
COVID-19 LOCKDOWN RELAXATION AND EMPLOYERS' DUTY OF CARE IN THE CHEMICAL INDUSTRY IN PORT HARCOURT, NIGERIA

C. S. BIRIOWU, Ph.D.

Department of Management
Faculty of Management Sciences
Rivers State University Port Harcourt, Nigeria
(0803-407-0748)

J. A. OKWANKPA, Ph.D.

Department of Management
Faculty of Management Sciences
Rivers State University Port Harcourt, Nigeria
(0805-505-8295)

T. B. CHRIS-BIRIOWU

Department of Communication and Media Studies,
Rivers State University,
Port Harcourt, Nigeria
(0806-219-6285)

ABSTRACT

Employers are legally obligated to put best practices in place that will ensure that they fulfill their duty to use reasonable care in the selection of employees so that they may be reasonably competent to do the work; to provide and maintain proper plant and equipment; and to combine the whole in a safe system of work, so as not to expose an employee to any unnecessary risk. This is to be done to avoid a breach of common law and statutory duties. This paper sought to qualitatively investigate whether there are breaches in employers' duty of care in the face of Covid-19 lockdown relaxation measures at the workplace. The study set out to identify the Covid-19 lockdown measures that employers of the chemical Industry put in place for health and safety reasons and the likely implications of the Covid-19 lockdown relaxation measures by employers. The paper adopted the survey research design to elicit responses from respondents. The population of the study comprises these two companies (with population elements made up of Management staff of both companies) and a sample size of six (6) management staff (from the population elements) purposively drawn because of their knowledge of their company practices and policies. The interview guide in collaboration with the Researcher was instrumental in gathering data from respondents and such data was analyzed thematically. The study found that the risk leading to a lockdown still looms even after lockdowns have been relaxed hence, making it obligatory for organizations to pay increased attention to the health and safety of employees. The study concludes that in the likely relaxation of a lockdown, implementing prescribed strategies that employers put in place to ensure safety, will go a long way to re-enforce the potency of keeping to their duty of care. The study recommended that employers should develop analytic measures that will help them proactively measure their progress in fostering employee safety, and that employers

need to constantly drive the strategies for keeping to their law duty of care to their employees so as to improve engagement and performance in the post lockdown period.

Keywords: Lockdown Relaxation, Duty of Care, Workplace Safety and Health, Covid-19.

1.0 INTRODUCTION

The world of work constantly experiences disruptions that often affect work processes as well as performance. Among many factors responsible for disruptions to work process is a lockdown, which emanates mainly from safety or health-related issues, and sometimes from statutory impositions. The effect of lockdown on work processes cannot be overemphasized as it has brought about a complete halt to work processes in most cases, economic difficulty, and mental health issues (Lea, 2020; Zhenyu, Zhuxin, & Meng, 2020). In the simplest of form, lockdowns represent situations in which people are restricted from freely entering, leaving, or moving around in a given area due to emergency occurrences that could bring harm to lives and properties (Stiegler and Bouchard, 2020). According to these authors, people are not allowed to leave their homes or travel freely in lockdown situations, and sometimes a total lockdown in which a complete halt to all activities such as buying and selling, religious activities, schooling, outdoor exercises, and outdoor relaxations occurs. Most parts of the world recently experienced a total lockdown situation due to the coronavirus pandemic which started in the last quarter of 2019 (Zhenyu, Zhuxin, & Meng, 2020; Ibrahim, Ajide, & Julius 2020).

As often described in health and safety literature, lockdowns may also occur in corporate organizations due to health and safety-related incidents that are threatening the well-being of employees at the workplace (Hofmann & Stetzer, 1996; Gervais, 2003). According to Ibrahim, Ajide, and Julius (2020), total lockdowns have negatively affected workplace processes, health, and safety in a diverse number of ways. Contrarily, Tuyó (2020) argued that there are still positive effects of lockdown on both employers and employees. Baruch (2000) added that this positivity comes from the fact that employees are meant to work remotely either from their homes or places outside the organization's usual site. Working outside the company premises hypothetically improves workers' work-life balance, company culture and both employee and organizational productivity (Tuyó, 2020; Baard & Thomas, 2010). For the employer, the statutory demand for care to its employee extends to the times that work is done remotely. Hence, maintaining a border line between managing employees during lockdowns and when working remotely has on its own posed challenges to both employees and employers (Ramarajan & Reid 2013). However, due to the negativity associated with lockdowns, the need for its relaxation comes as a big relief to both employees and employers. Lockdowns are usually relaxed when the dangers or health and safety reasons for which they were put in place are either averted or eliminated, and its rules or restrictions become less strict (Zhenyu et al., 2020).

To be able to adapt Nigerian workplaces to sustainable health and safety, a knowledge of the world of work and the changes it encounters has become necessary. Most related safety climate literature focuses on understanding the nature of the relationships between safety climate and organizational practices in the workplace in order to diagnose underlying causes of safety gaps and subsequently develop comprehensive safety interventions to enhance workers' performance and safety (Varonen & Mattila, 2000; Cooper & Phillips, 2004;

Wachter & Yorio, 2014). The focus of this paper, therefore, is to explore effective strategies organizations need to adapt to continue their duty of care while striving to get back to regular business in the wiry post-lockdown period.

2.0 STATEMENT OF THE PROBLEM

Workplaces often experience disruptions that affect work processes and in turn organizational performance. Safety and health-related issues are among other factors that are responsible for the application of lockdown measures. During lockdowns, people are restricted from freely entering, leaving, or moving around in a given area due to emergency occurrences that could bring harm to lives and properties (Stiegler and Bouchard, 2020). At such periods, people are not allowed to leave their homes or travel freely. In March 2020, the World Health Organization officially declared Covid-19 as a Pandemic. In addition to workplaces all over the globe, it appears to have affected the more developed countries of the world. It was however predicted that Africa's epidemic would be delayed compared with Europe and North America due to the relatively lower risk of cases being imported from China (McCoy, 2020). The effect of lockdown on work processes cannot be overemphasized as it has brought about a complete halt to work processes in most cases, economic difficulty, and mental health issues (Lea, 2020; Zhenyu, Zhuxin, & Meng, 2020). Studies on Covid-19 and the workplace have been limited to strategies enunciated toward the reduction of its spread. There has been no known study on the implications of the relaxation of workplace lockdown measures on employers' duty of care. Where this is not done, there are likely breaches that employers are to cause. This may in turn likely lead to claims for damages on the part of employees which form part of the unbudgeted cost of doing business. This study is therefore to investigate if any breach in the employers' duty of care is likely to occur as employers relax the Covid-19 measures even as the Delta variant of Covid-19 is trending.

3.0 RESEARCH QUESTIONS

- i. What are the Covid-19 lockdown measures that employers of chemical and non-metallic Industry in Port-Harcourt, Nigeria, put in place for health and safety reasons?
- ii. What are the likely implications of the Covid-19 lockdown relaxation measures by employers of chemical and non-metallic Industry in Port-Harcourt, Nigeria?
- iii. In what ways have the Covid-19 lockdown relaxation measures breached the employer's duty of care?

4.0 THEORETICAL FRAMEWORK

4.1 Rational Choice Theories of Human Resource

The rational choice theories of human resource management are a number of theories that define the role of Human Resource strategy (Bhattacharyya, 2007). The rational choice theories are a combination of the behavior role theory pioneered by Katz and Khan (1978) which opined that employee behaviors are key to successful strategy implementation, emphasizing that Human Resource policies and practices be aligned with company-wide strategy to fulfill role expectations; Resource-based theory as espoused by Barney (1991), and Prahalad and Hamel (1990) which suggests that people are the sources of an organization's competitive advantage because they are not substitutable; The Human Capital

theory as canvassed by Becker (1964) suggests that people, like other economic assets such as knowledge, employee skills, and abilities are important. This theory led to the emergence of human resource accounting as influenced by Flamholtz (1981) and others; The Agency Theory as presented by Eisenhardt (1989) which presented a strategic approach that encourages the alignment of the interests of employers and that of employees to ensure that relations and systems within an organization are streamlined. These theories put forward a justification for aligning Human Resource Management strategy with organization-wide strategy. This is the reason for grouping them under the Rational Choice Theories of Human Resources. These theories have relevance to an Organization-wide policy on safety and health with particular reference to the Covid-19 lockdown measures and the need to align employees' thought systems to such company-wide policies to reduce the rate of likely breaches by both employee's and employers' duty of care and indemnity.

5.0 LITERATURE REVIEW

5.1 Common Law Duties and Risks in the World of Work

There is an age-long debate on what constitutes work and the actual meaning of work. There is, however, an agreement that activity becomes work when it is pursued in anticipation of receiving a financial gain or reward which may be in the form of wage, salary, fee, prize money, profit, or any other inducement devised to meet the literal requirements of the Inland Revenue Authority (Mallier & Shafto, 1989). Work, which formerly started from the home in the eighteenth century, evolved to the Mills in the nineteenth century, then to the factory stage, and most recently to the artificial intelligence stage. This evolution of work was made possible by machines and ultimately, technological revolutions. With the evolutions to how work is done, came work complications and risk. These complications and risks have brought with them certain workplace laws and relationships (in the form of obligations and duties conferred on employers and employees as well as various risk forms) (Denyer, 1973).

Consequently, organizations seek for ways to continually remain within the boundaries of their duties and obligations to their employees. Similarly, Biriowu (2020, p.14) argued that the management of risks in the world of work has to do with the best practices put in place by industrial organizations regarding their duty to reasonable care. He further suggested that applying these best practices should focus on ensuring adherence to the common duty to reasonable care which in summary includes:

- 1) Duty to ensure employee competence at the point of selection by ensuring they have the mental, moral and physical ability to do their job without endangering their lives and that of others,
- 2) Duty to provide and maintain proper plant and equipment, and
- 3) Duty to combine the whole in a safe system of work, so as not to expose an employee to any unnecessary risk.

The need to continuously meet these obligations cannot be undermined as failure to meet them May likely lead to a breach of common law and statutory duties, and indeed an industrial accident and occupational disease (Denyer, 1973). Similarly, Uvieghara (2001) argues that breaching these duties may result in injury to an employee that subsequently gives the such employee the legal right to sue the employer for damages which may depend on the

severity of the injuries as well as the extent of physical bodily incapacitation from such injuries. Zhenyu et al. (2020) established that a series of workplace safety incidents and disasters are remotely caused by managerial practices that were not in line with the common law duty to care. In a similar argument, Brown, Willis, and Prussia (2000) established that workplace accidents are often triggered by a number of reasons such as bad management, unsafe working procedures, and poor work conditions. Kartam (1997) however, grouped the causes of workplace accidents based on the nature of accidents. Hence, concluding that the physical incidents are caused by hazardous situations, and the behavioral incidents are caused by unsafe acts. In addition, studies on safety climate have shown a direct relationship between work incidents and employers and employees' safety behavior (Cooper & Phillips, 2004; Neal, Griffin & Hart, 2000).

5.2 Statutory Duties and Risks in the World of Work

Prior to the enactment of the current statutory law on occupational safety and health within the context of the Nigerian workplace, only common law remedies were available to injured workmen for claims (Ogunniyi, 2004). These common law remedies were based principally on the common law duties an employer owes his workers as earlier stated. Where an employer breaches these duties and where this breach results in injury, the employee has the right to claim damages (Akinbola, 2010). The Courts try to compensate him so far as money can- for the injury he suffered. There are, however, observed limitations of the common law duties which sometimes worked against the claims of a worker or his dependents. Several clauses in the law have acted as limiting factors to an employee's claim for damages caused by an employer's negligence to common law duty of care to its employees. One such is the principle of "volenti nonfit injuria" meaning that to a willing person, no injury is considered. This simply explains that an employee does not have the right to claim damages for injury caused by the risk of a job that he has voluntarily consented to do despite its associated risk (Warren, 1885). A second limiting factor to the common law duties is the "doctrine of common employment" which states that an employee, by his contract of employment, is said to expressly agree to take up the risk of negligence on the part of his colleague at work, and as such the employer is not liable for any injury or damage caused him by the negligence of his fellow workman (Owen, 2000).

The third dimension of limitations to common law duties is the principle of "contributory negligence" which states that an employer is not liable for damages to an employee when such damages is partly due to the negligence of the employee (Owen, 2000). This principle prevents a workman who by his own negligence was partly responsible for his injury from recovering damages. This has been substantially modified such that it only affects the number of damages recoverable- that is, damages are awarded in proportion to the degree of blame attributable to the various parties. A fourth limitation to an employer's common law duty to care for its employee is the rule that nobody can recover damages for the death of another person. This particular clause limited dependents from seeking for compensation for the death of a deceased worker who died as a result of the negligence of an employer. Finally, the duty to indemnify the employer when an employee breached his duty to use skill and care while performing the employer's work is also considered a limiting factor to the common law duties (Erugo, 2004). Nevertheless, the limitations mentioned here mean that remedies are only possible when a recognized common law duty is breached. This led to a rethink and

consequently, the enactment of the statutes that regulated occupational safety and health at the workplace. The main statutes that regulate occupational safety and health at the workplace are the Factories Act (CAP 126), Laws of the Federal Republic of Nigeria, 1990, and the Employees' Compensation Act (CAP 470), laws of the Federal Republic of Nigeria, 1990. The provisions of the Factories Act bother on the duty of employers on Health of workers at the workplace through cleanliness of the environment; discouraging overcrowding; encouraging good ventilation, lighting, drainage of floors and sanitary convenience; Safety of workers at the workplace through secure fencing of likely flywheel connected to prime movers, transmission machinery, vessels containing dangerous liquid, and the use of quality materials and bolts on the construction of protective fences, equipment, steam boilers, and air receivers; Welfare of workers at the workplace through the provision of good drinking water, washing facility, accommodation for clothing and first Aid. At the Factories Act, and like the common law, an employee is entitled to claim damages only where he is able to prove fault on the employer. The provisions of the Employees Compensation Act bother on the personal injury which may be both mental and physical resulting from an accident. The basic idea of the Employees' Compensation Act was to remove the fault-proving principle inherent in the other laws. The employee only needs to prove that the injury arose out of and in the course of employment. Under the Employees Compensation Act, the claim is not for the injury but in respect of incapacity to work for at least 3 working days brought about by the injury.

5.3 Workplace Lockdown Relaxation and Strategies

Implementing lockdowns has been established by literature as a drastic safety intervention measure based on extreme physical distancing measures, closing of schools and other non-essential workplaces, and asking persons to stay at home (Spanish Government Ministry of Interior, 2020). According to Tocto-Erazo, Espíndola-Zepeda, Montoya-Laos, Acuña-Zegarra, Olmos-Liceaga, Reyes-Castro, and Figueroa-Preciado (2020), lockdown and social distancing measures were usually implemented by countries across the globe as a tool to ease the impacts of ravaging dangers and overwhelming pressure on health services such as that recently posed by the Covid-19 pandemic. Similarly, Zhenyu et al. (2020) argued that restrictions on humans due to lockdowns are usually relaxed the moment a reasonable decline or eradication of its causes or perceived danger is recorded.

However, Tocto-Erazo et al. (2020) emphasized that the actual success of an adopted strategy is a function of two major variables which are the timing of its implementation and the subsequent relaxation measures adopted. These authors further warned of the tendencies for organizations to neglect the common law duty to care for their employees amidst the excitement of lockdown relaxation and its consequent return to work. For this reason, Zhenyu et al. (2020) advocate a concern on how organizations can continue to stimulate employee safety, engagement, and productivity without neglecting their common law duty of care to their employees when lockdowns are relaxed or completely lifted for workplaces to resume business. This is an indication that relaxation of lockdown does not only bring an end to the disruptions to work processes but also places a higher demand on organizations to continue in their duty to care for their employees. This responsibility in itself is a challenge to organizations because the lockdown on its own has saddled them with financial bottlenecks

which they are eager to recover from, and hence, are likely to overlook basic care responsibilities to their employees.

More so, returning to work after lockdown relaxation increases employees' concern for their health and safety which may likely become a major source of stress for them, and ultimately, a significant variable to diminished work engagement and productivity (Zhenyu et al., 2020). In corroboration with the advocacy of Zhenyu et. al (2020), Biriowu (2020) presents simple but precise strategies for organizations to continue adhering to their duty of care to their employees while striving to get back to business after lockdown. These strategies are:

- 1) Maintaining preventive strategies,
- 2) Strategic promotion of workplace safety,
- 3) Consistency in maintaining safe managerial practices, and
- 4) Implementing work reconnections programs.

Each of these strategies is a blend of measures that equally need to be understood as will be explained subsequently.

5.4 Maintaining Preventive Strategies

Most importantly, at the relaxation of lockdowns, organizations need to maintain strategies that would help them prevent the re-occurrence of the situation (in this case, the pandemic). These strategies, in line with those advised by the public health teams, have been grouped into three distinct stages which are: (1) primary strategy (provision of good drinking water, washing facility, accommodation for clothing and first aid, constantly running awareness campaign and championing), (2) Secondary (use of face masks, personal hygiene such as hand washing, hand sanitizing and cleaning of the environment), (3) Tertiary (setting up committees or enforcement teams, restriction/lockdown, and identification of high-risk zones such as banks, hospitals, schools, encouraging employees to get vaccinated, and medical support for infected employees (CDC, 2020). Maintaining these preventive measures will go a long way to help organizations remain within their expected obligations to care for their employees as stipulated in the Factory Act (Erugo, 2004).

5.5 Strategic Promotion of Workplace Safety

As established by Zhenyu et al. (2020), one of the pitfalls of employees' posts lockdown return to work attitude is their concern for health safety and its subsequent induced stress. This consequently calls for organizations to increase their effort in reassuring employees of safety by establishing procedures that will promote safety. Workplace safety is a combination of both safety culture and safety climate, with the former indicating the attitudes of both employers and employees towards safety within the organization, while the latter is concerned with the underlying beliefs and predominant values of a particular work group (Lee, 2010). With the possibility of organizations neglecting their common law care for employees when lockdown is relaxed, and to avoid the danger of damage claims from employees, which in itself may bring about a different form of disruption to work, it is suggested that organizations' leaders and policymakers can eliminate these risks and mitigate people's concern by constantly going out of their way to proactively promote and implement workplace health and safety (Zohar, 1980).

Similarly, using the Nordic Occupational Safety Climate Questionnaire, Ramirez (2014) measured management actions towards reassuring employees of their commitment to safety as:

- 1) giving priority to safety in daily worksite activities by prioritizing hazards,
- 2) actively promoting safety programs through training and safety championing activities,
- 3) transparently reacting to unsafe behaviors in the workplace,
- 4) empowering workers and supporting their participation in safety procedures, and
- 5) Promptly treating workers involved in work-related injuries.

More specifically, Zhenyu et al. (2020) suggest that managers need to re-communicate the safety procedures and re-establish the organization's safety culture to ensure that every organizational member has a clear understanding of its health and safety protocols and procedures and is willing to abide by them. According to these authors, as employees return from a lockdown, there is a need to be clearly briefed on the organization's safety guidelines such as the appropriate wearing of masks, regular hand washing, daily temperature checks, and subsequent correction of defaulters to these required workplace health and safety measures as advised by CDC (2020). Again, organizations are expected to encourage their employees to adhere to the safety protocols by maintaining a sufficient supply of personal protective equipment and disinfecting supplies.

5.6 Implementing Work Reconnection Programs

As established, one of the prominent impacts of lockdown is a disruption to work and when lockdown is relaxed and employees have to get back to work, there is the need not to rush employees to immediately get back to work with the prior workload, performance expectations, and fervor. Organizations are expected to help the employees gradually reconnect to work by adopting several support activities such as counseling, briefing, longer break periods, flexible and exciting work schedules and plans, and a re-orientation bonding. Similarly, previous studies have shown that employees returning to work after the occurrence of a massive disruption to work, or after a distressing event will most likely find focusing at work very challenging, therefore, the need for a systematic readjustment to work (Zhenyu et al., 2020). With a systematic readjustment to work plans in place, the organization demonstrates its commitment to its common law duty of care to its employees as it shows how much it looks out for its employees.

Implementing work reconnection programs is critical during lockdown relaxation because, to foster a post-lockdown commitment to its common law duty of care to employees, it is important for the organization to ensure not just the physical readiness of its employees but also their mental and psychological readiness. In line with this argument, Zhenyu et al. (2020), suggest that organizations should put in place simple mental reconnection-to-work programs such as allowing employees to spend some time reviewing their past progress, setting priorities for upcoming goals, and creating short and long-term to-do lists for themselves, and of course, a re-communication of the organization's safety procedures and commitment to safety, way before they get back to work.

6.0 METHODOLOGY

This study is qualitative research that adopted the survey research design. The justification for the choice of design is premised on the fact that the data that was needed to answer research questions for this study could only be gotten from humans. The target population for the study is the two companies in the Chemical and Non-metallic Industry in Port-Harcourt, Nigeria (Notore Chemical Industries and Ndorama Eleme Petrochemical Industries). The population elements are 15 Managerial staff of Notore and 16 Managerial staff of Ndorama, which brings the total number of Managers to 31. The constitution of the population elements is from a listing obtained from the Human Resource department of both companies. The sample size (from the population elements) for the study is a total of six managers (three from each company), which were purposively selected because of their knowledge of management's safety and health policy within their companies. The research instrument that was used to gather data is the interview guide in collaboration with the Researcher. Validity of the instrument was attained via peer review as a couple of research colleagues went through the instrument to ensure that it measured what it set out to measure. Data for this study is presented prosaically and analyzed thematically.

6.1 Data Presentation and Analysis

Respondents' Perception on Whether Notore Chemical Industries and Ndorama Eleme Petrochemical Shut Down Operations as a Result of Covid-19 Pandemic

Most respondents from Notore Chemical Industries and Ndorama Eleme Petrochemical replied that the companies did not shut down operations as a result of the Covid-19 Pandemic. For instance, the Human Resource Management for Notre explained: "No, it is based on the fact that the organization operated from home obeying the covid-19 rules and regulations". However, one Safety and Health (HSE) manager for Ndorama Eleme Petrochemical Industries claimed that that was not the case. According to him, there was a shutdown of operations as recommended by NCDC.

Responses on the Measures that Notore Chemical Industries and Ndorama Eleme Petrochemical Adopted or Put in Place to Ensure the Health and Safety of Employees

Respondents affirmed that several measures were put in place to ensure the health and safety of employees. The measures that respondents claimed to have been put in place by the companies revolved around the use of masks, use of sanitizers, use of disinfectants on surfaces such as door handles desks, chairs, etc. provision for running water and soap for hand washing, provision of temperature check machines at the entrance, enforcement of remote working and regular virtual meetings to create awareness and follow proper measures implementation, observing physical distancing, swap test embankment, provision of the molecular lab, and provision of decontamination chamber.

Responses on Whether Notore Chemical Industries and Ndorama Eleme Petrochemical Have Taken Steps to Relax the Covid-19 Precautionary Measures

Respondents of Notore Chemical Industries affirmatively agree that their companies have relaxed the Covid-19 precautionary measures. An HSE manager acclaimed that it is a relative

re-laxation when she stated “yes, but not totally”. Whereas respondents from Ndorama Eleme Petrochemical claim that the relaxation is in terms of keeping social distancing, working from home, and the forceful use of sanitizers.

Responses on the Ways in Which Notore Chemical Industries and Ndorama Eleme Petro-chemical company Have Reviewed the Lockdown Measures

Respondents from Notore Chemical Industries revealed that the washing of hands, sanitization measures, periodic Covid-19 tests, blood pressure or temperature check, and in-person work are activities that the company has reviewed. Social distancing measures is what Ndorama Eleme Petrochemical has reviewed thus far.

Responses on the Likely Implications of Relaxing the Lockdown Measures That Were Put in Place to Prevent the Spread of Covid-19

Respondents revealed that there are no likely implications of relaxing the lockdown measures because, among other things, doctors and nurses are put in place in case of emergencies, and regular training sessions for employees to keep them up to date on the latest trends in health and safety, and employees’ routine checks and tests.

Responses on Whether Notore Chemical Industries and Ndorama Eleme Petrochemical are Aware of Employer’s Duty of Care as it Relates to the Safety and Health of Workers

Respondents unanimously agree that their companies are aware of the employer’s duty of care as it relates to the safety and health of workers. An HSE manager for Ndorama Eleme Petrochemical posited thus: “yes please, the safety of all employees is our priority.”

Responses on how the Lockdown Relaxation Measures Affect or Breach the Employer’s Duty of Care

Respondents opined that there is no breach of the employer’s duty of care. For respondents of Notore Chemical Industries, the company ensures that the Covid-19 protocols and regulations are observed and adhered to while respondents of Ndorama revealed that the relaxation has only helped in improving the health and safety scheme for employees since they are conscious of safety practices.

7.0 DISCUSSION OF FINDINGS

Research Question One: What are the Covid-19 lockdown measures that employers of chemical and non-metallic Industry in Rivers State put in place for health and safety reasons?

Findings for research question one revealed that there are a number of measures that employers in chemical and non-metallic industry put in place for health and safety reasons and these measures include the use of masks, use of sanitizers, use of disinfectants on surfaces such as door handles desk, chairs, etc. provision for running water and soap for hand washing, provision of temperature check machines at the entrance, enforcement of remote working and regular virtual meetings to create awareness and follow proper measures implementation, observing physical distancing, swap test embarkment, provision of the

molecular lab, and provision of decontamination chamber. This finding is in corroboration the assertion of Zhenyu et al. (2020) who state that a situation like the Covid-19 pandemic calls for employers to intensify their efforts in reassuring the safety of employees establishing processes and procedures that will promote healthy lifestyles.

Research Question Two: What are the likely implications of the Covid-19 lockdown relaxation measures by employers of chemical and non-metallic Industry in Rivers State?

Findings for research question two show that there are envisaged implications for the Covid-19 lockdown relaxation measures for employers of chemical and non-metallic industry in Port Harcourt because the organizations have put in a lot of work to ensure that the safety measures are not completely eradicated and that there are routine checks and follow through to ensure that employees are safe and that the environment is befitting for productivity. Also, findings indicated that the relaxation measures follow a pattern and constant observations of events and as such, safety will be guaranteed. This finding aligns with Biriowu (2020) who asserts that as long as strategies are presented by employers to ensure safety and that employees adhere to these guidelines, the organization shall not likely experience complications from lockdown relaxations.

Research Question Three: In what ways have the Covid-19 lockdown relaxation measures breached the employer's duty of care?

Findings for research question three reveal that the relaxation measures have not breached the employer's duty of care but have rather enhanced it because employers now conduct physical training and safety practices, regularly organize training sessions, seminars, and other programs that are geared towards constant education of employees on the need to promote safe habits. This finding is in tandem with Zhenyu, et. al. (2020) who described that the implementation of workplace reconnection programs would aid the retransition processes of a lockdown relaxation scheme and that these measures will not breach the employer's commitment to its common law duty of care to employees.

8.0 CONCLUSION

This study has succeeded in examining the workplace lockdown relaxation and employers' common law duty of care under the lens of strategies promoting employers committed to ensuring employees' safety in the workplace while measuring employers' common law duty of care based on the three stipulations of the law which are that, employers need to; ensure that their employees possess the competence to do their work, provide and maintain proper plant and equipment, and combine the whole in a safe system of work, such that employees are to any unnecessary risk. The breach of the common law duty of care to its employees exposes the employer to pay damages. In collaboration with similar studies, this expository work has been able to establish that a direct relationship exists between workplace lockdown relaxation measures and employees' perceived safety at the workplace, which is indirectly relates to an employer's common law duty of care to its employees. This, therefore, prevents both employees and employers from the risk of an endemic within a pandemic, and subsequently, a breach of the common law duty of care and indemnity.

9.0 RECOMMENDATIONS

Based on the foregoing of this expository paper, the take-home for employers and policymakers in organizations is that:

1. They have a workplace common law duty of care to their employees and as such required to put in place strategies that would help them keep to it and subsequently, avert injuries and claims for damages, and most extreme cases of another lockdown.
2. They should develop analytic measures that will help them proactively measure their progress in fostering employee safety and staying within the obligations of their common law of duty to care for employees.
3. Employers need to constantly drive the strategies for keeping to their common law duty of care to their employees as discussed here so as to improve employees' trust, engagement and performance post lockdown.

REFERENCES

- Adejoro, L. (2020). Our strike shall be total, indefinite -resident doctors. Retrieved August 7th, 2020 from June <https://healthwise.punchng.com/>
- Akinbola, B. R. (2010). Employer's duties at common law and under statutes: Some reflections Faculty of Law, Department of Public and International Law, University of Ibadan, Ibadan, Nigeria. *Nigerian Journal of Labour Law & Industrial Relations*, 4(2) 53-7.
- Baard, N., & Thomas, A. (2010). Teleworking in South Africa and challenges. *SA Journal of Human Resource Management*, 8(1), 1-10.
- Baruch, Y. (2000). Teleworking: benefits and pitfalls as perceived by professionals and managers. *New Technology, Work and Employment*, 15(1), 34-49.
- Bhattacharyya, D. K. (2007). *Human Resource Research Methods*. New York. Oxford University Press.
- Biriowu, C. S., & Chris-Biriowu, T. B. (2020). Problem-reaction-solution thesis and Covid-19: The impact of public opinion formation on global power, economic and employment relations. *International Journal of Research in Humanities, Arts and Literature (IMPACT: IJRHAL)*, 8(5), 41-48.
- Brown, K. A., Willis, P. G., & Prussia, G. E. (2000). Predicting safe employee behaviour in the steel Industry: Development and test of a socio-technical model. *Journal of Operations, Management*, 1(8), 445-465.
- CDC (2020). Coronavirus (COVID019). <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. Accessed June 15, 2020.
- Cooper, M. D., & Phillips, R. A. (2004a). Exploratory analysis of the safety climate and safety behavior relationship. *Journal of Safety Research*, 35(5), 497-512.

- Denyer, R. L. (1973). Employer's common law duty to take reasonable care for the safety of his workers: Industrial Law and its Application in the Factory. Palgrave, London: Macmillan Handbooks in Industrial Management.
- Erugo, S. I. (2004). Introduction to Nigerian Labour Law. African Journal of Law and Criminology, 12(4), 10-25.
- Gervais, M. (2003). Good management practice as a means of preventing back disorders in the construction sector. Safety Science, 41(1), 77-88.
- Hofmann, D. A. & Stetzer, A. (1996) A cross-level investigation of factors influencing unsafe behaviours and accidents. Personnel Psychology, 49, 307 - 339.
- Ibrahim, R. L., Ajide, K. B., & Julius, O. O. (2020). Easing of lockdown measures in Nigeria: Implications for the healthcare system. Health Policy and Technology, 9(4), 399-404.
- Kartam, N. A. (1997). Integrating safety and health performance into construction CPM. Journal of Construction Engineering and Management, 123(2), 121-126.
- Lea, R. (2020). The coronavirus crisis: Recession and modest lockdown relaxation. Arbuthnot Banking Group, 18, 14.
- Lee, W. H. H. (2010). Relationship between safety climate and occupation accident in Hong Kong construction industry (Doctoral dissertation, Hong Kong Baptist University (Hong Kong)).
- McCoy, D. (2020). Measures in response to COVID-19 in nine sub-Saharan African countries. BMJ Journals, d.mccoy@qmul.ac.uk Lockdown
- Mallier, A. T., & Shafto, T. A. C. (1989). The economics of labour markets and management. London: Hutchinson Radius Publisher.
- Neal, A., Griffin, M. A., & Hart, P. M. (2000). The impact of organizational climate on safety climate and individual behaviour. Safety Science, 34, 99-109
- Ogunniyi, O. (2004). Nigerian Labour and Employment Law in perspective. 2nd Edition. Lagos: Folio Publishers Limited.
- Owen, R. (2000). Essential tort law. USA: Cavendish Publishing.
- Oyeyemi T. (2020). Remarks by The Chairman, PTF on COVID-19 at the national briefing of Monday, June 1, 2020. Ministry of Federal Information and Culture. retrieved August 7th from <https://fmic.gov.ng/>
- Ramarajan, L., & Reid, E. (2013). Shattering the myth of separate worlds: Negotiating non-work identities at work. Academy of Management Review, 38(4), 621-644.

- Ramirez, L. S. M. (2014). Safety climate, safety hazards and organizational practices in the construction industry in Colombia (Doctoral dissertation, University of Massachusetts Lowell).
- Ridwan, L. I., Kazeem, B. A., & Omokanmi, O. J. E. (2020). Easing of lockdown measures in Nigeria: Implications for the healthcare system. *Health Policy Technology*, 9(4), 399–404.
- Spanish Ministry of the Interior (2020). Official Gazette of the Federation. Agreement establishing the preventive measures to be implemented to mitigate and control the health risks that the disease caused by the SARS-CoV2 virus (COVID-19) retrieved March 24, 2020.
- Stiegler, N., & Bouchard, J. P. (2020, September). South Africa: Challenges and successes of the COVID-19 lockdown. *Annales Médico-Psychologiques, Revue Psychiatrique* 178 (7), 695-698.
- Tocto-Erazo, M. R., Espíndola-Zepeda, J. A., Montoya-Laos, J. A., Acuña-Zegarra, M. A., Olmos-Liceaga, D., Reyes-Castro, P. A., & Figueroa-Preciado, G. (2020). Lockdown, relaxation, and acme period in COVID-19: A study of disease dynamics in Hermosillo, Sonora, Mexico., 15(12), 23-31.
- Tuyo, D. (2020). The unexpected benefits of remote work. USA: The Union Times.
- Uvieghara, E. E. (2001). Labour law in Nigeria. Malthouse Press.
- Varonen, U., & Mattila, M. (2000). Changes in the work environment, safety activities and occupational accidents after an intervention. In *Proceedings of the 1st International Conference on Occupational Risk Prevention ORP2000*, Tenerife, Spain, February 23-25, 2000 (pp. 1-9). Univ. Politechn. de Catalunya.
- Varonen, U., & Mattila, M. (2000). The safety climate and its relationship to safety practices, safety of the work environment and occupational accidents in eight wood processing companies. *Accident Analysis & Prevention*, 32(6), 761-769.
- Wachter, J. K., & Yorio, P. L. (2014). A system of safety management practices and worker engagement for reducing and preventing accidents: An empirical and theoretical investigation. *Accident Analysis & Prevention*, 68, 117-30.
- Warren, C. (1895). "Volenti Non Fit Injuria" in actions of negligence. *Harvard Law Review*, 8(8), 457.
- Zhenyu, Y., Zhuxin, Y., & Meng, Z. (2020). Returning to Work After Lockdown: Lessons from Wuhan. *Havard Business Review*, retrieved August 7, 2021 from <https://hbr.org/2020/12/returning-to-work-after-lockdown-lessons-from-wuhan>.
- Zohar, D. (1980). Safety climate in industrial organizations: Theoretical and applied implications. *Journal of Applied Psychology*, 65(1), 96-10.