

DECENT WORK DEFICITS IN THE NIGERIAN INFORMAL ECONOMY

ABSTRACT

The informal economy is prone to inadequacies in decent work due to its obscurity from the law. These inadequacies are fuelled by high rate of unemployment and widespread poverty, manifesting in hunger, lack of water and inadequate sanitation among others. This paper focuses on decent work deficits in the Nigerian informal economy. Data used for the study were gathered mostly from secondary sources. The paper argues that government machinery of progress should not only be expanded to cover the informal economy, the ILO decent work agenda should be pursued vigorously. It is suggested that formalization is necessary to facilitate coverage by relevant legal instruments of government. Formalization of the informal economy is used in this paper to mean organization as a means of inclusion for policy coverage and recognition by the state. In addition, the paper recommends that Federation of Informal Workers of Nigeria (FIWON) be recognized by law as a labour union in much the same way as Trade Union Congress (TUC) and the Nigerian Labour Congress (NLC) covering several unions because of extent of expansion of the Nigerian informal sector.

Key Words: Informal Economy, Decent Work Deficits, Formalization, WIEGO, FIWON

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1. INTRODUCTION

The human society is characterized by inequalities of all kinds such as gender, income, racial inequalities and much of the challenges in the world of work can be traced to these

disparities. The informal economy is a viable option for most people in light of prevailing unemployment and poverty situation particularly in developing countries. This view is also espoused in a study undertaken by Akinwale (2012) on the potential of the informal economy in employment generation in Lagos State, Nigeria. Decent work deficit in the informal economy refers to shortfalls in the achievement of Rights at Work, Social Protection, Social Dialogue and Employment Creation found in the unorganized sector and in some cases in formal organizations operating informally. According to Heinz and Valodia (2008:1), *No discussion of employment in sub-Saharan Africa is possible without confronting the reality of informal employment in these countries since significant proportions of employment activity and income generation in Africa is done in the informal economy.*

In essence, no serious discuss on employment in the developing world can be made without consideration for the thriving informal economy. Farmers, domestic workers, motorcyclists, tri-cyclists and business concerns not recognized, recorded, protected or regulated by the law all operate in the informal economy. They represent *over 80% of the Nigerian workforce, contributing over 65% to the GDP* according to Labour Fact Sheet, a publication of the Friedrich Ebert Foundation (2011). In the same vein, Fashoyin (2010:131) opines that *there is contraction of employment in the formal economy particularly because governments and enterprises are restructuring to position themselves in the light of current global realities.* Decent work deficits, which are inadequacies in employment standards, employment creation, social security and social dialogue are most pronounced in the informal economy. That is, it is in the informal economy and among the poor that decent work needs are greatest (ILO, 2001a: 18).

The government of Nigeria may not be able to address the subject of decent work holistically unless it begins to devise means of integrating workers in the informal economy into the ambience of the relevant labour laws. This view is espoused in Agomo (2011:101) who asserts that *the laws and protective measures meant for all workers, male and female, young and old, able and disabled, end up being in practice, for the few who are privileged to be engaged either in the public service or in the organized private sector. The majority remain outside the pale of the law.* According to the ILO World Commission on the Social Dimension of Globalization Report (2004:10), *the global market economy has demonstrated great productive capacity and can deliver unprecedented material progress, generate more productive and better jobs for all, and contribute significantly to reducing world poverty **if it is managed wisely** [emphasis mine].*

According to the Report, *many men and women live in a state of oblivion in the informal economy without formal rights and in a swathe of poor countries that subsist precariously on the margins of the global economy.* Fashoyin (2010:123) echoes this fact when he pointed out that *the outstanding characteristic of the informal economy, with regards to employment relations is that its operators have no access to the institutions and processes of the labour market.* In essence, labour laws either do not apply to them, or where they can be, such laws are not enforceable. According to Agomo (2011:102), *the picture painted by the ILO report above is a grim but true reflection of the position of many workers in many developing countries, including Nigeria and it makes mockery of the concept of decent work for all.*

The informal economy has a large share of employment which is not captured by most data on employment. This elusiveness of data is a reflection of the character of employment in the

sector. In the light of this, this paper discusses decent work deficits in the Nigerian informal economy from the perspective of informal groups covered by the Federation of Informal Workers' Organizations of Nigeria (FIWON). An adaptation of an existing ILO model for formalization as a means for inclusion of the sector is also presented. Formalization of the informal economy is used in this paper to mean organization of workers and employers to facilitate coverage and recognition by the law of the state.

Following this introductory section, we devote Section 2 to methods, Section 3 to a review of the relevant literature Section 4 to highlight areas of decent work deficit in Nigeria Section 5 to strategies for organization of the informal economy and role of stakeholders while Section 6 contains the concluding remarks.

2. LITERATURE REVIEW

Many reasons have been adduced for the rapid growth of the informal economy. Some believe that it is a result of economic downturn describing the informal economy as a tool for adjustment (Bacchetta et al., 2009; Munro, 2011; Cling et al., 2010; ILO, 2002a cited in ILO, 2002b) while others think it is a consequence of poverty (Timofeyev, 2013; Yusuf et al., 2009; Onyenechere, 2011). Yet, others argue that it is a result of contemporary times and that people actually volunteer to work in the sector to evade registration and taxation (Ratner, 2000; Chen, 2012).

According to Daza (2005:3), the expression *informal economy* was used in 1972 by the ILO in a study titled *Employment, incomes and equality: a strategy for increasing productive employment in Kenya* to describe *activities of poor workers which were not recognized,*

recorded, protected or regulated by public authorities. The concept was used in relation to Africa by Keith Hart and the ILO to describe *the range of employment and income generating activity outside of formal enterprises* that is evident in the continent. Most definitions over the years, have centred on poverty but in recent times because the sector has not only surfaced in developed economies but is growing in leaps and bounds, the definition has had to be expanded to reflect the character of this sector in these economies.

Chen, Vanek and Heintz (2006:2132) observed that ‘... *the expanded definition focuses on the nature of employment, in addition to the characteristics of enterprises and it includes all types of informal employment both inside and outside informal enterprises. This expanded definition has been endorsed at the International Labour Conference (ILC) in 2002 and the International Conference of Labour Statisticians (ICLS) in 2003.*’ As far back as 1993, the ICLS had adopted an international statistical definition of the concept to refer to *employment and production that takes place in small and/or unregistered enterprises.* Along the lines of employment status, Chen et al. (2006:2132) also present the informal economy in two broad categories – *Informal Self Employment and Informal Wage Employment.*

The former refers to ‘*employers in informal enterprises; own account workers in informal enterprises; unpaid family workers (in informal and formal enterprises); and members of informal producers’ cooperatives (where these exist)*’ while the latter describes ‘*Employees without formal contracts, worker benefits or social protection employed by formal or informal enterprises/employers or by households. Depending on the scope of labour regulations and the extent to which they are enforced and complied with, informal employment relations can exist in almost any type of wage employment. However, certain*

types of wage work are more likely than others to be informal. These include: employees of informal enterprises, casual or day labourers, temporary or part-time workers, paid domestic worker; unregistered or undeclared workers, and industrial outworkers (also called homeworkers).'

In developing economies, most people are able to find or create work only in the informal economy, implying that accommodating a significant number of workers and entrepreneurs in the world and is central to realizing the goal of decent work for all. According to the ILO (2007: 5, 9 & 10), *research shows that the inability of economies to create sufficient numbers of quality jobs to absorb the labour force is one of the root causes of the existence of the informal economy and this trend is likely to continue in the future.* Informality is characterised by non-recognition or protection under legal and regulatory frameworks as well as a high degree of vulnerability. Furthermore, it is the position of ILO (2002:2) that the term *informal economy* has been inadequate and misleading in that it does not in the true sense of the word refer to a sector of an economy but a diverse group of workers and enterprises in both rural and urban areas operating informally.

In addition to the forgoing, the basis of ILO's commitment to decent work for all is that *everyone who works has rights at work* regardless of whether the work is in the formal or informal economy (ILO, 2002:1, 3). The informal economy is described as *wage employment in unprotected jobs and comprises half to three quarters of the non-agricultural labour force in developing countries. Specifically, 48 per cent in North Africa, 51 per cent in Latin America, 65 per cent in Asia and 72 per cent in sub-Saharan Africa. If South Africa is*

excluded, the share of informal employment in non-agricultural employment rises to 78 per cent in sub-Saharan Africa (ILO, 2002b).

In addition, according to ILO (2007:5), *the formal sector does not employ more than 10 per cent of the labour force in Sub-Saharan Africa* and this has aggravated the incidence of extreme poverty significantly. In essence, the informal economy today represents a significant share of the global economy and addressing the problem of poverty is foremost in meeting its numerous challenges. Addressing the issue of decent work is a complex one in Nigeria or in any other developing country for that matter but it is insufficient to give up when there seem to be numerous gaps despite concerted efforts. This view is also espoused in Kantor, Rani and Unni (2006:2089) where it is argued that *achieving decent work for informal workers is a complicated and challenging task in an environment characterised by global economic competition. However, it is a necessary task if the majority of the world's workers are to escape conditions of poverty and vulnerability.*

That is, the objective must be to intensify efforts to formalize informal operations until significant results are achieved in all sectors of the economy. Furthermore, there are four perspectives relating to informality in developing countries. The first is the *Dualist* which uses the concept '*informal economy*' in Africa and it is attributed by Heintz and Valodia (2008:17) to Hart (1973:68) who used it to capture urban labour markets that he had studied in Accra, Ghana. Hart (*op cit*) viewed the informal economy *in terms of a dualist model of income opportunities of the urban labour force, based largely on the distinction between wage employment and self-employment.* Furthermore, *this perspective is that informal economy encompasses marginal activities, distinct from and unrelated to the formal sector*

which provides income for the poor and a safety net in times of crisis (Chen et al, 2006:2132).

The second perspective is the Structuralist. Under this perspective, authors such as Moser (1978), Portes and Castells (1989) argued that the informal economy refers to *subordinated economic units/enterprises and workers that serve to reduce input and labour costs and thereby increase the competitiveness of large capitalist firms*. The third perspective is the *Legalist*. Hernando De Soto (1989) popularized the legalist perspective in the 1980s and 1990s. The view is that the informal economy comprises of *plucky micro-entrepreneurs who choose to operate informally in order to avoid the costs, time and effort of formal registration and who need enforceable property rights to convert their assets into legally recognised assets* (de Soto, 1989 and 2000 cited in Chen et al, 2006). The fourth perspective which is the *Voluntarist* is that the informal economy *comprises of micro-entrepreneurs who choose to operate informally in order to avoid taxation, commercial regulations, electricity and rental fees, as well as other costs of operating formally*.

3. METHODOLOGY

The methodology of the study is analytical. It draws insight from existing related publications and discusses the activities of such related organisations as FIWON, Women in Informal Employment: Globalizing and Organizing (WIEGO), World Health Organization (WHO), World Bank, International Labour Organization (ILO) publications as well as previous studies on the subject of informal economy. The informal economy in Nigeria is growing at a rapid rate such that would require a much more elaborate study in the future.

4. AREAS OF DECENT WORK DEFICITS IN THE NIGERIAN INFORMAL ECONOMY

The informal economy is prone to inadequacies in decent work due to its obscurity from the law. These inadequacies are fuelled by high rate of unemployment, widespread poverty manifesting in hunger, lack of water and adequate sanitation, amongst others. In the light of these, Bachelet (2011) observed that:

Current statistics speak eloquently of widespread poverty and deprivation. About 5.1 billion people, 75 per cent of the world population, are not covered by adequate social security (ILO) and 1.4 billion people live on less than US\$1.25 a day (World Bank). Thirty-eight per cent of the global population, 2.6 billion people, do not have access to adequate sanitation and 884 million people lack access to adequate sources of drinking water (UN-HABITAT); 925 million suffer from chronic hunger (FAO); nearly 9 million children under the age of five die every year from largely preventable diseases (UNICEF/WHO); 150 million people suffer financial catastrophe annually and 100 million people are pushed below the poverty line when compelled to pay for health care (WHO).

FIWON has defined informal workers as self-employed individuals who work in unregulated and unprotected work which does not provide for retirement, maternity and holiday benefits or social protection. Moreover, Osalor (2011) noted that “In September 2008, the prominent *Vanguard* newspaper published an interview with a senior labour department bureaucrat who

admitted that 90% of new jobs in the country were being accounted for by the informal sector. Quoting an unnamed survey, the official went on to add that the sector was also responsible for 80% of all non-agricultural employment and 60% of urban jobs.” Members of FIWON include waste pickers, fishermen, fish mongers, commercial motorcycle riders, artisans, street and market vendors, handicraft workers, mechanics, and so on. In essence, FIWON is a federation representing all these groups, among others. FIWON currently functions as an industrial union under the Nigerian Labour Congress (NLC). Deficits observed in the informal economy are discussed under four headings in line with the ILO decent work agenda:

4.1 Standard Deficits in the Nigerian Informal Economy

Labour Standards such as Fundamental Principles and Rights at Work are being violated in the informal economy without any serious consequence. For instance, domestic workers are beaten to stupor as punishment for misdeed. In the same vein, minors are hired as domestic help. However, Lagos State has promulgated laws against violation of human rights under which domestic workers may seek redress (Agary, 2013; Falana, 2013). In addition, Article 23 of the United Nations Declaration of Human Rights (Plain Language Version) states that *‘You have the right to work, to be free to choose your work, to get a salary which allows you to support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.’*

In essence, workers in the informal economy have a right to decent pay, equality at work, right to organise and defend their interests at work. However, according to FIWON the issues domestic workers face include dismissal without notice and usually for flimsy excuses. Some

are even victims of sexual or physical abuse; long and unregulated hours of work; some are not allowed to have holidays and some suffer from diseases as a result of back breaking tasks. Compensation for disability as a result of work or retirement benefit remains a non-issue. Furthermore, domestic workers, just as other workers in the Nigerian informal sector also have a challenge regarding the right to belong to a trade union. FIWON points out that Section 40 of the Nigerian constitution provides for the *right of an individual to belong to any trade union or any other association for the protection of his/her interest.*

In the same vein, Chapter 11, Section 17 sub-section 3 provides for just and humane conditions of work; minimum standards for health, safety and welfare of all persons in employment; equal pay for equal work without discrimination on any ground as well as prohibition of child labour. Section 16 sub-section 2(d) provides for pensions, unemployment and sick benefits as well as welfare of the disabled. However, it is especially challenging for any agency of government to enforce conformity to standards because of the covert nature of operations in the informal economy.

4.2 Employment Deficits in the Nigerian Informal Economy

The informal economy has been described by many as the engine of growth in most economies of the world. The Nigerian business environment is generally challenged by power generation; however, peculiar to the informal economy are problems relating to seizure of goods from traders whose display of goods by the roadside is often considered illegal; thereby compounding unemployment challenges in the country. Another problem is multiple-taxation by government at the grass-root (local) levels using '*area boys*' (Boys in the local government area who would otherwise have had no job). Thus, employers and

workers alike are vulnerable and subject to victimization and intimidation, using the instrumentality of the law which offers no opportunities or protection for them. In addition, establishment of vocational centres has been mostly by civil society groups whose efforts cannot completely eradicate employment needs of the sector.

4.3 Social Protection Deficits in the Nigerian Informal Economy

The government has several programmes that are supposedly designed to reduce poverty, diminish exposure to and manage risks. *Social protection can be regarded as a kind of insurance policy against poverty and a tool for delivering social justice, as well as a means of promoting inclusive development. It is an expression of solidarity and cohesion between the haves and have-nots, between governments and citizens, and even between nations* (European University Institute, 2010). In this wise, promotion of inclusive development and protection of the have-nots from the might of capital is an imperative. Social security refers to government programmes that are geared towards the promotion of welfare. This would include providing access to resources for food, shelter and health.

Articles 22 and 25 of the United Nations Declaration of Human Rights (Plain Language Version) point to basic rights to social security. Article 22 states that *you have the right to have whatever you need so that you and your family do not fall ill or go hungry; have clothes and a house; and are helped if you are out of work, if you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason you cannot help. Mothers and their children are entitled to special care. All children have the same rights to be protected, whether or not their mother was married when they were born.* While Article 25 states that *the society in which you live should help you to develop and to make the most of all*

the advantages (culture, work, social welfare) which are offered to you and to all the men and women in your country.

Furthermore, most informal workers are also termed informal dwellers because they tend to live in illegal settlements which invariably get demolished by government without adequate re-settlement programmes. However, social protection is a basic right of every citizen regardless of the sector of the economy in which he/she operates. In the light of this, FIWON condemns the demolition of ‘illegal structures’ in some communities in Abuja, Nigeria undertaken by the Federal Capital Development Authority (FCDA). According to FIWON, most of its members reside in these communities and with over 2 million people, it constitutes over 60 percent of the total population living in Abuja presently (Ogunmola, 2012).

4.4 Social Dialogue Deficits in the Nigerian Informal Economy

The idea underlying social dialogue is that actors in the world of work are social partners. Therefore, social dialogue refers to discourse among these actors and its outcomes. The foundation of sound industrial relations and effective social dialogue is the observance of fundamental principles and rights at work represented by freedom of association and recognition of the right to collective bargaining. Hayter and Stoevska (2011:1) define social dialogue as, *all types of negotiation, consultation or simply the exchange of information between representatives of governments, employers and workers on issues of common interest. It covers tripartite processes and institutions of social dialogue, such as social and economic councils; institutions, such as trade unions and employers’ organizations and processes such as collective bargaining.*

Therefore, social dialogue is the platform for discussion of matters common to actors in employment relation. Social dialogue is measured by membership of trade unions and coverage of collective agreements. Trade unions in the Nigerian informal economy are either very weak or non-existent. Therefore, there are no collective agreements as individual employers determine terms and conditions of employment. Efforts by FIWON at this time are geared towards organizing various groups. For instance, it has facilitated organization of waste pickers and domestic workers. This notwithstanding, the future direction of trade unionism in the informal economy in Nigeria is yet unclear.

5. DECENT WORK STRATEGIES FOR ORGANIZING THE INFORMAL ECONOMY

Government policies must be adapted to local conditions to facilitate sustainability in implementation. Efforts of government particularly at the grassroots level should address the following among others:

Emphasis should be on growth strategies that focus on quality of employment generated and not on revenue accruing from taxation alone

Relevant International Labour Standards regarding core rights should be enshrined into local laws and implementation should not be cumbersome

Social dialogue as well as efforts at organization and representation of workers in the sector by trade unions and social partners should be encouraged

Regulatory instruments should address gender equality issues in the sector seriously

The overall business environment should encourage entrepreneurial initiatives. There should be a deliberate attempt to facilitate access to requisite skills, finance, management and markets

Social protection including social security should be extended to the sector

Community development structures and strategies for both rural and urban centres should target the economy

Source: Adapted from ILO (2007:9)

Formalization of the informal economy is used in this paper to mean organization as a means of inclusion for policy coverage and recognition by the State. We are of the view that there can be no organization in this sector without some form of formalization and this will ensure coverage by relevant legal instruments of government. This is because formalization, however crude would facilitate documentation which should aid productive research in the sector and serve as a platform for defence of rights. Group(s) of workers or employers in the informal sector will choose to have nothing to do with government or its agencies at their peril. However, the extent of government involvement can be determined by organizing the sector. Informality is prevalent in the rural areas/inner cities. Therefore, government efforts particularly at the grassroots level should address the following, among others:

5.1 Standard and Quality of Employment

Emphasis should be on growth strategies that focus on quality of employment generated and not on revenue accruing from taxation alone. Moreover, relevant international labour standards regarding core rights should be enshrined into local laws and implementation should not be cumbersome.

5.2 Social Dialogue and Inclusion

Social dialogue as well as efforts at organization and representation of workers in the sector by trade unions and social partners should be encouraged. Also, regulatory instruments should address gender equality issues in the sector in a more focussed and propogative way.

5.3 Social Security

There should be a deliberate attempt to facilitate access to requisite skills, finance, management and markets to encourage entrepreneurial initiatives while the extension of social protection, including social security should be pursued with vigour in the sector. The overall business environment should be improved such that cutting corners becomes unattractive.

5.4 Targeted Community Development Structures

Community development structures and strategies for both rural and urban centres should target the sector.

5.5. The Role of Stakeholders in the Pursuit of Decent Work in the Informal Economy

ILO (2007:4) recommends that:

employers' organizations could assist by influencing government policy to focus on the needs of small enterprises. While trade unions could sensitize workers in the informal economy on the importance of collective representation and provide information on legal rights to promote decent work in the informal economy, they can also play an important advocacy role by drawing attention to the underlying causes of informality; stimulating action on the part of all tripartite partners to address them; publicizing and sharing the innovative and effective strategies already used by trade unions and employers' organizations in different parts of the world to reach out to workers and enterprises in the informal economy.

In the light of the foregoing, FIWON proposes to train domestic workers in human rights and workers' rights; help domestic workers to form credit and savings cooperatives; help domestic workers to access vocational skills in cooking, professional housekeeping, childcare, interior decorations, event management; provide social activities; negotiate minimum standards on hours of work, leave, maternity and retirement benefits, provide telephone helplines, provide and facilitate legal aid/ advice as well as work with human rights group such as Committee for the Defence of Human Rights (CDHR) and Justice Development and Peace Commission (JDPC). They should, in addition, provide support to members in case of dispute with employers.

ILO (2007:4) further recommends that:

the government has the following primary roles to play in the promotion of decent work in the informal economy: providing the conducive macroeconomic, social, legal and political frameworks for the large-scale creation of sustainable, decent jobs and business opportunities; designing and implementing specific laws, policies and programmes to deal with the factors responsible for informality; extending protection and social security to all workers; removing the barriers to entry in the mainstream economy; ensuring that the formulation and implementation involve the social partners and the intended beneficiaries in the informal economy; providing an enabling framework at national and local levels to support representational rights; Furthermore, the ILO should develop a comprehensive approach involving the promotion of rights, decent employment, social protection and social dialogue reflecting the diversity of situations and their underlying causes found in the informal economy.

6. CONCLUSION

It is our position in this paper that government machinery of progress should not only be expanded to cover the informal economy, the ILO decent work agenda should be pursued vigorously to harness the opportunities presented to countries because the informal economy is not only expanding rapidly across the world, it is the engine of growth in most developing economies. In addition, the achievement of decent work objectives through formalization of the informal economy should cover rights at work, employment creation, social protection and social dialogue. Moreover, formalization as a policy option ought to maintain the benefits of the sector. Although the formalization of the informal economy may not result in the complete eradication of decent work deficits, it should improve the lot of workers in the sector a great deal.

The extent to which formalization helps to achieve the goal of decent work remains a subject for further research. This paper suggests that FIWON be recognized by law as a labour union in much the same way as the Trade Union Congress (TUC) and the Nigerian Labour Congress (NLC). This is because the sheer size of the informal economy calls for a dedicated labour Union/grouping to capture the major groups in the sector and to canvass their cause directly to government rather than through the NLC.

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