

RESEARCH ARTICLE

PUBLIC COMPLAINTS COMMISSION (OMBUDSMAN) AND WORKERS' RIGHTS IN AKWA IBOM STATE PUBLIC SERVICE

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Abstract: The issue of careless infringement on the fundamental rights of workers by the employers has become a problematic scenario in Nigeria. The Public Complaints Commission has a primary mandate to address the menace. This study examines the role of Ombudsman in its mandate to investigate, issues regarding unlawful dismissal of employees and careless infringement on the fundamental rights of employees of workers in Akwa Ibom State Public Service. Structural Functionalism Theory was used to guide the study, descriptive survey design with a study population of 2175 and sample size of 338 reviewed cases. The study utilized data from primary (quantitative) and secondary (qualitative) sources, Content analysis was used to analyze the hypotheses. The study revealed that Public Complaints Commission (Ombudsman) endeavored to checkmate excesses in Akwa Ibom State Public service. The study recommended that: the Public Complaints Commission ACT CAP 377, Section 237(5) of the 1999 constitution should be reviewed to expand the scope of Ombudsman; that every state in the country should be prevailed upon to replicate the provisions of the commission to reflect the geopolitical structure of each state; and that both the Public Complaints Commission should be properly funded for effective performance of their duties

Keywords: *Public Complaints Commission, Ombudsman, Public Service, Workers' Rights, Akwa Ibom State.*

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INTRODUCTION

Public Complaints Commission equally known as Ombudsman and is carried out by various agencies, depending on the country. Ombudsman is an official public officer, appointed to investigate individual complaints against a company or organization, especially a public official. Ombudsmen are known in Britain as Parliamentary Commissioner for Administration while in Nigeria they are known as Public Complaints Commission and are under the supervision of the National Assembly.

The word 'Ombudsman' derives from a Swedish term for "agent or representative of the people or group of people." The modern form of the office originated with the *justitieombudsman*, which was established by the Swedish constitution of 1809 to oversee

the parliament and supervise public administration in government, Ayeni [1].

The Nigerian Ombudsman came into prominence after the post war experience, which brought about a near collapse of constituted authorities and misuse of administrative powers by government officials. The federal government led by Gen. Yakubu Gowon, set up the Civil Service Reform panel, known as Udoji panel in a bid to curtail the excesses of public service authorities.

The Promulgation of the Public Complaints Decree No.31 of 16th October, 1975, came as a result of the Udoji panel. The panel recommended the establishment of the Nigerian Ombudsman, with the responsibility to check and control

administrative procedures in government and ensure that extant rules and regulations are not subjugated upon, Osegbue and Madubueze [2]. The power to initiate investigations on its own (proactive), was allotted to the commission, upon compliant on administrative actions by federal or state agencies, statutory co-operations, local government authorities and public or private sector officials. It equally has power to initiate investigation upon complaint (reactive) on administrative actions by federal or state agencies [3].

On the rationale for Ombudsman, Ugbe [4] posited that it affords the government the much needed regular and smooth running mechanism to assess the reactions of its disgruntled customers/workers on its actions and inactions and correct whatever may have gone wrong. The investigative power of Ombudsman was designed to protect worker's rights(not to be unfairly dismissed, to be treated with dignity and respect, to be paid the agreed wage on the agreed date, to be provided with appropriate resources and equipment to enable him/her to do the job, to have safe working conditions, to fair labor practices, to non-victimization in claiming rights and using procedures to all the protection and benefits of the basic conditions of employment Acts) against maladministration administrative injustices to citizens.

The possibility of legislative investigation has contributed to administrative responsibility and rectitude. This paper examines how well the Ombudsman has been able to utilize its investigative powers to give justice to Public Service workers in Akwa Ibom State whose rights may have been trampled upon by those with administrative authority [5]. This is with a view to deciphering how well or not, Ombudsman has been able to achieve its purpose of enactment, with the cardinal hypothesis of this paper, being that civil cases can be resolved by the Public Complaints Commission amicably with minimal or no cost.

This study covers the Public Complaints Commission (Ombudsman) and its proxies and workers' rights in Akwa Ibom State Public Service, and for the benefit of this research work, will concentrate only on the 338 cases handled by Public Complaints

Commission, between 2017-2021, which the researcher was able to access. This study is limited to workers in Akwa Ibom state public service workers' and will dwell strictly on the mandate of Public Complaints Commission on Investigation of Complaints applicable to workers' rights.

Statement of the Problem

A critical assessment of one of the mandates of the Public Complaints Commission, such as mandate to investigate; complaints in Companies and its officials, MDAS, administrative procedures of any court of law in Nigeria, indicate that it was purposefully designed to protect the rights of workers. The big question now is; can it be vividly asserted, that the purpose of its enactment have been achieved?

This study intends to examine the Ombudsman institution in Akwa Ibom State's efforts in tackling administrative injustice in Akwa Ibom State Public service, how it has been able to use one of its mandate; investigate and conduct researches in MDAS, companies and officials of these bodies, to handle, resolve and dispose of cases reported to it and settled satisfactorily between 2017-2021.

Objective of the Study

The broad objective of this study is to examine the role of Ombudsman in addressing administrative injustice in Akwa Ibom State Public Service, using the public complaints commission as a case study. The specific objectives include; to

- To determine the relationship between Public Complaints Commission investigations and workers' rights in Akwa Ibom State Public Service
- To determine the relationship between public reports by Public Complaints Commission and workers' rights in Akwa Ibom State Public Service.
- To determine the relationship between Public Complaints Commissions interpretation of policy and advice to government and workers' rights in Akwa Ibom State Public Service workers.

Research Questions

The following questions were raised to guide the study:

- What is the relationship between Public Complaints Commission investigation and workers’ rights in Akwa Ibom State Public Service?
- What is the relationship between Public reports of Public Complaints Commission and workers’ rights in Akwa Ibom State Public Service?
- What is the relationship between Public Complaints Commission interpretation of policy and advice to government, and workers’ rights in Akwa Ibom State Public Service?

Research Hypotheses

The following questions were raised to guide the study:

- Ho: There is no significant relationship between Public Complaints Commission

investigations and workers’ rights in Akwa Ibom State Public Service.

- Ho: There is no significant relationship between Public reports of Public Complaints Commission and workers’ rights in Akwa Ibom State Public Service.
- Ho: There is no significant relationship between Public Complaints Commission interpretation of policy and advice to government and workers’ rights in Akwa Ibom State Public Service.

Conceptual Framework

The conceptual diagram below (Figure 2.1), shows the relationship between the independent variable Public Complaints Commission (Ombudsman) and the dependent variables workers’ right (unlawful dismissal and infringement on the rights of workers: leave and benefits, right to fair treatment and job protection.

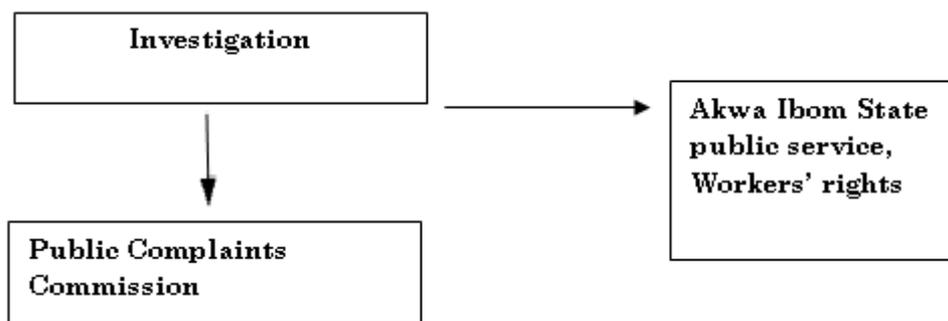


Figure 1: Concept of the Ombudsman

According to Nigro and Nigro [6] as cited in Ogunna [7] Ombudsman is an officer of parliament who investigates complaints from citizens that have been unfairly treated by government department, and if he finds that the complaints is justified seeks a remedy. Nigro and Nigro [6] as cited in Ebiziem and Amadi posits [8] that the mode of operation of the Ombudsman differs from country to country, For instance in Sweden, the Ombudsman is empowered to: supervise how judges, government officials and other civil servants observe the laws, acted illegally or neglected their duties, which is also applicable in Nigeria.

Ezeani [9] posit that an Ombudsman is an official appointed by the National Assembly or government (as it may be in different countries) and charged with the responsibility of protecting the citizens from

the arbitrary and oppressive exercise of the executive powers of government. According to Osergbue and Madubueze [2]. Osakede [10] ascribes that the Ombudsman is a novel institution of the government which is vested with the responsibility to defend and uphold the rights of the citizens in the light of how they have been treated by government officials, to investigate these complaints and, where it finds them justified, propose remedial actions.

According to Ogunna [7] the Ombudsman is the bastion of justice, the defender and social watchdog of the oppressed and a powerful check against administrative power extremism. It’s a cheap means of securing administrative justice, as it does not charge for its services, which are free. This makes it readily available to the public and within the reach of the poor and oppressed in Nigeria vis-à-vis Akwa Ibom State.

From the forgoing, Ombudsman can simply be defined as an institution of government established for the sole purpose of correcting administrative injustice and executive extremisms perpetuated by those with executive administrative powers on the working populace of a giving geopolitical area vis-à-vis country, [11]. The ability of the Ombudsman to unearth the disputed areas of disagreement between workers and managements, amicably resolve it satisfactorily between both parties puts it in a clear position as an impartial arbiter. Hence, its effectiveness within its operational area, can be judged or analyzed by the number of cases its able to dispose (settle and close amicably) over a given time frame.

Concept of Workers' Rights

Worker's rights encompass a large array of human rights from the right to decent work and freedom of association to equal opportunity and protection against discrimination. According to Wikipedia [12] worker's rights are both legal and human rights relating to labor relations between workers and employers. These rights are codified in national and international labor and employment law. In general, these rights influence working conditions in the relations of employment. Nigeria labour law looks into the rights, working conditions, minimum wage, termination clauses, and many other rules set by the government of Nigeria.

The International Labour Organization model of decent work, according to Bob [13], is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity security, social dialogue and rights at work. The attainment of rights at work, like the other objectives, is influenced by many aspects of economic, social and institutional structures. Worker's rights at the international level are laid out in number of human rights conventions and treaties including the universal Declaration on Human Rights (Articles 23 and 24, 1948) and the international covenant on economic, social and cultural rights (1966).

Concept of Investigation

Investigation as defined by Bennett and Hess [14] is a systematic fact and reporting process, derived from the latin word *vestigere*, to "track or trace" and encompasses a patient, step by step inquiry.

Investigation is a multi-disciplined field of study, which encompasses law, sciences, communications and a host of other things, Whitney and Christopher [15]. It requires inquisitiveness with astute attention to minor and significant details. Investigation is the action of investigating something or someone; formal or systematic examination or research. Furthermore Investigation is seen as a searching inquiry for ascertaining facts; detailed or careful examination. An investigation is a systematic, minute, and thorough attempt to learn the facts about something complex or hidden; often formal and official. (Oxford English Dictionary, 7th Edition).

Collins [16] assert that the ultimate objective of an investigation is to uncover the truth-explaining in detail what happened when it occurred, who did what, and how they did it. Investigation is primarily an integral part of Ombudsman operation, which it uses to analyze intricate details of matters reported to it(reactive investigation) and matters it took up on its own(proactive investigation), proffer unbiased solutions towards amicable resolution among the parties affected, Okoro [11].

According to information on the website of Public Complaints Commission site (PCC Nigeria), the Nigerian Ombudsman is mandated in Section 5(2) of the Public Complaint Commission Act to carry out proactive investigations into regulations, policies, procedures and processes of administration of public authorities and companies:

- Contrary to any law
- Mistaken in law or arbitrary in the ascertainment of fact;
- Unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs;
- Improper in motivation or based on irrelevant considerations;
- Unclear or inadequately explained; or
- Otherwise objectionable; and to correct such with the aim of preventing maladministration in governance, but it can be said, that it has successfully achieved it, thus; high cases of administrative injustice.

Public Complaints Commission and Workers' Rights in Akwa Ibom State Public Service

According to National Democratic Institute for International affairs, [17] handbook publication and Public Complaints Commission handbook [18], in order to fulfill the essential roles, an Ombudsman's office should possess three fundamental powers: to investigate, to recommend and to report. These powers are equally stated and enmeshed in the mandate of Public Complaints Commission mandate in Nigeria as enacted in the Public Complaints Commission ACT, CAP P37 LFN 2004.

Theoretical Framework

Structural Functionalism

Structural Functionalism, also called functionalist perspective or simply functionalism. Has its origin in the works Emile Durkheim, who was especially interested in how social order is possible or how society remains relatively stable. It is a theory that focuses on the macro-level of social structure, rather than the micro-level of everyday life. Notable theorists include includes Herbert Spencer, Talcott Parson and Robert k, Merton.

This theory as an approach to the study of politics and administration has been described as being conservative in methodology, in view of its strong bias for status-quo, since it describes a set of institutions at a particular time. However, as a model in administration, it attempts to provide historical variation of governments or political regimes at different times and makes for precision and comprehension of administrative institutions.

Structural functionalism theory is a general theory concerning the explanation of social reality which posits that organization, units, and parts thereof and social forces in general should be approached, assessed, and/or examined from the point of view and functions explicit as well as implicit.

However, the originators of this theory are Verma and Talcot Pearson, who posited that when conflict does arise, it is settled by the judiciary system and does not therefore, lead to the disintegration of the social system.

Functionalism underscores the principle of organic relationship between the various structures/units existing in a system in terms of their functions. Hence any flaw in a part of the system creates problems, imbalances and obviates appropriate outcome. It is worthy of note that functionalism fosters a perspective on the vision of work, respect for jurisdictional boundaries as well as mutual cooperation and supervision [19]. Critics of Structural functional theory in the 60s were of the view, that it unable to account for social change, or for structural contradictions and conflict [20].

Therefore structural functional analysis revolving around Ombudsman will enable us to know what basic functions are fulfilled by ombudsman operations, and by what structures, and under what platforms it operates and its responsibilities. Importantly, Structural-Functional theory gives a clearer guide as to a proper examination of how the Ombudsman uses its mechanisms to ensuring that government goals are attained by providing the means.

Application of Structural-Functional Theory to the Study

As an illustration of the above indicates, the Ombudsman vis-à-vis the Public Complaints Commission is amongst those specialized agencies of government in Nigeria, that are saddled with the responsibility of ensuring that government policies are duly implemented. This theory became very apt to the study because, in its applicability in respect to available extant literatures, it created room for the inherent difficulties in the practicability of government policies.

The temptation in keeping status quo in respect to structures and functions, may arise in thinking that if one understands how such structures work in a country, the insight can be applied to others, however, this is not always the case. Importantly, Structural-Functional theory gives a clearer guide as to a proper examination of how the Ombudsman uses its mechanisms to ensuring that government goals are attained by providing the means.

Summary of Literature Review

It has been acknowledged and proven both theoretical and empirical studies that Public Complaints Commission (Ombudsman) of Public Service Workers as its main purpose is

to shield workers from administrative reckless abuse of their fundamental rights and protect citizens from the arbitrary and oppressive exercise of the executive powers of government.

Osegbue and Madubueze [2] made use of structural-functional theory which has its origin in the works of Emile Durkheim, who was especially interested in how social order is possible or how society remains relatively stable. It posits that society is a whole in terms of the functions of its constituent elements; namely norms, customs, traditions and institutions.

Hence in order to implement governmental activities, specialized agencies or structures like the legislature, executive and judiciary performing functions which enables government to formulate, implement or enforce its policies, that the policies are the goals of government while the agencies/structures provide the means, thus Public Complaints Commission is a means in which government uses to enforce its policy on administrative abuse of power and maladministration by its executive officers against their subordinates and the public in general. It also offers the workers a leeway to seek justice at no cost.

Awopeju and Oyewole [21] in their work, attributed utilitarian theory usage as; that human beings as a rule seek happiness; that pleasure alone is good and that only the right action is that which produces the greatest happiness of the greatest number, they asserted that utilitarian theory to Ombudsman as an agent of accountability is pertinent, as Ombudsman stands as an agent or institution of government that takes cognizance of human being injustice.

That the pleasure of the citizens will be seen in terms of the institution capable of dealing with injustice in the state, the happiness of the citizens who brought cases to the commission will be seen by the Ombudsman right action I dealing with injustice in the state or the Ombudsman will be fulfilling the needs of the citizens willing where and when necessary.

Moshood, Oladele and Mosobolaji made use of the social justice theory in their work, which was first propounded by Plato and later adopted by John Rawl.

The history of the state in the Plato's Republic culminates in the conception of justice and is the bond which holds a society together, a harmonious union of individuals each of whom has found his life work in accordance with his natural fitness and his training. It is both a public and a private virtue because the highest good of the state and of its members is thereby conserved.

There is nothing better for a man than to have his work and to be fit to do it; there is nothing better for other men and for the whole society than that each should thus be filling the station to which he is entitled. Society justice thus may be defined as the principle of a society, consisting of different types of men who have combined under the impulse of their need for one another, and by their combination in one society, and their concentration on their separate functions, have made a whole which is perfect because it is the product and the image of the whole of the human mind.

This is Plato's elaboration of the prima facie definition of justice as "giving to very man his due. For what is due to him is that he should be treated as what he is, in the light of his capacity and his training, while what is due from him is the honest performance of those tasks which the place accorded him requires, which is what Ombudsman stands for, "upholding justice".

Analysis on the Operations of Public Complaints Commission (Akwa Ibom State) Leadership

The Public Complaints Commission Office in Akwa Ibom from its inception in 1989 is led by a Commissioner, who is appointed by the Legislative Arm of Government on a 3 years tenure term, subject to renewal. The Honorable Commissioner who is a political appointee works with carrier Civil Servants, who assist his decision in the day to day running of the Public Complaints Office in Akwa Ibom State.

The Leadership of Public Complaints Commission Office in Akwa Ibom goes thus; Honorable Commissioner Designation; Hon, Prince Ubong Uwah, Director of Investigation; Mrs Rita Lawrence Udo, Director of Administration/Personnel ; Mrs Christiana Enoidem

Departments in Public Complaints Commission Office in Akwa Ibom State

For efficient and effective discharge of its functions and duties, the Public Complaints Commission have different departments, assigned with specific specialized duties, to be carried out by each departmental staffs, the departments are: Public Investigation Department, Private Investigation Department, Administrative Department, Accounting Department, Enforcement Unit, Legal Unit

Area Offices: Ikot Epene Area Office; Old Council Secretariat, Ukanafun Area Office; Local Government Secretariat, Etinan Area Office; Etinan Local Government Secretariat, Eket Area Office; Local Government Secretariat, Oron Area Office; Shut down.

Cases Handled by the Public Complaints Commission (Ombudsman) in Akwa Ibom State.

CASE No. PCC/AKS/U.126/2019/61: Alleged Non-Payment of Pension, Mr E. J. U. (Reactive Investigation)

On the 15th July, 2019, this Commission received a complaint from Mr. E. J. U, a former staff of Ministry of Judicial Service Commission Idongesit Nkanga Secretariat Uyo, Akwa Ibom State. According to the complainant, he had not been receiving his Federal Share of Pension since retirement despite all efforts made in his representation to National Judicial Council for payment of his entitlement.

Upon receipt of the complaint, which falls within the jurisdiction of the Commission, the Commission waded into the matter, first by forwarding a letter to PTAD for comment(s). After reminders without response, on the 25th February, 2022, the respondent wrote to inform the Commission that the case is receiving attention and requested that the complainant present the original copies of his document(s) at their Headquarters (Lagos) for verification. The message was duly conveyed to the complainant, who acted as informed.

On the 10th August, 2021, the complainant contacted us via mobile phone and disclosed to us that his pension benefits both Federal and State Share had been paid to him accordingly.

On the successful note, the case was closed on 15th November, 2021.

CASE No. PCC/AKS/1.317/2018/104: Non-Payment of Salaries, Professional and Pecuniary Allowances (Reactive Investigation)

The complaint was lodged by S.B.I on the 17th December, 2018 against Maritime Academy of Nigeria, Oron. He alleged non-payment of salaries, professional and pecuniary allowances as a contract staff who worked with the Academy from 2009 to 2018 and the contract was a binary contract which had to be renewed every two years. He ought not to have been enrolled in Integrated Personnel Payroll and Information System (IPPIIS) but he was enrolled. On receipt of the complaint in December, 2018, the first letter was sent to Maritime Academy of Nigeria on 25th March, 2019 for comment(s).

Without any response, it was followed up with a reminder on 22nd May, 2019. On 9th July, 2019, the Maritime Academy of Nigeria, Oron responded and stated explicitly that; Mr. Inyang was a contract staff and that the contract appointment had expired. Secondly, that his services was no longer required, hence, he had not suffered any injustice. In view of the response from Maritime Academy of Nigeria, the Commission followed it up with the complainant to ascertain if he had any fresh evidence(s) to sustain his case against the representation of the Maritime Academy.

Rather than respond to the Commission's enquiry, the complainant wrote another letter alleging non-payment of contributory pension/issuance of letter from Maritime Academy for the purpose of payment of his pension by Premium Pension Limited. It was on that note that further directive was given that a letter should be written to Maritime requesting for the issuance of letter of introduction to show that the complainant was their former staff to enable him claim all his contributions in Premium Pension and that letter was followed up with on-the-spot investigation on 18th March, 2020 at Maritime Academy of Nigeria, Oron.

On reaching the Maritime Academy, the PCC staff met with the Registrar and discussed the case, and he promised that the case would be looked into.

On the 17th January, 2022, the complainant was contacted and he informed the Commission that, the case should not be continued, because he had been paid his entitlement. In view of that the case file was closed on the 19th January, 2022.

CASE No. PCC/AKS/I.194/7198: Alleged Non-Promotion in Service (Reactive Investigation)

On the 19th August, 2009, the Commission received a complaint from one U.M.I, a staff of the Estate and Works Department of the Akwa Ibom State Polytechnic, Ikot Osurua. Who alleged that, he was promoted to the post of Foreman on CONTISS 6/15 in 1994 and had not been promoted again since then, while his colleagues with whom he was promoted to the same grade in the same year with same Trade TEST grade III, II and I Certificates had been promoted to the next rank on CONTISS 7.

The Commission's efforts in obtaining the Rector's Comment on the allegation through correspondences did not yield the desired results, until an on-the-spot investigation was conducted at the Respondents' office. The first meeting with the Rector could not be

concluded and another meeting was re-scheduled for 9th February, 2010.

At the second meeting the complainant was present. The issue raised by the complainant was thoroughly discussed and at the end of the deliberations, it was revealed that with his promotion to CONTISS 6 in 1994, the complainant had reached the terminal point in his Cadre and for him to be further promoted in the service, he was expected to acquire additional qualifications/Certificates besides the Trade Test.

The Commission did not see any injustice in the action of the College Management against the complainant in the matter. She was quite satisfied with the outcome of the investigation and the complainant was advised appropriately to comply with the requirement of the College Authority by acquiring (a) new Certificates to enable him progress further in his Career. Since there was no further action required by the Commission on the matter, the case was closed in August, 2010.

Below is a tabular distribution of cases received and closed by the commission in Akwa Ibom State between 2017- 2021.

Table 1: Number of cases received and closed in public complaints commission, Akwa Ibom 2017-2021

S/N	Year	Cases Received	Cases Closed	Pending Cases	Percentage of closed cases
1.	2017	1197	1096	101	91.6%
2	2018	207	95	112	41.7%
3	2019	228	80	148	35.1%
4	2020	226	53	173	23.4%
5	2021	317	221	102	69.7%
	Total	2175	1545	636	71%

Sources: Operational Statistics and Registry Department, PCC, Uyo, 13th Oct 2022.

Table 1 indicates the received and disposed cases in the Public Complaints Commission, Akwa Ibom State as covered by the period under review. The table revealed a rise and fall on the number of cases reported and successfully disposed, starting from 2017-2021.

The table indicates that as at 2017, the commission received a total of 1197 cases and disposed 1096 with an outstanding 101 pending cases which represented 91.6% thus, in the 2021, the commission met up half of the percentage ratio. In 2018-2020, the

commission recorded a decline in the number of cases received and disposed with pending cases in 112 with 41.7% as at 2018, 148 with 35.1% as at 2019, 173 with 23.4% as at 2020.

However, in the year 2021, we saw a rise in the number of cases received and a rise on closed cases, which were 102 pending cases with 69.7% as against its preceding years of 2018, 2019 and 2020. Reason given was that the Public Servants are inept to petition and follow it up, which inhibits administrative justice as such causes the rise and fall noticed on the table.

RESEARCH METHODOLOGY

Research Design

This study adopted the descriptive survey design. According to Uford [22] descriptive design is concerned with the description of a market phenomenon, an object, people, groups, or organisation's characteristics or functioning. It is a structured design, marked by the prior formulation of specific hypotheses.

Population of the Study, Sample Size and Sampling Techniques

Population is an aggregate of element defined prior to selection of a sample. Hence, the population of this study is 2175 cases handled by the from Akwa Ibom State Public service workers from 2017-2021. Taro Yamane formula for sample size determination was applied to the study population to obtain the sample size of 338 , being total number of cases accessed.

The simple random sampling technique was employed in the selection of staff to question. There is no doubt that the entire research population is too large to constitute the research sample. Therefore this technique was handy in the selection of cases to be analyzed in this study.

Sources of Data Collection and Instrumentation

Primary Source of Data: involved oral interviews with the Ombudsman State Office, Uyo, Akwa Ibom State, involving 6 respondents (interviewees) classified in the following category: Investigators; two(2) one each from Public and Private investigation departments, Administrative Officers; one(1) Enforcement unit; two(2) and Legal unit; one(1). The discussion and interviews included all the research questions asked to ascertain the importance of act of Ombudsman on Akwa Ibom State Public Service workers. The interview questions were aimed at eliciting relevant information concerning the subject of investigation.

The Secondary Source of Data: involved the use of textbooks, journals, newspapers, government documentations from Public Complaints Commission office (case files) etc. The instruments used for the study were the documented instruments (case files from Ombudsman office in Akwa Ibom State). The

documents were developed and used to measure the effectiveness of Ombudsman as regards to the cases reported to it, pertaining to the research questions and hypotheses on the research entitled; Public Complaints Commission (OMBUDSMAN) and Worker's rights in Akwa Ibom State Public Service.

Validity and Reliability of the Instrument

Instrument is said to be valid when it measures what it is intended to be measured [23]. To ensure the face and content validity of the items on the instrument measuring the different variables in the study, the documents was submitted to two experts in research and statistics and one expert in test and measurement, to ascertain whether the items measured what they purported to measure, as suggested by Inseng & Uford [24].

These experts in conjunction with my supervisor certified the instrument as being valid to measure what it set out to measure at least in content and face validity. All corrections and comments were incorporated into the final form of the instrument.

The item on the case files gave face and content by the use of expert opinion and approval of the supervisor of the research work. The measuring instrument was validated by knowledgeable scholars in the areas of public administration. The test for reliability and validity of the statistical tool used for the study was done under the assistance and supervision of two Associate Professors. Reliability is pertinent to the phenomenon under study [25]. The case files reviewed were official Ombudsman certified documents. This was further ensured by the researcher through multiple sources of evidence; individual discussion and documentations.

Data Analysis

The tool of analysis for the qualitative aspect of this work is content analysis while that of quantitative aspect are these statistical tools; tabulation, simple percentages and frequency distribution. While linear regression analysis and Anova was used in inferential statistics in measuring the extent and degree to which the dependent variable could be predicated by the independent variables of the study.

Data Presentation and Analysis

Documents of cases handled by Ombudsman will be used to analyze the role of Ombudsman in addressing administrative injustice in Akwa Ibom State, using the public service workers as a case study. Out of the 2175 cases of the total sampled population, 338(16.3%) accessed and 1820

(83.7%) could not be accessed. Thus, to this end, the researcher intends to analyze all the three hundred and thirty eight (338) raw data. From 2017-2021, a total of 338 cases that the researcher was able to access in Akwa Ibom State Ombudsman office out of 2175 cases filed and 1545 cases resolved are tabulated below as follows:

Table 2: Number of accessed Cases Received and Closed in Public Complaints Commission, Akwa Ibom 2017-2021.

S.N.	Year	Cases accessed	Investigation and workers' rights	Public report and workers' right	Interpretation of policy and workers' right	No of accessed unresolved cases
1	2017	56	21	23	8	4
2	2018	69	24	15	9	21
3	2019	65	39	7	15	4
4	2020	77	12	34	9	22
5	2021	71	13	42	6	10
	Total	338	109 (32.2%)	121 (35.7%)	47 (13.9%)	61 (18.0%)

Source: Operational Statistics and Registry Department, PCC, Uyo, 13th Oct 2022.

Content Analysis

Table 3: Investigation by Public Complaints Commission and Worker's Rights in Akwa Ibom State Public Service

Type of case	Number	Percentage
Under- payment of salary	42	38.5
Non-Payment of gratuity	35	32.1
Non-payment of pension allowance	11	10.1
Wrongful payment of premium arrears.	16	14.7
Non-remittance of pension areas.	5	4.6
Total	109	100

Source: Field Work, 2023

Items		Frequency	Percentage	Valid Percentage	Cumulative Percentage
Valid	Under payment of salary	42	38.5	38.5	38.5
	Non-payment of gratuity	35	32.1	32.1	70.6
	Non-payment of pension allowance	11	10.1	10.1	80.7
	Wrongful payment of premium arrears.	16	14.7	14.7	95.4
	Non-remittance of pension areas.	5	4.6	4.6	100.0
	Total	109	100	100	

Source: SPSS OUTPUT, 2023

The Table above reveals that 38.5% of the cases (42) on the Public Complaints Commission's role in investigation and worker's rights in Akwa Ibom State Public Servants were on Under- payment of salary. Another 32.1% of the cases (35) were on Non-payment of gratuity.

However, 10.1% of the cases (11) were on Non-payment of pension allowance, while another 14.7% (16) of the cases were on wrongful payment of premium arrears and the remaining 4.6% (5) cases were on Non-remittance of pension areas.

Table 4: Public reports by Public Complaints Commission and worker's rights in Akwa Ibom State Public Service

Type of case	Number	PERCENTAGE
Complaints against employee	30	25
Appointment related	40	33.0
Non-approval of Study leave	11	9

Non-promotion in service	39	32.2
Application for Change of salary structure	1	0.8
Total	121	100

Source: Field Work, 2023

Items		Frequency	Percentage	Valid Percentage	Cumulative Percentage
Valid	Complaints against employee	30	25	25	25
	Appointment related	40	33.0	33.0	58
	Non-approval of Study leave	11	9%	9	67
	Non-promotion in service	39	32.2	32.2	99.2
	Application for Change of salary structure	1	0.8	0.8	100.0
	Total	121	100	100	

Source: SPSS OUTPUT, 2023

The Table above reveals that 25% of the cases (30) on Public reports by Public Complaints Commission and worker’s rights in Akwa Ibom State Public Service were on Complaints against employee. Another 33% of the cases (40) were on Appointment and a

further 9% (11) cases were on Non-approval of Study leave. Another 32.2% of the cases (39) were on Non-promotion in service. The remaining 0.8% of the case (1) was on Application for Change of salary structure.

Table 5: Public complaints commission interpretation of policy and advice to government and worker’s rights

Options	Response	Percentage
Wrongful dismissal from service	13	28
Wrongful retirement	16	34
Non-confirmation in service(15yrs)	1	2
Maltreatment by management	11	23
Request for review of compulsory retirement from service	6	13
Total	338	100

Source: Field Work, 2023

Items		Frequency	Percentage	Valid percentage	Cumulative percentage
Valid	Wrongful dismissal from service	13	28	28	28
	Wrongful retirement	16	34	34	62
	Non-confirmation in service (15yrs)	1	2	2	64
	Maltreatment by management	11	23	23	87
	Request for review of compulsory retirement from service	6	13	13	100.0
	Total	338	100.0	100.0	

Source: SPSS OUTPUT, 2023

The Table above reveals that 28% of the cases (13) on Public Complaints Commission interpretation of public policy and advice to government were on wrongful dismissal from service.

Another 34% (16) were on wrongful retirement, but a further 2% (1) case was on Non-confirmation in service 15yrs). However, 23% of the cases (11) were on maltreatment by management and the remaining 13% of them were on request for review of compulsory retirement from service.

INTERPRETATION OF RESULTS

Documented and available words and statistics have shown some remarkable performance progress executed by the Ombudsman institution in Akwa Ibom State. According to Ogunna [7] the Public Complaints Commission is the bastion of justice, the defender and social watchdog of the oppressed and a powerful check against administrative power extremism. It is a ready and cheap means of securing justice as the services of the commission is offered free.

The commission does not charge any fee for its service and as such it is readily available to the Public Complaints Commission are free of charge and within the reach of the common man. Its procedure is administrative in nature and result-oriented. It saves time and delays are avoided.

Assessing the achievements of Ombudsman, he observed that Public Complaints Commission has made some achievements since its establishment in 1975. This view was backed up with the following statistics from Akwa Ibom State from 2017-2021, the commission received 2175 cases throughout Akwa Ibom State, of which 1545 cases were satisfactorily resolved, while, 636 were pending.

From the Table 5, it can be observed that out of a total of 338 cases accessed by the researcher, 277 cases were settled satisfactorily, while a total of 61 were pending. Similarly, the achievements of the commission, as recorded indicates that, the commission received a total of 56 complaints and enquiries in 2017, on appointment related cases 21(report related), on conduct related cases, it received 35 complaints, it reviewed only 52 complaint in 2017 while four(4) was pending, and finally, it received 338 enquires from 2017-2021.

Furthermore, it was observed that 104 cases conduct relating to under-payments (Infringement on rights of workers/Investigations), 54 conduct-relating to non-payment (Investigation related), 27 cases conduct relating to advisory committees (Interpretation of Public Policy and advice to government related) were dealt with at 1st level initial check, totaling 185 while 41 cases conduct-relating to under-payment, 38 cases relating to non-payment and 13 cases relating to advisory committees were finalized at 2nd level “fast track” totaling 92.

Cases finalized following 1 3rd level “full investigation” are recorded as follows; Appointment 2, cases, conducts relating to under-payment 37, conduct relating to non-payment 15, conduct relating to advisory committees 7 totaling 61. Additionally, it was reviewed that the commission did not uphold 2(100%) cases, or partially upheld any case relating to appointment. While conduct-relating to under-payment 32 (70 %) were not upheld, 14 (30 %) upheld and partially

upheld totaling to 46. In the same vain, cases relating to non-payment, 26 (74 %) were not upheld, 9 (26 %) upheld and partially upheld. While in conduct-relating to Advisory committee 7 (78 %) were not upheld, 2 (22 %) upheld and partially upheld.

This remarkable achievement indicates that the commission has been able to use its mandate to assist public service workers’ in Akwa Ibom State towards obtaining justice against infringement on their fundamental rights as worker’s. Hence it can be asserted that;

- That there is a significant relationship between Public Complaints Commission investigations and workers’ rights in Akwa Ibom State Public Service.
- That there is a significant relationship between Public Complaints Commission public reports and workers’ rights in Akwa Ibom State Public Service.
- That there is a significant relationship between Public Complaints Commission interpretation of policy and advice to government and workers’ rights in Akwa Ibom State Public Service [26-42].

CONCLUSION

The purpose of the study is to critically evaluate the Ombudsman in Akwa Ibom State and assess how it’s helping to curb administrative injustice in relation to protecting workers rights in Akwa Ibom State Public Service. The study revealed hindrances, extent of power of the Public Complaints Commissions” investigative activities in redressing injustice in Akwa Ibom State Public Service and Nigeria as a whole.

The Public Complaints Commission has afforded the Akwa Ibom State Public Service workers access to justice and at a very minimal cost, most of the hindrances facing Public Complaints Commission in Nigeria vis-à-vis Akwa Ibom State (Ombudsman) were linked to the government. Such include the inability of government to fund the Commission adequately.

Despite the establishment of the Commission, administrative cases are widespread in the state, because of inadequate powers of the Commission to enforce its investigation outcome

recommendations on grieving parties. In view of the above, redress of injustice has not been much achieved in Akwa Ibom State Public Service, but there is light in the tunnel, considering the number of reported and disposed cases in 2021.

RECOMMENDATIONS

Based on the findings and conclusions of this study stated, the following recommendations were proffered;

- Its pertinent for the Federal government to review ACT CAP 377 Section 237(5) of the constitution that established the Public Complaints Commission, as it limits the Commission powers to sanction offenders, who refuse to obey the Commission's recommendations against administrative injustice in Nigeria vis-à-vis Akwa Ibom State.
- Improved financial allocation by the Federal Government of Nigeria to the Commission should be implemented, and establishment of Public Complaints Commission in all Local Government areas of Akwa Ibom State, as only 5 offices in five Local governments out of 31 local governments in Akwa Ibom State is inadequate.

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