175.

¹⁰¹⁹ Maria-Eugenia Merino, David John Mellor, José Luis Saiz and Daniel Quilaqueo, 'Perceived Discrimination amongst the Indigenous Mapuche People in Chile: Some Comparisons with Australia' [2009] *Ethnic and Racial Studies* 802; Isolda Rojas-Lizana, 'Perceived Discrimination in LGBTIQ Discourse from Australia: A Typology of Verbal Discrimination' [2014] 11 *Journal of Multidisciplinary International Studies* 1.

cannot be hidden.¹⁰²⁰ So, discrimination might just merely be postponed at the job advert stage.¹⁰²¹ This was confirmed by a respondent:

‘Job adverts found to be discriminatory would definitely end up having a discriminating interview.’

At the job application stage, respondents were able to see discrimination written in job adverts, but the effect on them might not necessarily be the same. The experience of direct discrimination can be more intense.¹⁰²² Verbal discrimination conveys a different emotion or feeling than those experienced in job adverts. As such, insight into the experiences of discriminatory job interviews will be explored from the perspective of respondents in Lagos State.

As discussed in Chapter Six, Section 6.2, one of the questions in the online survey distributed asked respondents:

- *Have you experienced discrimination at any of the following stages: Advertisement stage, CV submission stage and Interview stage?*

A total of 61% of respondents selected the interview stage as the place where they have mostly experienced discrimination. However, for further clarification, the researcher chose to be more intentional by asking respondents more directly if they find job interviews discriminatory. This is because the first question above involved all the three stages of pre-employment (advertisement stage, CV submission stage and interview stage), and some of the responses gotten could not be filtered to the specific pre-employment stage. Therefore, using a Likert scale, respondents were asked:

- *I find some job interviews discriminatory.*

As shown in Table 7.1 below, a total of 55% of respondents affirmed that they found job interviews in Lagos State discriminatory. This percentage includes respondents who ‘agree’ and ‘strongly agree’. This confirms and authenticates respondents’ initial selection of the interview stage, where they have experienced the most discrimination. More so, this affirms that discrimination is present in job interviews.

¹⁰²⁰ Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, ‘Anonymous job applications of fresh PhD Economists’ [2012] *Economics Letters* 117; Ulf Rinne, ‘Anonymous Job Applications and Hiring Discrimination’ (2014) 48 *IZA World of Labor* < <https://wol.iza.org/uploads/articles/48/pdfs/anonymous-job-applications-and-hiring-discrimination.pdf> > accessed 29 November 2019.

¹⁰²¹ Ulf Rinne, ‘Anonymous Job Applications and Hiring Discrimination’ (2014) 48 *IZA World of Labor* < <https://wol.iza.org/uploads/articles/48/pdfs/anonymous-job-applications-and-hiring-discrimination.pdf> > accessed 29 November 2019.

¹⁰²² Oran Doyle, ‘Direct Discrimination, Indirect Discrimination and Autonomy’ [2007] *Oxford Journal of Legal Studies* 537; Justyna Maliszewska-Nienartowicz, ‘Direct and Indirect Discrimination in European Union Law How to Draw a Dividing Line?’ [2014] *International Journal of Social Sciences* 41.

Strongly agree	20%
Agree	34%
Neither agree nor disagree	36%
Disagree	9%
Strongly disagree	0.00%

Table 7.1 Percentage of Respondents who find Job interview Discriminatory

Job interviews give more weight to negative information than to positive information.¹⁰²³ This is because, at the beginning of an interview, the only information available to the interviewer is usually the CV, and a conscious or unconscious negative behaviour is formed.¹⁰²⁴ Seeing a job candidate in person brings to life their personal characteristics, allowing the interviewer to form a conscious or unconscious bias. This can sway or form the foundation of the questions to be asked.¹⁰²⁵

However, 36% of respondents neither agreed nor disagreed about finding job interviews discriminatory. Respondents in this category are somewhere between agreeing and disagreeing, which means that they have not really formed an opinion about discriminatory job interviews. However, this could also mean that respondents have not experienced discrimination during job interviews or that the notion of discrimination perceived is subtle enough to not create a lasting impression. Not everyone will perceive discrimination even when the act in itself is discriminatory. More so, it could be that some respondents use discriminatory requirements as a recruitment edge, as discussed in Chapter Six, Section 6.5.2. Therefore, if they match the criteria, then discrimination might not be perceived even at the interview stage.

What was more intriguing was the fact that none of the respondents strongly disagreed. This could be an indicator of the cultural factor influencing discrimination. As discussed in Chapter Five, respondents expect some form of discrimination in recruitment and selection processes which they have not openly discouraged. More so, in Chapter Three, Section 3.10, findings showed that 42% of respondents were not aware of their right to be free from discrimination guaranteed by section 42 of the Nigerian Constitution 1999 (as amended 2011). Therefore, it is believed that some respondents must think of discrimination to be wrong but not illegal, or they might just be unsure of the legal stance of discrimination since it is culturally motivated.

¹⁰²³ Alan SaksEmail and Julie McCarthy, 'Effects of discriminatory interview questions and gender on applicant reactions' [2006] *Journal of Business and Psychology* 175; Richard D Arvey and James E Campion, 'The Employment Interview: A Summary and Review of Recent Research' (1982) 35 *Personnel Psychology* 281.

¹⁰²⁴ Kathleen P Hess, 'Investigation of nonverbal discrimination against women in simulated initial job interviews' [2013] *Journal of Applied Social Psychology* 544.

¹⁰²⁵ Kathleen P Hess, 'Investigation of nonverbal discrimination against women in simulated initial job interviews' [2013] *Journal of Applied Social Psychology* 544.

During interviews, the commonly found discriminatory or inappropriate questions involve age, sex, disability, ethnicity and religion. Research also shows that language plays an important role in social inequality.¹⁰²⁶ This may evoke consistent stereotype behaviour, resulting in an unconscious and automatic negative evaluation of a job candidate.¹⁰²⁷ Speaking is not merely expressing and communicating one's intentions; people intentionally do things with words.¹⁰²⁸

However, job candidates' perception of discriminatory treatment can only occur when they compare their differential treatments with the way other groups are treated. What is deemed to be 'unfair' can translate to be 'bad'.¹⁰²⁹ This is why some 'bad treatment' may be perceived as 'discriminatory' treatment, as discrimination is the unfair treatment of a person based on their personal characteristics or group membership.¹⁰³⁰

In addressing the 9% of respondents who stated that they had not experienced any discrimination in job interviews, this can be a true statement. It is possible that they might have never experienced discrimination. Not everyone is likely to be discriminated against, especially when you meet the organisation's recruitment criteria, personal or otherwise. If organisations are impressed by a candidate's interview, the chances are that they will be accepted. However, there are reports that not everyone who has been discriminated against actually knows that they are being discriminated against.¹⁰³¹ More so, some bystanders have the tendencies to perceive discriminatory acts done to others who are oblivious of them.¹⁰³² This

¹⁰²⁶ Maria-Eugenia Merino, David John Mellor, José Luis Saiz and Daniel Quilaqueo, 'Perceived Discrimination amongst the Indigenous Mapuche People in Chile: Some Comparisons with Australia' [2009] *Ethnic and Racial Studies* 802; Isolda Rojas-Lizana, 'Perceived Discrimination in LGBTIQ Discourse from Australia: A Typology of Verbal Discrimination' (2014) 11 *Journal of Multidisciplinary International Studies* 1.

¹⁰²⁷ Sharon L Segrest Purkiss, Pamela L Perrewé, Treena L Gillespie, Bronston T Mayes and Gerald R Ferris, 'Implicit Sources of Bias in Employment Interview Judgments and Decisions' [2006] *Organizational Behavior and Human Decision Processes* 152.

¹⁰²⁸ Sharon L Segrest Purkiss, Pamela L Perrewé, Treena L Gillespie, Bronston T Mayes and Gerald R Ferris, 'Implicit Sources of Bias in Employment Interview Judgments and Decisions' [2006] *Organizational Behavior and Human Decision Processes* 152.

¹⁰²⁹ Ingo Forstenlechner and Mohammed A Al-Waqf, 'A job interview for Mo, but none for Mohammed' *Religious discrimination against immigrants in Austria and Germany* (2010) 39 *Personnel Review* 767, 770.

¹⁰³⁰ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; Eden King and Afra Ahmad, 'An Experimental Field Study of Interpersonal Discrimination Toward Muslim Job Applicants' [2010] *Personnel Psychology* 881; Abdullahi Kangiwa, 'Gender Discrimination and Feminism in Nigeria' [2015] *International Journal of Economics, Commerce and Management* 752.

¹⁰³¹ Katherine Naff, 'Subjective vs. Objective Discrimination in Government: Adding to the Picture of Barriers to the Advancement of Women' [1995] *Political Research Quarterly* 535; Renata Stefańska, 'Subjective Discrimination. Do Foreigners Feel Discriminated on Polish Labour Market?' [2007] *Centre of Migration Research* <<https://ec.europa.eu/eurostat/documents/1001617/4577877/3-6-STEFANSKA-EN.pdf>> accessed on 19 September 2019; Kristen P Jones, Dave F Arena, Christine L Nittrover, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

¹⁰³² Katherine Naff, 'Subjective vs. Objective Discrimination in Government: Adding to the Picture of Barriers to the Advancement of Women' [1995] *Political Research Quarterly* 535; Renata Stefańska, 'Subjective Discrimination. Do Foreigners Feel Discriminated on Polish Labour Market?' [2007] *Centre of Migration Research* <<https://ec.europa.eu/eurostat/documents/1001617/4577877/3-6-STEFANSKA-EN.pdf>> accessed on

can be seen from the responses of two respondents when asked why they found job interviews discriminatory. They stated that:

'I disagree because you never know when you're discriminated against at an interview.'

'Once you have the required qualification and skills, the interview process won't seem discriminatory.'

Theoretically speaking, the first statement can both be true and false. Discrimination can be both subjective and objective in nature. As stated earlier, discrimination can also be very subtle and often overlooked. Subtle discrimination in employment is the perception that an irrelevant criterion or criteria affect how one is evaluated or treated.¹⁰³³ Some scholars have argued that people who discriminate often rely on subtle discrimination to express bias in a way that does not explicitly violate expectations for equality and social norms.¹⁰³⁴ Subtle discrimination is even unintentional and usually examined at the interpersonal level.¹⁰³⁵ Though subtle discrimination makes unfairness unclear in situations where discrimination is hard to detect.¹⁰³⁶ Yet, regardless of whether the perceived discrimination was subtle or overt, perceived or not, the outcome would still be the same. The job candidate would be at a disadvantage because they would have missed out of a job offer.¹⁰³⁷

With regards to the second statement, this can be said to be true. If respondents meet the necessary criteria in the job advert, including the discriminatory ones, the interview questions might not seem discriminatory to them. The questions asked, even though it pertains to their personal attributes, might not be deemed discriminatory because respondents themselves are using their attributes as an advantage. They know that a specific type of individual was

19 September 2019; Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

¹⁰³³ Katherine Naff, 'Subjective vs. Objective Discrimination in Government: Adding to the Picture of Barriers to the Advancement of Women' [1995] *Political Research Quarterly* 535; Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

¹⁰³⁴ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51; Kristen Jones, Chad Peddie, Veronica Gilrane, Eden King and Alexis Gray, 'Not So Subtle: A Meta-Analytic Investigation of the Correlates of Subtle and Overt Discrimination' [2016] *Journal of Management* 1588.

¹⁰³⁵ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51; Christine Crandall and Amy Eshleman, 'A Justification-Suppression Model of the Expression and Experience of Prejudice' [2003] *Psychological Bulletin* 414.

¹⁰³⁶ Kristen Jones, Chad Peddie, Veronica Gilrane, Eden King and Alexis Gray, 'Not So Subtle: A Meta-Analytic Investigation of the Correlates of Subtle and Overt Discrimination' [2016] *Journal of Management* 1588.

¹⁰³⁷ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51; Christine Crandall and Amy Eshleman, 'A Justification-Suppression Model of the Expression and Experience of Prejudice' [2003] *Psychological Bulletin* 414.

requested in the job adverts, and they fit the profile. So, if any questions are asked during interviews relating to those requirements, then it will not be deemed discriminatory.

Another probable instance is that the respondent not 'necessarily' experiencing discrimination might likely be due to the respondent not taking note of any discriminatory questions or the discriminatory question did not have a negative effect on them. In Alan Saks and Julie McCarthy's research, they noted that where candidates were asked two discriminatory questions, it did not always have an adverse effect on them as opposed to those who were asked four or more discriminatory questions.¹⁰³⁸ Their findings suggest that there seems to be a 'threshold effect' in the tolerance of discriminatory questions. When the discriminatory question(s) exceeds the threshold limit, candidates might strongly react against them and form negative perceptions about the organisation.¹⁰³⁹ This can be said to be the case with the two respondents earlier referenced.

Some respondents also stated that interviewers already have a preconception about who they want to recruit or who the preferred candidate is, regardless of meeting job criteria. They noted that the interview stage is just a formality:

'Some appear to have their recruitments sorted already before the interviews.'

'Most times, I feel they already have a candidate. The interview is just a formality.'

'Considering the part of the world I'm in, it's not on merit but on knowing someone in the top management.'

These responses support the study conducted by Adisa et al., who noted that some organisations already know who their ideal candidates are, and the recruitment process is just a formality. Also, as mentioned in Chapter Four, Section 4.4.2, impressions are formed within the first four minutes of the interviews.¹⁰⁴⁰ It takes twice the effort to change an interviewer's initial negative impression of a candidate than a positive impression.¹⁰⁴¹ In light of this, the respondents are right to think this way. Some individuals are not necessarily employed based

¹⁰³⁸ Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] J Bus Psychol 175; Timothy Judge, Chad Higgins and Daniel Cable, 'The Employment Interview: A Review of Recent Research and Recommendations for Future Research' [2000] Human Resource Management Review 383.

¹⁰³⁹ Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' (2006) J Bus Psychol 175, 184.

¹⁰⁴⁰ Murray Barrick, Jonathan Shaffer and Sandra Deggrasi, 'What You See May Not Be What You Get: Relationships Among Self-Presentation Tactics and Ratings of Interview and Job Performance' [2009] Journal of Applied Psychology 1394; Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

¹⁰⁴¹ P M Rowe, 'Unfavorable Information and Interview Decisions' in R W Eder and G R Ferris (eds.), *The Employment Interview: Theory, Research, and Practice* (Sage 1989).

on merit and quality but often based on who they know outside or within the organisation or based on specific personal characteristics.¹⁰⁴² Interviewers knowing who they want to recruit beforehand is a common practice in Nigeria. These discretionary and autonomous powers of interviewers align¹⁰⁴³ with the 'Hard' HRM approach where power lies solely with the management, as discussed in Chapter Four, Sections 4.1.1 and 4.7. Olatunji and Ugoji stated that employees who are not recruited on merit-based appointment often become 'strangers' in such environment 'since the new appointee often times has little or no knowledge of the environment, the people, nuances and circumstances'.¹⁰⁴⁴ They also noted that employees recruited into organisations through certain influences act according to the dictates of the influencing force that puts them in position and are placed under pressure.¹⁰⁴⁵ This was also stated by a respondent:

'I applied for a job in a manufacturing company; in the interview, they said I was more qualified, but another was given the job and had no knowledge of the job.'

As discussed in Chapters One and Four of this thesis, this is one of the challenges of recruitment practices in Nigeria. Many organisations in Nigeria ignore standard recruitment and selection programmes due to favouritism.¹⁰⁴⁶ According to CIPD, while there are policies and legislation in place prohibiting discrimination in employment, individual prejudices, attitudes and bias (both conscious and unconscious) exist.¹⁰⁴⁷ Research on training outcomes conducted by Alhejji et al. shows that attitudes and emotions are hard to influence and are powerful factors in discrimination.¹⁰⁴⁸

When respondents were asked to give more details as to why they believed job interviews were discriminatory, two factors emerged, which are 'Gender Disparities' and 'Cultural Influence'. These are discussed below.

¹⁰⁴² Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703

¹⁰⁴³ Paulinus Woka Ihuah, 'A Review of Soft and Hard Approaches of Human Resource Management and the Success of Real Estate Development in Nigeria' [2014] *Journal of Business Management and Economic Development* 16; Nor Khomar Ishak, Fakhru Zaman Abdullah and Zainal Abidin Ramli, 'The Association Between Hard and Soft Human Resource Management Orientations in the Malaysian Hotel Organizations' [2011] *International Journal of Business and Social Science* 213.

¹⁰⁴⁴ Eniola Sule Olatunji and Elizabeth I Ugoji, 'Impact of Personal Recruitment on Organizational Development: A Survey of Selected Nigerian Workplaces' [2013] *International Journal of Business Administration* 79, 88.

¹⁰⁴⁵ Eniola Sule Olatunji and Elizabeth I Ugoji, 'Impact of Personal Recruitment on Organizational Development: A Survey of Selected Nigerian Workplaces' [2013] *International Journal of Business Administration* 79.

¹⁰⁴⁶ O H Onyeaghala, and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1.

¹⁰⁴⁷ Mel Green, Heather Bond, Jill Miller and Jonny Gifford, 'Diversity and Inclusion At Work: Facing Up To The Business Case' (2018) <https://www.cipd.co.uk/Images/diversity-and-inclusion-at-work_2018-facing-up-to-the-business-case-1_tcm18-44146.pdf> accessed 26 October 2019.

¹⁰⁴⁸ Hussain Alhejji, Thomas Garavan, Ronan Carbery, Fergal O'Brien and David McGuire 'Diversity training Programme Outcomes: A Systematic Review' [2016] *Human Resource Development Quarterly* 95.

7.2 Gender Disparities and Cultural influence in Job Interviews

In Chapter Five, Section 5.5.2 and Chapter Six, Section 6.3.2, cultural patriarchy as a powerful determinant in Nigeria was discussed. Discrimination against females in accessing education and the labour force in Nigeria has been well documented over the years.¹⁰⁴⁹ The Nigerian society, which is traditional in nature, is a structure of a set of social relations that enables men to dominate women.¹⁰⁵⁰ This plays a role in recruiting males over females.¹⁰⁵¹ Gender stereotypes usually 'spills over' into workplaces and causes employers to have different expectations for men and women.¹⁰⁵² When it comes to sex (gender), women are particularly more sensitive to discriminatory questions during job interviews.¹⁰⁵³ Some respondents stated their experiences in job interviews as:

'I get comments on my ability as a female as not being competent or competitive enough. Some say the work requires a strong man to do.'

'They are not looking for my sex type.'

'Some employees already have a gender specific requirement for a job. If you happen to be the opposite gender. They most likely will write you off before you finish.'

These series of questioning by job interviewers are indeed discriminatory on the grounds of gender. As mentioned earlier, the patriarchal society in Nigeria creates a system where women are being placed at structurally unequal positions in employment and families than men.¹⁰⁵⁴ It is also the reason why some women are not allowed to excel to senior roles. This

¹⁰⁴⁹ Ayiola Tomilayo Akindele and Emmanuel Olaniyi Dunmade, 'The Role of Gender and Religion on Women Participation in Decision Making Process in Nigeria' [2020] Fountain University Osogbo Journal of Management 23; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115.

¹⁰⁵⁰ Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1.

¹⁰⁵¹ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115.

¹⁰⁵² Gabriele Plickert and Joyce Sterling, 'Gender Still Matters: Effects of Workplace Discrimination on Employment Schedules of Young Professionals' [2017] Laws 1; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1

¹⁰⁵³ Kenneth L Dion, 'Women's Reactions to Discrimination from Members of the Same or Opposite Sex' [1975] Journal of Research in Personality 294; Nyla R Branscombe, Michael T Schmitt and Richard D Harvey, 'Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being' [1999] Journal of Personality and Social Psychology 135.

¹⁰⁵⁴ L F C Ntoimoo and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the

can be confirmed by a respondent who was told she would not be able to supervise older male employees. It is opined that the problem is not the respondent's inability to manage the male colleagues but the potential refusal or inability of the male colleagues to submit to a woman. Hence the presence of a cultural factor (see Chapter Five). When men refuse to submit, there is a possibility of conflict because women's traditional position in the Nigerian society is one of subordination.¹⁰⁵⁵ It is not culturally acceptable in Nigeria for women to be seen as superior to men. Although women are increasingly asserting themselves as they become more empowered educationally and economically, they continue to be viewed through patriarchal lenses in Nigeria.¹⁰⁵⁶ Some men's ego or masculinity will not allow it. This has also been observed in Nigerian politics.¹⁰⁵⁷ The percentage of women in politics in Nigeria is one of the lowest in the world.¹⁰⁵⁸

In Nigeria, a man is the head of the family and is sometimes labelled as the 'crown on a woman's head'. This can be seen in the response given by a respondent who stated that:

'Things like the job requires you to leave work late, so your husband might not want that.'

'They kept on asking if I could work really late hours.'

'It was a no brainer to me that though I was a strong candidate for the role, their concerns about me appearing to be a likely flight risk were glaring.'

The phrase 'your husband might not want that' signifies the superiority of a man over his wife, and a wife needs permission from her husband to do certain things. She, the wife, is expected to be 'home timely' to cater for the husband and home. This type of practice is shared within

Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115.

¹⁰⁵⁵ Allanana Makama Godiya, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] European Scientific Journal 115; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26.

¹⁰⁵⁶ Olawale Y Olonade, Blessing O Oyibode, Bashiru Olalekan Idowu, Tayo O George, Oluwakemi S Iwelumor, Mercy I Ozoya, Matthew E Egharevba and Christiana O Adetunde, 'Understanding Gender Issues in Nigeria: The Imperative for Sustainable Development' [2021] Heliyon 1; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1.

¹⁰⁵⁷ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1.

¹⁰⁵⁸ Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] International Journal of Discrimination and the Law 26; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] Global Journal of Human Resource Management 1.

many tribes in Nigeria. Men are perceived to be free to work long hours by employers.¹⁰⁵⁹ Family life is more associated with females, as noted by the respondents who stated that they were asked about child commitments. It is not surprising that organisations prefer single women to married ones because they believe that they might not have family commitments or responsibilities. Hence, it is easy for an interviewer to assume that a female candidate should get her husband's permission to work long hours.

Even religion as a cultural factor plays a role in gender inequality or patriarchy.¹⁰⁶⁰ Women have constantly been told to be submissive and inferior to men. Also, there is gender inequality in certain Christian churches where women are not allowed to be pastors or heads of the church. This and other lead positions are reserved strictly for men. Christianity dictates that God created men to be leaders in families and society.¹⁰⁶¹ This can be seen in Ephesians 5:22–24, which states that:

Wives submit yourselves to your own husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Saviour. Now, as the church submits to Christ, so also wives should submit to their husbands in everything.

This Bible verse has also been inducted into the Yoruba doctrine as – '*Oko lo lori aya*', which means that the 'husband is the head of the wife'. The assumption of the inferiority of women also stems from the belief that men are breadwinners or providers who go out to work.¹⁰⁶² This was confirmed by some respondents who were denied due to being engaged and married. They stated that:

'I will not be considered because I was engaged to be married.'

¹⁰⁵⁹ Gabriele Plickert and Joyce Sterling, 'Gender Still Matters: Effects of Workplace Discrimination on Employment Schedules of Young Professionals' [2017] *Laws* 1; Margaret Thornton, 'Work/life or work/work? Corporate legal practice in the twenty-first century' [2016] *International Journal of the Legal Profession* 13.

¹⁰⁶⁰ Ayiola Tomilayo Akindele and Emmanuel Olaniyi Dunmade, 'The Role of Gender and Religion on Women Participation in Decision Making Process in Nigeria' [2020] *Fountain University Osogbo Journal of Management* 23; Socrates Mbamalu, 'Nigerian Churches and Their Role in Encouraging Patriarchy' (2017) <<https://thisisafrica.me/politics-and-society/african-churches-role-encouraging-patriarchy/>> accessed on 11 April 2021.

¹⁰⁶¹ Solomon O Ademiluka, 'For the Husband is the Head of the Wife': A Contextual Re-reading of Ephesians 5:22 - 33 Among Nigerian Yoruba Christians' [2021] *In die Skriflig* 1; Onyeka C Okongwu, 'Are Laws the Appropriate Solution: The Need to Adopt Non-policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria' [2020] *International Journal of Discrimination and the Law* 26; Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' [2013] *European Scientific Journal* 115.

¹⁰⁶² Ayiola Tomilayo Akindele and Emmanuel Olaniyi Dunmade, 'The Role of Gender and Religion on Women Participation in Decision Making Process in Nigeria' [2020] *Fountain University Osogbo Journal of Management* 23; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1.

'Employer preferred a candidate who was single rather than married.'

'Some jobs aren't available to married people.'

Since the respondent is engaged to be married, there is a chance that her husband might restrict her from working, likewise the married respondents. Also, this automatically brings about the assumption that the respondents will want to have kids or become housewives, hence becoming a 'flight risk'. Flight risk can also be seen when a woman has kids. Some organisations tend to think that childcare can affect the quality of work. This was confirmed in a respondent's response that:

'They ask very intimate questions like how many children you have and how you take care of them.'

Another form of gender inequality is discrimination on the grounds of marital status. Culture seems to have a more significant influence in shaping the type of questions organisations ask in job interviews, especially regarding gender inequality. When it comes to recruitment and selection in Nigeria, there are issues surrounding the employment of single and married women. As discussed above and in Chapter Five, Section 5.5.2, gender discrimination often manifest in the form of a person being disadvantaged due to their marital status. An example is this response from a respondent who stated that:

'The company played it safe by not advertising preference for a certain gender or marital status, but through their line of questioning, which had no real reference to my ability to perform the functions stated in the job description. It became apparent that it had a bias for a specific gender and marital status for the advertised role.'

When it comes to a person being single, the stigma that they face has been termed 'singlism'.¹⁰⁶³ There is no clear definition for singlism, but Hertel et al. noted the three most important features in categorising single versus married: the absence or presence of a long-lasting intimate partner, age frame, and self-definition.¹⁰⁶⁴ Singlism in Nigeria is mainly experienced by women.¹⁰⁶⁵ However, this is not to say that single men are not victims too but not as much as women.¹⁰⁶⁶ Anne Bryne and Deborah Carr challenged the notion that

¹⁰⁶³ Bella M DePaulo, and Wendy L Morris, 'Singles in Society and in Science' [2005] *Psychological Inquiry* 57; Elizabeth A Sharp and Lawrence Ganong, "'I'm a Loser, I'm Not Married, Let's Just All Look at Me": Ever-Single Women's Perceptions of Their Social Environment' [2011] *Journal of Family Issues* 956.

¹⁰⁶⁴ Janine Hertel, Astrid Schütz, Bella M DePaulo, Wendy L Morris and Tanja S Stucke. 'She's Single, So What? How are Singles Perceived Compared with People Who are Married?' [2007] *Journal for Family Research* 139.

¹⁰⁶⁵ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114.

¹⁰⁶⁶ Bella M DePaulo, and Wendy L Morris, 'Singles in Society and in Science' [2005] *Psychological Inquiry* 57; Elizabeth A Sharp and Lawrence Ganong, "'I'm a Loser, I'm Not Married, Let's Just All Look at Me": Ever-Single Women's Perceptions of Their Social Environment' [2011] *Journal of Family Issues* 956; L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114.

prejudicial beliefs toward single persons are not sufficient evidence that single persons are stigmatised but that single persons have to perceive mistreatments in order to demonstrate stigmatisation.¹⁰⁶⁷ Singlism reflects a pervasive ideology of marriage and family that manifests in everyday interactions, laws, thoughts, and social policies that favour couples (married) over singles.¹⁰⁶⁸

In a country like Nigeria, where there is sufficient evidence of heavy reliance on culture (see Chapter Five), it is quite easy for single persons to perceive stigmatisation. Single persons are more likely than married women to experience mistreatment at the hands of family, friends, acquaintances or colleagues, which is usually due to normative and cultural practices.¹⁰⁶⁹ More so, there are evidence of this stigmatisation in selection processes as well. An example can be seen in the response received from a female respondent who stated that:

'I wondered if I needed to get married to the next available man so potential employers could see me as "responsible".'

From the researcher's point of view, this line of questioning is an intrusion into 'why' a woman is not married. This is because, culturally, for a woman, 'responsibleness' is attributed to being married in Nigeria.¹⁰⁷⁰ Singlism in Nigeria is cultural. Not being married is perceived as not having fulfilled societal norms and seeing oneself as incomplete.¹⁰⁷¹ Even when interviewers do not ask women about their marital status outrightly, features such as wedding rings and titles tend to distinguish married women from unmarried ones.¹⁰⁷² Imagine being taunted at home for being single only to be faced with the same treatment during job interviews. Similarly, a woman becoming single again after separation or divorce also attracts the same stigma.

¹⁰⁶⁷ Anne Bryne and Deborah Carr, 'Caught in the Cultural Lag: The Singlehood' [2005] *Psychological Inquiry* 84; Uche Isiugo-Abanihe, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] *African Population Studies* 386.

¹⁰⁶⁸ Elizabeth A Sharp and Lawrence Ganong, "'I'm a Loser, I'm Not Married, Let's Just All Look at Me": Ever-Single Women's Perceptions of Their Social Environment' [2011] *Journal of Family Issues* 956; Uche Isiugo-Abanihe, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] *African Population Studies* 386; Okeoma John-Paul Okeke, 'Nigerian Culture: A Barrier to the Career Progress of Women in Nigeria' [2017] *Global Journal of Human Resource Management* 1.

¹⁰⁶⁹ Anne Bryne and Deborah Carr, 'Caught in the Cultural Lag: The Singlehood' [2005] *Psychological Inquiry* 84; Uche Isiugo-Abanihe, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] *African Population Studies* 386.

¹⁰⁷⁰ Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] *African Population Studies* 386 L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114.

¹⁰⁷¹ Janine Hertel, Astrid Schütz, Bella M DePaulo, Wendy L Morris and Tanja S Stucke, 'She's Single, So What? How are Singles Perceived Compared with People Who are Married?' [2007] *Journal for Family Research* 139; L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114.

¹⁰⁷² L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114.

However, their status as either a divorcee or a widow is preferred because they were once married.¹⁰⁷³

In Nigeria, marriage is an important indicator of adult status and responsibility.¹⁰⁷⁴ The stigma associated with marital status in Nigeria has remained unexplored in research.¹⁰⁷⁵ The Nigerian pro-marriage culture drives the assumption that every woman should marry within a certain age, usually before 30.¹⁰⁷⁶ Failure to do so is not only unexpected but widely disapproved.¹⁰⁷⁷ Despite the current growth of older never-married women in Nigeria, singlehood still remains disapproved and regarded as a social evil.¹⁰⁷⁸ Unfortunately, unmarried women in Nigeria are usually regarded as unfortunate 'leftovers' who desperately seek validation from men for marriage.¹⁰⁷⁹ According to Ntoimoa, among the Igbo people of South-East Nigeria, 'a girl's life is essentially a preparation for marriage... A woman's glory is her children, and to have children, she must have a husband'.¹⁰⁸⁰ This is why some employers tend to ask women if they are married or have kids, as highlighted in the responses below:

'Asking if you are married and when you want to start having kids.'

'If I had plans of getting married and starting a family within the coming year.'

It is worth noting here that gender discrimination on the basis of marital status in Nigeria usually sums up to a person experiencing multiple discriminations, such as sex, marital status and age, at the same time.¹⁰⁸¹ As explained in Chapter Six, Section 6.1, multiple discrimination involves different identity categories that can co-exist and intersect in the same individual in

¹⁰⁷³ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114.

¹⁰⁷⁴ Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] African Population Studies 386; L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114.

¹⁰⁷⁵ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114.

¹⁰⁷⁶ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114; Uche Isiugo-Abanihe, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] African Population Studies 386; Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: a retrospective account by older single women in Lagos, Nigeria' [2014] African Population Studies 386.

¹⁰⁷⁷ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114; Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: A Retrospective Account by Older Single Women in Lagos, Nigeria' [2014] African Population Studies 386.

¹⁰⁷⁸ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114.

¹⁰⁷⁹ L F C Ntoimoa and U C Isiugo-Abanihe, 'Single and stigmatised?' [2014] Gender & Behaviour 6114; Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: a retrospective account by older single women in Lagos, Nigeria' [2014] African Population Studies 386.

¹⁰⁸⁰ Lorretta Favour Chizomam Ntoimo, 'Determinants of Singlehood: a retrospective account by older single women in Lagos, Nigeria' [2014] African Population Studies 386.

¹⁰⁸¹ Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] Justice Journal 89; Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] The Equal Rights Review 73; Mike Noon, 'Pointless Diversity Training: Unconscious Bias, New Racism and Agency' [2018] Employment and Society 198.

such a way that it creates a different experience compared to any of the separate characteristics involved.¹⁰⁸² Likewise, it can also present as a situation whereby an individual suffers discrimination on multiple grounds, but each element making up this discrimination can be kept separate.¹⁰⁸³ An example is a respondent stating that:

'With respect to marital status, certain interview panels view an unmarried female of a certain age as most likely possessing the traits of a flight risk, especially if during the interview, they ask questions that tend to gauge the likelihood of the female getting married within a certain period and nursing the desire to start a family afterwards.'

These discriminatory questions reinstate the position of women in society – mothers and homemakers. The concept of flight risk has come to be from the notion that when a woman gets married, she can either become a full-time housewife or relocate to be with her husband if he is in a different state. However, in reality, both men and women are flight risks, and such assumptions should not solely be attributed to women. Employers' ideal expectations and experience of questioning women on marital status and children is not only stressful but potentially impacts women's advancement and desire for career progression.¹⁰⁸⁴

In summary, gender discrimination in Nigeria is prevalent and does not seem to be ending anytime soon. Women continue to be marginalised during recruitment and selection processes regardless of the skills they may possess. They have to continuously prove to organisations that they deserve to be given a chance and should not be judge based on their sex or marital status but on their ability to perform the job. The cultural inference of who and what a woman should be ought not to have a place in employment. More so, being married and having children does not equate to being responsible.

7.2.1 Cultural Influence on Job Interviews

Having discussed the influence of culture on gender discrimination, it is important to discuss how other discriminatory requirements in job interviews are culturally influenced. As stated in Section 7.1, when analysing some of the reasons respondents believed job interviews are discriminatory, cultural influence as a significant theme was generated.

¹⁰⁸² Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] The Equal Rights Review 73; Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] Justice Journal 89.

¹⁰⁸³ Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' [2016] The Equal Rights Review 73; Gay Moon, 'Multiple Discrimination – Problems Compounded or Solutions Found?' [2006] Justice Journal 89.

¹⁰⁸⁴ Cecilia Ridgeway, *Framed by Gender: How Gender Inequality Persists in the Modern World* (2011 Oxford University Press); Gabriele Plickert and Joyce Sterling, 'Gender Still Matters: Effects of Workplace Discrimination on Employment Schedules of Young Professionals' [2017] Laws 1.

Multiculturalism influences some of the criteria used in selection processes.¹⁰⁸⁵ Culture plays an essential role in how people communicate impressions and feelings, which can be reflected in how interview questions are asked.¹⁰⁸⁶ According to Arlene Garrick and Stephen Smith, interviewers assume what is normal and what is not, what should or should not happen, and what is right or wrong.¹⁰⁸⁷ Culture as a theme was chosen because just like the experiences of respondents in Chapter Five, there seems to be an expectation of discriminatory questions in job interviews by respondents. Also, respondents' experiences were similar despite experiencing discriminatory questions at different times. Examples are these responses respondents received from interviewers:

'I was asked about religious affiliations and my commitment to my faith in an interview. It turned out the MD is a pastor, and I am a Muslim.'

'You can't speak Igbo.'

'You don't fit the age bracket and sex.'

'When they start asking personal questions.'

'I was rejected for a job because of my political affiliation.'

These responses are not that different from those found in job adverts (Chapter Six), except this time around, they are more direct. That is, a face-to-face conversation about how a person's personal characteristics is likely to affect their job performance. The primary data discussed in Chapter Five gave insight into how certain discriminatory requirements have an underlining cultural inference, and the responses above also proves this. Religion, ethnicity, gender, age and political affiliation have nothing to do with job performance, and the only explanation is that the interviewer or the organisation simply wants a candidate that is similar to them.

A way to explain how culture influences discriminatory questions is to draw insight from two theories: Interviewer-Interviewee Similarity and Social Identity Theory. Interviewer-Interviewee Similarity can occur in attitudes and demographic characteristics.¹⁰⁸⁸ Job

¹⁰⁸⁵ Zeynep Aycan, 'The Interplay between Cultural and Institutional/Structural Contingencies in Human Resource Management Practices' [2005] International Journal of Human Resource Management 108; Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in the Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] European Scientific Journal June 161.

¹⁰⁸⁶ Nicholas Ryan Prince and Rüdiger Kabst, 'Impact of National Culture on Organizations' Use of Selection Practices' [2019] Employee Relations: The International Journal 1145.

¹⁰⁸⁷ Arlene M Garrick and Stephen L J Smith, 'Mis-Steps in the Dance of Differences: Problems and Potentials in Cross-Cultural Job Interviews' [2011] Travel and Tourism Research Association: Advancing Tourism Research Globally 8.

¹⁰⁸⁸ Ingo Forstenlechner and Mohammed A. Al-Waqf, "'A job interview for Mo, but none for Mohammed" Religious discrimination against immigrants in Austria and Germany' [2010] Personnel Review 767; Roberto M.

interviews have been criticised overtime for having minimum predictive power due to interviewers being swayed by irrelevant questions, as seen from the responses above.¹⁰⁸⁹ Job-irrelevant attributes, in this case, play a role in the decision-making process. Stereotyped information that is retained over time strengthens bias which can lead to discrimination.¹⁰⁹⁰ For example, a job candidate is likely to be rated higher or likeable if they are perceived to be similar to the interviewer, such as if both interviewer and interviewee are from the same ethnic group or religion.¹⁰⁹¹

The second explanation is the Social Identity theory. Social identity theory addresses the way individuals think of themselves and others as group members rather than as unique individuals.¹⁰⁹² It has been argued that interviewers or managers often favour candidates who belong to the same social group as themselves.¹⁰⁹³ This may sway the interviewer's intentions away from the actual hiring decisions. Furthermore, it has also been argued that interviewers often unconsciously apply bias when a quick decision needs to be made in an ambiguous situation.¹⁰⁹⁴ This is why Stefańska asked the question – 'Is there a sense to investigate subjective discrimination if it does not always reflect objective discrimination?'¹⁰⁹⁵

A third possible explanation is a common problem in job interview assessments, which involves the potential over-reliance on first impressions.¹⁰⁹⁶ However, not all interviewers base their decisions on the same factors. Even when they do, the importance they attach to the factors varies. Some interviewers rely on interpersonal skills or communication skills, while

Fernandez and Jason Greenberg, 'Race, Network Hiring, and Statistical Discrimination' [2013] *Networks, Work and Inequality Research in the Sociology of Work* 81.

¹⁰⁸⁹ Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] *Journal of Applied Psychology* 909; Uco Wiersma, 'The Four Stages of the Employment Interview Helping Interviewers put Two and two Together' [2016] *EBHRM* 232.

¹⁰⁹⁰ Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736.

¹⁰⁹¹ Ingo Forstenlechner and Mohammed A Al-Waqf, "'A job interview for Mo, but none for Mohammed'" Religious discrimination against immigrants in Austria and Germany' [2010] *Personnel Review* 767; Roberto M Fernandez and Jason Greenberg, 'Race, Network Hiring, and Statistical Discrimination' [2013] *Networks, Work and Inequality Research in the Sociology of Work* 81.

¹⁰⁹² Ray Ikechukwu Jacob, 'A Historical Survey of Ethnic Conflict in Nigeria' [2012] *Asian Social Science* 13.

¹⁰⁹³ Shamika Almeida, Mario Fernando, Zeenobiyah Nadiyah Hannif and Shyamali Dharmage 'Fitting the Mould: The Role of Employer Perceptions in Immigrant Recruitment Decision-Making' [2015] *The International Journal of Human Resource Management* 2811; Marianne Bertrand, Dolly Chugh and Sendhil Mullainathan, 'Implicit Discrimination' [2005] *American Economic Review* 94.

¹⁰⁹⁴ Shamika Almeida, Mario Fernando, Zeenobiyah Nadiyah Hannif and Shyamali Dharmage 'Fitting the Mould: The Role of Employer Perceptions in Immigrant Recruitment Decision-Making' [2015] *The International Journal of Human Resource Management* 2811; Marianne Bertrand, Dolly Chugh and Sendhil Mullainathan, 'Implicit Discrimination' [2005] *American Economic Review* 94.

¹⁰⁹⁵ Renata Stefańska, 'Subjective Discrimination. Do Foreigners Feel Discriminated on Polish Labour Market?' [2007] *Centre of Migration Research* <<https://ec.europa.eu/eurostat/documents/1001617/4577877/3-6-STEFANSKA-EN.pdf>> accessed on 19 September 2019.

¹⁰⁹⁶ Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] *Journal of Applied Psychology* 909.

others might attach specific personal characteristics to skills. For instance, attaching leadership or managerial skills to males as opposed to females, as seen in one of the responses in Section 7.2 or attributing age to the presence or lack of experience. For example, a respondent stated that:

'I actually applied for a lecturing job (without a PhD) in one of the best private universities in Nigeria, and the interviewers said we can't take you because of your age!'

Tribalism and nepotism are also among the challenges encountered in recruitment and selection practices in Nigeria (Chapter Four, Section 4.7).¹⁰⁹⁷ As a diverse state, Lagos represents the majority of tribes in Nigeria (Chapter Five, Section 5.3). Therefore, cultural or ethnicity bias would most likely occur in selection interviews. The confusion here is that organisations in Lagos State should by now expect cultural diversity in recruitment processes as the state is diverse and multicultural. An immediate way to discriminate on the basis of ethnicity is through candidates' names. As stated in Chapter Five, Section 5.5.3, just by a candidate's name, interviewers can likely tell what tribe they are from. A Yoruba name is different from an Igbo, Delta or Benin name.¹⁰⁹⁸ The same applies to religion. Most Christians bear English names such as John, Mary or Godwin, while Muslims bear Islamic names such as Idris, Abdul or Sekinat.¹⁰⁹⁹ Therefore, social identity, interviewer-interviewee similarity and first impressions are more likely to come into play almost immediately. However, sometimes, when it comes to interviewers asking questions pertaining to religion, this can sometimes be for confirmation because some people convert to other religions without necessarily changing their names. More so, asking if one is 'born again' also confirms if a person is deeply rooted in Christianity (see Chapter Five, Section 5.5.4).

Certain facial features can also be attributed to certain tribes, gender or age. Just the same way facial features can be linked to races. For instance, when an organisation requires a particular age group and the job candidate looks older, either the interview makes an automatic assumption of the candidate's age or requires evidence as seen by these responses:

'They asked for our age again even when we had stated it on the CV. In fact, they told us to come with our original birth certificate.'

¹⁰⁹⁷ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] International Journal of Human Resource Management 1042; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] British Journal of Economics, Management and Trade 1005.

¹⁰⁹⁸ Marianne Bertrand and Sendhil Mullainathan, 'Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination' [2004] The American Economic Review 991.

¹⁰⁹⁹ Ingo Forstenlechner and Mohammed A Al-Waqf, "'A job Interview for Mo, but none for Mohammed'" Religious discrimination against immigrants in Austria and Germany' [2010] Personnel Review 767.

'You are too old for this.'

The interviewer asking the respondent for their birth certificate is a way of affirming their assumptions of the respondent's age or thinking the respondent is lying about their age. As discussed in Chapter Six, Section 6.3.1, this is why some job seekers falsify their age just to fall within the age limit requirement.¹¹⁰⁰ Also, this affirms what HRP3 stated that their organisation looks at job applicants' year of birth.

A form of unconscious bias that can occur in job interviews is called the 'halo effect', where a positive trait is transferred onto a person without really knowing them.¹¹⁰¹ The halo effect occurs when a person with one or a few positive qualities is assumed to have other positive qualities.¹¹⁰² An example is attaching entrepreneurial skills to the Igbo tribe in Nigeria (Chapter Five, Section 5.5.3), where HRP1 stated that:

'We noticed that other tribes are a bit 'sluggish' and slow during interviews and show no enthusiasm for the job, unlike the Igbo people who are very active during interviews.'

This notion may have become an overwhelming factor, leading to the automatic assumption that Igbo applicants meet all other job requirements. Just because a few Igbo candidates have been active during job interviews does not mean that other tribes are sluggish. Through cultural and personal experience, individuals tend to associate characteristics such as laziness, honesty and intelligence with classifications of people.¹¹⁰³ Recruitment decisions usually use prior beliefs, whether true or false, about the distributions of productivity associated with different groups of people.¹¹⁰⁴ HRP1 has formed stereotypes view through personal interactions.¹¹⁰⁵

Cultural influence can also explain HR professionals' boldness in verbally asking discriminatory questions during job interviews or showing their contempt through their attitude. Human resources (HR) professionals are required to work and implement decisions with

¹¹⁰⁰ John Akubo, 'Nigerian Senate to Review Age Barrier for Graduate Employment' (The Guardian, 15 July 2020) <<https://guardian.ng/news/nigerian-senate-to-review-age-barrier-for-graduate-employment/>> accessed on 9 March 2021.

¹¹⁰¹ William J Lammers, Sarah Davis, Olivia Davidson and Kellie Hogue, 'Impact of Positive, Negative, and No Personality Descriptors on the Attractiveness Halo Effect' [2016] PSI CHI Journal of Psychological Research 28.

¹¹⁰² William J Lammers, Sarah Davis, Olivia Davidson and Kellie Hogue, 'Impact of Positive, Negative, and No Personality Descriptors on the Attractiveness Halo Effect' [2016] PSI CHI Journal of Psychological Research 28.

¹¹⁰³ David Benjamin Oppenheimer, 'Negligent Discrimination' [1993] University of Pennsylvania Law Review 899.

¹¹⁰⁴ Frances McGinnity and Peter Lunn, 'Measuring discrimination facing ethnic minority job applicants: an Irish experiment' [2011] Work, Employment and Society 693.

¹¹⁰⁵ Eden King and Afra Ahmad, 'An Experimental Field Study of Interpersonal Discrimination Toward Muslim Job Applicants' [2010] Personnel Psychology 881.

ethical implications frequently.¹¹⁰⁶ This is because the department of HR is the primary resource for ethics-related issues in organisations.¹¹⁰⁷ Since HR professionals need to reconcile professionalism and pressures to maximise organisational development in addition to promoting positive values and ethical standards, there can be conflict in marrying the two together. For example, in the UK, the CIPD has a Code of Professional Conduct for its members (HR professionals). One of them is to 'promote equality of opportunity, diversity and inclusion and support human rights and dignity'.¹¹⁰⁸ This standard applies to all CIPD members across the globe. As Schumann stated, ethical issues in HRM are important and legitimate.¹¹⁰⁹

A simple rule for job interviews is that any question that is not job-related should not be answered.¹¹¹⁰ Even with the Nigerian Constitution clearly prohibiting discrimination,¹¹¹¹ legal rights continue to be compromised in the selection process by the continued impermissible interview questions. It is socially improper to discriminate against candidates based on traits that are not job-related, even those that may not be legally protected. Therefore, it is important to understand the types of interviews used by organisations and how discrimination or unconscious bias is likely to be perceived.

7.3 Interviews Methods Influencing Discrimination

In Chapter Four, Sections 4.4.2.1 – 4.4.2.3, the three types of interview methods were discussed, namely structured, semi-structured and unstructured. To reiterate, structured interviews involve the interviewers asking questions that directly assess applicants' knowledge, skills, and abilities necessary for the job in question.¹¹¹² Semi-structured interviews involve the interviewer asking a few pre-planned questions while other questions are not

¹¹⁰⁶ Carolyn Wiley, 'Ethical Standards for Human Resource Management Professionals: A Comparative Analysis of Five Major Codes' [2000] *Journal of Business Ethics* 93; Kelechi Ekuma and Loliya Akobo, 'Human Resource Management Ethics and Professionals' Dilemmas: A Review and Research Agenda' [2015] *Human Resource Management Research* 47.

¹¹⁰⁷ Francis Anyim, Ndubuisi Ufodiama and Olasunmbo Olusanya, 'Ethics in Nigeria Public Sector: The HR Practitioners' Perspectives' [2013] *European Journal of Business and Social Sciences* 132.

¹¹⁰⁸ Chartered Institute of Personnel and Development, 'Code of Professional Conduct' <https://www.cipd.co.uk/Images/code-of-professional-conduct_tcm18-14510.pdf> accessed 26 October 2019.

¹¹⁰⁹ Paul Schumann, 'A Moral Principles Framework for Human Resource Management Ethics' [2001] *Human Resource Management Review* 93; Francis Anyim, Ndubuisi Ufodiama and Olasunmbo Olusanya, 'Ethics in Nigeria Public Sector: The HR Practitioners' Perspectives' [2013] *European Journal of Business and Social Sciences* 132.

¹¹¹⁰ Jacqueline Wilson, 'Weighing the Legality of Interview Questions' (2003) *The Dentist Assistant* 46.

¹¹¹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹¹¹² Julia Levashina, Christopher J Hartwell, Frederick P Morgeson and Michael A. Campion, 'The Structured Employment Interview: Narrative and Quantitative Review of the Research Literature' (2014) 67 *Personnel Psychology* 241; Mamin Ullah, 'A Systematic Approach of Conducting Employee Selection Interview' [2010] *International Journal of Business and Management* 106.

planned in advance.¹¹¹³ In unstructured interviews, questions arise spontaneously in a free-flowing conversation, and interviewers can ask different questions to different applicants in whatever way they see fit.¹¹¹⁴ However, some researches show that unstructured interviews have the highest ratings for perceived effectiveness.¹¹¹⁵ Contrary to this, this research found otherwise.

In Section 7.2 above, it could be inferred that the questions respondents were asked were as a result of either a semi-structured interview or unstructured interview methods. One of the main issues with semi-structured or unstructured interviews is that bias intrudes.¹¹¹⁶ Semi-structured or unstructured interviews allow for the interviewers' opinions of the candidate to 'leak' into their nonverbal behaviour.¹¹¹⁷ From the responses received, each discriminatory question asked by interviewers seems to be tailored to different candidates. For instance, asking only females marital related questions or asking certain people about their ethnicity or age. Two respondents also affirmed this:

'Interviews, especially unstructured interview, could be termed discriminatory from the angles either parties are looking at it from.'

'Interviewers tend to be biased.'

Unlike structured interviews, semi-structured or unstructured interviews imposes minimal restraints on questions asked during the interview process.¹¹¹⁸ Questions are very flexible and

¹¹¹³ Jessica Doll, 'Structured Interviews: Developing Interviewing Skills in Human Resource Management Courses' [2018] Management Teaching Review 46; Nicholas S Miceli, Harvey Michael and Buckley M Ronald, 'Potential Discrimination in Structured Employment Interviews' [2001] Employee Responsibility and Rights Journal 15.

¹¹¹⁴ Jason Dana, Robyn Dawes and Nathaniel Peterson. 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] Judgment and Decision Making 512; Iris Bohnet, 'How to Take the Bias Out of Interviews' (2016) Harvard Business Review <<https://hbr.org/2016/04/how-to-take-the-bias-out-of-interviews>> accessed on 03 April 2021.

¹¹¹⁵ Jason Dana, Robyn Dawes and Nathaniel Peterson. 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] Judgment and Decision Making 512; Scott Highhouse, 'Stubborn Reliance on Intuition and Subjectivity in Employee Selection' [2008] Industrial and Organizational Psychology: Perspectives on Science and Practice 333; Mamin Ullah, 'A Systematic Approach of Conducting Employee Selection Interview' [2010] International Journal of Business and Management 106.

¹¹¹⁶ Jason Dana, Robyn Dawes and Nathaniel Peterson. 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] Judgment and Decision Making 512; Richard Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] Personnel Psychology 281.

¹¹¹⁷ Jason Dana, Robyn Dawes and Nathaniel Peterson. 'Belief in the Unstructured Interview: The Persistence of an Illusion' [2013] Judgment and Decision Making 512; Richard D Arvey and James Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] Personnel Psychology 281.

¹¹¹⁸ Sébastien Fernandez and Stéphanie Pougnet, 'Is there Structure in the Selection Interview? Evidence from Hotels in Switzerland' [2018] Journal of Human Resources in Hospitality & Tourism; Rahul S0- Chauhan, 'Unstructured Interviews: Are they really all that bad?' [2019] Human Resource Development International 1.

not necessarily based on a job analysis.¹¹¹⁹ This makes it easier for discriminatory questions to be asked because interviewers can randomly explore details they think are interesting and relevant.¹¹²⁰ Some respondents stated that:

'Interviewers should be trained on eliminating conscious and unconscious bias.'

'Recruiters need to be fair in their assessment and selection process. They have a duty to advise clients or employers on best practices and labour law provisions.'

'For interviewers to be fair to all interviewees and also that the interviewees be fully aware of their constitutional rights.'

'The recruitment panel should be made up of people with impeccable character.'

This is rightly so; whether interviewers use structured, semi-structured or unstructured interview methods, they need to be trained and be professional. Job interviews should be free from bias, both explicit and implicit or else they can undermine the essence of the whole employment process. The whole essence of recruitment and selection is to add value to the organisation through human resources.¹¹²¹ This is why HRP3 stated that:

'One of the things we do in our organisation is to train people in recruitment and selection practices, especially in interviews. It's called HR for Non-HR managers. We train them on what to look out for and how to tie what you are assessing in a candidate to the job description and person specification.'

Although HRP3 has previously stated that they do discriminate against age, this is still a step towards doing the right thing. The staff involved in interviewing potential employees should be trained in matching job candidate skills to the job without discrimination. Some respondents also suggested this by stating that:

'Every HR should try as much as they can to treat every applicant equally regardless of tribe, religion, completion, size, ethnic background and so on.'

¹¹¹⁹ Sébastien Fernandez and Stéphanie Pougnet, 'Is there Structure in the Selection Interview? Evidence from Hotels in Switzerland' [2018] *Journal of Human Resources in Hospitality & Tourism*; Rahul S Chauhan, 'Unstructured Interviews: Are they really all that bad?' [2019] *Human Resource Development International* 1.

¹¹²⁰ Arvey D Richard and James E Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281; Sébastien Fernandez and Stéphanie Pougnet, 'Is there Structure in the Selection Interview? Evidence from Hotels in Switzerland' [2018] *Journal of Human Resources in Hospitality & Tourism*; Rahul S Chauhan, 'Unstructured Interviews: Are they really all that bad?' [2019] *Human Resource Development International* 1.

¹¹²¹ Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An analysis of the link with Business Performance' [2014] *Ruhuna Journal of Management and Finance* 37; Chioma Anya, I Umoh and Gift Worlu, 'Human Resource Planning and Organizational Performance in Oil and Gas firms in Port Harcourt' [2017] *International Journal of Academic Research* 110; Janes Samwel, 'Human Resource Planning as an Important Practice to Anticipate Future Human Resource Requirements of the Organization – Literature review' [2018] *International Journal of Research in Business Studies and Management* 24.

'Bodies, institutions such as CIPM etc., should be deliberate in making their voices heard and for the labour force.'

'Employers should be given lectures, teachings, etc. before they are allowed to start their companies or employ staff. If every organisation gives conditions that they should meet before they are permitted to employ? I think discrimination etc., will reduce and will be eradicated.'

One of the hindrances to job interviews is the reliance on first impressions. Various researches have stated that interviewers make decisions about candidates in the first four minutes of the interviews.¹¹²² Bias has a negative undertone, and most people would like to believe that it does not apply to them. Once an impression is formed, it might influence their behaviour toward job candidates. This was also affirmed by a respondent who stated that:

'Sometimes, they already make up their minds just by the way you look or dress.'

According to Arvey and Campion, different candidate characteristics may influence the interviewer's perception and influence the resulting decision, as seen in Figure 7.1 below. An applicant's personal characteristics, such as age, race, sex, appearance etc., can influence the judgemental and perceptual selection process.¹¹²³ The same goes for the interviewers. According to Figure 7.1, the interviewer's physical appearance or training experiences can sometimes dictate the outcome of the interview. Likewise, the perception of the job requirements, such as the interviewers thinking, 'Would it be suitable for a certain age range, gender or ethnicity'?

From the response above, this can translate to the verbal and nonverbal behaviour of the interviewer. It has been argued that pre-interview impressions of potential job candidates can influence an interviewer's evaluation.¹¹²⁴ In fact, behaviours may be affected in such a way that people may unintentionally cause an individual to act, behave, or appear in a manner that is consistent with our expectations of them.¹¹²⁵ For example, knowing the marital status of a

¹¹²² Murray Barrick, Jonathan Shaffer and Sandra Degrassi, 'What You See May Not Be What You Get: Relationships Among Self-Presentation Tactics and Ratings of Interview and Job Performance' [2009] *Journal of Applied Psychology* 1394; Elizabeth Linos and Joanne Reinhard, 'A head for hiring: The behavioural science of recruitment and selection' (Chartered Institute of Personnel and Development, August 2015) <https://www.cipd.co.uk/Images/a-head-for-hiring_2015-behavioural-science-of-recruitment-and-selection_tcm18-9557.pdf> accessed 21 November 2019.

¹¹²³ Arvey and James E. Campion, 'The Employment Interview: A Summary and Review of Recent Research' [1982] *Personnel Psychology* 281.

¹¹²⁴ Richard D Arvey and James E. Campion, 'The Employment Interview: A Summary and Review of Recent Research' (1982) 35 *Personnel Psychology* 281, 283; Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736.

¹¹²⁵ Richard D Arvey and James E. Campion, 'The Employment Interview: A Summary and Review of Recent Research' (1982) 35 *Personnel Psychology* 281, 283; Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] *Psychological Bulletin* 736.

female candidate may differentially shape an interviewer's stereotypes, expectations, and behaviours, which may affect the interview outcome either positively or negatively.

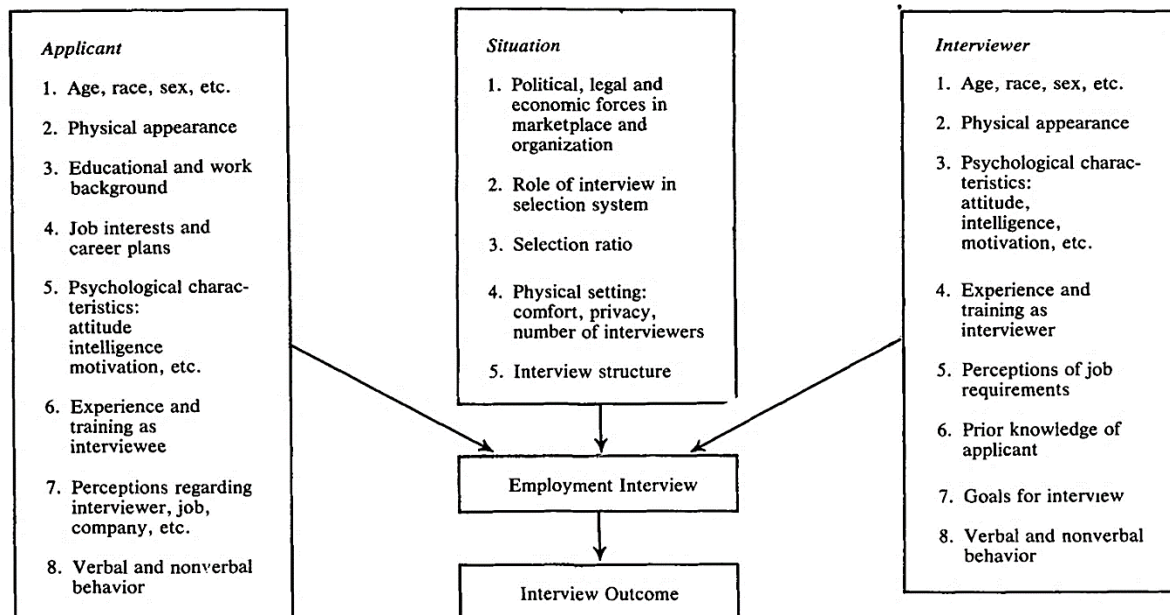


Figure 7.1 Variables and Processes Involved in the Employment Interview¹¹²⁶

As discussed above, it is more likely that the use of semi-structured interview method has paved the way for discriminatory questions. Interviewers can explore other types of questions that can be tailored specifically to individual candidates, thus creating an avenue to ask discriminatory questions, as seen in the responses above. However, regardless of the type of interview method used by organisations, once interview questions start to get personal, this can affect candidates. Therefore, the effects discriminatory questions have on respondents will be explored in the next section.

7.4 Effects of Verbal Discrimination on Job Applicants

Discrimination has become problematic to resolve due to challenges in identifying, documenting, and measuring its presence or absence except in extreme cases.¹¹²⁷ How

¹¹²⁶ Richard D Arvey and James E Campion, 'The Employment Interview: A Summary and Review of Recent Research' (1982) 35 Personnel Psychology 281, 283.

¹¹²⁷ Ingo Forstenlechner and Mohammed A. Al-Waqf, "A job interview for Mo, but none for Mohammed" Religious discrimination against immigrants in Austria and Germany' [2010] Personnel Review 76; Devah Pager, 'The Use of Field Experiments for Studies of Employment Discrimination: Contributions, Critiques, and Directions for the Future' [2007] The Annals of the American Academy 104.

discrimination is perceived and communicated plays an important role in its negative effect on them. Not all discriminatory questions have an adverse effect on candidates. However, this does not mitigate the presence of discrimination or its prohibition.¹¹²⁸ More so, discriminatory questions are also likely to raise privacy concerns.¹¹²⁹

A rejection based on things or a situation beyond a person's control can hurt badly. A person typically does not have control over their age, sex, ethnicity or disability. Some characteristics are things people cannot change just because others do not like them; therefore, they should not hinder a person's chances of employment. When these characteristics come up during job interviews, it can be traumatic. More so, there is a norm that some respondents are aware that to get the job, they may have to respond to uncomfortable questions that are:

1. Inappropriate
2. Impermissible by law¹¹³⁰
3. Potentially discriminatory when it depends on personnel selections¹¹³¹

As such, to answer the third research question, which is whether discriminatory selection practices have a negative impact on job seekers, respondents were asked a few questions relating to the outcome of a job interview. Respondents were asked:

- *Have you ever been told in an interview that you do not qualify for a job based on the following – age, sex (gender), religion, place of origin, disability, ethnic group and political opinion?*

The options given to respondents were based on the personal characteristics stated in section 42 of the Nigerian Constitution 1999 (as amended 2011), and respondents were also allowed to select more than one option from the list. Disability was added because of section 29(2) of the Lagos State Special People's law 2011.¹¹³²

A total of 59% of respondents stated that they were told they did not qualify for the job based on one or more physical characteristics such as age, sex (gender), religion, place of origin, ethnic group and political opinion. However, 62% also selected that the interviewer did not state whether personal characteristics were the reason for the rejection. Nonetheless, this still

¹¹²⁸ Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] J Bus Psychol 175; Timothy Judge, Chad Higgins and Daniel Cable, 'The Employment Interview: A Review of Recent Research and Recommendations for Future Research' [2000] Human Resource Management Review 383.

¹¹²⁹ Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] J Bus Psychol 175.

¹¹³⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹¹³¹ Joann Keyton and Jeff Springston, 'I Don't Want to Answer That! A Response Strategy Model for Potentially Discriminatory Questions' (1989) <<https://files.eric.ed.gov/fulltext/ED313763.pdf>> accessed 12 June 2020.

¹¹³² The Lagos State Special Peoples law 2011, s 29(2) provides that - *No employer or his agent or purported agent shall discriminate against a person living with disability in any manner whatsoever but not limited to: (a) job application procedure.*

shows the boldness of the interviewers. It is worth noting here that there is a difference between interviewers asking discriminatory questions during job interviews and actually stating or telling a job candidate did not get the job because of their personal characteristics. An example of this is:

'We apologise that you do not fit perfectly into the group we are currently seeking to hire due to your age and origin; we wish you success in your future endeavours.'

This response is different from other responses in this chapter, where respondents stated that they were asked specific discriminatory questions. This is because some interviewers might just be fishing for information, and the discriminatory questions might not directly impact the outcome of the interview.¹¹³³ The job candidate might also not have the necessary skills. Therefore, stating it categorically that a person's personal characteristic is the reason for not offering a candidate a job adds to the weight of the discriminatory acts perpetrated by organisations, which makes the negative effect more hurtful and traumatic. This is seen in a response by a respondent who stated that:

'If an HR doesn't want to employ someone for any reason, they should just mute and tell the applicant. We'll get back to you rather than making one feel bad.'

Going further, respondents were subsequently asked what medium (verbally, written, attitudinal or non-communication) interviewers used in communicating this to them. These four mediums were selected because discrimination emphasises nonverbal, verbal, and sometimes paralinguistic behaviours that occur in social interactions with stigmatised people.¹¹³⁴ In this thesis, attitude is based on the notion of unconscious bias.¹¹³⁵ A total of 32% selected verbal, 10% selected written, 14% selected attitude, while 31% of respondents stated that nothing was communicated to them.¹¹³⁶

¹¹³³ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51.

¹¹³⁴ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, 'Subtle Discrimination in the Workplace: A Vicious Cycle' [2017] *Industrial and Organizational Psychology* 51; Danielle Gaucher, Justin Friesen and Aaron Kay, 'Evidence that Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality' [2011] *Journal of Personality and Social Psychology* 109.

¹¹³⁵ Mike Noon, 'Pointless Diversity Training: Unconscious Bias, New Racism and Agency' [2018] *Employment and Society* 198; Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] *Gender in Management: An International Journal* 623; Mike Noon, 'Pointless Diversity Training: Unconscious Bias, New Racism and Agency' [2018] *Employment and Society* 198; Audrey Lee, 'Unconscious Bias Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481; Audrey Lee, 'Unconscious Bias; Theory in Employment Discrimination Litigation' [2005] *Harvard Civil Rights-Civil Liberties Law Review* 481; Brenda Allen and Kavita Garg, 'Diversity Matters in Academic Radiology: Acknowledging and Addressing Unconscious Bias' [2016] *Journal of the American College of Radiology* 1426.

¹¹³⁶ This question allowed respondents selection more than one option.

In exploring further, respondents were asked how this made them feel. The majority of respondents expressed that they were 'unhappy' with the communication, with many using the words 'bad, depressed, devastated, unfairly treated, upset and uncomfortable' to express themselves. However, some respondents went further by stating that:

'Felt bad because it's an opportunity for all. When I was told, I asked the interviewer why they didn't put it as one of the requirements to meet online [job adverts]. He apologised and said it's what the boss instructed them to do that if it's him, he has no problem with that.'

'My experiences have been heart-breaking and sad.'

'Like I wasted my life doing other things not worthwhile, worthless and angry.'

'Discriminated against.'

'It made me feel dejected.'

'Upset and uncomfortable.'

From the responses, these respondents have built personal experience(s) to fully understand the cues that imply discrimination.¹¹³⁷ Experiencing prejudice has been predicted to damage the self-esteem of its targets.¹¹³⁸ According to Ntoimoa and Isiugo-Abanihe, 'the basic problem for someone with a discredited stigma is managing the tension that arises from people knowing about the problem'.¹¹³⁹ Meaning, knowing about one's own potential prejudice and having it confirmed by strangers adds to one's discomfort. This is confirmed by respondents who stated that they felt:

'Emotionally down.'

'Belittled and unworthy.'

'Depressed.'

It has been suggested that people recognise other people's negative views of their group membership and are likely to internalise this and have lower self-esteem.¹¹⁴⁰ Not all individuals

¹¹³⁷ Kathleen P Hess, 'Investigation of nonverbal discrimination against women in simulated initial job interviews' [2013] *Journal of Applied Social Psychology* 544.

¹¹³⁸ Nyla R. Branscombe, Michael T. Schmitt and Richard D. Harvey, 'Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being' [1999] *Journal of Personality and Social Psychology* 135; Dinesh Bhugra, 'Social Discrimination and Social Justice' [2016] *International Review of Psychiatry* 336.

¹¹³⁹ Lorretta Ntoimoa and Uche C. Isiugo-Abanihe, 'Single and stigmatised?' [2014] *Gender & Behaviour* 6114, 6117; Dinesh Bhugra, 'Social Discrimination and Social Justice' [2016] *International Review of Psychiatry* 336.

¹¹⁴⁰ Nyla R. Branscombe, Michael T. Schmitt and Richard D. Harvey, 'Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being' [1999] *Journal of Personality and Social Psychology* 135.

cope with discrimination in the same way, and individual coping techniques may regulate emotional symptoms caused by the discrimination or lighten the problems associated with the discrimination.¹¹⁴¹ However, some studies have shown that experiencing discrimination can protect self-esteem.¹¹⁴² This can be confirmed by these respondents who stated that:

'They make me stronger and sometimes so emotional, but life goes on, and I keep striving.'

'Determined.'

'Surprised. Sad, but determined to become a ground-breaking woman in any sector I find myself.'

Although these respondents have clearly been discriminated against, they choose to protect themselves from the impact by moving on from the experience. They are determined to work harder and be the best in future. According to Jones et al., people who are repeatedly treated in a discriminatory manner sometimes might develop “thicker” skin over time.¹¹⁴³ They learn some effective coping mechanisms for dealing with the stress of being a target because they are confronted with these situations more often and have more opportunities to “practice.”¹¹⁴⁴ However, this does not mean that they are immune from feeling sad. Discrimination, no matter how subtle, still hurts. The problem here is that if a job candidate is assessed solely on their personal characteristics instead of their skills and competencies to perform the job, then improving on areas they are lacking will not have any effect (see response three above). This is because an individual cannot improve on some personal characteristics. A person's ethnicity cannot change, nor can their age (i.e., people grow older, not younger). The same goes for sex. Gender identity is not recognised in Nigeria, so a person's sex cannot change.

To some, their perceived discrimination has negatively affected them mentally because they felt sad, belittled, angry, and unworthy. Perceived discrimination is a stressor that could have consequences on health.¹¹⁴⁵ Feeling helpless and unwanted typically flows from a

¹¹⁴¹ Ingo Forstenlechner and Mohammed A. Al-Waqf, “‘A job interview for Mo, but none for Mohammed’ Religious discrimination against immigrants in Austria and Germany” [2010] *Personnel Review* 76.

¹¹⁴² Nyla R. Branscombe, Michael T. Schmitt and Richard D. Harvey, ‘Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being’ [1999] *Journal of Personality and Social Psychology* 135; Dinesh Bhugra, ‘Social Discrimination and Social Justice’ [2016] *International Review of Psychiatry* 336.

¹¹⁴³ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, ‘Subtle Discrimination in the Workplace: A Vicious Cycle’ [2017] *Industrial and Organizational Psychology* 51, 61.

¹¹⁴⁴ Kristen P Jones, Dave F Arena, Christine L Nitttrouer, Natalya M Alonso and Alex P Lindsey, ‘Subtle Discrimination in the Workplace: A Vicious Cycle’ [2017] *Industrial and Organizational Psychology* 51, 61.

¹¹⁴⁵ Nyla Wofford, Andrew M. Defever and William J. Chopik, ‘The Vicarious Effects of Discrimination: How Partner Experiences of Discrimination Affect Individual Health’ [2017] *Social Psychological and Personality Science* 121; David Williams and Selina Mohammed, ‘Discrimination and Racial Disparities in Health: Evidence

discriminatory act, which has been associated with physical health and negative mental outcomes.¹¹⁴⁶

'Uncomfortable and Uncertain.'

'Helpless.'

Repeated discrimination, which is likely to occur in Lagos State due to culture and high unemployment rate, can cause poorer physical health, depressive symptoms, and more chronic illness.¹¹⁴⁷ The higher the unemployment rate in Nigeria, the higher the poverty level and associated welfare challenges.¹¹⁴⁸

People are aware of targeted discrimination directed at them, and these perceptions of unfair treatment can generate stress and unworthiness or low self-esteem.¹¹⁴⁹ Several theories have suggested that perceived discrimination deteriorates well-being and can lead to people having negative perceptions of themselves.¹¹⁵⁰ Studies have shown that discrimination also affects one's future outlook and can significantly alter thinking and behaviour.¹¹⁵¹ According to Major et al., 'one consequence of discrimination is 'attributional ambiguity' – the uncertainty of whether the perceived discrimination is as a result of something about you or what others have

and Needed Research' [2009] J Behav Med 20; Dinesh Bhugra, 'Social Discrimination and Social Justice' [2016] International Review of Psychiatry 336.

¹¹⁴⁶ Nyla Wofford, Andrew M. Defever and William J. Chopik, 'The Vicarious Effects of Discrimination: How Partner Experiences of Discrimination Affect Individual Health' [2017] Social Psychological and Personality Science 121; David Williams and Selina Mohammed, 'Discrimination and Racial Disparities in Health: Evidence and Needed Research' [2009] J Behav Med 20.

¹¹⁴⁷ Nyla Wofford, Andrew M. Defever and William J. Chopik, 'The Vicarious Effects of Discrimination: How Partner Experiences of Discrimination Affect Individual Health' [2017] Social Psychological and Personality Science 121; Paul Oluwatomiye Adekola, Abimbola Adebimpe Allen, Adebanke Olawole-Isaac, Moses Ayokunle Akanbi and Opeyemi Adewumi, 'Unemployment in Nigeria; A Challenge of Demographic Change?' [2016] Int. J. Sci. Res. in Multidisciplinary Studies 1.

¹¹⁴⁸ Paul Oluwatomiye Adekola, Abimbola Adebimpe Allen, Adebanke Olawole-Isaac, Moses Ayokunle Akanbi and Opeyemi Adewumi, 'Unemployment in Nigeria; A Challenge of Demographic Change?' [2016] Int. J. Sci. Res. in Multidisciplinary Studies 1.

¹¹⁴⁹ Nyla Wofford, Andrew M. Defever and William J. Chopik, 'The Vicarious Effects of Discrimination: How Partner Experiences of Discrimination Affect Individual Health' [2017] Social Psychological and Personality Science 121; David Williams and Selina Mohammed, 'Discrimination and Racial Disparities in Health: Evidence and Needed Research' [2009] J Behav Med 20.

¹¹⁵⁰ David Bourguignon, Eleonore Seron, Vincent Yzerbyt and Ginette Herman, 'Perceived Group and Personal Discrimination: Differential Effects on Personal Self-esteem' [2006] European Journal of Social Psychology 773; Nyla Wofford, Andrew M. Defever and William J. Chopik, 'The Vicarious Effects of Discrimination: How Partner Experiences of Discrimination Affect Individual Health' [2017] Social Psychological and Personality Science 121; Paul Oluwatomiye Adekola, Abimbola Adebimpe Allen, Adebanke Olawole-Isaac, Moses Ayokunle Akanbi and Opeyemi Adewumi, 'Unemployment in Nigeria; A Challenge of Demographic Change?' [2016] Int. J. Sci. Res. in Multidisciplinary Studies 1.

¹¹⁵¹ Asani H. Seawell, Carolyn E. Cutrona and Daniel W. Russel, 'The Effects of General Social Support and Social Support for Racial Discrimination on African American Women's Well-Being' [2014] J Black Psychol 3; Mattis, Fontenot and Hatcher-Kay, 'Religiosity, Racism, and Dispositional Optimism Among African American' [2003] Personality and Individual Differences 1025.

against you because of your stigma'.¹¹⁵² An example was where the respondent in Section 7.2.1 stated that her being married would probably make interviewers see her as 'responsible'. This is because a person's group membership is an aspect of them, and attributions to prejudice have a strong internal component.¹¹⁵³

It has also been stipulated that potentially labelling events as 'discrimination' is likely to moderate subjective experiences when interpreting the events.¹¹⁵⁴ The degree of an event is likely to influence the severity of its effect. Minor experiences of discrimination will have minimal implications, while more pronounced discrimination will have a greater impact.¹¹⁵⁵ For instance, prejudice experienced by women and men by being different based on their gender group membership. The female respondents in this study have experienced more gender-related discrimination in job interviews as opposed to men who have not. As such, it can be said that men experience less severe events than women. The responses received also supports an early study that women who received negative feedback from interviewers and attributed that feedback to discrimination report higher self-esteem levels than women who do not.¹¹⁵⁶

In response to the respondent above who stated that they felt bad because 'it is an opportunity for all', it is sad that the basic knowledge of equality in Nigeria is far from reality. The researcher believes that the right to life has a direct link to the right to work. As discussed in Chapter Three, Section 3.10, Neves-Silva et al. explained the interrelatedness of human rights. They

¹¹⁵² Brenda Major, Wendy J. Quinton and Toni Schmader, 'Attributions to Discrimination and Self-esteem: Impact of Group Identification and Situational Ambiguity' [2003] *Journal of Experimental Social Psychology* 220, 220.

¹¹⁵³ Brenda Major, Wendy J Quinton and Toni Schmader, 'Attributions to Discrimination and Self-esteem: Impact of Group Identification and Situational Ambiguity' [2003] *Journal of Experimental Social Psychology* 220; Michael T Schmitt and Nyla R Branscombe, 'The Meaning and Consequences of Perceived Discrimination in Disadvantaged and Privileged Social Groups' in Wolfgang Stroebe and Miles Hewstone (eds), *European Review of Social Psychology: Vol. 12* (John Wiley & Sons, Ltd 2002).

¹¹⁵⁴ Brenda Major, Wendy J Quinton and Toni Schmader, 'Attributions to Discrimination and Self-esteem: Impact of Group Identification and Situational Ambiguity' [2003] *Journal of Experimental Social Psychology* 220; Michael T Schmitt and Nyla R Branscombe, 'The Meaning and Consequences of Perceived Discrimination in Disadvantaged and Privileged Social Groups' in Wolfgang Stroebe and Miles Hewstone (eds), *European Review of Social Psychology: Vol. 12* (John Wiley & Sons, Ltd 2002).

¹¹⁵⁵ Brenda Major, Wendy J Quinton and Toni Schmader, 'Attributions to Discrimination and Self-esteem: Impact of Group Identification and Situational Ambiguity' [2003] *Journal of Experimental Social Psychology* 220; Michael T Schmitt and Nyla R Branscombe, 'The Meaning and Consequences of Perceived Discrimination in Disadvantaged and Privileged Social Groups' in Wolfgang Stroebe and Miles Hewstone (eds), *European Review of Social Psychology: Vol. 12* (John Wiley & Sons, Ltd 2002).

¹¹⁵⁶ Kenneth L Dion, 'Women's Reactions to Discrimination from Members of the Same or Opposite Sex' [1975] *Journal of Research in Personality* 294; Nyla R Branscombe, Michael T Schmitt and Richard D Harvey, 'Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being' [1999] *Journal of Personality and Social Psychology* 135.

stated that the violation of one right damage the achievement of the other rights.¹¹⁵⁷ As such, when an individual is denied the right to work, then the right to life might be compromised, especially in a country with a high poverty rate and no publicly funded welfare state system to help citizens.¹¹⁵⁸ How do organisations expect people to fend for them when they believe that only a selected class of people are ideal for employment? An opportunity for all is also the foundation on which the feminist movement is based.

Finally, to understand the cause and effect of discrimination in terms of the outcome of the interviews, respondents were asked if they were eventually offered the job. 84% of respondents selected 'no', while 16% selected 'yes'. It is not surprising that respondents would not get the job, especially when they do not meet the discriminatory requirement(s).

To those who were not offered the job, it was important to know if the respondents were able to challenge the outcome, especially where discrimination was perceived or experienced. As such, respondents were asked further:

- *Do you feel that this outcome was connected in any way with your sex (gender), age, disability, place of origin, religion or ethnicity status?*

35% stated that it was the reason, 24% stated that it was not the reason, and 41% stated that they did not know if that was the reason for not getting the job. It would be expected for the 35% of respondents who thought they did not get the job due to their personal characteristics to think this way if some of the interviewer's questions were personal in nature.¹¹⁵⁹

As respondents have been able to express the negative impact they feel due to the discrimination they experience during job interviews, and some have been able to link the unfavourable outcome of the job interviews to discrimination, the next question is, are respondents able to challenge this wrongdoing? In as much as a few respondents have stated in Chapter Five that discriminatory requirements are needed by the employers or that it is what they want, it is still important to explore whether some respondents believe they can challenge discriminatory acts. This is because, as discussed in Chapter Three, Section 3.10, 42% of respondents were aware of their fundamental human right to be free from discrimination (i.e.,

¹¹⁵⁷ Priscila Neves-Silva, Isabele Martins Giselle and Léo Heller, 'Human Rights' Interdependence and Indivisibility: A Glance over the Human Rights to Water and Sanitation' [2019] BMC International Health and Human Rights 1.

¹¹⁵⁸ Priscila Neves-Silva, Isabele Martins Giselle and Léo Heller, 'Human Rights' Interdependence and Indivisibility: A Glance over the Human Rights to Water and Sanitation' [2019] BMC International Health and Human Rights 1.

¹¹⁵⁹ Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] Journal of Applied Psychology 909; Uco Wiersma, 'The Four Stages of the Employment Interview Helping Interviewers put Two and two Together' [2016] EBHRM 232.

¹¹⁵⁹ Richard Arvey, 'Unfair Discrimination in The Employment Interview: Legal and Psychological Aspects' [1979] Psychological Bulletin 736.

section 42 of the Nigerian Constitution 1999 (as amended 2011)), and 17% of respondents were somewhat aware of their rights. Therefore, the next section will explore whether or not respondents challenge discriminatory acts.

7.5 Challenging Discriminatory Job Interviews

In Section 7.4 above, respondents were asked if they have ever been told in an interview that they did not qualify for the job based on personal characteristics. 59% of them affirmed this. Consequently, this section will explore and analyse whether respondents are able to challenge discriminatory interview outcomes. An unfavourable job outcome that was discriminatory should be challenged, either by bringing the attention of the organisation to it or filing an action at the National Industrial Court (see Chapter Three, Section 3.4). More importantly, bringing someone's attention to their discriminatory act can help mitigate its potential spread. As such, respondents were asked:

- *Have you ever challenged an unfavourable decision(s) of the interview verbally or in writing?*

A total of 86% of respondents said no, while 14% said yes. A possible explanation could be that they believe that there is really no point. As discussed in Chapter Three, Section 3.10, not all respondents were aware of their right to be free from discrimination. If respondents are not aware of their rights, then there will be no grounds for them to challenge. Also, as discussed in Chapter Four, Part two, the private sector in Lagos State is autonomous, and recruitment is based on perceived needs. More so, discrimination in Nigeria is culturally sponsored, and culture is rigid.¹¹⁶⁰ Therefore, there might not be any point challenging discriminatory interviews. The high number of respondents who did not challenge discriminatory interviews can also be linked to a response from a respondent in Chapter Five, Section 5.4, who stated that they could not question organisations' mode of operation as it is what they want.

What respondents might not realise is that not challenging a discriminatory unfavourable outcome potentially gives organisations the power to continue doing it. It gives organisations the power to do the same to future candidates, and as such, the vicious circle continues. This is why HRP2 stated that:

'If organisations can get away with discrimination, they can get away with everything.'

¹¹⁶⁰ Sunday Izuogu, 'Impact of Organisational Culture on Recruitment and Selection Practices in The Oil and Gas Construction Industry in Nigeria: Saipem In Focus' [2015] European Scientific Journal June 161; Daniel Gberevbie, 'Strategies for Employee Recruitment, Retention and Performance: Dimension of the Federal civil Service of Nigeria' [2010] African Journal of Business Management 1447; Daniel Gberevbie, 'Staff Recruitment and its effects on Organisational Performance' [2010] The Abuja Management Review 177.

Respondents need to be aware that just because they did not get the job does not in itself negate the fact that discrimination is actively present during selection processes. Subsequently, respondents were asked on what grounds they challenged the unfavourable decisions. Some of the responses gotten were:

'Being a female.'

'Bias.'

'That my age is irrelevant.'

'When I was told I'm too old for the job and don't have the required job experience they need.'

It is good to see that some respondents are challenging discriminatory job interviews. Even if only 13% of respondents did, this is a step towards the right direction that discrimination in recruitment and selection is wrong and illegal. A way to challenge discriminatory job interviews is either during the interview or after a decision has been made. Joann Keyton and Jeff Springston establish eight response strategies for candidates during a discriminatory selection interview.¹¹⁶¹ They are:

1. Acceptance without comment: Answering the question, even if the candidate is aware that it is probably unlawful.
2. Acceptance with a comment: The candidate should point out that the question is probably unlawful but answer it anyway.
3. Confrontation: Openly state that the question is inappropriate and illegal.
4. Rationalisation: Ignore the question and outline relevant qualifications for the position.
5. Challenge: Make the interviewer tell you why this question is relevant.
6. Redirection: Change the focus of the question towards the requirements of the position itself.
7. Refusal: Not answering the question
8. Withdrawal: End the interview immediately by physically remove yourself from the interview.

While a candidate's refusal to answer discriminatory questions in a job interview might create an uncomfortable situation, there is limited research on the outcome of the above strategies

¹¹⁶¹ Joann Keyton and Jeff Springston, 'I Don't Want to Answer That! A Response Strategy Model for Potentially Discriminatory Questions' (1989) <<https://files.eric.ed.gov/fulltext/ED313763.pdf>> accessed 12 June 2020.

and if the action would affect the chances of being offered a job.¹¹⁶² Given the high rate of unemployment in Nigeria, would candidates have the nerve to implement these strategies? If the answer has a high possibility of hurting the chances of a job offer, it may be best to answer the question without calling attention to its offensiveness.¹¹⁶³

One thing to put into consideration is the intent of the interviewer. What was the perceived intention of the interviewer's question? Was the interviewer asking to solicit information to discriminate, or is the interviewer naively asking the question? The interviewer and the candidate's rapport may also cause the interviewee not to mind answering certain discriminatory questions. The fact still remains that in a country like Nigeria, which is largely driven by poverty and unemployment, finding a job is very important to many people and challenging employers is unlikely.

Respondents were then asked if they got a response from the organisations after they challenged the decision. 54% of respondents selected 'Yes', while 46% selected 'No'. Thereafter, they were asked if they got any feedback. Some respondents stated that:

'They said a man is who they want.'

'They were shocked, pondered and were a bit more careful with saying that the job was quite different from my competence. They became quiet with the age.'

'She said ok, let's talk about it. After every discussion, I was offered the job. She later told me that she wanted to see my reactions to negative questions.'

'They agreed with me that I was qualified, but I wasn't in the age group they were recruiting for.'

As stated in Section 7.4, interviewers in Lagos are bold in asking discriminatory questions. Therefore, it is not surprising that respondents can state that rejection is due to not meeting the personal characteristics required. However, it is quite surprising that an interviewer would purposely ask a job candidate discriminatory questions in the hopes of getting a reaction. This just proves that some interviewers are very well aware of their discriminatory acts, and they purposely discriminate against job candidates. Staring up emotions that could potentially affect an individual's mental health is not part of job interview process.¹¹⁶⁴

¹¹⁶² Joann Keyton and Jeff Springston, 'I Don't Want to Answer That! A Response Strategy Model for Potentially Discriminatory Questions' (1989) <<https://files.eric.ed.gov/fulltext/ED313763.pdf>> accessed 12 June 2020.

¹¹⁶³ Joann Keyton and Jeff Springston, 'I Don't Want to Answer That! A Response Strategy Model for Potentially Discriminatory Questions' (1989) <<https://files.eric.ed.gov/fulltext/ED313763.pdf>> accessed 12 June 2020.

¹¹⁶⁴ Nyla R Branscombe, Michael T. Schmitt and Richard D. Harvey, 'Perceiving Pervasive Discrimination Among African Americans: Implications for Group Identification and Well-Being' [1999] *Journal of Personality and Social Psychology* 135; Kenneth L Dion, 'Women's Reactions to Discrimination from Members of the Same or Opposite Sex' [1975] *Journal of Research in Personality* 294; Devah Pager, 'The Use of Field Experiments for

7.6 Conclusion

The analysis of the research findings in this chapter explored and appraised how discrimination in the selection process occurs in order to answer some of the research questions as to whether personal characteristics of job candidates influence or shape selection processes, whether job candidates perceive job interviews to be discriminatory, whether discriminatory job interviews have a negative impact on them, whether culture influences selection decisions and finally whether private organisations follow a fair selection process.

An investigation into this revealed and affirmed that more than half of the respondents in this study had experienced some form of discrimination in job interviews. Therefore, this confirms the occurrence of discrimination in job interviews within the Lagos State private sector. Respondents shared that job interviewers were biased towards them by asking them personal questions relating to their sex, age, religion and ethnicity. However, not all respondents experienced discrimination. Two respondents stated that it is unlikely for a person to know if they were being discriminated against. Once a job candidate meets the discriminatory requirements, the interview process would not appear to be discriminatory. The problem with these assertions is that as long as discriminatory questions are asked during job interviews, it is irrelevant whether or not it is perceived. The act still remains illegal.

One of the main discriminatory questions that female respondents were asked related to their gender and their marital status. Results showed that some interviewers have a preference for either single or married women. Single women were preferred because they were less of a flight risk and could work late hours instead of married women who were presumed to have home commitments (i.e., taking care of their husbands and/or kids). On the other hand, married women were preferred because they were seen as more 'responsible' than single women who were over a certain age. The over-reliance on culture influences these beliefs. As discussed in Chapter Five, the Nigerian society is very patriarchal; therefore, there is the frequent possibility that women are continually going to be considered as inferior, with the home setting regarded as their primary place of relevance.

This chapter also explored the type of interview method that could potentially increase the occurrence of discriminatory questions. Based on the types of questions respondents shared, such as how many kids they intend to have and what religion or ethnic group they belong to, this study, therefore, believes that the interviewers adopted either semi-structured or

Studies of Employment Discrimination: Contributions, Critiques, and Directions for the Future' [2007] The Annals of the American Academy 104.

unstructured interview methods. These two methods create an avenue for the interviewers' opinions of the candidate to be expressed during the interview. Therefore, tailoring specific personal questions to each job candidate.

Another area explored in this chapter is the negative impact of discrimination. Discrimination, whether explicit or implicit, creates a negative situation that can affect people. Respondents shared that interviewers' discriminatory questions made them feel bad, unfavourable, and depressed. The adverse effect is not only because they did not qualify for the job but that they were not given a chance based on physical attributes they neither change nor control; they were not assessed based on their skills and competencies. The effects of verbal discrimination on job candidates can be detrimental to their mental health and self-esteem. HR professionals need to be trained in questioning job candidates in order to avoid prejudice. Although the effects of any sort of discrimination are expected to be negative, some respondents also shared that the discriminatory questions they experienced during interviews were a motivating factor to work harder. Not all individuals cope with discrimination in the same way. Nonetheless, this does not mitigate discrimination.

Finally, this chapter reveals that not all respondents challenge discriminatory interview outcomes, and it was assumed that this is possibly due to respondents knowing that nothing would be done even if they did. However, challenging discrimination is a step towards understanding one's rights and fighting for what is right. In light of these findings, this thesis proceeds to the next chapter by providing an overall conclusion of this study and offering some recommendations to help mitigate discrimination in pre-employment practices in Lagos State private sector.

Chapter Eight

Conclusion and Recommendations

8.0 Introduction

'Research involves original work in answering a question or solving a problem.'

- Susan Guyette¹¹⁶⁵

This chapter presents a set of concluding submissions of this study based on the research findings and provides recommendations for change and future research.

The overarching aim of this research was to explore, analyse and discuss the occurrence of discrimination during the early stages of recruitment processes in the private sector in Lagos State, Nigeria. What constitutes pre-employment discrimination has been discussed throughout this thesis, emphasising the exclusion of certain groups of people from applying for jobs based on the personal characteristic they possess.

While recognising the limitations of this study, it is submitted that this research has largely achieved its objectives. This study investigated, identified and established not only the occurrence of discrimination in pre-employment practices, such as job advertisements and job interviews, but also the different types of discrimination present, the cultural influence of discrimination, the confines of Nigerian legislation on employment relations, how job seekers in Lagos State perceive discrimination, and the negative impact it has on job seekers.

In light of the above, this chapter will synthesise the key elements of this thesis by summarising:

- The research problems addressed by the thesis
- The knowledge gap identified through the literature review
- Summary of key research findings
- The thesis' contribution to knowledge
- Recommendations for change in law/policy and practice and future research

¹¹⁶⁵ Susan Guyette, *Community-Based Research: A Handbook for Native Americans* (American Indian Studies Center 1983), 1.

8.1 Research Problems

In Lagos State, Nigeria, the private sector is known to discriminate against job seekers during recruitment and selection processes, such as job advertisements and job interviews. Discrimination is widely known to increase the rate of unemployment and underemployment, as individuals exercising their right to work find it difficult to secure employment. The job advertisements and job interviews methods used by organisations in the private sector reveal a considerable number of discriminatory requirements such as age, sex (gender), religion or ethnicity. This automatically puts some groups of people at a disadvantage and stops them from applying for the vacant positions as they do not meet the discriminatory requirements. More so, job seekers could still face discrimination during job interviews even when discriminatory requirements are absent in job advertisements. Some job seekers are asked personal questions during job interviews that can be discriminatory or condescending, which sometimes form the basis of employment decisions.

The constant discriminatory requirements or questions experienced by job seekers is a continuous infringement of their rights as guaranteed by the Nigerian Constitution 1999 (as amended 2011). Section 42,¹¹⁶⁶ which provides the right of people to be free from discrimination, is an attempt to solve the issue of discrimination. However, this section has little to no effect in regulating or prohibiting discrimination that occurs before employment. This is because it fails to comprehensively define what discrimination is, has limited prohibitive grounds and does not include the different types of discrimination such as discrimination by association or victimisation. The Nigerian Labour Act 1971, which aims to regulate labour relations, also fails to provide guidelines for a non-discriminatory recruitment process.

As the International Labour Organisation (ILO) has continually stated, employment discrimination is a violation of human rights and a waste of human talents.¹¹⁶⁷ If the root cause of discrimination in pre-employment procedures and why it is widely spread is not investigated, the unemployment rate in Nigeria as a whole will continue to rise. More significantly, it may undermine or invalidate the right guaranteed under the Nigerian Constitution 1999 (as amended 2011). Therefore, the problem this thesis addressed explored, identified, analysed, and proffered recommendations to mitigate discrimination in pre-employment practises within the private sector in Lagos State, Nigeria.

¹¹⁶⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹¹⁶⁷ International Labour Organisation, 'Time for Equality at Work, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work' <https://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_publ_9221128717_en.pdf> accessed on 30 May 2021.

8.2 Knowledge Gap

The research explored current literature on HRM practices, recruitment and selection processes, and discrimination in Nigeria and found that there were limited studies and a lack of in-depth exploration of the occurrences of discrimination in pre-employment practices in the private sector. However, existing literature, as discussed in Chapter One, Section 1.2, provided the foundation and insight into how HRM practices are conducted in Nigeria, specifically noting that these practices are a blend of both Western and African management styles and that the HRM practices and the recruitment and selection processes were underdeveloped.¹¹⁶⁸

With recruitment and selection practices in Nigeria, the reviewed literature provided the foundation of the challenges that impact the recruitment and selection processes, such as cultural influence, nepotism, godfatherism and favouritism.¹¹⁶⁹ However, these studies looked into the challenges of HRM and recruitment and selection practices from the perspective of line managers, employees and HR professionals, which can be said to translate to the perspective of organisations. That is, the standpoint of organisations on how recruitment and selections practices are conducted. The current HRM literature does not examine the perceptions of job seekers who are at the receiving end of discriminatory acts perpetrated by organisations. Their opinions on discrimination during recruitment and selection processes in Lagos State private sector and the impact discrimination has on them have not been investigated.

Furthermore, the existing literature on employment discrimination in Nigeria studied discrimination that occurs during employment with little to no research on discriminatory acts that could happen before a person gets employed (i.e., during job application processes, such as job advertisements and job interviews).¹¹⁷⁰ Even then, the limited studies that explored pre-

¹¹⁶⁸ Hillary O Odor, Josephine N Martins-Emesom and Casmir O Bakwuye, 'Recruitment and Selection Practices in Higher Institutions of Learning in Nigeria' [2019] *Global Journal of Human-Social Science: G Linguistics & Education* 21; O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1; Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

¹¹⁶⁹ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703.

¹¹⁷⁰ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] *African Journal of Business Management* 4689; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] *Journal of Education and Practice* 139; Adedeji Bethel Oluwatosin and Ajayi Oluwatobiloba Ifedolapo, 'Women, Their Rights, and Workplace Discrimination' [2018] *International Affairs and Global Strategy* 22; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An

employment discrimination focused more on specific types of discriminatory acts, such as sex (gender), ethnicity, religion, age and disability discrimination, rather than exploring all the different types of discrimination that could potentially occur.¹¹⁷¹ There are no studies exploring discrimination in the pre-employment phase from a holistic point of view and what its potential causes are. These are the gaps that this study bridges.

Consequently, the purpose of this study was to first ascertain the occurrence of discrimination in pre-employment processes, then investigate some of the factors that influence discrimination in pre-employment practices in the Nigerian private sector. More importantly, this study explored the possible types of discrimination that could likely occur during recruitment and selection processes such as age, sex, ethnic group, place of origin, religion and political opinion, as stated in section 42 of the Nigerian Constitution 1999 (as amended 2011), the extent to which these personal characteristics are present in and influence recruitment and selection processes and finally, how it affects job seekers in Lagos State, Nigeria.

In light of this, the next section will explain the key research findings and how this study's research questions were answered.

8.3 Key Research Findings

This thesis began with the introductory chapter. The chapter presents the background of this study, introduces the thesis' aims and objectives, significance of the study and an overview of the research design. This chapter also provided a summative review of the existing literature on HRM practices, recruitment and selection practices and discrimination in Nigeria. Through the exploration of the existing literature, it was found that scholarship of HRM in Nigeria tend to agree that HRM practices are undeveloped. More so, some scholars have argued that the HRM practices in Nigeria are a blend of Western HRM practices and African management style of practice in addition to the influence of culture, discrimination, nepotism, godfatherism and favouritism. This was termed as a cross-culturally blended orientation to HRM by

Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] International Journal of Social, Human Science and Engineering 101.
¹¹⁷¹ Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689; Nkechi Njoku, 'Effects of Non Indigene Discrimination on Contemporary Nigerian Society: Christian Religious Knowledge Perspective' [2015] Journal of Education and Practice 139; Adedeji Bethel Oluwatosin and Ajayi Oluwatobiloba Ifedolapo, 'Women, Their Rights, and Workplace Discrimination' [2018] International Affairs and Global Strategy 22; Daniel E Gberevbie, Adewale O Osibanjo, Anthonia A Adeniji and Olumuyiwa A Oludayo, 'An Empirical Study of Gender Discrimination and Employee Performance among Academic Staff of Government Universities in Lagos State, Nigeria' [2014] International Journal of Social, Human Science and Engineering 101.

Azolukwam and Perkins (see Chapter One, Section 1.2.1).¹¹⁷² Understanding the cross-culturally blended orientation to HRM in Nigeria allowed the researcher to recognise how recruitment and selection practices differ from Western countries and how factors such as discrimination inhibit its development. More so, it helped this study to identify the gap in the literature, as noted above. With this insightful knowledge, suitable research methods were identified to help close this gap.

As explained in Chapter Two, an empirical research methodology was adopted on the grounds that this would, at the very least, provide valuable insights and an overview of the perspectives of job seekers on discrimination in job applications and job interviews. The research adopted a socio-legal approach that drew upon an online survey and semi-structured interviews. Data was first collected from individuals (potential job seekers) via an online survey to investigate individual experiences of discrimination during recruitment and selection processes. Collecting data from job seekers/applicants was significant to this research because they are at the receiving end of potential discrimination that occurs during job advertisements and job interviews. As such, the data collected from 88 respondents allowed the researcher to understand the surveyed respondents' experience with pre-employment discrimination, the specific types of discrimination they encountered and how it affected them.

Thereafter, three HR professionals were interviewed. The conducted interviews added more value to the data collected from the online surveys, thereby providing more insight into the practices of organisations favouring specific personal characteristics in job seekers and how relevant they were to the job. The data collected from the online survey and interviews gave valuable insight and complements existing studies on the influence and occurrence of discrimination in job adverts and job interviews. The data collected via these methods helped answer the research question in confirming that discrimination does occur in pre-employment practices in Lagos State private sector.

The anonymity guaranteed to respondents and participants before conducting this research allowed them to be more open as to their experiences of various types of discrimination at the pre-employment stage. The online survey has also facilitated a better understanding and appreciation of the respondents' view of the types of discrimination they may have suffered, how it impacts them, and their hope for change. This thesis concludes here that in Nigeria, legal protection against discrimination does not really work in practice, and several challenges hinder its implementation and enforceability. This has been discussed in all chapters, and a summary of this will be explained below.

¹¹⁷² Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62.

Chapter Three analysed the non-discrimination and labour law in Nigeria. The Nigerian Constitution 1999 (as amended 2011), the apex law in Nigeria, contains the Bill of Rights, to which section 42¹¹⁷³ guarantees the right to be free from discrimination on the grounds of being from a particular community, ethnic group, place of origin, sex, religion or political opinion. This is the only section of the Nigerian Constitution that focuses explicitly on discrimination.

With the Constitution being the apex law that expressly deals with discrimination, it comes with its shortcoming. One of the criticisms of section 42¹¹⁷⁴ is that it fails to prohibit all forms of discrimination by providing a comprehensive definition of discrimination and different circumstances of how discrimination could occur, namely: direct, indirect, by association or victimisation, as seen in the UK anti-discrimination law framework in the Equality Act 2010. For instance, section 42¹¹⁷⁵ fails to recognise age or disability as protected characteristics. More so, the problem is not just about having a law that prohibits discrimination; Nigeria needs a law that explicitly prohibits discrimination in pre-employment practices as well. The reason is that pre-employment discrimination is not yet recognised or enforceable in Nigeria. The National Industrial Courts (NIC), which has the exclusive jurisdiction to hear matters relating to labour relations, has not done enough to ensure the inclusiveness of pre-employment discrimination (Chapter Three, Section 3.4).

Pre-employment discrimination hinders qualified citizens from competing in the labour market due to the personal characteristics they possess. In a country of more than 250 ethnicities and over 520 languages, it would seem that the constitution should have a more comprehensive list of prohibited acts or grounds for acts that could effectively protect its citizen. However, this is not the case. More so, the Nigerian Labour Act 1991, which by its title, one would believe should have enough coverage on employment practices, disappoints by covering only protection of wages, contract of employment, recruiters and recruiting generally. The Labour Act 1991 does not take into consideration discriminatory practices in recruitment and selection processes, protect workers from discrimination or provide adequate recruitment guidelines. More so, some international instruments or treaties on employment relations, such as the ILO Conventions that are ratified by Nigeria, are not yet domesticated. Although the NIC can apply ratified international instruments deemed to be of good or international practice in labour relations, domesticating these instruments would be better because they become law and mandatory for organisations to comply.

¹¹⁷³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹¹⁷⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹¹⁷⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

Chapter Three identified the deficiencies in section 42¹¹⁷⁶ in effectively recognising and regulating discrimination in pre-employment practices. The way section 42¹¹⁷⁷ was drafted suggests that it was not made to be applied to pre-employment discrimination, especially since it is hard to enforce this right in court. Hence, the researcher recommends that the Constitution either needs to be altered to protect people from discrimination or a new law needs to be enacted solely for equality amongst all people (see Section 8.6).

In Chapter Four, the concept of HRM was subsequently explored and discussed in two parts. In Part One, the meaning of HRM, recruitment and selection practices and the various stages of recruitment and selection process were explored. Part One discusses the minimum principles or standards required for successful HRM and recruitment and selection practices. Part Two then explored how HRM and recruitment and selection processes are practised in Nigeria. It discusses how HRM and recruitment and selection practices in Nigeria differ from those practised in the Western world.

Being in its infancy stage, HRM in Nigeria is still characterised by its lack of professionalism and specialisation. Its over-reliance on culture, religion, language, gender and educational qualifications were shown to influence recruitment practices, which is also where discrimination stems from. Scholars have argued that the importation of foreign HRM practices into Nigeria is conflicting with the traditional ways of doing things, thereby causing confusion.¹¹⁷⁸ They noted that there was already an African style of management prior to the emergence of Western HRM. Therefore, the HRM practices in Nigeria are functioning within a dual organisational system (cross-culturally blended orientation to HRM), which subscribes to both the traditional and Western patterns of operation, although the Western practices appear to be more dominant.

The essence of recruitment planning, also known as HR planning, was also explored. HR planning allows organisations have a better view of the necessary requirements of the vacant job. It allows organisations to communicate to potential job seekers the type of skills, work experience, location or educational background needed to carry out the job responsibilities. However, the challenges of recruitment and selection processes in Nigeria were explored, and according to scholars, some recruitment and selection processes were riddled with nepotism, corruption, lack of proper legislative control, lack of indigenous and comprehensive HRM

¹¹⁷⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹¹⁷⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011).

¹¹⁷⁸ Veronica A Azolukwam and Stephen J Perkins, 'Managerial Perspectives on HRM in Nigeria: Evolving Hybridization?' [2009] *Cross Cultural Management: An International Journal* 62; Ernest Jebolise Chukwuka and Nkiru Peace Nwakoby, 'Effect of Human Resource Management Practices on Employee Retention and Performance in Nigerian Insurance Industry' [2018] *International Journal of Business, Accounting and Management* 27.

models and discrimination.¹¹⁷⁹ Evidence from the samples of online job adverts showed the presence of discrimination, such as gender, age, and marital status, proving the existence of discrimination in recruitment and selection processes.

Culture was also found to impact and influence certain HR practices such as recruitment and selection. This further led to the importance of investigating and understanding more about how culture influences recruitment and selection processes, which was subsequently explored in Chapter Five.

In answering the fourth research question (Chapter One, Section 2.1.2), Chapter Five explored the impact and influence of recruitment and selection practices in Lagos State, Nigeria. Lagos State is multicultural, and the HRM practices adopted from Western countries did not fully recognise the inbuilt cultural values and beliefs.¹¹⁸⁰ Hence, the hybridised HRM practices discussed in Chapter One, Section 1.2. As such, culture was found to significantly impact recruitment and selection processes and practices in Lagos State. Cultural impact within the context of recruitment and selection deviated slightly from the popular meaning of 'the way of life, especially the general customs and beliefs, of a particular group of people at a particular time'.¹¹⁸¹ Cultural impact in recruitment and selection practices were found not just to be about the different values and beliefs of a particular group of people but simply 'an accepted way of life'. It included certain practices and beliefs shared by people irrespective of their ethnicity or differences. Research findings revealed that some people in Lagos State, irrespective of their ethnicity, gender, religion or age, shared a common notion that discrimination in pre-employment was normal and expected. Findings also revealed that some respondents accepted discriminatory practices as norms driven by cultural practice - 'how things are done around here'.¹¹⁸²

Respondents noted that they believed it was a norm for organisations to ask for personal characteristics in job adverts. Some respondents stated that these requirements were standard, basic, and sacrosanct. Furthermore, a few respondents noted that certain personal

¹¹⁷⁹ Toyin Adisa, Ellis Osabutey, Gbolahan Gbadamosi and Chima Mordi, 'The Challenges of Employee Resourcing: The Perceptions of Managers in Nigeria' [2017] *Career Development International* 703; A Tiemo and D Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Adeyori Rotimi and Fajebi Folorunso, 'Human Resources Recruitment and Selection Practices in Nigerian Organisations' [2018] *Interdisciplinary Journal of Education* 230; Onyeaghala, O H Onyeaghala and M I Hyacinth, 'Effects of Employee Selection Process on Productivity in the Public and Private Sectors: A case of Benue State' [2016] *Business and Economics Journal* 1.

¹¹⁸⁰ Uzoamaka P Anakwe, 'Human Resource Management Practices in Nigeria: Challenges and Insights, [2002] *International Journal of Human Resource Management* 1042; Ibrahim Yaro, 'Recruitment and Selection in the Nigerian Public Service: Nature, Challenges and Way Forward' [2014] *British Journal of Economics, Management and Trade* 1005.

¹¹⁸¹ Cambridge Dictionary <<https://dictionary.cambridge.org/dictionary/english/culture>> accessed on 30 November 2019.

¹¹⁸² David Drennan, *Transforming Company Culture* (1st edn, McGraw-Hill Education 1992).

characteristics were a prerequisite and could not be challenged. Research findings showed that it is now culturally expected for organisations to discriminate with or without reason as to why they prefer a particular type of individual. More surprisingly is the ripple effect of this. Job seekers have now accepted that some job adverts in Lagos State will be discriminatory. Consequently, to improve their chances of being employed, some job seekers provide more personal information on their CVs to match the personalised requirements on job adverts. Thus, the acceptance by job seekers that job adverts are discriminatory has become a norm—a way of life.

Subsequently, Chapter Six examined the occurrences of discrimination in job advertisements from the perspectives of job seekers. It explored the use of job advertisements in communicating with job seekers to attract and select the appropriate human resources.¹¹⁸³ This is because job advertisements are one of the common ways by which organisations communicate to job seekers. An investigation into job adverts from organisations in the private sector in Lagos State revealed that some state the skills and qualifications needed for the job and demand specific physical characteristics or attributes they believe would help carry out the job. This could be age, gender, ethnicity, religion and sometimes, marital status.

A significant finding was discovered from the exploration of some online job adverts from private organisations in Lagos State that not only were there discriminatory requirements in job adverts such as age, gender, or religion (see Appendices G and H), discrimination was also found in the language of a job advert. Words like 'he/she', 'beautiful', 'mature', 'religious', 'salesgirl', 'salesboy', 'gateman' or 'athletic' were found in some job adverts (Chapter Six, Section 6.1). It was found that using certain words can alienate certain people from applying for jobs. For instance, a man might not apply for a job that states that a 'beautiful' person is required, neither would a woman apply for a job that uses 'he' as a reference to who should apply. One of the interviewed HR professionals also confirmed that they use the word 'young' in their job adverts to stop older people from applying. This finding was very significant to this research and also made an original contribution to the literature in the Nigerian context because there is no research in Nigeria that has explored this notion.

Respondents also shared their experiences of discriminatory job adverts and how this decides their fate before they even get a chance to prove their skills and capabilities. Evidence of culture was also found to motivate discriminatory adverts and their normality. Two themes 'Recruitment Edge' and 'Organisational Requirement' that was generated from the analysis of the findings (see Chapter Two, Section 2.5.3) suggest that some respondents did not mind

¹¹⁸³ Sophia Anastasiou, 'Recruitment Communication Practices in Job Adverts in Greece through a Snapshot of Internet Sites for Job Vacancies' [2014] *International Journal of Economics and Management Sciences* 9; Renuka Devi and Vijaya Banu, 'Introduction to Recruitment' (2014) 1 SSRG-IJEMS 5.

the discriminatory requirements in job adverts because they matched it, and a few believed that some jobs could only be done by certain people. This area of acceptance of discrimination suggests the presence of bias internalised by job seekers themselves and needs further exploration.

Discrimination in job interviews was explored in Chapter Seven of this thesis. This chapter discussed employment or job interviews from the perspectives of job seekers and HR professionals. The practice of job interviews has been criticised overtime for having minimum predictive power due to interviewers being swayed by irrelevant questions and bias.¹¹⁸⁴ From the research findings, it was discovered that organisations in Lagos State indeed discriminate during job interviews by asking intruding personal or intimate questions.

From the analysis of the research findings, it was established that discrimination during job interviews is as a result of interviewers using either semi-structured or unstructured interviews methods. This is because semi-structured or unstructured interview methods allow the interviewers to use limited sets of predetermined questions as well as give interviewers the flexibility to ask questions that may vary significantly from one candidate to another. The questions most respondents said they were asked seemed to be tailored specifically to each person based on their personal characteristics. For example, it was discovered that gender stereotypes 'spill over' into interviews and women were particularly at a disadvantage. Research findings revealed that females received harsher forms of discrimination than their male counterparts. Female respondents stated that interviewers asked them personal questions regarding their children and even marital status. More so, older respondents received questions relating to their ages, with one respondent stating that they were asked for their birth certificate as proof. Once a job interviewer forms an impression, it influences the line of questioning and their behaviour toward the candidate, thereby creating a preconceived judgment about the sex, age, ethnicity or religion of the candidate before the interview actually starts. This creates an avenue for biased questions.

Finally, the concluding chapter, Chapter Eight proffers' recommendations for change and future research. Recruitment practices thrive in the attraction of a larger pool of skilled people and limiting that is contrary to HR functions and purposes. Employment discrimination is said to be a waste of human talent and a detriment to economic growth and productivity by the International Labour Organisation.¹¹⁸⁵ Therefore, areas for future research and

¹¹⁸⁴ Regina Pingitore, Bernard Dugoni, Scott Tindale and Bonnie Spring, 'Bias Against Overweight Job Applicants in A Simulated Employment Interview' [1994] *Journal of Applied Psychology* 909; Uco Wiersma, 'The Four Stages of the Employment Interview Helping Interviewers put Two and two Together' [2016] *EBHRM* 232.

¹¹⁸⁵ ILO: Workplace Discrimination, A Picture of Hope and Concern (International Labour Organisation, 2003). <[https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081324/lang--en/index.htm](https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081324/lang-en/index.htm)> accessed 21 July 2019; Kola Odeku and Sola Animashaun, 'Ensuring Equality at the Workplace

recommendations for an effective recruitment and selection practice in Lagos State and better legislation for regulating discrimination are advised and discussed later in this chapter.

8.4 Contribution to Knowledge.

Based on the findings discussed in the above chapters, this study has made five major contributions to knowledge on the occurrence of discrimination in pre-employment processes.

First, this research contributes to knowledge by highlighting the lacuna in section 42 of the Nigerian Constitution 1999 (as amended 2011) in regulating the prohibition of discrimination in pre-employment practices. There are various discussions on the challenges and inefficiency of section 42.¹¹⁸⁶ However, its application to pre-employment practices, such as job adverts and job interviews, is limited. Due to the general language used in the drafting of section 42, it lacks the specificity that would be gained from legislation focusing on the field of pre-employment practice. More so, the lack of case laws on discriminatory job adverts or interviews, difficulties of enforcing the Constitution judicially, and lack of secondary legislation elaborating on what the Constitution provides in this area to address and challenge those embedded cultural practices therefore continue to manifest in pre-employment processes in Lagos State. The costs and increasing delays and procedural technicalities also add to the enforcement of fundamental human rights in Nigeria, as noted in Chapter Three of this thesis.

This thesis's second original contribution to knowledge is that culture serves as the main causative factor to pre-employment discrimination. The first impression of the word 'culture' or 'national culture' is from the anthropological view, which is the social forms, customary beliefs, and material traits of a social, racial, religious group. However, based on this research findings, this study was able to identify and establish that when it comes to discrimination in pre-employment in Lagos State, culture here means 'a cluster of learned behaviours that we share with others in a particular society',¹¹⁸⁷ in addition to the anthropological definition of culture. As discussed in Chapters Six and Seven, research findings showed that discrimination in job adverts and job interviews in Lagos State, Nigeria, has become a norm passed down over time, making it normal for organisations to discriminate and for job seekers to accept it. This shared belief is why some respondents tailor their CVs to include more personal characteristics such as age, sex, marital status, ethnicity, and religion in order to match the discrimination requirements in job adverts. It is not just that the law is ineffective. It is because

by Strengthening the Law on Prohibition against Discrimination' [2012] African Journal of Business Management 4689.

¹¹⁸⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹¹⁸⁷ Antonio Lebrón, 'What is Culture?' (2013) Merit Research Journal of Education and Review 126, 127.

culture supersedes the law. Culturally, organisations have discriminated against job seekers during recruitment and selection for so long without any legal implication. Hence, a cultural barrier has been formed. Therefore, this study has provided an important case study situation that previous researchers might have ignored or not properly investigated on how discrimination is fuelled and shaped by culture. As such, this research makes an original contribution to understanding the influence of culture on recruitment and selection practices and making some recommendations.

Third, gender discrimination in Nigeria has had a lot of attention, such as the low representation of women in politics and top management positions within organisations. However, there is limited literature on the extensive discrimination women face during job interviews. When it comes to women, their job interviews are more personal (Chapter Seven, Section 7.2). Research findings in Chapters Five and Seven provide evidence of specific gender-related questions female job candidates are asked, such as their singlehood, marital life, children, and ability to manage male colleagues. Although evidence links this to the presence of culture where women are viewed as second class and domesticated in the patriarchal environment, it is now evident that this has been downplayed. More women in this study faced job interview discrimination. Not only because of their gender but also in relation to their marital status. Some interviewers link being married to being 'responsible' enough to perform a job (see Chapter Seven, Section 7.2). Therefore, this study has contributed to the research on the discriminatory questions female job seekers potentially face in the hands of Lagos State private organisations.

Fourth, one of the central aims of this study was to critically explore the reasons, causes and effects of discrimination in job adverts as part of the recruitment and selection process within the private sector in Lagos State. In Chapter Six, analysis and findings from the study of 300 online job adverts from private sector organisations in Lagos State were presented. Research findings revealed that discrimination could be explicit and implied in the languages used in job adverts, such as 'he/she', 'beautiful', 'mature', 'newly qualified', 'religious', 'salesgirl', 'salesboy' etc. The use of these types of words, as discovered in the analysis of online job adverts, would have amounted to indirect discrimination under UK Equality law 2010. More particularly, the use of years of experience found in all job adverts analysed would have made it discriminatory as well (Chapter Six, Section 6.1). There is little to no research on the use of discriminatory language in job adverts in Lagos as a way of alienating certain groups of people. As discussed throughout this thesis, discrimination can also be subtle and implied. As such, discriminatory language in job adverts is both subtle and implied, as well as explicit.

Therefore, this finding makes a valuable contribution that subtle discrimination does occur in the language used in job descriptions contained in job adverts.

Finally, this research also makes a contribution to knowledge on the occurrence and reasons of conscious or unconscious bias during job application processes amongst job seekers. Research findings in Chapter Six showed that some job seekers believed that some jobs were better suited for certain types of people. Cultural beliefs are not only on the part of the recruiters but also the job seekers. For instance, some respondents expressed that for some jobs, the job seeker's age matters because older people cannot be hired for a highly physical job. Another commonly held perspective is that jobs requiring extra physical work are better suited for men. However, further findings showed that they only believed this because they were more likely to match the personal characteristics required by organisations. Respondents were also using their personal characteristics as a recruitment edge and therefore did not mind that they were discriminatory if that discrimination worked to their advantage. The belief that one is better than others due to the difference in personal attributes is a sign of conscious and unconscious bias.

The contributions to knowledge submitted above have highlighted the originality of this research. However, this study does not end here. More research is needed to fully understand why discrimination continues to be present in pre-employment practices in Lagos State private organisations and to therefore determine how to effectively breakdown or challenge cultural barriers. Therefore, the next section provides recommendations that could help push this forward.

8.5 Recommendations

In pursuance of the fourth research objective, this section outlines recommendations based on the findings of this research. The essence of recommendations is to urge specific actions to be taken with regards to theory, practice, policy, or further research. The recommendations suggested in this research are potential interventions to address the issues and constraints regarding the occurrences of discriminatory practices in Nigeria as identified.

As a guide, this section will be divided into two parts.

- Part One – This proffers recommendation for change in law/policy and practice, which directly addresses, amongst other things, the regulation of discrimination in Nigeria, the essence and benefit of judicial processes and the regulation of HRM in Nigeria.
- Part Two – This offers recommendations for future research based on the limitations of this research which future researchers might address.

Part One – Recommendations for Change in Law/Policy and Practice

8.6 Altering Section 42 of the Nigerian Constitution

As stated in Chapter Three, Section 3.1.1, the Nigerian Constitution is a living document.¹¹⁸⁸ However, it is also a known fact that the Constitution of the Federal Republic of Nigeria 1999 (as amended 2011) is outdated.¹¹⁸⁹ Chapter IV of the Nigerian Constitution 1999 (as amended 2011), which contains the Fundamental Human Rights guaranteed to the people of Nigeria, lacks the inclusion of diversity. More specifically, section 42, which is meant to promote equality and diversity, does not properly define discrimination.¹¹⁹⁰ With a lack of definition or what actions can constitute discrimination, this makes the interpretation of the section vague. The Nigerian courts are also yet to develop a substantive equality approach to interpreting the section.¹¹⁹¹ Another serious flaw of the Constitution is that section 42 does not prohibit all forms of discrimination such as age, pregnancy and maternity, race, and disability. At present, the only prohibitive grounds are particular community, ethnic group, place of origin, sex, religion or political opinion,¹¹⁹² which only applies to Nigerian citizens and does not extend to foreigners.¹¹⁹³

A good way to update the Constitution is by altering Chapter IV of the Constitution. A Constitutional alteration can become necessary due to some societal dynamism, such as changes in the administrative structure of the country or the need to accommodate the welfares of some segments of the society.¹¹⁹⁴ The Constitution needs to be able to cater to unforeseen situations or new realities that were not originally adequately provided for.¹¹⁹⁵ The

¹¹⁸⁸ Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] *African Journal of Legal Studies* 123; Ilias B Lawal, 'The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria' [2011] *Journal of Law and Conflict Resolution* 26.

¹¹⁸⁹ Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] *African Journal of Legal Studies* 123; Ilias B Lawal, 'The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria' [2011] *Journal of Law and Conflict Resolution* 26.

¹¹⁹⁰ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

¹¹⁹¹ Ebenezer Durojaye and Yinka Owoeye, 'Equally Unequal or Unequally Equal': Adopting a Substantive Equality Approach to Gender Discrimination, [2017] *International Journal of Discrimination and the Law in Nigeria* 70.

¹¹⁹² Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42 (1) (b).

¹¹⁹³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42 (1) (b).

¹¹⁹⁴ Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] *African Journal of Legal Studies* 123; Ilias B Lawal, 'The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria' [2011] *Journal of Law and Conflict Resolution* 26.

¹¹⁹⁵ Ilias B Lawal, 'The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria' [2011] *Journal of Law and Conflict Resolution* 26; Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] *African Journal of Legal Studies* 123.

reality now is that job seekers are being deprived of their right to employment due to discrimination.

In order to alter the Nigerian Constitution, certain processes need to be followed, which might not make it easy. However, section 9 of the Nigerian Constitution 1999 (as amended 2011) makes provisions for the constitutional amendment procedure. With respect to altering Chapter IV of the Constitution, section 9(2) states that for an alteration of the Constitution to be valid, the proposal must be:

- Approved by the votes of not less than four-fifths majority of all the members of each House, and
- Approved by resolution of the House of Assembly of not less than two-third of all States.
- Presidential assent to validate and give the force of law to any bill passed by the National Assembly¹¹⁹⁶

It is submitted that the newly altered section 42 should include a comprehensive definition of discrimination and more prohibitive grounds such as age, race, pregnancy, maternity, race, and disability. The different ways with which discrimination can occur should also be stated, such as direct, indirect, harassment, by association and victimisation as seen in the UK Equality Act 2010. These will help widen the scope of discrimination, making it easier to interpret by courts and people.

Subsequently, the right to freedom from discrimination should be extended to foreigners as opposed to just Nigerian citizens only.¹¹⁹⁷ Since the Labour Act 1991 and the ILO's Migration for Employment Convention (Revised), 1949 (No. 97) allows for the recruitment of foreigners, they deserve to be protected as well. Therefore, foreigners should also be included. Furthermore, equality and equal rights to access employment should be given more attention.

It is also advised that the new alterations of Chapter IV of the Nigerian Constitution 1999 (as amended 2011) should enable or lead to the creation of other Acts which would mandate sanctions and enforceability. This recommendation was also supported by some respondents who indicated that the law should be revised with strict sanctions or penalties for offending employers. Stringent measures should be in place to help curb discrimination, such as fines or compensation to be paid by employers and/or potential employers to employees and applicants. This is because continuous employment discrimination reduces the chances of people gaining employment. If organisations in Lagos State are allowed to continue to

¹¹⁹⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 58.

¹¹⁹⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), 42(1)(a).

discriminate against individuals or groups of people based on their personal characteristics, this could affect the continuous rise in unemployment and waste of talent pool.

8.6.1 Altering of Part 1 of the Second Schedule in the Constitution

During the proposed alteration of the Constitution, it is also advised that Item 34 contained in Part 1 of the Second Schedule in the Constitution should be moved from the Exclusive Legislative List to the Concurrent Legislative List. The Exclusive Legislative List outlines the legislative powers exclusive to the Federal Government, while the Concurrent Legislative List outlines the legislative powers that are concurrently exercised by both the Federal government and State government.¹¹⁹⁸

Part 1 of the Second Schedule contains the Exclusive Legislative List, which states that no other organ except the National Assembly of the Federation can make laws with respect to any matter listed in the Legislative list. Some of the matters listed in the Legislative List is 'Item 34', which are:

Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitration.

Due to labour relations being included in this list, it restricts the State governments (i.e., House of Assembly) from enacting laws that pertain to labour relations. By moving Item 34, it becomes the legislative business of both the Federal and State Governments. Meaning that the Lagos State government would have the legislative competence to legislate on discrimination as it relates to labour matters. As such, moving or removing Item 34 will allow Lagos State to regulate discrimination effectively.

The alteration of the Nigerian Constitution comes with its challenges, such as competition for control of power and state resources, insincerity and incapacity of key governmental organs, corruption, and a compromised judiciary.¹¹⁹⁹ Whether the alteration of the Constitution is viable or not, another way to effectively mitigate discrimination is by enacting a new law specifically

¹¹⁹⁸ C Okeke and M Anushiem, 'Implementation of Treaties in Nigeria: Issues, Challenges and the Way Forward' [2018] NAUJILJ 216; Samuel Emeka Mbah and C O Ikemefuna, 'Core Conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] International Journal of Business Administration 1; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] Journal of Human Resource Management 15.

¹¹⁹⁹ Eyene Okpanachi and Ali Garba, 'Federalism and Constitutional Change in Nigeria' [2010] Federal Governance 1; Ilias B Lawal, 'The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria' [2011] Journal of Law and Conflict Resolution 26; Nat Ofo, 'Amending the Constitution of the Federal Republic of Nigeria 1999' [2011] African Journal of Legal Studies 123.

aimed at regulating discrimination and labour relations. This will be discussed in the next section.

8.7 Enactment of a Specific Anti-discrimination Law

Just like the Nigerian Constitution, the Labour Act 1971 is outdated. The challenges of the Nigerian Labour Act 1971, such as lack of provision for discrimination and recruitment processes, were discussed in Chapter Two, Section 3.6 of this thesis.¹²⁰⁰ It does not sufficiently regulate employment relations and protect people from being discriminated against during recruitment and selection processes or effectively regulate other labour relations activities, such as unfair dismissal or redundancy. Some scholars and this study's respondents also shared the same opinion that the Labour Act 1971 is ineffective and does not offer adequate protection against discrimination.¹²⁰¹ Therefore, new laws should be created to abolish discrimination.

Understandably, creating a new law is not easy. It requires resources, consultation or discussion with interested parties such as professional bodies, pressure groups and voluntary organisations. However, creating a new law is important. A law that specially provides for the prohibition of discrimination in employment, inclusive of pre-employment on the grounds of age, gender, religion, race, ethnicity, place of origin, political opinion, disability, HIV status, marital status etc. This new law should also try to mirror the UK's Equality Act 2010. Some of the Bills discussed in Chapter Three, such as the Job Creation and Protection (Establishment) Bill 2013 and the Gender and Equal Opportunities law, can be re-introduced to help mitigate some of these problems. As discussed in Chapter Three, Section 3.6, clause 4 of the Job Creation and Protection (Establishment) Bill 2013 made provisions for discrimination in pre-employment processes, such as job adverts and also extended the list of prohibitive grounds to include age, colour, race, and HIV status. More so, the Gender and Equal Opportunities law sought to prohibit all forms of discrimination against women and persons with disabilities. This bill had the potential of extending to the discrimination women face during job interviews (see Chapter Seven, Section 7.2).

¹²⁰⁰ Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47.

¹²⁰¹ Joseph Nwokpoku Edeh, Paul Monday Nwokwu, M O E Nwoba and Goodness Amaka Ezika, 'Nigerian Labor Laws: Issues and Challenges' [2018] World Applied Sciences Journal 47; Olufunmilayo F Odeku and Kola O Odeku, 'In Pursuit of the Employees' Welfare in the Workplace: Issues in Perspectives' [2014] Mediterranean Journal of Social Sciences 652; Funmi Adewunmi and Adebimpe Adenugba, The State of Workers' Right in Nigeria (Friedrich-Ebert-Stiftung 2010); A Adejugbe Adeyinka and N Adejugbe Adedolapo, 'Constitutionalisation of Labour Law: A Nigerian Perspective' (2018) <<https://dx.doi.org/10.2139/ssrn.3311225>> accessed 25 March 2021.

A new Act can be created by virtue of section 4 (2) – (5) and section 58 of the Nigerian Constitution 1999 (as amended 2011). These sections allow the National Assembly to make laws for the ‘peace, order and good government of the Federation’. In the meantime, section 42 of the Nigerian Constitution 1999 (as amended 2011) and all the relevant non-discrimination legislation should be adhered to, and job seekers should be able to seek effective judicial protection if their right has been infringed. This brings about the next recommendation, which is having an effective judicial process.

8.8 Enhancing the Nigerian Judicial Process

The Nigerian Judicial Process should be enhanced to include matters relating to discrimination in pre-employment processes and practices. An avenue to report cases is by filing an action in the NIC, but the problem is that many people in Nigeria do not know about the NIC and/or are not aware of the judicial process. If they were, then it is arguable that they do not have confidence in the NIC. This is because the judicial system in Nigeria is faced with underfunding, negligence, delay in trials, unnecessary adjournments, excessive politics and corruption.¹²⁰² As such, some Nigerians believe that the judicial system does not work. This was probably why interviewee HRP2 stated that If organisations can get away with discrimination, they can get away with everything.

Likewise, in Chapter Three, Section 3.8, a total of 44.05% of respondents had no knowledge of their right to be free from discrimination,¹²⁰³ 40.91% of respondents were either aware or extremely aware of this right, while a total of 17.05% of respondents were somewhat aware of the provision of section 42 of the Nigerian Constitution 1999 (as amended 2011). The realisation of rights starts from awareness.

Labour matters play a critical role in the growth and development of any Country. No matter how prosperous a country might be in terms of natural resources, its wealth cannot be appropriately harnessed if there is no proper organised labour system.¹²⁰⁴ When seeking redress for matters relating to labour-related matters in Nigeria, complainants will have to file an action in the National Industrial Court (NIC).¹²⁰⁵ As stated in Chapter Three, Section 3.4, the NIC is empowered to adjudicate exclusively on labour-related matters. This means that

¹²⁰² Mohammed Isah Shehu, Muhammad Fuad Bin Othman and Nazariah Binti Osman, ‘Nigerian Justice System: The Ideal, Hope and Reality’ [2017] *Sahel Analyst: Journal of Management Sciences* 104.

¹²⁰³ Constitution of the Federal Republic of Nigeria 1999 (as amended 2011), s 42.

¹²⁰⁴ Etefia E Ekanem and Bassey J Ekanem, ‘An Analysis of the Jurisdiction of the National Industrial Court of Nigeria as a Court of First and Last Resort in Civil Matters’ [2017] *Journal of Humanities and Social Science* 58; Adetayo Oluwafemi Talabi, ‘Judicial Absolutism: Propriety of the National Industrial Court as the First and Final Court in Labour and Other Related Matters in Nigeria’ [2015] *Journal of Law, Policy and Globalization* 70.

¹²⁰⁵ National Industrial Court Act 2006.

the NIC has the exclusive jurisdiction to hear disputes concerning pre-employment discrimination. Discriminatory requirements in job adverts and job interviews are a breach of section 42 of the Nigerian Constitution 1999 (as amended 2011). Respondents from this thesis also recommended that there should be an effective judiciary system to report cases of pre-employment discrimination, and there should be clarity and speed on deciding these matters. Therefore, they should be able to file an action at the NIC when they believe that their rights have been infringed upon.

Therefore, it is recommended that the Ministry of Labour and Employment should create awareness to people about their fundamental human rights and their ability to seek redress at the NIC when these rights are infringed. Some of the respondents also supported this recommendation by encouraging the awareness of the applicable laws to the general public and that both employers and employees should be well informed. This can be done through public awareness campaigns via TV, print media or social media platforms, such as Facebook, Twitter, LinkedIn etc. Informative flyers can also be created and shared in public spaces.

8.9 Domestication of and Compliance with ILO Conventions

Nigeria has, on numerous occasions, been blacklisted by ILO authorities for violations of its conventions, such as trade union rights.¹²⁰⁶ The ILO conventions aim to help provide legal binding guidelines for employment relations in Nigeria, especially in areas where there are limited domestic laws in place. Since there is confusion as to the application of international instruments as discussed in Chapter Three, Section 3.9, the starting point for Nigeria is to decide on an effective way to domesticate some or all the ILO conventions that they have ratified, such as:

- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
- Private Employment Agencies Convention, 1997 (No. 181)
- Employment Policy Convention, 1964 (No. 122)

Once the ILO Conventions have been ratified, the next step is ensuring compliance. There would be no point in ratifying treaties that would have little or no impact on employment relations in Nigeria.

¹²⁰⁶ Samuel Mbah and C Ikemefuna, 'Core conventions of the International Labour Organisation (ILO): Implications for Nigeria Labour Laws' [2011] *International Journal of Business Administration* 1; Kabiru Ishola, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15.

As discussed in the preceding section, there are several guidelines available to help regulate employment relationships. ILO provides the governments of participating countries with the necessary information in regulating employment and other labour relations issues, particularly where Nigerian laws are inadequate. Fajana et al. argued that the objectives of the Federal Ministry of Labour, Employment and Productivity in compliance with ILO Conventions and Recommendations is to strengthen labour practices and standards in all sectors with the aim of ensuring protection for vulnerable groups.¹²⁰⁷

To ensure compliance with ILO Conventions or any other instrument such as the African Charter on Human and Peoples' Rights, orientation and training of employers and organisations is paramount. The NIC recognising the importance of the ILO Conventions will help protect future workers and ventilate the notions of social justice.

Subsequently, it is recommended that the Ministry of Labour, Employment and Productivity should provide to the National Assembly relevant information of the ILO Conventions ratified or yet to be ratified for the effective determination of its acceptability.¹²⁰⁸ This, in turn, will enhance the effective implementation of the ratified instruments.¹²⁰⁹

8.10 CV/Resume Anonymisation

Discrimination is more likely to reduce through the anonymisation of resumes. It is clear from the findings in Chapter Five, Section 5.4 that most respondents had their personal information, such as age, sex, ethnicity and religion, on their CVs. In Lagos State, anonymisation of CV is not a norm. Most applicants have their personal information on their resume, not necessarily because they want to, but because having it has become the norm or practice in Lagos. As discussed in Chapter Five, some respondents stated that the reason for having personal information was based on the requirements of the job adverts or on request by organisations. The adverse effect of this was that it allows organisations to consciously or unconsciously discriminate against them due to the personal information on the CV. However, some

¹²⁰⁷ Fajana Sola, Owoyemi Oluwakemi, Elegbede Tunde and Gbajumo-Sheriff Mariam, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57.

¹²⁰⁸ Victor Ahiuma-Young, 'Vice chancellor bewails poor labour standards in Nigeria' (Vanguard, 20 October 2011) <<https://www.vanguardngr.com/2011/10/vice-chancellor-bewails-poor-labour-standards-in-nigeria/>> accessed on 18 January 2018; Kabiru Genty, 'ILO and the International Labour Standards Setting: A Case of Nigeria Labour Acts' [2013] *Journal of Human Resource Management* 15; E Cediey and F Foroni, 'Discrimination in Access to Employment on Grounds of Foreign Origin in France' [2008] ILO International Migration Papers No. 85E. Geneva: International Labour Organisation.

¹²⁰⁹ Sola Fajana, Oluwakemi Owoyemi, Tunde Elegbede and Mariam Gbajumo-Sheriff, 'Human Resource Management Practice in Nigeria' [2011] *Journal of Management and Strategy* 57; Victor Ahiuma-Young, 'Vice chancellor bewails poor labour standards in Nigeria' (Vanguard, 20 October 2011) <<https://www.vanguardngr.com/2011/10/vice-chancellor-bewails-poor-labour-standards-in-nigeria/>> accessed on 18 January 2018.

respondents and interviewee HRP2 have stated that the style of resume should be neutral where only personal information such as name and contact details should be present.

As such, a way to mitigate this is through the anonymisation of CVs. In Europe, there is a practice of anonymous job applications. This is where applicants do not disclose personal information on their CVs to reduce the occurrence of discrimination during recruitment.¹²¹⁰ In the UK, anonymous CVs play a significant role in complying with the Equality Act 2010, prohibiting discrimination. An anonymous job application tends to shift the focus of employment decisions toward the applicants' skills and qualifications.¹²¹¹

In recent times, job experts around the world, including those in Lagos State, have stated that having personal information such as date of birth, sex, and marital status on a resume is unnecessary.¹²¹² Awareness of this can be done through public events, media/social media, newsletters, or word of mouth. More so, during job application or CV submissions done in person, recruiters should encourage job applicants not to state their personal characteristics on their CVs. If job applicants adhere to this, applications for jobs might be more accessible as anyone could apply based on specified skills, experiences, and competencies only. With the anonymisation of CVs, organisations would be forced to focus on requirements that get the job done in order to increase organisational performance. This could greatly mitigate pre-employment discrimination.

What might stand in the way of implementing the anonymisation of CVs is the general acceptance by all applicants. Due to some respondents seeing this as a norm to provide personal information on their resumes, this might be hard to curtail as with change comes resistance.¹²¹³ Also, as discussed in Chapter Six, Section 6.5.2, some applicants saw discriminatory requirements as a 'recruitment edge' for them because their personal characteristics matched those required by organisations. Therefore, it is important to create awareness to job seekers that discriminatory requirements in job adverts and job interviews

¹²¹⁰ Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, 'Anonymous job applications of fresh PhD Economists' [2012] *Economics Letters* 117; Eva Derous and Ann Marie Ryan, 2019. 'When Your Resume Is (Not) Turning You Down: Modelling Ethnic Bias in Resume Screening' [2019] *Human Resource Management Journal* 113.

¹²¹¹ Richard Arvey and Gary Renz, 'Fairness in the Selection of Employees' [1992] *Journal of Business Ethics* 331; Annabelle Krause, Ulf Rinne, and Klaus Zimmermann, 'Anonymous job applications of fresh PhD Economists' [2012] *Economics Letters* 117; Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] *Gender in Management: An International Journal* 623.

¹²¹² Meraiah Foley, 'Does Anonymising Job Applications Reduce Gender Bias? Understanding Managers' Perspectives' [2018] *Gender in Management: An International Journal* 623.

¹²¹³ Moss Kanter, 'Ten Reasons People Resist Change' [2012] *Harvard Business Review* <<https://hbr.org/2012/09/ten-reasons-people-resist-change/>> accessed 20 July 2019; Jeffery Ford, Laurie Ford and Angelo D'Amelio, 'Resistance to Change: The Rest of the Story' [2008] *Academy of Management Review* 362.

are bad and should not be accepted whether or not it puts them at an advantage. Applicants must be willing to change this practice for it to work.

A potential downside to this would be when an organisation seeks either a male or female candidate, assumptions can be made based on their names. Some names are very gender-specific such as Femi, John, Wale, Emeka or Muhammed, which are primarily given to males, while names like Mary, Ada, Aisha, Bose, or Joke are female-specific. Therefore, the applicant's gender can easily be ascertained. More so, applicants' identities such as gender, disability or age are eventually revealed during interviews.

Thus, in a matter of time, discrimination might still occur eventually. This brings about the next recommendation concerning proper regulation of HRM in Nigeria by the Chartered Institute of Personnel Management.

8.11 Chartered Institute of Personnel Management (CIPM)

As earlier discussed in Chapter Four, HRM is a universal concept with slight variation within countries. The Chartered Institute of Personnel and Development (CIPD) in the UK, for example, stated that at the heart of professionalism is ethics and HR practitioners need to demonstrate strong standards of integrity. CIPD further stated that ethical cultures ensure that work benefits everyone. Ethics is defined as the moral principles of what is right and what things are worth doing.

Its counterpart in Nigeria, the Chartered Institute of Personnel Management (CIPM), mirrors the same values. Two out of the core objectives of CIPM are:

- To develop and maintain a high standard of professional competence and ensure that the management of human resources in Nigeria, both in public and private sectors, conforms with the best professional standards;
- To conduct research into and publish materials relating to the discipline of Human Resource Management.

The gap between these two institutes is information. CIPD has a vast knowledge of information on HRM and discrimination, but CIPM does not have enough information on employment law or discrimination on their website. As at the time of this research, there was no information on the CIPM website regarding employment discrimination. The information on the website primarily has to do with employment activities such as people development, leadership development and organisational strategy.

Given the diverse nature of Lagos State, the CIPM should make diversity, inclusiveness, and discrimination the centre of its training and development programmes especially educating organisations on their relentless job advertisement discrimination. This means that if the HR practitioners in Lagos State comply with the law during recruitment processes, this can gradually become a norm within the private sector. Therefore, amplifying proper awareness and education on the importance of human resources management and the negative impact of discrimination should be the fundamental objectives of the CIPM.

As mentioned earlier in Chapter Five, the private sectors in Nigeria are known to be rigid when it comes to their policies. This is highly influenced by the unfounded principle of the right to hire and fire at will.¹²¹⁴ There is no level playing field or equal bargaining power between employees and employers in Lagos State, and some candidates might feel left out. CIPM should set proper guidelines for HR professionals to follow and advise organisations on.

8.12 Audit of Interview Questions by Organisations

In terms of practice and to help curb discrimination during job interviews, organisational managers or HR professionals should carefully review and audit their interview questions and eliminate any questions that might be perceived by job applicants as invasive, unfair, and discriminatory, as discussed in Chapter Seven, Section 7.3.¹²¹⁵ Interviewers should be trained on eliminating conscious and unconscious bias, and organisations should try to ensure that interviewers should be made up of people with good character. If HR professionals are properly trained both within the organisation and outside on how to properly conduct an interview, taking into consideration the impact of diversity, discrimination will reduce. Training should be provided by both the organisation and the CIPM. Organisations can liaise with the CIPM on the importance of recruitment and selection and diversity management.

8.13 Enhancing Ethical Consideration in Recruitment and Selection Practices

Generally, HR practitioners, in collaboration with the management team, have a duty to ensure that recruitment is fair and justifiable.¹²¹⁶ A fair recruitment and selection process adheres to

¹²¹⁴ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210.

¹²¹⁵ Alan Saks and Julie McCarthy, 'Effects of Discriminatory Interview Questions and Gender on Applicant Reactions' [2006] *J Bus Psychol* 175; Derek S Chapman and David I Zweig, 'Developing a Nomological Network for Interview Structure: Antecedents and Consequences of the Structured Selection Interview' [2005] *Personnel Psychology* 673.

¹²¹⁶ A J du Plessis, S Paine and C J Botha, 'The Role of Human Resource Practitioners Maintaining Sustainability in Organisations: Some Empirical Evidence of Expectations, Challenges and Trends' [2012] *International Journal of Contemporary Business Studies* 16.

either legal standards or ethical standards and is designed to mitigate the risk of discrimination occurring. This creates opportunities for qualified applicants to apply for the role.

Ethical dilemmas such as discrimination, harassment, discipline, favouritism, work-life balance or inconsistencies in pay are the most difficult situations HR practitioners face.¹²¹⁷ Ethics is defined as the moral principles of what is right and what things are worth doing.¹²¹⁸ HR practitioners can inaugurate the norm for professional ethics and practice.¹²¹⁹ They are viewed as the conscience of the organisation.¹²²⁰ Foote and Robinson noted that ethical stance should be the responsibility of all departments within an organisation. If it is left for just the HR department, line managers will absolve themselves of any ethical responsibilities.¹²²¹ This can be said for smaller organisations without HR departments. They are more likely to discriminate especially without any form of training. However, as stated by a respondent and HRP3 in Chapter Seven, managers or HR professionals should be trained on the elimination of bias and that interviewers should thrive in treating every applicant equally regardless of age, sex, religion, and ethnic background

As discussed in Chapter Five, the responsibility to recruit varies from organisation to organisation. In smaller organisations, the line managers are in charge of recruiting as opposed to larger firms where there is a designated HR department that deals with recruitment. This can impact how the recruitment procedures are carried out due to some line managers having limited knowledge of HR activities and policies. To achieve the best results, organisations should have HR policies that help illustrate how recruitments, selection and other issues should be carried out.¹²²² This feed into the earlier recommendations to offer training to create awareness. It is also a good practice that should be implemented in organisations with no HR department. This way, they can learn how to properly manage recruitment.

¹²¹⁷ Carolyn Wiley, 'Ethical Standards for Human Resource Management Professionals: A Comparative Analysis of Five Major Codes' [2000] *Journal of Business Ethics* 93; M P Miceli and J P Near, 'Ethical Issues in the Management of Human Resources' [2001] *Human Resource Management Review* 1.

¹²¹⁸ Dorothy Foote and Izabela Robinson, 'The Role of The Human Resources Manager: Strategist or Conscience of the Organisation?' [1999] *Business Ethics: A European Review* 88; Carolyn Wiley, 'Ethical Standards for Human Resource Management Professionals: A Comparative Analysis of Five Major Codes' [2000] *Journal of Business Ethics* 93.

¹²¹⁹ Carolyn Wiley, 'Ethical Standards for Human Resource Management Professionals: A Comparative Analysis of Five Major Codes' [2000] *Journal of Business Ethics* 93.

¹²²⁰ Dorothy Foote and Izabela Robinson, 'The Role of The Human Resources Manager: Strategist or Conscience of the Organisation?' [1999] *Business Ethics: A European Review* 88.

¹²²¹ Dorothy Foote and Izabela Robinson, 'The Role of The Human Resources Manager: Strategist or Conscience of the Organisation?' [1999] *Business Ethics: A European Review* 88.

¹²²² Aruna Gamage, 'Recruitment and Selection Practices in Manufacturing SMEs in Japan: An Analysis of the Link with Business Performance' (2014) *Ruhuna Journal of Management and Finance* 37; Emanoil Muscalu, 'Sources of Human Resources Recruitment Organization' [2015] *Management and Economics* 351.

In summary, the recommendations for change above, if implemented, would play a significant role in reforming HR practices in Lagos and Nigeria as a whole. Starting with the alteration of section 42 of the Nigerian Constitution 1999 (as amended 2011) to be more inclusive in terms of the prohibitive grounds. A comprehensive definition of discrimination should include the different types of discrimination, such as direct, indirect, by association, and victimisation, as seen in the United Kingdom's Equality Act 2010.

Furthermore, having a regulatory body such as the CIPM to ensure that organisations within the private sectors in Lagos State are properly trained in employment law, diversity management and inclusive recruitment and selection practices is needed to promote equality and fairness. An inclusive recruitment system would be formed whereby job seekers are free to apply for job roles they believe match their skill sets without fear of discrimination. More importantly, hope will gradually be restored in people's minds that the government and the judicial system can protect their fundamental human rights.

Part Two – Recommendations for Further Research

There are a number of gaps around research relating to the field of discrimination in pre-employment practices that flows from the findings and limitations in this research, which would benefit from further research. Therefore, the following recommendations outlined below are offered for related research:

- Due to the limitation of this research in securing only three HR professional interviewees, more methodological work is welcomed on how to robustly capture the perspective of HR professionals or line managers (i.e., the people involved in creating job adverts or involved in conducting job interviews) on discriminatory HR practices. It would be helpful to qualitatively capture HR professionals' experiences and perspectives on organisational needs and motivations for having personal characteristics on job adverts and during job interviews.
- Culture was discovered to be a significant influence on discriminatory recruitment and selection practices. Culture here does not mean ethnic or tribal differences, but the knowledge that has been passed down from generation to generation (Chapter Five, Section 5.4). Research findings showed that it was a norm for organisations to have discriminatory requirements in job adverts and during job interviews. It was also a norm for job seekers to expect some form of discrimination in job adverts and job interviews. Therefore, more research is needed to fully understand why this is so and how discriminatory requirements become a norm in Nigeria.

- The geographical location of this research is Lagos state. Future studies could address the same research problems but in a different location. Nigeria is made up of 36 states, and there are possibilities that HR practices might differ from state to state. Therefore, using the same research methods, aims and objectives, other states in Nigeria can be used as a case study to explore whether discrimination occurs in pre-employment practices.
- Public Sector – The targeted category of organisation for this research was the private sector. This is because, unlike the public sector in Nigeria, which tend to recruit annually,¹²²³ the private sector recruits more frequently when needed. However, this does not mean that discrimination is not present. Therefore, further research is needed to understand the nature and extent of discrimination and its impact in the public sector.
- This research used the terms HR professional and organisations interchangeably, which means that it recognises that HR professionals work on behalf of the organisations. However, it is unknown whether discriminatory requirements on job adverts or during job interviews truly represent the views of the organisations as a whole or it is just the subjective reflection of the conscious or unconscious bias of staff (HR professional or line manager) or even external recruiter in charge of the recruitment process. Therefore, further research needs to be conducted on managers, HR professionals or leaders of organisations.
- In Chapter Six, Section 6.5.2, findings showed that some respondents supported the discriminatory requirements present in job adverts. This suggested that these respondents were conscious or unconsciously biased towards other job seekers. More research is needed on this not only from the area of recruitment and selection practices but also for the improvement of equality amongst people and elimination of unconscious bias.

In summary, recommendations are an important part of a research, as they help to indicate the specific directions or measures that can be taken in solving problems. This research has proffered recommendations that can be used to better reform HR practices and employment law in Lagos, and more broadly in Nigeria, starting with the alteration of the Nigeria Constitution 1999 (as amended 2011). It goes further to suggest the creation of an independent law aimed at regulating discrimination. More importantly, this research suggests that HR professionals need to be trained on how to effectively conduct recruitment and

¹²²³ J A Tiemo and D O Arubayi, 'Recruitment Practices in Nigeria: Issues of Equality and Diversity' [2012] *Journal of Emerging Trends in Economics and Management Sciences* 210; Emeh Ikechukwu, 'Tackling Youth Unemployment in Nigeria; The Lagos State Development and Empowerment Programmes Initiatives' [2012] *Afro Asian Journal of Social Sciences* 1.

selection practises that are free from discriminatory requirements. Subsequently, this research offers recommendations that future research could benefit from.

Appendices

Appendix A

Online Survey Research Questions

Section 1: Demographics

1. Please tell me your age.
2. What is your sex (gender) _____?
3. What is your marital status?
 - Single (never married)
 - Married
 - Cohabiting
 - Widowed
 - Divorced
 - Separated
4. What is your religious preference?
 - Christian (any denomination)
 - Islamic
 - Jewish
 - Atheist
 - Agnostic
 - Buddhist
 - Hindu
 - Other _____
5. What is your highest Academic qualification? The degree or level of school you have completed?
 - Primary School
 - Some Secondary school - no degree
 - Secondary school degree or equivalent
 - Trade/Technical/Vocational training
 - Ordinary National Diplomas (OND)
 - Higher National Diploma (HND).
 - Bachelor's degree (e.g., BA, BS)
 - Uncompleted higher education
 - Master's degree (e.g., MA, MS, MEd)
 - Doctorate (e.g., PhD, EdD)
6. How do you categorise your current employment status?
 - Employed
 - Self-employed
 - Unemployed
 - Never employed

7. Are you currently looking for employment?
- Yes
 - No

Section 2: Job Application

8. Please tick what personal information(s) you have on your CV
- Age
 - Sex (gender)
 - Marital Status
 - Religion
 - State of Origin
 - Local Government
 - Other _____
9. Why do you have this personal information on your CV?
- _____
10. Do you think the personal information are relevant to the Job?
- Yes
 - No
 - Don't know
11. Please state the reasons for your answer to Question 10
- _____
12. Have you applied for a job in the last 2 years? If so, were you successful?
- Yes
 - No
13. Please tick which details you look for in a job advertisement
- Age
 - Sex (gender)
 - Salary
 - Education
 - Marital status
 - Location
 - Job responsibility
 - Other _____
14. Please tick which category(s) below may have stopped you from applying for jobs in the last 2 years?
- Age
 - Education
 - Sex (gender)
 - State of Origin
 - Religion
 - Marital status

- Disability
- Political opinion
- Other _____

15. Would you apply for a job(s) despite not meeting the specified requirements in a job advertisement?
- Yes
 - No

Section 3: Discrimination during Job Application

16. I find some job adverts discriminatory?
- 1 – Strongly disagree
 - 2 – Disagree
 - 3 – Neither agree or disagree
 - 4 – Agree
 - 5 – Strongly agree
17. If yes, please state why _____
18. I find some job interviews discriminatory?
- 1 – Strongly disagree
 - 2 – Disagree
 - 3 – Neither agree or disagree
 - 4 – Agree
 - 5 – Strongly agree
19. If yes, please state why _____
20. Have you ever been accepted for a job where you did not meet the specified requirements stated in the job advert?
- Yes
 - No
21. Have you experienced discrimination at any of the following stages?
- Advertisement stage
 - During CV submission
 - Interview stage
 - Other
22. Can you tell me a little more about the experiences (s) listed in Question 21?

Section 4: Discrimination during Interview

23. Have you ever been told in an interview that you do not qualify for a job based on the following(s)?
- Age
 - Sex (gender)
 - Religion
 - Place of origin
 - Disability
 - Ethnic Group
 - Political opinion
 - Other _____
24. How was this communicated to you?
- Verbally
 - Written
 - Attitude
 - Not Communicated
 - Other _____
25. How did this make you feel? _____
26. Did the recruiters specifically refer to your sex (gender), age, disability, place of origin, religion or ethnicity during interviews?
- Yes
 - No
 - Other _____
27. If yes, what did they say _____?
28. How did it make you feel?
- 1 – Very unhappy
 - 2 – Unhappy
 - 3 – Neutral/Unable to judge
 - 4 – Happy
 - 5 – Very happy
29. Were you offered the position?
- Yes
 - No
30. Do you feel that this outcome was connected in any way with your sex (gender), age, disability, place of origin, religion or ethnicity status?
- Yes
 - No
 - Do not know
31. Have you ever challenged an unfavourable decision(s) of the interview verbally or in writing?

- Yes
 - No
32. On what grounds did you challenge an unfavourable decision(s) _____?
33. Did you get a response?
- Yes
 - No
34. What response were you given _____?
35. To what extent are you aware of your equal treatment rights? (**Section 42 of the 1999 Nigerian constitution** states that a person shall not be discriminated against by reason of being of a particular community, ethnic group, place of origin, sex (gender), religion or political opinion).
- 1 – Not at all aware
 - 2 – Slightly aware
 - 3 – Somewhat aware
 - 4 – Moderately aware
 - 5 – Extremely aware
36. How did you become aware of these rights _____?
37. In your opinion, do you think the Lagos State Government protect your rights?
- Yes
 - No
 - Don't know
38. What do you think can be done to avoid discrimination in recruitment practices _____?

Appendix B

Information for Participants

The Impact Human Resources Practices Have on Discrimination: A Study of the Lagos State Private Sector Esther Olubukonla Adebisi

Leeds Beckett University
Leeds Law School

You are invited to take part in a study on *The Impact Human Resources Practices Have on Discrimination: A Study of the Lagos State Private Sector*. The goal of the research is to explore discrimination in human resources recruitment process with the hope that it would fundament future measures to solve a specific social problem.

The private sector In Lagos State, unlike the public sector, recruit employees when they need them which means that there are more job opportunities within the private sector that the public who only recruit annually.

The study will debate on the best practices of Human resources adopted during recruitment and the legislation that regulates the disadvantaged in Nigeria. The focus of this study is the occurrence of unfair practices before hiring which includes the advertising stage down to the recruitment and selection processes.

Research Aims and Research Methods

- To critically appraise the criteria measures used by HR practitioners in determining their person specification for a job role.
- To critically explore, observe and ascertain the disadvantaged HR practices within the private sector in Lagos State.
- To identify and assess the loopholes present in the legislation regulating employment.
- To establish and present recommendations for potential strategies to improve Human resources recruitment policies and practices.

This Participant Information Sheet will help you decide if you'd like to take part. It sets out why we are doing the study, what your participation would involve, what the benefits and risks to you might be, and what would happen after the study ends. We will go through this information with you and answer any questions you may have. You do not have to decide today whether or not you will participate in this study.

1. Do I have to take part?

It is up to you to decide whether or not to take part. You do not have to take part if you do not want to. If you do want to take part now, but change your mind later, you can pull out of the study at any time.

If you do decide to take part, I will ask you to sign a consent form which you can sign and return in advance of the interview or sign at the meeting.

2. Time Commitment

The study typically takes between 45 to 60 minutes per session.

3. How do I withdraw from the study?

You can withdraw at any point of the study, without having to give a reason. If any questions during the interview make you feel uncomfortable, you do not have to answer them, and you can withdraw from the interview at any time for any reason. Withdrawing from the study will have no effect on you. If you withdraw from the study, we will not retain the information you have given thus far, unless you are happy for us to do so.

4. What will my information be used for?

The collected information will be used strictly for academic purposes only.

5. Will my taking part and my data be kept confidential and anonymised?

The records from this study will be kept as confidential as possible. Only I and my supervisory team will have access to the files and any audio tapes. Your data will be anonymised – your name will not be used in any reports or publications resulting from the study. All digital files, transcripts and summaries will be given codes and stored separately from any names or other direct identification of participants. Any hard copies of research information will be kept in locked files at all times.

6. What if I have a question or complaint?

If you have questions at any time about the study or the procedures, you may contact my research supervisors or me via email on:

Esther Adebisi - e.adebiyi7633@student.leedsbeckett.ac.uk

Dr Jessica Guth - J.Guth@leedsbeckett.ac.uk

Dr Pavel Repyeuski - P.Repyeuski@leedsbeckett.ac.uk

If you agree to take part in this study, you will be asked to sign the Consent Form on the last page of this document. You will be given a copy of both the Participant Information Sheet and the Consent Form to keep.

Appendix C

Consent Form

You are invited to participate in a web-based online survey on *The Impact Human Resources Practices Have on Discrimination: A Study of the Lagos State Private Sector*. This is a research project being conducted by Esther Adebisi, a student at Leeds Beckett University. It should take approximately 30 minutes to complete.

Participation

Your participation in this survey is voluntary. You may refuse to take part in the research or exit the survey at any time without penalty.

Risks

There are no known risks or discomforts associated with this survey.

Confidentiality

This survey is anonymous. If you choose to participate, do not write your name in any section of the questionnaire. No one will be able to identify you, nor will anyone be able to determine which company you work for. No one will know whether you participated in this study. Nothing you say on the questionnaire will in any way influence your present or future employment with your company.

Your survey answers will be sent to a link at SurveyMonkey.com where data will be stored in a password protected electronic format. Survey Monkey does not collect identifying information such as your name, email address, or IP address. Therefore, your responses will remain anonymous. No one will be able to identify you or your answers, and no one will know whether you participated in the study.

Contact

If you have questions at any time about the study or the procedures, you may contact my research supervisors and me via email on:

Esther Adebisi - e.adebisi7633@student.leedsbeckett.ac.uk

Dr Jessica Guth - J.Guth@leedsbeckett.ac.uk

Dr Pavel Repyeuski - P.Repyeuski@leedsbeckett.ac.uk

Electronic Consent

By clicking the link below, I confirm that I have read this form and decided that I will participate in the project described above. Its general purposes, the particulars of involvement, and possible risks and inconveniences have been explained to my satisfaction. I understand that I can discontinue participation at any time before completion but cannot withdraw data after completion due to anonymity.

☐ Agree

☐ Disagree

Appendix D

Consent Form for Participation in Interview Research

1. I volunteer to participate in a research project conducted by Esther Adebiyi from Leeds Beckett University.
2. I understand that the project is designed to gather information about academic work of faculty on campus. I will be one of approximately 10 people being interviewed for this research.
3. My participation in this project is voluntary. I understand that I will not be paid for my participation.
4. I may withdraw and discontinue participation at any time without penalty.
5. I understand that most interviewees will find the discussion interesting and thought-provoking. If, however, I feel uncomfortable in any way during the interview session, I have the right to decline to answer any question or to end the interview.
6. The interview will last approximately 45-60 minutes. Notes will be written during the interview. An audiotape of the interview and subsequent dialogue will be made.
7. I understand that the researcher will not identify me by name in any reports using information obtained from this interview and that my confidentiality as a participant in this study will remain secured.
8. Subsequent uses of records and data will be subject to standard data use policies which protect the anonymity of individuals and institutions.
9. Other members of my organisation will neither be present at the interview nor have access to raw notes or transcripts. This precaution will prevent my individual comments from having any negative repercussions.
10. I have read and understood the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
11. I have been given a copy of this consent form.

Signature

Date

Appendix E

Interview Research Questions Guide

1. Please tell me about your organisation.
2. What is your role in the organisation?
3. What is your take on diversity?
4. Do you encourage diversity in your organisation?
5. How does diversity fit into the organisation's objectives?
6. How do your employees help your organisation to fulfil its objectives and goals?
7. Have you hired any new members of staff within the last two years?
8. Please tell me how you source for applicants and the advertising methods you use.
9. Did the recruitment plan generate a large enough applicant pool to make a good selection decision?
10. How many applicants should you generate to get a good hire?
11. How long did it take to fill the position?
12. What information do you expect in an applicant's CV and why?
13. What are the criteria for selecting a right candidate?
14. Do you require a particular characteristic(s) for an applicant?
15. Does the organisation determine characteristics of the desired candidate in advance?
16. Who is in charge of deciding the characteristics needed for a particular job?
17. What characteristics are preferred, if any, and why?
18. Do you generally comply with the preferred characteristics?
19. Are there any specific positions that the organisations believe would require a specific type of characteristics and why?
20. Does the organisation determine the sex (gender) of the desired candidate in advance?
21. How relevant is age or sex (gender) of an applicant to the advertised job?
22. Is age, sex (gender) and disability taken into account when selecting/making an offer?
23. After completion of the selection process, are the candidates selected regardless of their age, sex (gender), disability and sexual orientation?

24. Are you aware of Section 42 of the 1999 Nigeria Constitution? (Section 42 of the 1999 Nigerian constitution states that a person shall not be discriminated against by reason of being of a particular community, ethnic group, place of origin, sex (gender), religion or political opinion).
25. Do you think your organisation comply with this law?
26. Do you consider Section 42 of the 1999 Nigeria Constitution to be embedded in the organisation's objectives in terms of promoting diversity?
27. What policies does your organisation have in place to ensure compliance with Section 42?

Appendix F

Copy of a Nigerian CV



PROFESSIONAL SUMMARY

Highly accomplished and seasoned IT specialist. A Microsoft certified professional with expertise in managing creative direction initiatives within organizations. Skilled in planning and managing complex technological initiatives to achieve desired goals of profitability, client acquisition, and retention. Repeatedly received commendation for exceptional leadership roles based on demonstrated success in taking calculated risks, executing strategy, improving clients relations, and identifying growth opportunities.

PERSONAL DETAILS

Date of Birth: March 22, 1982
Gender: Male
Marital Status: Married
Nationality: Nigerian

CORE COMPETENCIES

- Microsoft office proficient
- Network design and implementation
- System integration and data migration
- Hardware installation and configuration
- Diagnosis, troubleshooting and repair
- Performance monitoring and optimization
- Strategic planning and tactical execution
- System and network administration
- Strong problem solving abilities
- Customer relationship management

ACCOMPLISHMENTS

- Proven success managing high-performance interdisciplinary teams and building effective coalitions with internal/external business partners
- Full representation on company's bid on World Bank projects which led to successful completion of 8 projects within a year

PROFESSIONAL EXPERIENCE

SPECTRUM TECHNOLOGIES LTD – Ojodu-Berger, Lagos

March 2010 – Current

Project/Operations Manager

- Shaped operational performance and time management with the introduction of new procedures for client setup and implementation tasks
- Attending to issues arising from different units
- Adept at managing client expectations and brand reputation while maximizing revenue
- Developed pre- and post-upgrade analysis to provide feedback alerting clients of any software changes that may affect operations and management
- Frequent inspection of equipment at periodic intervals to detect malfunction, need for repair or an adjustment

Appendix G

11th May 2020

Job Advertisements – Above Five years’ experience

SN	Websites	No of Job Adverts	Age	Sex	Marital Status	Ethnicity	Religions	Political Opinions	Places of Origin
1	Jobberman	50	7	5	1	0	1	0	0
2	Indeed	50	5	3	0	1	0	0	0
3	My Job Mag	50	7	6	1	0	1	0	0
	Total	150	19	14	2	1	2	0	0

Job Advertisements – Below Five years’ experience

SN	Websites	No of Job Adverts	Age	Sex	Marital Status	Ethnicity	Religions	Political Opinions	Places of Origin
1	Jobberman	50	18	6	0	0	0	0	0
2	Indeed	50	6	7	0	1	3	0	0
3	My Job Mag	50	11	5	0	0	0	0	0
	Total	150	35	18	0	1	3	0	0

30th June 2020

Job Advertisements – Above Five years’ experience

SN	Websites	No of Job Adverts	Age	Sex	Marital Status	Ethnicity	Religions	Political Opinions	Places of Origin
1	Jobberman	50	10	7	0	0	0	0	0
2	Indeed	50	9	2	0	0	0	0	0
3	My Job Mag	50	9	5	0	0	0	0	0
	Total	150	28	14	0	0	0	0	0

Job Advertisements – Below Five years’ experience

SN	Websites	No of Job Adverts	Age	Sex	Marital Status	Ethnicity	Religions	Political Opinions	Places of Origin
1	Jobberman	50	12	6	1	0	0	0	0
2	Indeed	50	11	4	0	0	0	0	0
3	My Job Mag	50	9	8	0	0	0	0	0
	Total	150	32	18	1	0	0	0	0

Appendix H

Samples of Online Discriminatory Job Advertisements


Job Type	Full Time
Qualification	BA/BSc/HND
Experience	3 - 4 years
Location	Lagos
Job Field	Administration / Secretarial

Job Description

We are looking for a responsible Female Personal Assistant to provide personalised secretarial and administrative support in a well-organised and timely manner. You will work on a one-to-one basis on a variety of tasks related to the Director's working life and communication. [Only Female applicants will be considered.](#)

Job Functions/Responsibilities

- Act as the first point of contact between the Director and internal/external clients
- Screen and direct phone calls and distribute correspondence
- Handle requests and queries appropriately.
- Respond to emails and follow up on other correspondence
- Manage diary and schedule meetings and appointments
- Make travel arrangements
- Take dictation and minutes
- Source office supplies
- Produce reports, presentations and briefs
- Devise and maintain Executive office filing system



Medical Officer (Skin Clinic)
NEW

Anonymous Employer
 Medical & Pharmaceutical
 Abuja | Full Time | Healthcare | NGN Confidential

1w

Job Summary

We are currently in search of a passionate medical assistant for a medical aesthetic/ skin clinic Abuja.

- **Minimum Qualification:** MBBS
- **Experience Level:** Entry level
- **Experience Length:** 1 year

Job Description

- Conducting consultations with patients
- Developing patient treatment plans
- Administering medical aesthetic procedures and excellent patient experience
- Administer non-invasive laser, light and ultrasound treatments
- Administer medical-grade chemical peels
- Promote a friendly, warm and exceptional customer experience
- Personalized Excellent Recommendations
- Maintain up to date knowledge of industry trends in aesthetics.
- Instruct patients on pre and post-care treatment precautions.
- Experience in social media marketing to include Instagram, Facebook, Twitter, Snapchat, RealSelf, YouTube
- Collect and analyze data and provide monthly, quarterly and annual reports as needed.

Qualification and Requirements:

- Minimum Qualification: MBBS
- Experience Level: Entry level
- Experience Length: 1 year
- Male applicants alone

LA-JOB PORTAL

Find A Job

Bank description

Zenith Bank Plc was established in May 1990 and commenced operations in July of the same year as a commercial bank. The Bank became a public limited company on June 17, 2004, and was listed on the Nigerian Stock Exchange (NSE) on October 21, 2004, following a highly successful Initial Public Offering (IPO).

Why Work With zenith Bank?

Zenith Bank Plc currently has a shareholder base of about one million and is Nigeria's biggest bank by tier-1 capital. In 2013, the Bank listed \$850 million worth of its shares at \$6.80 each on the London Stock Exchange (LSE).

Requirement:

- Are you young and vibrant? Do you want to start or advance your career in the banking sector, here is an opportunity?
- Must have successfully completed their first degree in a reputable higher institution within or outside Nigeria
- Should have completed their NYSC programmes or have exemption certificates.
- Must be a Nigerian or have the necessary work permits, if not a Nigerian citizen.
- BSc or equivalent in any field

Method of Application

Click the apply icon on the page

Application Closing Date:

Front Desk Officer/Receptionist at DBH Solutions Limited

careersome - Lagos

[Apply On Company Site](#)




Specific Duties and Responsibilities


- Dealing with incoming and outgoing correspondence
- Ensure the reception area is neat and tidy always
- Coordinate entry and exit out of the office
- First point of contact for walk-ins and front desk inquiries
- Perform basic bookkeeping, filing of paperwork and clerical duties
- Administrative tasks as drafting correspondence, preparing financial spreadsheets and creating presentations
- Monitor and update records and files
- Schedule appointments and follow-ups
- Sort and distribute inbound emails, parcels and packages
- Order and monitor use of office supplies

Job Requirements



- To be considered for this role, the candidate must:
- Be fashion savvy and trendy
- Have a good physique and gait
- Be smart and intelligent
- Be disciplined and take initiative
- Have excellent verbal and written communication skills
- Have a B.Sc. Degree in any field
- Have good organizational and multi-tasking skills
- A minimum of 1+ years' Customer Service Experience or in a similar role, a plus
- Have a hands-on experience with office machines (fax, printer, PC, etc.)

Sales Manager (Female)

 **SAVED** 

 Fabmac Nigeria Limited
Ikeja, Nigeria (+1 other)

[Apply on Just Jobs Nigeria](#)

 3 hours ago  Full-time

Fabmac Nigeria Limited - We are professionals with specialities in office partitioning, collapsible wall, smart glass, toilet cubicles, drywall installation, frameless glass partition, false ceilings and building construction. We have executed over 80,000 square feet of office buildings.

We are recruiting to fill the position below:

Job Title: Sales Manager (Female)

Location: Ikeja, Lagos

Job Brief

- We are looking for an ambitious and energetic Sales Manager to help us boost our sales. You will be the front of the company and will have the dedication to create and apply an effective sales strategy.
- The goal is to drive sustainable financial growth through boosting sales and forging strong relationships with clients.



Lawyer

Bertola Machine-Tool Ltd

Legal Services

Lagos | Full Time | Law | NGN Confidential

NEW

4d

Job Summary

We need the service of a lawyer for litigation with sufficient knowledge of commercial law.

Minimum Qualification: Degree

Experience Level: Mid level

Experience Length: 5 years

Job Description

Ability to use Microsoft office (Excel, Word) is compulsory

Must be called to Bar

Minimum of 5 years experience in legal profession

Male Preferred.

Ability to communicate in Efik is added advance.



Sales Attendant/Cashier

Uncle Stan's Foods

Sales

Lagos | Full Time | Retail, Fashion & FMCG | Below 75,000

Job Summary

A Sales attendant needed for employment in a Small Chops company in Lekki.

- **Minimum Qualification:** High School (S.S.C.E)
- **Experience Level:** Entry level
- **Experience Length:** 1 year

Job Description

Responsibilities:

- Answer incoming and makes outgoing calls
- Take orders for deliveries
- Attends to clients and makes them comfortable
- Responds to enquires about the company
- Ensures that the office is always clean, neat and tidy
- Types letters, memo, etc when required
- Carry out other administrative duties as required

Requirements:

- Must be female and live within Lekki



International Student Placement Officer

Wellspring School Support

Administrative & Office

Abuja | Full Time | Education & Training | NGN Confidential

Job Summary

A study abroad agency is currently recruiting for the position of an International Student Placement Officer

- **Minimum Qualification:** HND
- **Experience Level:** Entry level
- **Experience Length:** No Experience/Less than 1 year

Job Description

- Must have at least 3months post-degree work experience within or outside the study abroad industry
- Must have a marketing background
- Between 22-35 years
- Must be female
- An HND holder
- Good knowledge of digital marketing concepts
- Excellent communication skills
- Good customer relation skills
- Result oriented, smart and proactive
- **Salary:** N50,000 - N60,000



COMMUNITY HEALTH EXTENSION WORKER (CHEW)

UltiPharm Pharmacy
Medical & Pharmaceutical
Abuja | Full Time
Healthcare | NGN Confidential

1d

Job Summary

COMMUNITY HEALTH EXTENSION WORKER (CHEW)

- **Minimum Qualification:** Degree
- **Experience Level:** Mid level
- **Experience Length:** 2 years

Job Description

Reports To

The Manager and when manager not available, the MD

Job Overview

Should be able to oversee patient care. Administer First Aid and patient health needs. Administer Medications and treatment services when needed.

Responsibilities and Duties

- Administer basic preventive treatments
- Provide basic health services such as First Aid
- Perform basic diagnostic procedures such as blood pressure screening and body temperature checks
- Administering injections and intravenous infusion when necessary
- Sutures and stitches where necessary
- Other duties not listed above but may arise during the course of the job

Qualifications

- Registered with the appropriate board
- Good cognitive experience with good skills
- Fluent in English. Ability to speak Hausa is an added advantage
- Good communication skills and ability to engage a client effectively
- Have current or renewable practicing license'

Must be Female

Secretary Job at Aymie Staffing Solutions

SPONSORED SEARCHES

<input type="text" value="part time jobs in my area"/>	<input type="text" value="construction jobs hiring"/>
<input type="text" value="staffing agencies"/>	<input type="text" value="administrative assistant"/>

Aymie Staffing Solutions has identified real deep challenges in home placements of domestic staff and seeks to remodel this crucial aspect of our society by putting systems in place to bring about highly beneficial outcomes to the employers and employees.

We are recruiting to fill the position below:

Job Position: Secretary

Job Location: Mushin, Lagos

Details / Requirements

- Secretary - needed in mushin lagos
- Must have experience on the job
- Age - Under 30 years old
- Gender - Female

Salary

N40,000 / Month.



Female Nurse

UltiPharm Pharmacy

Medical & Pharmaceutical

Abuja | Full Time

Healthcare | **NGN Confidential**

1d

Job Summary

Nurse

- **Minimum Qualification:** Degree
- **Experience Level:** Mid level
- **Experience Length:** 2 years

Job Description

Reports To

The Manager and when manager not available, the MD

Job Overview

Nurse should be able to oversee patient care. Administer. Medications and treatment services when needed.

Responsibilities and Duties

- Oversee patient care
- Assessing and planning nursing care requirements
- Monitoring and administering medications, intravenous infusion and injection
- Body temperature and blood pressure check
- Treatment of wounds and sutures where necessary
- Advise clients on issues related to diagnostic screenings such as breast cancer screens, pap smears or diabetes screening
- Other duties not listed above but may arise during the course of the job

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