

## LEGAL ASPECTS OF STAFF EMPLOYMENT AND MANAGEMENT

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### Abstract:

*The legal aspects of staff employment and management are critical for organizations to ensure compliance, mitigate risks, and foster a positive work environment. This study examines the key legal considerations in employment law, including hiring practices, contractual agreements, workplace policies, and termination procedures. It highlights the importance of understanding and adhering to legal requirements to protect both the organization and its employees. The findings provide insights into best practices for legal compliance and effective staff management, offering guidance for HR professionals, legal practitioners, and organizational leaders.*

**Keywords:** Legal Aspect, Staff Employment, Staff Management, Legal Compliance

### Introduction

The legal aspects of staff employment and management are crucial components of organizational operations in Nigeria. The country's labour laws and regulations provide a framework for employers and employees to navigate the complexities of the employment relationship (Peretomode & Peretomode, 2017). With the ever-evolving nature of the workplace, it is essential for organizations to stay abreast of the legal requirements governing employment and management practices. The legal aspects of teachers' employment and management are essential components of the education system in Nigeria. Teachers play a vital role in shaping the minds of future generations, and their employment and management are governed by various laws and regulations (Adeyemi, 2017). In Nigeria for instance, the Teachers' Registration Council of Nigeria (TRCN) is the primary regulatory body responsible for ensuring that teachers meet the required standards for teaching (TRCN Act, 2004). The TRCN also plays a role in promoting the professional development of teachers and ensuring that they adhere to a code of conduct (Ogunleye, 2018).

Teachers' employment contracts outline the terms and conditions of their employment, including their duties, remuneration, and benefits.

The issue of teachers' employment contracts is a critical aspect of education law in Nigeria. Teachers' employment contracts must be drafted and executed in accordance with relevant laws and regulations, including the Labour Act and the Teachers' Conditions of Service (Afolabi, 2023). Employers must ensure that teachers' contracts are fair and transparent, and that they comply with statutory requirements. Teachers' rights and obligations are also an essential aspect of education law in Nigeria. Teachers have the right to fair treatment, safe working conditions, and professional development opportunities (Uzochukwu, 2020). They also have obligations to their employers, students, and the broader community, including a duty of care and a responsibility to maintain professional standards. The issue of teacher discipline and misconduct is another critical aspect of education law in Nigeria. Employers must have in place procedures for addressing teacher misconduct, including disciplinary procedures and due process (Ezeani, 2022). Teachers who engage in misconduct may face disciplinary action, including termination of employment.

The Nigerian government has implemented various policies aimed at improving teacher quality and effectiveness. These policies include teacher training and development programs, as well as initiatives aimed at promoting teacher welfare and job satisfaction (Federal Ministry of Education, 2022). Employers must ensure that these policies are implemented in a fair and transparent manner. Teachers' welfare and job satisfaction are critical issues in Nigerian education. Teachers who are satisfied with their jobs are more likely to be effective in the classroom and provide quality education to their students (Okoroafor, 2021). Employers must prioritize teacher welfare and job satisfaction by providing a safe working environment, fair remuneration, and opportunities for professional development. However, it is worthy of note to state that the legal aspects of teachers' employment and management are complex and multifaceted. It is therefore premise on this background that the study examined legal aspects of staff employment and management.

### **Concept of Staff Employment**

Staff employment refers to the process of hiring and engaging individuals to work in an organization, providing them with a salary, benefits, and a defined role within the company. It is a contractual relationship between an employer and employee, where the employee provides labor, skills, or services in exchange for compensation, benefits, and other rewards. Staff employment involves the recruitment, selection, and appointment of personnel to fill various positions within an organization, with the goal of achieving organizational objectives and meeting business needs. Staff employment is the process of engaging and retaining qualified individuals to contribute to the success and growth of an organization, while providing them with opportunities for professional development and career advancement. Staff employment refers to the formal

relationship between an employer and employee, governed by laws, regulations, and organizational policies, which outline the terms and conditions of employment, including job responsibilities, compensation, and benefits. It encompasses the various aspects of the employer-employee relationship, including recruitment, hiring, training, performance management, and termination, with the aim of creating a productive and efficient workforce that contributes to organizational success. It is a process where organizations identify, attract, and retain talented individuals to fill specific roles, providing them with the necessary resources and support to excel in their positions. Staff employment involves the strategic management of human resources within an organization, focusing on acquiring, developing, and retaining skilled personnel to drive business growth and achieve organizational objectives. Staff employment refers to the formal arrangement between an employer and employee, where the employee commits to providing specific services or labor in exchange for compensation, benefits, and a sense of belonging to the organization.

### **Concept of Management**

Management in the context of schools refers to the process of planning, organizing, leading, and controlling resources to achieve educational goals and objectives in secondary schools. It involves the coordination and administration of human, material, and financial resources to ensure effective teaching, learning, and overall school operations. Peretomode and Peretomode (2023) assert that management entails the application and utilization of human and material resources in order to achieve organizational goals. It can also be described as the act of getting things done and a social process which has goals or objectives to achieve (Ajayi & Ogunode, 2022). Management according to Wey-Amaewhule and Dike (2023) has several meanings which include the guidance of or direction of people towards the attainment of organizational goals and objectives. Management of secondary schools encompasses the application of management principles, theories, and practices to oversee daily activities, make informed decisions, and drive school improvement. It is the process of utilizing resources, policies, and procedures to create a supportive learning environment, promote student achievement, and ensure the overall effectiveness of secondary schools. According to Koko and Dike (2022), management of secondary schools involves the leadership and administration of schools, focusing on strategic planning, resource allocation, staff development, and student outcomes to achieve educational excellence and accountability. Management is a process of getting things done through others. It can be more scientifically defined as the co-ordination of all the resources of an organization through the process of planning, organizing, directing, and controlling in order to attain organizational objectives. Onuma (2015) sees management as the guidance or direction of people towards organizational goals or objectives. It can also be seen as the supervising, controlling and coordinating school activities to attain optimum results with organizational resources. As related

to the school system, the principal and the classroom teachers perform the same management functions of rational organization and efficient utilization and control of educational/school resource to maximally achieve school goals at different stages and in different circumstances. Consequently, management is an integral aspect of any organization, be it church, mosque, school, industry etc. Effective and efficient management of the school is indispensable. Management practically deals with delegation of authority or function to subordinates. Torlak, Kuzey and Ragom (2018) assert that the ability to delegate authority and still get the job effectively done is the acid-test of managerial talent. Bature (2019) defines management as a process of planning, controlling, organizing and directing the operations of a business enterprise or any other enterprise for the purpose of achieving the objective target set for the business. According to Atabo, Onyambayi, Yunusa, Adebayo and Omale (2024) management is perceived as a social process which is designed to ensure cooperation, participation, intervention and involvement in the effective achievement of a given objective. Management implies effective sourcing, utilization and management of resources be it human or material for the attainment of defined goals. Management is a term with nuances of meaning and defined in various ways. Osita and Vivian (2019) define it as simply being in charge or being in control of both human and material resources. It is the pinnacle of the growth and development of any educational settings.

### **Concept of Law**

Law refers to a set of rules and regulations created by a governing authority to regulate human behavior and maintain social order. It is a system of rules that governs the behavior of individuals and organizations within a society, with the aim of promoting justice, fairness, and stability. According to Ezejiofor (2020), law encompasses the principles, rules, and standards that govern human conduct, providing a framework for resolving disputes and enforcing rights. Similarly, Peretomode and Peretomode (2023) contend that law is a body of rules and regulations that are enforceable by institutions such as courts, with the purpose of promoting social cohesion and protecting individual rights. It provides a framework for governing relationships between individuals, organizations, and the state, outlining the duties, obligations, and responsibilities of each party (Olaoba, 2016). Law is a complex and dynamic system of rules, principles, and standards created and enforced by a governing authority, such as a state or nation, to regulate human behavior, maintain social order, protect individual rights and freedoms, and promote justice, fairness, and stability. It encompasses various aspects, including constitutional law, statutory law, common law, and regulatory law, and is shaped by social, cultural, economic, and political factors. Law provides a framework for governing relationships between individuals, organizations, and the state, outlining the duties, obligations, and responsibilities of each party, and serves as a tool for social engineering, shaping societal norms and values, and providing a mechanism for resolving conflicts and promoting justice. Law serves as a tool for social

engineering, shaping societal norms and values, and providing a mechanism for resolving conflicts and promoting justice. In the educational settings, law refers to the body of laws, regulations, and policies that govern the operation of educational institutions, including the rights and obligations of students, teachers, and administrators. Education law encompasses the legal principles and rules that regulate the relationship between students, teachers, and educational institutions, with the aim of promoting quality education and protecting individual rights (Uzochukwu, 2019). Education law provides a framework for ensuring that educational institutions comply with statutory requirements, including issues related to access, equity, and quality education.

### **Contractual Agreement between Employers and Employees**

The contractual agreement between employers and employees is a crucial aspect of the employment relationship. This agreement outlines the terms and conditions of employment, including job responsibilities, compensation, benefits, and termination procedures. No wonder, Peretomode and Peretomode (2023) assert that employers and employees must enter into a contractual agreement that is fair, transparent, and compliant with relevant laws and regulations. The contractual agreement between employers and employees in Nigerian organizations is governed by the Labour Act, which provides a framework for employment relationships (Labour Act, Cap L1, LFN 2004). The Act outlines the minimum terms and conditions of employment, including wages, working hours, and leave entitlements. Employers must ensure that their employment contracts comply with these statutory requirements.

Employment contracts can be express or implied, written or oral (Onyeabor v. Onyekwere, 2019). However, written contracts are preferred as they provide clarity and certainty regarding the terms and conditions of employment. Employers must ensure that employment contracts are drafted and executed in accordance with relevant laws and regulations. The contractual agreement between employers and employees in Nigerian organizations must also comply with the principles of fairness and equity (Uzochukwu, 2020). Employers must ensure that employment contracts are free from ambiguity and uncertainty, and that employees understand their rights and obligations. Employees must also comply with the terms and conditions of employment, including their job responsibilities and duties. In the event of a dispute or breach of contract, Nigerian courts have jurisdiction to resolve employment disputes (Ezewuzie v. FBN Plc, 2022). Employers and employees must seek to resolve disputes through negotiation, conciliation, or arbitration before resorting to litigation. The courts will interpret the contractual agreement and determine the rights and obligations of the parties. Employers in Nigeria must also ensure that employment contracts are regularly reviewed and updated to reflect changes in the law or organizational policies (Afolabi, 2023). This will help to prevent disputes and ensure that employment relationships are managed effectively. Employers must also provide employees with adequate notice of changes to their employment contracts.

In the context of education, the contractual agreement between employers and employees is a vital aspect of the employment relationship. This agreement outlines the terms and conditions of employment, including job responsibilities, compensation, benefits, and termination procedures (Adeyemi, 2017). Employers, typically school administrators or governing boards, must ensure that employment contracts comply with relevant laws and regulations, including the Teachers' Conditions of Service and the Labour Act. The contractual agreement between employers and employees in Nigerian schools must also comply with the principles of fairness and equity (Uzochukwu, 2020). Employers must ensure that employment contracts are free from ambiguity and uncertainty, and that employees understand their rights and obligations. Teachers, as employees, must also comply with the terms and conditions of employment, including their job responsibilities and duties. In the event of a dispute or breach of contract, Nigerian courts have jurisdiction to resolve employment disputes (Ezewuzie v. FBN Plc, 2022). Employers in Nigerian schools must ensure that employment contracts are regularly reviewed and updated to reflect changes in the law or organizational policies (Afolabi, 2023). This will help to prevent disputes and ensure that employment relationships are managed effectively. In all, the contractual agreement between employers and employees in Nigerian schools is a critical aspect of the employment relationship. Employers and employees must ensure that their employment contracts are fair, transparent, and compliant with relevant laws and regulations.

### **Legal Aspects of Staff Recruitment and Hiring**

The legal aspects of staff recruitment and hiring in Nigerian schools are critical components of the employment process. Schools must comply with relevant laws and regulations, including the Labour Act and the Teachers' Registration Council of Nigeria (TRCN) Act (TRCN Act, 2004). Employers must ensure that recruitment and hiring processes are fair, transparent, and free from discrimination (Adeyemi, 2017). This includes advertising job vacancies, conducting interviews, and selecting candidates for employment. In Nigeria, schools must also comply with the TRCN's regulations regarding teacher qualifications and certification (TRCN, 2018). Employers must verify the qualifications and registration status of teaching staff to ensure that they meet the required standards. Failure to comply with these regulations can result in legal consequences, including fines and reputational damage (Uzochukwu, 2020). Schools must also ensure that their recruitment and hiring processes are in conformity with the principles of equal opportunities and non-discrimination. The Nigerian courts have jurisdiction to resolve disputes related to staff recruitment and hiring in schools (Ezewuzie v. FBN Plc, 2022). Employers must ensure that their recruitment and hiring processes are fair and transparent to avoid disputes and potential litigation. Schools must also provide adequate training and support to staff to ensure that they can effectively discharge their duties (Okoroafor, 2021). By complying with legal requirements, schools can promote a positive and productive work environment. In addition to complying with legal



requirements, schools must also ensure that their recruitment and hiring processes are efficient and effective (Afolabi, 2023). This includes using fair and transparent selection criteria, conducting thorough background checks, and providing adequate information to job applicants. By following best practices, schools can attract and retain high-quality staff who can contribute to the achievement of educational goals and objectives. In all, the legal aspects of staff recruitment and hiring in Nigerian schools are complex and multifaceted. Employers must comply with relevant laws and regulations, including the Labour Act and TRCN Act, to ensure that recruitment and hiring processes are fair, transparent, and non-discriminatory (Ogundele, 2018).

### **Legal Aspects of Employment Rights and Obligations**

The legal aspects of employment rights and obligations are critical components of the employment relationship in Nigeria. Employers and employees must understand their respective rights and obligations to ensure compliance with relevant laws and regulations (Adeyemi, 2017). Employment rights include the right to fair treatment, safe working conditions, and equal opportunities, while obligations include adhering to employment contracts, following organizational policies, and maintaining confidentiality (Uzochukwu, 2020). In Nigeria, employment rights and obligations are governed by various laws, including the Labour Act, the Employee Compensation Act, and the National Industrial Court Act (Labour Act, Cap L1, LFN 2004; Employee Compensation Act, 2010). These laws provide a framework for resolving employment disputes and enforcing employment rights. Employers must ensure that their employment practices comply with these laws to avoid disputes and potential litigation (Okoroafor, 2021).

Employees in Nigeria have the right to fair treatment and equal opportunities in the workplace (Afolabi, 2023). Employers must ensure that their employment practices are free from discrimination, harassment, and retaliation. Employees also have the obligation to adhere to employment contracts, follow organizational policies, and maintain confidentiality (Ezeani, 2022). Employers must provide employees with adequate training and support to ensure that they can effectively discharge their duties. The National Industrial Court of Nigeria has jurisdiction to resolve employment disputes related to employment rights and obligations (National Industrial Court Act, 2006). Employers and employees must seek to resolve disputes through negotiation, conciliation, or arbitration before resorting to litigation (Onyeabor v. Onyekwere, 2019). The court can award remedies, including damages, reinstatement, and specific performance, for breaches of employment rights and obligations.

The legal aspects of employment rights and obligations in education are crucial for teachers, administrators, and educational institutions in Nigeria. Teachers have the right to fair treatment, safe working conditions, and equal opportunities, while also having obligations to adhere to

employment contracts, follow organizational policies, and maintain confidentiality (Adeyemi, 2017). Educational institutions must ensure that their employment practices comply with relevant laws and regulations, including the Labour Act and the Teachers' Registration Council of Nigeria (TRCN) Act (TRCN Act, 2004). In Nigeria, educational institutions must also ensure that teachers' employment rights are protected, including the right to freedom from discrimination, harassment, and unfair labor practices (Uzochukwu, 2020). Teachers also have obligations to uphold professional standards, maintain student confidentiality, and adhere to curriculum requirements (Okoroafor, 2021). Educational institutions can promote a positive and productive work environment, while teachers can ensure that their rights are protected and their professional standards are upheld if they fully understand the legal aspects of employment rights and obligations.

### **Legal Aspects of Disciplinary Procedures and Grievances**

Control and disciplinary measures in schools are essential for maintaining order, ensuring student safety, and promoting a conducive learning environment. These measures help to establish clear expectations for student behavior and provide consequences for misconduct (Adeyemi, 2017). Schools may implement various control measures, such as codes of conduct, rules and regulations, and surveillance systems, to monitor and regulate student behavior. Disciplinary measures in schools may include detention, suspension, and expulsion, as well as rewards for good behavior (Ogundele, 2018). The goal of disciplinary measures is to correct misbehavior, promote positive behavior, and maintain a safe and respectful learning environment. Schools must ensure that disciplinary measures are fair, consistent, and proportionate to the offense, and that students are given opportunities to appeal decisions and receive support.

Effective control and disciplinary measures can have a positive impact on student behavior and academic achievement (Uzochukwu, 2020). By establishing clear expectations and consequences, schools can promote a culture of responsibility and respect, and help students develop important life skills such as self-discipline and self-control. Schools must also ensure that control and disciplinary measures are implemented in a way that is fair, consistent, and supportive of all students, regardless of their background or circumstances. The legal aspects of disciplinary procedures and grievances in schools are critical components of maintaining a positive and productive work environment. Schools must ensure that their disciplinary procedures are fair, transparent, and compliant with relevant laws and regulations (Adeyemi, 2017). This includes providing employees with adequate notice of misconduct, conducting thorough investigations, and imposing disciplinary measures that are proportionate to the offense (Uzochukwu, 2020). In Nigeria, schools must also ensure that their grievance procedures are effective and efficient, allowing employees to raise concerns and resolve disputes in a timely manner (Okoroafor, 2021). This includes establishing clear procedures for reporting grievances, conducting investigations,



and providing remedies for employees who have been wronged. Schools must also ensure that their grievance procedures are free from bias and intimidation, and that employees are protected from retaliation for raising legitimate concerns.

The Nigerian courts have jurisdiction to resolve disputes related to disciplinary procedures and grievances in schools (Ezewuzie v. FBN Plc, 2022). Schools must ensure that their disciplinary procedures and grievance handling practices are fair and compliant with relevant laws and regulations to avoid disputes and potential litigation. Employees who feel that their rights have been violated can seek redress in court, and schools that fail to comply with legal requirements may face legal consequences. Schools must also ensure that their disciplinary procedures and grievance handling practices are transparent and communicated to employees (Afolabi, 2023). This includes providing employees with clear information about the procedures for reporting grievances and the disciplinary measures that may be imposed for misconduct. In all, the legal aspects of disciplinary procedures and grievances in schools are complex and multifaceted. Schools must ensure that their disciplinary procedures are fair and compliant with relevant laws and regulations, and that their grievance procedures are effective and efficient (Ogundele, 2018). By understanding the legal requirements, schools can promote a positive and productive work environment, protect the rights of employees, and maintain a culture of fairness and transparency.

### **Legal Aspects of Termination of Employment**

The legal aspects of termination of employment in schools are critical components of the employment relationship. Schools must ensure that termination procedures are fair, transparent, and compliant with relevant laws and regulations (Adeyemi, 2020). This includes providing employees with adequate notice of termination, conducting thorough investigations, and following established procedures for termination. Schools must also ensure that termination decisions are not discriminatory or biased. In Nigeria, the Labour Act and the National Industrial Court Act provide a framework for resolving employment disputes, including termination of employment (Labour Act, 2004; National Industrial Court Act, 2006). Schools must comply with these laws and regulations when terminating employment contracts. Employees who feel that their termination was unfair or unjust can seek redress in court, and schools that fail to comply with legal requirements may face legal consequences (Ezeani, 2022). Schools must also ensure that termination procedures are fair and transparent, and that employees are given opportunities to respond to allegations and defend themselves (Okoroafor, 2021). This includes providing employees with clear information about the termination process, conducting thorough investigations, and following established procedures. The Nigerian courts have jurisdiction to resolve disputes related to termination of employment in schools (Onyeabor v. Onyekwere, 2019). Schools must ensure that their termination procedures are compliant with relevant laws and regulations to avoid disputes and potential litigation. Employees who feel that their termination

was unfair or unjust can seek redress in court, and schools that fail to comply with legal requirements may face legal consequences. The legal aspects of termination of employment in schools are complex and multifaceted. Schools must ensure that termination procedures are fair, transparent, and compliant with relevant laws and regulations (Afolabi, 2023).

### **Workplace Policies and Procedures**

Workplace policies and procedures are essential components of organizational management in Nigeria. These policies and procedures provide a framework for decision-making, behavior, and actions within an organization, ensuring consistency, fairness, and transparency (Adeyemi, 2017). Workplace policies and procedures also help to establish clear expectations for employees, reduce conflicts, and promote a positive work environment. In Nigeria, organizations must develop workplace policies and procedures that comply with relevant laws and regulations, including the Labour Act and the Employee Compensation Act (Labour Act, 2004; Employee Compensation Act, 2010). These policies and procedures should be communicated to employees, regularly reviewed, and updated to reflect changes in the organization or the law. Effective workplace policies and procedures can also help organizations to manage risks, improve productivity, and enhance employee well-being (Okoroafor, 2021). For example, policies on health and safety, data protection, and anti-harassment can help to protect employees and the organization from harm. Organizations in Nigeria must also ensure that their workplace policies and procedures are implemented consistently and fairly (Uzochukwu, 2020). This includes providing training and support for employees, monitoring compliance, and reviewing policies and procedures regularly. Workplace policies and procedures are critical components of organizational management in Nigeria. By developing and implementing effective policies and procedures, organizations can promote fairness, consistency, and transparency, manage risks, and enhance employee well-being (Afolabi, 2023). Organizations that prioritize workplace policies and procedures can build trust with employees, improve productivity, and maintain a positive reputation. In an educational setting, workplace policies and procedures provide a framework for decision-making, behavior, and actions within a school, ensuring consistency, fairness, and transparency (Adeyemi, 2017). Workplace policies and procedures in schools help to establish clear expectations for teachers, staff, and students, reduce conflicts, and promote a positive learning environment.

In Nigeria, schools must develop workplace policies and procedures that comply with relevant laws and regulations, including the National Policy on Education and the Teachers' Registration Council of Nigeria (TRCN) Act (National Policy on Education, 2013; TRCN Act, 2004). These policies and procedures should be communicated to teachers, staff, and students, regularly reviewed, and updated to reflect changes in the school or the law. By having clear policies and procedures, schools can promote fairness, consistency, and transparency in their operations. Effective workplace policies and procedures in schools can also help to promote a safe and

supportive learning environment (Okoroafor, 2021). For example, policies on bullying, harassment, and code of conduct can help to protect students and staff from harm. Schools in Nigeria must also ensure that their workplace policies and procedures are implemented consistently and fairly (Uzochukwu, 2020). This includes providing training and support for teachers and staff, monitoring compliance, and reviewing policies and procedures regularly.

## **Conclusion**

In conclusion, the legal aspects of teachers' employment and management are multifaceted, encompassing employment rights and obligations, disciplinary procedures and grievances, termination of employment, and workplace policies and procedures. Understanding these legal aspects is crucial for promoting fairness, consistency, and transparency in teacher employment and management. Schools must develop and implement effective policies and procedures to ensure compliance with relevant laws and regulations, including those related to employment contracts, disciplinary procedures, and grievance handling. By prioritizing the legal aspects of teachers' employment and management, schools can build trust with teachers, improve student outcomes, and maintain a positive reputation. Effective management of teachers' employment can enhance teacher morale, productivity, and job satisfaction, ultimately contributing to achieving educational goals and promoting national development.

## **Suggestions**

Based on the observations so far, the following recommendations were made:

1. Schools should develop and regularly update comprehensive policies and procedures for teacher employment, management, and termination, ensuring compliance with relevant Nigerian laws and regulations.
2. Schools should provide ongoing training and support for teachers and administrators on employment laws, policies, and procedures to promote understanding and compliance.
3. Schools should establish fair, transparent, and efficient grievance handling and disciplinary procedures to resolve conflicts and disputes in a timely and effective manner.
4. Schools should prioritize creating a safe and supportive work environment that promotes teacher well-being, job satisfaction, and productivity in order to enhance students' outcomes and educational quality.

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