

PRIVATIZATION AND THE CHANGING NATURE OF EMPLOYMENT RELATIONS IN THE PUBLIC ENTERPRISES IN NIGERIA

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Abstract

Public enterprises in Nigeria are undergoing reforms aimed at making them more efficient and effective. One of these reforms which is very pronounced is privatization of public-owned enterprises. This development is not without implications for employment relations practices of the new enterprises. Thus, this paper examined how privatization has affected the traditional employment relations practices of privatized public enterprises and the resulting changing nature of employment practices of these new enterprises. Therefore, this paper adopted desk review method by reviewing existing information in literature and by observing employment relations processes in the privatized enterprises. Using the free-market ideology of the laissez-faire classical economic theory, this paper explained the justification for the privatization of government-owned enterprises. Particularly, it x-rayed the traditional employment relations practices of public enterprises in Nigeria, the current managerial philosophies of employment relations of the privatized enterprises and the emerging employment relations practices of the privatized enterprises. The paper concludes that privatization of public-owned enterprises resulted to a shift in the managerial philosophies of the new enterprises as well as changes in their employment relations practices. However, the paper recommended that the management of the privatized enterprises should review the existing public sector collective agreement and adopt likely areas of compatibility instead of outright renegotiation of the existing agreement at the enterprise level. In addition, the managerial ideologies of these privatized enterprises that focused on individualism should be changed to accommodate collective interests of workers that are often expressed through trade unionism.

Keywords : Privatization, Public Enterprises, Managerial Philosophies, Traditional labour practices, Employment Relations

Introduction

The public enterprises throughout the world have been subjected to numerous reforms in recent times (ILO, 2008). Particularly such reform which has become a common policy framework especially among the developing economics is the privatization of state-owned enterprises. In both developed and developing countries, privatization and in some cases commercialization have grown in popularity and acceptability (Adeyemo, 2008). Nigeria is not left out in this development as she has also towed the line

of International Monetary Fund (IMF) and World Bank recommendation of privatization of some of her state-owned enterprises. This is also due to the fact that IMF and World Bank to a large extent make their assistance conditional on economic liberalization characterized mainly by privatization and commercialization of public enterprises. Like in other developing countries, the International Monetary Fund (IMF) pushed Nigeria toward privatization.

The history of privatization in Nigeria can be traced to the mid and late 1980s. However, the passing into law by the democratic regime headed by President Olusegun Obasanjo of the Public Enterprises (Privatization and Commercialization) Act No. 28 of May 1999 also marked a new phase in the programme (Omoleke and Adeopo, 2005). The promulgation of this Act was visited by many controversies regarding the wisdom behind privatization policy. It generated questions as to why, how, when, and what to privatize. With the promulgation of this act, many public owned enterprises were privatized to the extent that towards the end of the first five years of the implementation of the provisions of the act not less than forty enterprises have been privatized; while over thirty enterprises have acquired full commercial status (Adeyemo and Adeleke, 2008).

However, privatization of public enterprises in Nigeria in recent years has significantly changed the ways in which enterprises are managed and work performed. The absence of government regulations of the emerging enterprises and their orientation towards profit have dislocated the traditional labour relations practices and introduced a new employment relations regime (ERR). Privatization of public services has equally challenged the traditional labour relations practices in the public sector (Brandt and Schulten, 2009). Privatization presents a number of different and unique challenges especially the ones that border on employment relations of the privatized enterprises. Privatization has far-reaching consequences for the established employment relations regime, defined as coherent set of institutions (statutory regulations, collective bargaining and employee representation) regulating employment relations in a particular sector (Brandt and Schulten, 2009). The

privatization policy of the government of Federal Republic of Nigeria has given rise to a new managerial philosophies and consequently new employment relations regime. This development has far-reaching changes in union activities, contract negotiations, contract administration, wage levels, employment conditions and other kindred matters. Part of the development in the new enterprises (privatised public enterprises) is the emergence of workforces with higher levels of education and skills than before which need to be managed in a manner different from the way in which employees, especially blue collar employees, have hitherto been managed. Furthermore, the many emerging work arrangements in these privatized public enterprises do not fit into traditional employment relationships. Increasing number of these enterprises are differentiating between core and peripheral workforce, which consists of those whose work can be performed by persons outside the enterprise who specialize in it.

Based on the foregoing, this paper examined how privatization has affected the traditional employment relations practices of privatized public enterprises and the resulting changing nature of employment practices of these new enterprises. Therefore, this paper adopted desk review method by reviewing existing information in literature and by observing employment relations processes in the privatized enterprises.

The Concept of Privatization

According to the Privatization and Commercialization Decree No. 25 of 1988, "privatization is the relinquishing of part or all of the equity and other interests held by the Federal Government or its agency in enterprises whether wholly or partly owned by it." It is also defined as full or partial sale of public sector corporations, the sale of government-owned assets, the opening of certain markets to private sector competition and Government-Private sector joint ventures infrastructure projects (Dickson, 2001). Privatization entails a shift of ownership from public to private asset holders. In a privatized enterprise, government ceases to be the owner and therefore is no longer involved in the day to day management of the enterprise. Privatized

enterprises equally adopt different management model driven especially by competition aimed at securing market share through improvement in product quality and services.

However, privatization assumes two different variants: full privatization and partial privatization. "Full privatization' refers to divestment by the federal government of all its ordinary shareholding in the designated public enterprises while partial privatization means divestment by the federal government of shareholding in the designated enterprises" (Obadan cited in Popoola, 2016). In the case of full privatization, ownership of the enterprise is fully or completely transferred to the private investor. It involves outright sale of the assets to a private individual or firm and government no longer have any stake in that enterprise. In some cases, privatization may not involve a total transfer of ownership right of the assets; instead public owned enterprises can equally be partly or partially privatized, with the state controlling a major or minor share of the assets. "This can take the form of selling ownership rights to strategic partner, e.g. a foreign company active in the same sector or business segment, or through offering company shares on the stock market" (Hermann and Flecker, 2009). Another variant of partial privatization is where ownership is shared between the public and private sector in the form of joint ventures or public private partnership. In Nigeria, this kind of arrangement can be found in the oil and gas sector of the economy, transport and the construction industry where there are various public private partnership projects.

Basically, the driving force behind the implementation of privatization policy is the achievement of the objectives of privatization. Nola and Rueda (1998) identified factors such as desire to increase competitiveness and efficiency, to raise government revenue and reduce public sector deficit, and to promote the role of the public sector in the economy as the major drivers of privatization. In the case of Nigeria, the move to privatized public enterprises was motivated more by the need to reduce the cost of maintaining these non-performing enterprises which took a sizeable portion of the Federal Budget. The issue of mismanagement and under-utilization which led

to huge wastage of resources and manpower potentials gave the government of the day no other option but to pursue quickly the privatization programme. Among the problems identified by the Technical Committee on Privatization and Commercialization promulgated by President Ibrahim Babangida in 1988 included: inadequate or conflicting objectives, poor human resource management, extreme bureaucracy, lack of strategic planning, lack of technical management expertise, inadequate capital structure, inadequate system and staffing and poor debt management. In the light of these identified challenges that bedeviled the public enterprises in Nigeria, the Technical Committee on Privatization and Commercialization in their policy framework developed the specific objectives for the privatization of the public enterprises to include:

- To improve on the operational efficiency and reliability of our public enterprises;
- To minimize their dependence on the national treasury for the funding of their operations;
- To roll back the frontiers of State Capitalism and emphasize private sector initiative as the engine of growth;
- To encourage share ownership by Nigerian citizens in productive investments hitherto owned wholly or partially by the Nigerian Government and, in the process, to broaden and deepen the Nigerian market.

Theoretical Explanation

The theoretical explanation in this paper is anchored on the views of the free-market ideology of the *laissez-faire* classical economic theory. The free-market ideology of the *laissez-faire* classical economic theory emphasized government non-intervention in the economy. Rather the economy should be left to market forces of demand and supply. The underlying belief of this theory is that the economy would do better in terms of efficiency if the government is not involved in business but leaves it to the market system that encourages competition. Thus, the theory "favours the unleashing of the competitive profit motive by emancipating free-market pricing from the interfering hands of state regulation" (Samuelson,

1980). This is because it is believed that government interference and regulation of the economy will stifle competition which is a necessary ingredient for economic growth. It argues that the character of the traders and that of the sovereign are inconsistent, that public administration was negligent and wasteful because public employees have no direct interest in the outcome of their actions.

Laissez-faire classical economic theory therefore influenced the idea of economic liberalization and deregulation. Deregulation meant that government hands over public enterprises which were originally under the full ownership and control of the state to private individual for the purpose of profit-making and efficient operations. Therefore, privatization is a way government is implementing the non-intervention policy. Privatization according to this theory would reap the advantages of the market system and competition, namely effectiveness, productivity, and efficient service. This trend will also strengthen market forces with some degree of deregulation, economic liberalization, relaxation of wage and price controls (Ugorji, 1995).

Traditional Employment Relations Practices of Public Enterprises in Nigeria

Before the deregulation of key sectors of the economy and subsequent privatization of public enterprises, the nature of the traditional employment practices of the public enterprises were characterized by institutional regulation of employment relations. Institutional regulation suggests that trade unions, employers' associations and specialized governmental agencies were intricately involved in the regulations of employment relations (Ikeije, 2020). Trade unions were relatively strong partly due to high density status resulting from compulsory membership policy maintained by them. Rules that governed both substantive and procedural issues were jointly made by these institutional partners through the process of collective bargaining. Because of their strength, trade unions often exert considerable influence in the course of negotiation, which often results to securing additional better deals or additional benefits for

their members. This scenario shows that the traditional employment relations practice of the public enterprises reflected a situation of balance of power between or among the institutional actors who are involved in employment regulations as the action of one institutional actor is often balanced by the countervailing forces from other institutional actors.

In addition, the collective bargaining structure of the public enterprises in Nigeria has been centralized. Most trade unions in the public sector maintain either industry coverage or national coverage. As such negotiations on terms and conditions of employment often take place at the industry or national level. Such centralized bargaining structure means that enterprise level bargaining was quite absent. As observed by Brandt and Schulten (2009), such "comprehensive and highly centralized bargaining processes adopted by the unions had a strong impact on the norms and standards that govern employment in the public sector." Centralized collective bargaining structure equally meant that wages and salaries and other incentive packages were collectively negotiated rather than individually negotiated and the outcome of such negotiation was established as the compensation scheme.

Another major traditional employment relations practice of the public enterprise is seniority based compensation scheme. Compensation is not tied to performance, individual experience or specific skill. Rather, what counts more in the compensation scheme is the certificate the worker possess and number of years an individual worker has spent in the enterprise. In the same vein, career progression is a function of the worker's certification and years spent and not based on the quality of performance of the individual worker. Thus, Brandt and Schulten (2009) noted that "performance criteria or performance-based supplements, which widely applied in private sector companies, played no or only a marginal role in public sector wage relations." Again, change in individual wage level to a large extent depends on promotion. However, promotion is not tied to performance or skill level since the public enterprises maintain structured promotion scheme that ensures that a worker completes a stipulated number of years in a particular position

before being considered due for promotion to the next level. Thus, performance evaluation which often is the basis for the determination of promotion does not reflect targets or performance expectations, instead it focuses on conservative criteria that reflect date of last promotion, certificates acquired within the evaluation year, last wage level etc.

Furthermore, traditional employment relations practices of the public enterprises involve relative job security and long term employment relations. Often times, employee's exit occurs due to retirement, resignation or death and not by termination or dismissal. Public service employment policy is such that guarantees certain level of protection of jobs. In other words, most of the jobs in the public enterprises enjoyed statutory flavour to the extent that statutory procedures are required to be followed in the determination of the employment. In fact, this is one of the major reasons why some people prefer employment in the public enterprises (even though it is characterized by low wages) to employment in the private organizations where workers are quite uncertain of their jobs. Job security is a product of employment policy developed through institutional arrangements such as collective bargaining to serve as instrument for regulating and ensuring that employees' jobs are protected.

In general, trade unions in the public enterprises enjoyed high density due to the compulsory nature of union membership. Traditionally, trade unions were able to achieve high density due to the policy of union shop which they adopted as the strategy for membership drive. This has been the case until 2005 where amendment was made to union membership. Specifically, Section 12(4) of Trade Union Amendment Act of 2005 states that "membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member." Apart from this amendment which has affected union density, the traditional employment relations practices of the public enterprise have been such where high union density played a major role in the strength of the unions and their abilities in engaging the government both on political and economic issue. Through collective bargaining (which was the

established framework for joint decision-making) trade unions successfully contributed to the making of rules that governed employment relations in the public sector in Nigeria.

Managerial Philosophies of Employment Relations of the Privatized Enterprises

The transfer of ownership of the public enterprises to private individuals or firms also came with it a shift in the managerial philosophies of the new enterprises. Before the take-over of these enterprises by private firms, the management as appointed by government of the day was guided by the orientation of provision of welfare services and not by the orientation of profit-making. The welfare orientation affected the ways these enterprises were formerly managed which often were marred with inefficiency. Managerial philosophies in their nature deal with the beliefs or rules that guide the managers in decision-making. Such philosophies are applied across various functional areas of the organization including employment relations. Specifically, Bray, Deery, Walsh, and Waring (2011) stated that "the conduct of employment relations is also influenced by the particular values, beliefs or philosophies held by business owners, chief executive officers or other key decision makers." These philosophies which are held by managers often lead to the development of managerial styles in relations to matters of motivation of employees, the handling of grievances and the conduct of relationships with trade unions.

Being that privatization is a product of globalization (in terms of economic liberalization and deregulation), there appears to be pressure on managers of the privatized enterprises to adopt a common managerial philosophy in relation to employment relations. Among the two major dimensions of managerial philosophy - collectivism and individualism - the managers of the new enterprises prefer individualism as their operational management style. Individualism questions the old or traditional institutional regulation of employment relations that adopted collectivism. According Purcell (1987) "individualism refers to the extent to which the firm gives credence to the feelings and sentiments

of each employee and seeks to develop and encourage each employee's capacity and role at work." By maintaining this managerial philosophy, these new enterprises have made the environment quite un-conducive for any form of trade union movement.

The preference for individualism as a managerial philosophy creates a fertile ground for authoritarian and paternalistic management styles to thrive. Paternalistic management style derives from unitary frame of reference, which "suggests that the enterprise has a unified authority structure with common objectives and shared values" (Fajana, 2006). The idea of common objectives and shared values suggest that trade union is viewed by management as a cog on the wheel of progress of the organization or better still an agent of dissention and therefore should not be allowed. In Nigeria for instance, there are rising incidence of non-union recognition in some of the privatized enterprises in the power sector, communication sector and oil and gas sector. This managerial style, as believed by management, helps them to secure the employee's loyalty and commitment to the goals and objectives of the new enterprises, which also supports the profit and wealth creation motives of management.

Although managerial philosophy is influenced by cultural values and ideologies of the people, but this has equally been played down by the dictates of global labour market. Thus, managers prefer to align themselves with the employment relations pattern which is influenced by the growing globalization of the labour market. Such practices that encourage varied employment contracts or put differently varied employment arrangements are adopted as the strategic choice in employment relations in the privatized public enterprises. Therefore, in order to achieve the underlying motive of cost control and maximization of profit, management of the privatized public enterprises are outsourcing non-core functions and introducing flexible employment contracts which help in increasing managerial control and strength. This view is supported by the finding of McCarthy, Reeves and Turner (2011) that privatization is associated with an improvement in the relative bargaining strength of management and a reduction in union bargaining strength.

The Emerging Employment Relations Practices of Privatized Enterprises

The employment relations practices as being adopted by the new enterprises (privatized enterprises) revealed marked variations from the traditional employment relations practices in the public enterprises. The privatized enterprises are currently operating in the private sector whose employment relations are to some extent separate from the public sector ones. One of the obvious emerging practices is the shift from national and industry level bargaining to enterprise level bargaining. Collective bargaining within the traditional employment relations system in Nigeria usually takes place at the national or industry level. However, the observed practices showed more of decentralized and fragmented bargaining structure with a low bargaining coverage at the level of the new enterprises (Brandt and Schulten, 2009). As such, existing collective agreements, which originally had wider coverage, are being renegotiated at the enterprise level and restricted or limited to enterprise coverage.

Another emerging employment practice in the new enterprises is the changing forms of employment contracting. Driven by the desire to minimize cost and maximize profit, the new enterprises are increasingly introducing different forms of flexible labour contracting such as non-regular employment arrangement and outsourcing of certain organizational functions including human resource management functions. Basically, San (2017) identified the HR services being outsourced to include "payroll, training, recruitment and dismissal function like conducting the exit interview etc." "This includes the increased use of casual and fixed term workers and contractors" (Nola and Rueda, 1998). The use of casuals and contractors have further impacted negatively on union density and strength. The consequence is rising rate of job insecurity and denial of certain employment benefits which is associated with the use of contractors. Benefits such as medicals, health insurance, allowances etc. are not provided for casuals and contractors. Originally, these benefits were part of the collective agreement negotiated with the public sector trade unions. But privatization of these enterprises equally resulted to the detachment of

the new enterprises from the standards provided by public sector collective agreement in relation to regulations of the working conditions (Brandt and Schulten, 2009). By terminating the existing public sector agreement of the privatized enterprises and evolving a new agreement at the enterprise level, the new owners successfully detached from the standards provided by public sector agreement.

In addition, there is a general decline in employment level in the privatized enterprises in Nigeria. The adoption of technology in the new enterprises resulted to displacement of jobs by technology, which also led to a slim organizational structure. This development is in sharp contrast with the traditional labour intensive system that created large structure and marked by gross inefficiency. Thus, the introduction of technology and re-engineering of the process resulted to workers' redundancy and subsequent downsizing exercise aimed at reducing personnel cost. This is a typical case of National Electric Power Authority (NEPA) which was privatized and due to the introduction of technology by the new owners and process re-engineering many workers were rendered redundant and subsequently laid-off. Job losses which resulted from privatization has implications for employment level in many countries which have implemented privatization policy. An empirical evidence from countries such as Argentina, Ethiopia, Ivory Coast, Poland, Spain, Venezuela, Hungary, Pakistan, Philippines and Germany where privatization was implemented showed that the level of employment dropped, at least in the short-run in those privatized enterprises (Nola and Rueda, 1998).

Unlike the case of public sector seniority-based pay, the management of the privatized enterprises are gradually introducing performance-based compensation system. Part of this performance-based compensation system is the practice of target setting and the attachment of performance expectations to the daily operations of the workers. By this practice, management now maintains tougher stance on employee's performance and work discipline. Merit pay and other motivational tools that recognize individual effort and contributions to the new enterprises are been adopted by management as a technique aimed at rewarding high performers and engendering

competition among the workers. The obvious reason for this shift from seniority-based reward system to performance-based reward system is the competitive nature of the private sector, which the new enterprises are now part of the players. Therefore, in order to survive competition, the employment relations practice in relation to reward management has shifted towards recognition of individual contributions of workers to the achievement of the goals and objectives of the new enterprises.

Furthermore, the management of the new enterprises have undertaken the practice of changing the terms and conditions of service which were negotiated under the public sector arrangement. Thus, Cheng (2008) reported that "in the short term, employees may have to adopt to changes in the terms and conditions of service, including the need for retraining and greater job mobility, less security of tenure and loss of certain benefits and perks." Changes in terms and conditions of service may affect social protection schemes which the workers enjoyed under public sector arrangement. For example, in Nigeria, public sector workers enjoy state provision of social insurance "which provides income support to workers quite independent of their participation in the labour market" (Bray, Deery, Walsh and Waring, 2011). Those benefits such as "the states intervention to assist workers by way of National Health Insurance Scheme (NHIS) which makes for affordable health services for the workers and National Housing Scheme, which is designed to assists workers own their homes" (Ikeije, 2020) may not be part of the renegotiated terms and conditions of the new enterprises. Nevertheless, this development was also anticipated as private sector workers in Nigeria are not included under the protection of these schemes.

Besides renegotiation of the terms and conditions of employment, management seems to exercise "discretionary power in taking decisions and formulating enterprise policies" (United Nations, 1995) cited in Cheng (2008). The scope of union rights, which extends to various issues of concern in the public enterprises before privatization is reduced in the new enterprises under private ownership, while decision-making in areas that ordinarily would involve employees' consultation

are strictly restricted to management prerogatives. There appears to be little or no consideration of the unions' contributions to issues or matters that affect the workers as management maintains strict implementation of their decisions and policies. The result of this emerging scenario is the marginalization of union influence and bargaining power.

Conclusion

It is often said that nothing is constant in life except change. Therefore, as the developing economies, which Nigeria is part of, are fast embracing economic reforms in line with the dictates of globalization, they are also grappling with and adjusting to the effects of those reforms in their various social and economic lives. As our analyses have shown, privatization as one of such reforms also contributes to the changing nature of employment relations in those privatized enterprises. Privatization by its character and nature means that both the structure of the organization and the employment relations system and practices are bound to change in response to the shift from welfare orientation to profit orientation. This development should not be surprising or regarded as abnormal as it is expected that organizations in a free market economy are faced with intense competition and the survival of such competition requires adjustments in management styles, organizational structures and modes of operation. Such adjustments definitely affect the nature of employment relations in those organizations. Therefore, the paper concludes that privatization of public-owned enterprises resulted to a shift in the managerial philosophies of the new enterprises as well as changes in their employment relations practices.

Recommendations

Although it has been stated earlier that the major considerations by government of Nigeria in privatizing public owned enterprises are to reduce the cost of managing the non-performing enterprises and to encourage efficiency, but this must be done by recognizing some of the implications that privatization has for employment relations of these new enterprises.

Being that there are certain aspects of the employment relations of the public enterprises that could still function positively in maintaining good employment relations, it is therefore recommended that the management of the new enterprises should review the existing public sector collective agreement and adopt likely areas of compatibility instead of outright renegotiation of the existing agreement at the enterprise level. In addition, the managerial ideologies of these privatized enterprises that focused on individualism should be changed to accommodate collective interests of workers that are often expressed through trade unionism.

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