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## FAIR RECRUITMENT AND LABOUR MIGRATION

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# The Emerging Digital Realities and Implication for Fair Recruitment in Nigerian Media Industry

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**Abstract**
The increasing application of new digital technologies in the media industry has been radically changing the landscape of that sector, transforming values and practices within it. This transformation, inevitably, has also been felt regarding how human labour is treated in that sector. Against this backdrop, this chapter focuses on the effect of the new digital realities on fair recruitment in the Nigerian media sphere. It argues that these emerging realities are increasingly compromising fair recruitment principles as espoused in relevant ILO instruments especially the Declaration on Fundamental Principles and Rights at Work (1998, as amended in 2022) and the General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs (2019). This is especially in relation to clarity of recruitment terms, fair reward for the employee, workers' freedom of association and collective bargaining, forced or compulsory labour, discrimination in employment and occupation, safe and healthy working environment, and proper equipping of the worker with the necessary working tools. The chapter, however, concludes that strict enforcement of domestic labour laws and regulations would, to a reasonable extent, result in realization of fair recruitment in the Nigerian media industry even in the face of the new digital realities that are redefining practices and values in the sector.
**Key words**: Digital Realities, Fair Recruitment, Nigerian Media Industry, Labour migration

## Introduction

One factor radically redefining the landscape of media industry globally is the advancement in digital technology and its increasing application in content production and dissemination. This new reality comes with far-reaching consequences for the way the industry operates and thrives (Omenugha, 2019; Paulussen, 2012). An aspect of these consequences relates to human labour as used in the industry, and which raises profound economic, professional, moral and legal concerns. This chapter discusses these concerns

focusing specifically on how the new digital realities are affecting realization of fair recruitment principles in the Nigerian media industry. It contends that the new digital environment of the present-day media industry is putting enormous pressure on fair recruitment, and in many instances, have actually compromised its principles. In other words, the new digital realities are a formidable threat to upholding of fair recruitment in the Nigerian media industry of today.

## From Traditional to Digital Media: The Changing Labour Realities in the Nigerian Media Industry

The current stage of advancement in information and communication technologies (ICTs) has led to emergence of what can be termed the traditional-digital media dichotomy. This dichotomy denotes the radical differences in form and functionality between the older (analogue) technologies and the newer (digital) technologies as applied in modern mass communication (Baran, 2010; McQuail, 2010). Digital technologies refer to an array of functionalities and devices that are based on the computing principles (computer). These technologies have a wide range of applications in communication including printing, broadcasting, film, music, telephony, and the Internet among others (Duru, 2023; Agba, 2002).

Since the 1990s, the digital culture has been reshaping in radical ways the landscape of the media industry globally. It has imposed profound changes on how media organisations and their personnel operate as well as redefined the opportunities and challenges facing them. In particular, the emergence and advancement of the Internet has drastically transformed the media space in a manner that has engendered both opportunities and crises (Omenugha, 2019). The Internet has opened the space for emergence of unlimited number of alternative news and information sources such that the monopoly since enjoyed by traditional media organisations has been highly curtailed. The competitions coming from these online-based alternative sources have continued to challenge the traditional media

houses as their audience base and revenues continue to plumet (Duru & Okeke, 2023; Hassan et al., 2018).

The implication of the foregoing is that the traditional media industry – television, radio, newspaper and magazine – is experiencing some crisis. This crisis has been so disruptive that the continued existence of this industry has come under threat (Duru, 2023; Pate, 2021). For instance, statistics shows that globally revenues in newspaper industry have been on steady decline each year from 2017 to 2021 (PwC, 2021). In the United States, revenue went down from around 30.5 billion US dollars in 2016, to 27 billion US dollars by 2020 (Statistica, 2020). In the UK, newspaper industry revenue decreased at a compound yearly rate of 3.9% to £4.4 billion between 2018 and 2023. Meanwhile, between 2018 and 2019, revenue is estimated to have fallen by 2.9% (IBISWorld, 2019). In Nigeria, despite a lack of relevant industry data, there is clear evidence that traditional media organisations in the country are not having it better. The same progressive fall in revenue experienced elsewhere has been unfolding in the country (Duru, 2023; Omenugha, 2019; Mohammed, 2018). Commenting on this development, Mohammed (2018), with reference to the newspaper industry in Nigeria, writes:

> Today in Nigeria, there are clear signs of the eclipse of the traditional media as once vibrant traditional news-media organisations today struggle to fund their operations, given dwindling circulation numbers brought on board by expensive news-prints and difficult to manage printing presses as well as shrinking advertising patronage, given the hot contest from nibble, cost effective, smart and widely accessible digital news platforms (para 6).

In the face of these challenges, media organisations, especially newspapers, have adopted cost-cutting measures including downsizing their workforce (Pate, 2021; Purdy, Wong & Harris, 2016). In the United States, job losses in the newspaper sector have been massive,

going from 256,800 employees in 2010 down to 183,200 in 2016. In Nigeria, massive job losses have resulted from both retrenchments and closing down of media organisations. Many media organisations in the country, especially newspaper houses, have shut down their operation in the last couple of years in the country throwing many professionals out of job (Pate, 2021; Omenugha, 2019). With the number of professionals much larger than the available vacancies, the balance of power is much in favour of the employers which further threatens labour conditions in the sector.

In addition, pay cuts have been activated in many organisations as they attempt to navigate the current realities (Obadofin, 2020). This, added to the fact that remuneration in the industry had been generally poor before now (Okunna et al., 2021), has worsened job conditions in the media sector. In fact, some media workers had to take as low as 20 – 40% of their normal salary as a result of the pandemic-imposed cost-cutting measures (Obadofin, 2020).

Worse still, the economic strains attendant on the COVID-19 pandemic deepened the existing crisis in the industry, resulting in more job losses and pay cut (Pate, 2021; KPMG, 2020). Commenting on this development, Pate (2021) observes that for "the media sector in Nigeria and, indeed, globally, the COVID-19 era has hit it hard; devastating and existentially threatening" (para 2). The industry is yet to recover from this effect of the pandemic as evident in the fact that national newspapers that drastically reduced the number of pages borne by their publication are yet to revert to the original number.

The implication of all this is that the new digital realities represent, for the traditional media, an existential threat given their economic ramifications. As usual with such situations of business strains, circumstances of recruitment and use of human labour inevitably become affected. Pointedly, fair treatment of labour comes under threat.

**The Emerging Digital Realities and Implication for Fair Recruitment**

From the foregoing discussion, it is clear that the emerging digital realities in the media industry in Nigeria are affecting human labour in very fundamental ways. This effect inevitably also has implications for fair recruitment in the industry. In discussing this, we shall be guided by some of the fundamental principles of fair recruitment as evident in ILO's instruments including the Declaration on Fundamental Principles and Rights at Work (1998, as amended in 2022) and the General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs (2019). Looking at these instruments, this writer was able to identify some seven fair recruitment-related principles and values that are relevant to the media industry in the digital age. Some of them were lifted word-for-word from ILO instruments while others were framed by the writer based on the letters and spirit of the standards prescribed by the organisation. The principles/values are as follows:

- Clarity of Recruitment Terms
- Ensuring Fair Reward for the Employee
- Ensuring Freedom of Association and Collective Bargaining
- Elimination of all Forms of Forced or Compulsory Labour
- Elimination of Discrimination in Respect of Employment and Occupation
- Provision of a Safe and Healthy Working Environment
- Provision of Necessary Working Tools for the Employee

These principles/values are discussed below specifically in relation to how they affect fair recruitment in the Nigerian media industry in the light of the digital realities of today

**Clarity of Recruitment Terms**

A key principle of fair recruitment is clarity of terms of employment contract. Articles 8 of General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment provides that:

> The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited (ILO, 2019).

It is well known within the media industry in Nigeria that many journalists and other professionals are engaged under no clear contract terms. These people are not regarded as regular members of staff and are not captured in the regular payroll. This category of workers, when they are journalists, are, sometimes, given the erroneous tag of "freelancers" or "stringers", perhaps to obfuscate the exploitative nature of their engagements. In the ideal sense, freelancers or stringers are independent journalists who sell their reports to media organisations; they are not attached to any particular media house as employees. But in this case, these journalists are made to work like any other regular staff except in the area of remuneration where they are given a paltry sum often designated as "stipends".

In worse scenarios, these workers are not paid at all but left to make ends meet through relying on the professionally demeaning practice of collecting gratification from news sources – the brown envelope syndrome. As such, the identity card "graciously" issued to them by the media organization is effectively considered as a platform for economic survival for which they should be grateful. This practice has given rise to the derogatory saying, within the Nigerian media circle, that 'your ID card is your meal ticket' (Okeke, 2022). This treatment is not restricted to journalists but is sometimes equally seen with other category of workers such as radio and TV presenters and camera operators. The

trend has been worsening as the financial strains occasioned by the digital realities bite harder in the industry, making employers more and more desperate for cheap and even free labour.

The point is that the status of these workers is not defined in clear in terms. Some of them are given engagement letters that are at best vague and at worst deceptive – such as when the letters state that they are being engaged as a freelancer. Many media workers (journalists and other professionals) willingly accept this sort of engagement in the believe that it places them in a good position to be absolved as regular staff members when opportunities come. In fact, young persons aiming for a career in the industry are even encouraged to take this route towards securing employment. However, while some are lucky to realise this goal others remain in this rather indeterminate employment relationship.

Instructively, this manner of employer-employee relationship contravenes the Section 7(1) of Nigeria's Labour Act which states that "No later than three months after the beginning of a worker's period of employment with an employer, the employer shall give to the worker a written statement" spelling out the details of the engagement including the nature of the employment, its duration, wages and procedure for termination among others.

Needless to say, any engagement that does not involve such clearly spelt-out terms amounts to casualization of labour. And the implication of the above cited law is that such casualization is permitted only for a maximum of three months (Okeke, 2022). So, when media organisations engage workers this way, they are not only violating principles of fair recruitment as stipulated by the ILO, they are also in breach of the Nigerian law. The workers engaged this way are always at risk of being deprived the fairness every labourer deserves in terms of reward, certainty of role and job security.

As noted earlier, while these practices had been in the industry for many years, the economic strains attendant on the new digital culture has heightened the trend. The media organisations, under increased pressure to minimize cost, are intensifying these practices that put fair recruitment principles in jeopardy. Stated differently, the worker is being exploited in the employer's bid to navigate this crisis.

**Ensuring Fair Reward for the Employee**

Wages in Nigeria's media industry have been remarkably poor (Okunna et al., 2021), and the financial pressure attendant on the digital culture has only worsened the trend (Pate, 2021). The ILO, in its Declaration on Social Justice for a Fair Globalization, avows its commitment to "the raising of standards of living, a minimum living wage" (ILO, 2008). When a worker's reward cannot qualify as "a minimum living wage," then his/her labour is certainly being exploited, hence his/her engagement can hardly be described as fair.

Similarly, many media organisations are in the habit of not paying salaries regularly. In fact, for some of them, regular payment of wages has become an exception rather than the rule. This writer, years ago, secured employment with a national daily newspaper, and included in his appointment letter was the advice that his monthly salaries may come "in arrears." The reason for this advice was not difficult to see; this organization rarely paid salaries as and when due, and in some instances, owed up to eight months' arrears. A lot of media organisations present a similar scenario or even worse.

The rate of the above practice has been increasing owing to the economic pressure occasioned by the new digital culture in the industry. A 2017 survey involving 204 journalists found that only 42% of the respondents agreed that they received their wages regularly (Okeke, 2022). Incidentally, such irregular payment of wages runs contrary to the nation's law which stipulates that intervals for payment of wages shall never exceed one month (Labour Act, section 15). This is in line with the ILO Protection of Wages Convention

which mandates each nation to possibly, via law or regulation, prescribe intervals for payment of wages (ILO, 1949).

There is also the worst scenario, as earlier discussed, where workers are engaged without payment at all. These workers are expected to fend for themselves by taking the advantage of the brand they work for to attract gratification from news sources. It is in view of all this, that Chris Isiguzo, the present national president of the Nigeria Union of Journalists (NUJ) has accused media owners of subjecting journalists to "slave labour" (Oyewole, 2021).

**Ensuring Freedom of Association and Collective Bargaining**

Long before the current digital realities, leading newspaper organisations in Nigeria like *The Guardian* and *The Punch* prohibit staff from joining trade unions. Thus, anybody employed in these firms cannot belong to any of the media labour unions – the Nigeria Union of Journalists (NUJ), the Radio, Television and Theatre Workers Union (RATTAWU) and National Union of Printing, Publishing and Paper Products Workers (NUPPPPROW). Needless to say, this policy runs contrary to section 40 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) on the right to freedom of association and section 9(6) of the Labour Act which expressly prohibits an employer from stopping the employee from participating in trade union activities. It also contradicts a fundamental principle of fair recruitment as prescribed by the ILO (ILO, 2002).

With the digital culture and the concomitant stiffening of competitions, there is likely to be more pressure on the employer to be less tolerant of the bargaining power which membership of a trade union gives the worker. Again, the digital environment has increasingly made the worker dispensable as fewer hands can today do what required more hands in the past, meaning that the bargaining power of the worker has further reduced. The increasing application of artificial intelligence in journalism is deepening this development in a way that is unprecedented and profoundly disruptive (Udoh et al., 2021;

Guanah et al., 2020).) and which will further degrade the bargaining power of media workers.

**Elimination of all Forms of Forced or Compulsory Labour**

The ILO recognizes "elimination of all forms of forced or compulsory labour" as a key principle of fair recruitment (ILO, 2008). However, contrary to this principle, the new digital culture is leading to a situation where media workers are having to do more than they traditionally did, and worse, without any additional remuneration. This practice, which could amount to forced or compulsory labour, arises from the fact that digital technologies used for media production today are reducing the need for division of labour as one person can now execute tasks previously done by various professionals in the past. For example, smartphones as used in journalism today serve multiple purposes including writing, editing, audio recording, video recording, picture taking, photo and video editing among others; a major breakthrough of the digital technology known as convergence (McQuail, 2010). So armed with a smartphone, a writing journalist can now also function as a photojournalist, a photo editor, a video camera operator, a video editor etc. depending on the needs of his/her organization.

Consequently, media workers are now expected to multi-task and to also possess multiple skills to be able to do this (Duru, 2023; Omenugha, 2019). The implication is that workers may now be working beyond their original job specification as persons employed as journalists are now expected to do much more than what is traditionally known as "journalism". Amidst the capitalist orientation of the modern media industry, employers are taking advantage of the convergence brought about by digital technology to achieve much more with a much smaller workforce (Paulussen, 2012).

In Nigeria, at least, this has not led to increment in wages of such media workers, meaning that they are potentially being subjected to forced labour. While it is true that the new digital culture is redefining the role of journalists by adding more to what they traditionally did, it is only fair that employers respond to this change by effecting a corresponding change in the employees' remuneration. The common practice among many organisations where appointment letters merely state that the employee is being engaged as a "journalist", "reporter" etc. without spelling out in details the job specifications may amount to deceit in the light of the changes in the traditional role of these media workers. This potentially contradicts the article 9 of General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment which prescribes that "Workers' agreements to the terms and conditions of recruitment and employment should be voluntary and free from *deception* or coercion" (emphasis supplied) (ILO, 2008). Stated differently, failure to provide full job description in a media worker's letter of appointment to reflect the widened responsibilities occasioned by the new digital realities may amount to tricking the worker into accepting more than he/she has bargained for. On the contrary, clearly and fully spelling out the worker's job specifications will place him/her in a more informed position to negotiate wage and other conditions of work. This would be in conformity with the nation's labour laws which mandate an employer to spell out such details in the employee's letter of appointment (Labour Act, section 7[1]).

**Elimination of Discrimination in Respect of Employment and Occupation**

One of the cardinal principles of fair recruitment as recognized by the ILO concerns non-discrimination regarding employment and occupation (ILO, 2008). In the Nigerian media industry, issues of discrimination have always revolved around gender with women being the disadvantaged group. An eminent Nigerian journalist and member of the International Press Institute (IPI), Tawa Yusuf, while reflecting on this situation, observes as follows:

- Some media organisations do not employ women being that they are adjudged incompetent vis-a-vis men.
- Women are further discriminated against in the profession due to the belief that, as people who should take care of their family, they have no time to work as media professionals.
- Pregnant women in the media are often sacked or asked to resign.
- Women are mostly assigned beats related to culinary, fashion and the like as against beats like politics and economy that dominantly go to men.
- Women face sexual harassments while working on risky beats like crime.
- Women media professionals face the stigmatization of being sexually "loose".
- Women are often not given maternity leave which makes it challenging for them to combine family life with their work (International Press Institute, 2022, para 9).

Okunna and Popoola (2015) corroborate the above by noting that the journalism profession in Nigeria is "male-dominated and steeped in cultural and patriarchal norms" (p.11). Four years earlier, Ashong and Batta (2011) had found the same pattern in relation to other aspects of media practice (not just journalism). The result showed that out of 34,872 persons registered to practice media careers in the country – journalists, broadcasters, public relations practitioners, editors, advertising professionals, and newspaper/magazine proprietors, 67.23% percent were males, while 32.77% were females.

While the above gender imbalance has been with the Nigerian media from the onset, the new digital culture in some way potentially deepens the problem. The increase in the scope of responsibilities of professionals (especially the journalist) due to this new culture (as noted earlier), may further deepen the existing belief that these professions are not ideal for women who should devote time to domestic duties. In fact, the potential conflict between the perceived domestic role of women and the demand of media profession has

been the most important factor engendering gender discrimination in the profession (International Press Institute, 2022; Okunna & Popoola, 2015).

Added to this is the fact that the reduced staff strength as imposed by the new digital culture would be leaving employers even more reluctant to grant maternity leave to female workers given the workforce constraints they have got to navigate. And as observed by female journalist, Tawa Yusuf, absence of maternity leave for women has been an important factor that has kept them on the fringes of the media profession in Nigeria (International Press Institute, 2022).

**Provision of a Safe and Healthy Working Environment**

While the media profession (especially journalism) has always been fraught with hazards (Duru & Adum, 2023; Okunna & Popoola, 2015), the digital culture has come with some new forms of risk to add to the existing ones. Prominent among these is the risk of cyberattacks and online surveillance by hostile elements through hacking. Prior to this time, media professionals had only persons who physically spy on their activities to contend with, but today, all that has changed as the professionals migrate their activities to digital and online space which exposes them to some novel forms of unfriendly actions of both state and non-state actors (Duru, 2023; Mwantok, 2019). The famous case of how governments of Arab states used an Israeli-made software called Pegasus to spy on journalists by hacking their phones and other digital devices presents a typical example of the new danger facing the digital-age media professional (Duru, 2023).

Many professionals have got killed or otherwise harmed by hostile elements while on duty (UNESCO, 2023; Kaplan, 2013), and one of the well-noted shortcomings of the Nigerian media industry is the general absence of life insurance for professionals (Anthony, 2022). Also, most media organisations have not seemed to prioritise digital safety by availing their workers those software tools and skills for protecting their digital space against intruders

(Duru, 2023). All this runs contrary to the ILO standard of safe and healthy working environment which is a fundamental tenet of fair recruitment (ILO, 2008).

There are also health risks resulting from prolonged exposure to screens – mainly computer and smartphones – by the digital-era media professional. Such exposure has been found to result in eye problems, chronic neck and back problem, depression, anxiety and obesity among others (Stiglic & Viner, 2019; Adum et al., 2016). Absence of health insurance for professionals amidst this risk further highlights the jeopardy facing fair recruitment in the industry. Article 6 of ILO Occupational Health Services Convention requires establishment of occupational health services including possibly within individual organisations (ILO, 1985). This standard, if adhered to in the media industry, would avail professionals the opportunity to obtain health care in the face of the novel health challenges attendant on their new work environment.

**Provision of Necessary Working Tools for the Employee**

Before now, personal working tools needed by media professionals were basically pens, jotters and analogue tape recorders. In this digital era, more sophisticated electronic tools are fast displacing these older tools. One of the implications of this is that it is becoming more expensive to equip practitioners given the cost of procurement and maintenance.

No doubt, this new reality challenges employers to invest more into equipping their employees. Unfortunately, professionals in the Nigerian media industry have not been very lucky when it comes to being equipped by their employers; the trend largely has been that most professionals personally purchase and maintain their tools with their money (Mwantok, 2019). This obviously is an unfair practice that leaves the worker shortchanged. Working tools ought to be part of the employer's investment and when a worker is left to procure this, then it may be tantamount to exploitation. Besides, this shortcoming condemns the worker to the risk of not being adequately equipped for the job which is an

unfortunate situation that has been quite visible in the Nigerian media industry (Igweze, 2020).

## Conclusion

The foregoing discussion has revealed one thing: that the principles of fair recruitment are being compromised in the Nigerian media industry, and that the new digital realities of the industry are further putting these principles to jeopardy. All this is evident in the overall unfair circumstances within which professionals in the industry ply their trade. The submission of the current President of Nigeria Union of Journalists (NUJ), Chris Isiguzo, to this effect aptly captures the scenario:

> Journalism practice in Nigeria is akin to getting water from white stone. It is a difficult terrain, and the environment is not conducive. If the environment is not conducive, it affects the output. There is an economic difficulty; you have ownership difficulty and government incessant interest. You have the issue of censorship and data challenges. If a professional is economically imperiled, you don't expect him to abide by ethical codes and rules. You attack the economy of a journalist when you don't pay him, as at when due and that's epileptic remuneration. You also attack the economy of a journalist when subjecting him to slave labour. Most journalists today are freelance journalists — they are not in regular employment. And what it simply means is garbage-in and garbage-out, the rules of engagement don't exist. His economy has been attacked, he runs on a pay as you go… The environment is not friendly (Oyewole, 2021, para 1)

Nonetheless, the good thing appears to be that all that is required to optimally realise fair recruitment in the Nigerian media industry is already contained in the nation's labour laws. This is fairly evident in the references made to these laws in this chapter. Some aspects of these laws are domestications of some of the principles contained in conventions, declarations and other instruments of the ILO. These include principles related to contract of employment, wages, freedom of association and collective bargaining, forced or compulsory labour, discrimination, and safety and health at work. The implication of this, therefore, is that strict enforcement of domestic labour laws and regulations would, to a reasonable extent, result in realization of fair recruitment in the Nigerian media industry even in the face of the new digital realities that are redefining practices and values in the sector.

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