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Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)

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Abstract- The ceiling placed on age by government and non-governmental agencies when it comes to employment opportunities in Nigeria, which is usually between 20 and 30 years, has made a lot of applicants outsiders, bracketing them out of consideration in the job selection process, thereby pushing them to have their ages falsely declared in court. The problem is even more prominent in Nigeria where applicants can take up to a decade or more looking for jobs, by which time they get older. For example, in a 2016/2017 recruitment exercise by the Nigerian Police, a candidate applying for the post of a Cadet Assistant Superintendent of Police must be between 23 and 28 years of age. Also, in an advert by Fidelity Bank Plc in 2015 for jobs, one of its key requirements was: an applicant must be between 20 and 28 years. But the Nigerian Constitution Section 42 (2) says no Nigerian shall be deprived of any opportunity based on circumstances of birth. Age is a circumstance of birth. Discrimination on the level of age has forced many applicants to go to court and have their ages falsely declared in order to qualify for jobs advertised, which amounts to perjury – a crime punishable by the Nigerian state itself. Here then lies a social problem for research. This is a qualitative research which used key informant interview in gathering data from two selected organizations in Calabar metropolis. The work sought to ascertain whether there is a relationship between age limit placed by employers and age declaration scam committed by applicants. The paper concluded that all men are created equal and there must be no discrimination whatsoever. Government as custodians of the Constitution should stop the discrimination; they should enact laws against any discriminating employers - were the recommendations made, among others.

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Policies on Employment and Age Declaration Scam: A Case Study of the Nigerian Security and Civil Defence CORPS (NSCDC) and United Bank for Africa (UBA)

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Abstract- The ceiling placed on age by government and non-governmental agencies when it comes to employment opportunities in Nigeria, which is usually between 20 and 30 years, has made a lot of applicants outsiders, bracketing them out of consideration in the job selection process, thereby pushing them to have their ages falsely declared in court. The problem is even more prominent in Nigeria where applicants can take up to a decade or more looking for jobs, by which time they get older. For example, in a 2016/2017 recruitment exercise by the Nigerian Police, a candidate applying for the post of a Cadet Assistant Superintendent of Police must be between 23 and 28 years of age. Also, in an advert by Fidelity Bank Plc in 2015 for jobs, one of its key requirements was: an applicant must be between 20 and 28 years. But the Nigerian Constitution Section 42 (2) says no Nigerian shall be deprived of any opportunity based on circumstances of birth. Age is a circumstance of birth. Discrimination on the level of age has forced many applicants to go to court and have their ages falsely declared in order to qualify for jobs advertised, which amounts to perjury – a crime punishable by the Nigerian state itself. Here then lies a social problem for research. This is a qualitative research which used key informant interview in gathering data from two selected organizations in Calabar metropolis. The work sought to ascertain whether there is a relationship between age limit placed by employers and age declaration scam committed by applicants. The paper concluded that all men are created equal and there must be no discrimination whatsoever. Government as custodians of the Constitution should stop the discrimination; they should enact laws against any discriminating employers - were the recommendations made, among others.

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I. Introduction

People have falsely declared their ages in court (or committed what is referred to as age declaration scam in this discourse) for several reasons. Some have over- or under-declared their ages to be eligible to be to be chosen into a football team, some others to get a visa in order to travel abroad, some in order to hold on to their jobs even when they are long due for retirement, others to qualify to run for a political post, others to be eligible for a job advert, and so on. For whatever reason, age falsification is a crime not just in Nigeria but in many other countries of the world. According to the Penal Code, Section 156, anyone who is legally bound by oath or by any definite provision of the law to make a pronouncement on any subject, who makes a false declaration which he knows or believes to be false is said to give false evidence, or is said to commit perjury, as is the with Criminal Code for southern Nigeria.

From the above, it is seen that giving false evidence in court (according to the Penal Code in Northern Nigeria) or committing perjury (according to the Criminal Code in Southern Nigeria) is a crime not just in age declaration scam but in telling any form of lies in court when bound by oath to say otherwise.

The question is: are there socio-economic or government-induced factors pushing people towards declaring their ages falsely? If they are, what is the government doing to curb this act which the law of the country itself forbids? If the government expects conformity from its citizens, and if the very same government discriminates people on the level of age when in the Constitution it says there shall be equal opportunities for all, and forces some of its citizens towards declaring their ages falsely, thus making them criminals, then there is a grave problem of credibility between what the government says and what it actually does. The issue becomes even more prominent when one sees that government which should enforce the law is otherwise involved in breaking the law, thus setting a bad example for other non-government employers to follow. Although people have falsely declared their ages for several reasons, this research work shall look at those employment policies which force prospective applicants to commit age declaration scam.

II. Statement of the Problem

In a nation like Nigeria, founded on the principles of freedom, equality, and justice, it is surprising that age is a barrier to the attainment of these fundamental principles of nationhood which are embedded in the Constitution. In Section 16 (1) (b) of

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the 1999 Constitution of the Federal Republic of Nigeria, it says the State shall ensure, as a matter of prime importance, the freedom, welfare and happiness of everyone of its citizens, based on equal status and opportunity, and following the principle of social justice. In another section, precisely Section 17 (13) (a), it says the Nigerian State shall, as a matter of policy, make sure that every citizen without bias to any group whatsoever "have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment."

In the Nigerian Labour Act, CAP 198 of the Laws of the Federation of Nigeria of 1990, Section 33 (2) (e), the ripe age for employment is eighteen years. Understandably, the age of eighteen in the Constitution is the age of criminal responsibility. However, in line with the Constitution, the Labour Law does not indulge in age discrimination regarding recruitment of workers beyond the age of eighteen. It is surprising, for example, however, for a government institution such as the National Youth Service Corps to put the age limit of national service at thirty, cutting off a reasonable number of the graduates who would otherwise have loved to serve the nation. Even more disturbing is the fact that adverts placed by government institutions for recruits put the age limit at most 30 and at least 24 years. The problem here is that a preponderant majority of the workforce is cut out of consideration for work. What then is the value of their education, if it cannot provide them with the opportunity for work in order to earn a living, just because of the age barrier? It makes what the Constitution says a farce because, in theory, it states that the State will make policies to ensure adequate employment opportunities for all, while in practice the very state is frustrating some particular age groups out of employment.

The resultant effect of this age barrier is that some prospective job seekers are forced to engage in age declaration scam, different from their biological ones, to be qualified to be considered for work. And what this in turn means is that the State, against what it says in the laws, through its age barrier practices, forces a portion of its citizens towards perjury or false swearing, or false evidence in court through false age declaration.

Thus, age barrier by the government and other employment institutions pushes those bracketed out of the workforce toward perjury and the punishment slated for it, which, according to the Criminal Code, ranges from 14 years imprisonment to life imprisonment. So that in the long run, the State itself indirectly makes of its subjects ex-convicts who would never be legible for any government work.

If the Constitution encourages social justice and equal opportunities as it says in the lines of its laws above, and if in its recruitment adverts it poses a contradiction to this legal principle of equal opportunity through age barrier and forces some of its citizens to be deviant and non-conformists, then there is a big problem in the country between what is ideal and what is real. Here then lies the problem for this inquiry: that the State, which demands strict conformity to laws from its citizens, however, pressurises them, through its age-barrier practice, towards deviance and non-conformity.

III. Literature Review

Although not many books have been written on false age declaration as a result of job requirements, a few articles can be found online, to expose the fact that age discrimination in Nigeria has kept some Nigerians from getting the jobs of their dreams. According to Paschal (2016), in Nigeria today, once one is 28, one is not likely to get entry-level jobs in the country in any of the big companies. He said that for these companies, the age limit is even falling to 25 years maximum. He emphasised that these companies tend to favour younger graduates than older ones. In discussing top 10 employable qualities applicants must consider, Jarushub (2015), a Nigerian portal which focuses on career and management, also agreed that age is a critical factor in the Nigerian labour market. It concurs with Paschal (2016) that many jobs have age restrictions. It said that as one grows older, the number of job opportunities one would be eligible for would become progressively lesser. It argued that the younger ones stand better chances of landing with more jobs from which to choose.

According to Bishopjoe02 (2013), in a blog post on Niraland Forum, it is a usual practice by employment institutions to specify age requirements as part of their eligibility requirements. He said in most vacancies, the maximum age for entry-level applicants is usually pegged at 27/28 and in some ridiculous circumstances 24/25. He said, after consulting the 1999 Constitution, he found that this practice is unconstitutional as it is a form of discrimination. He went further to substantiate his view from the 1999 Constitution, by quoting from Section 42 (2), which clearly say that no Nigerian shall be subject to any disability or deprivation merely because of the circumstances of birth. He argued that dates of birth and the ages of Nigerians are circumstances of birth, so also is sex and ethnicity. He said employers have been getting away with this constitutional violation because nobody has challenged the practice; instead people go about doctoring their ages to meet up with these age requirements. Ogaemma (2011) in another blog on the same forum agreed with him that, because employers prefer workers from a certain age bracket, desperate job seekers doctor their ages to meet with the age requirements. He went further to mention those political offices for which the Constitution specifies some age limits, namely, the

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Presidential candidate must be 40 years and above, same as the Vice President; the Senatorial candidate must be 35 years and over, same as the gubernatorial candidate, while the House of Reps candidate must be 30 years and beyond. He argued that the ugly circumstances surrounding employment opportunities in Nigeria should make employers more sympathetic. He contended still that, taking into consideration the erratic educational system with its numerous strikes, most students, especially those in Federal and State higher institutions, end up graduating in their mid-twenties. When the one-year NYSC and the waiting period of prospecting for jobs (which could take years) are factored in, it would be discovered that a significant number of graduates would have exceeded the maximum age limits placed by prospective employers. Reacting to the post, one blogger (ow11, 2013) said: "Well NNPC, a government agency is guilty of this crime, and that says a lot if you intend to sue in a Nigerian court." He said that KPMG (Klynveld Peat Marwick Goerdeler) are also guilty of age discrimination, and prosecuting them abroad, he suggested, would cause a change.

Kevwe (2016), writing about the problem of age discrimination in Nigeria, in The Nation newspaper, said that in civilized nations, many labour laws have been made against age discrimination in employment issues. She said, for instance, the U.S Age discrimination in employment Act (1967) made it unlawful to fail to hire or sack someone on the grounds of age if the employee is over 40. Also, the U.K. Age Discrimination in employment Act of 2006 makes it unlawful to deny any age group employment, so long as that person is within the legal working age. She said that civilized nations of the world have made enviable strides in social justice by creating a level playing ground for all their citizens in the workplace. She argued that the adverse effect of age discrimination by prospective employers of labour in Nigeria is that it makes ". . . many Nigerians to declare false ages to be eligible for employment. . ." (Kevwe, 2016.) She argued that, in developed countries, employment practices depend on skills and abilities, but, in Nigeria, the government who should lead the way by not throwing away competent hands are the ones instead engaged in age discrimination. She said that it is disheartening and unpatriotic for the government to deny members of certain age grade employment, having been part of the population that voted them into power. She suggested that the President should issue a presidential directive banning all forms of age discrimination so that talented, passionate and patriotic citizens would be selected from the working age population to contribute to national development.

In comparing employment practices by foreign companies operating in Nigeria an in their home countries, Alalibo (2010) said these companies only indulge in age discrimination in Nigeria and not in their home countries. He said this is because their home countries have laws against age discrimination. He noted that a multi-national company operating in Nigeria advertised a job vacancy in its career section on the internet as follows: "We are looking for talented people seeking to make a difference. They must be young graduates who are under 26 years or experienced individuals who are under 32 years and capable of delivering excellent and value-added services to our clients." He observed that the same firm does not demand such of its United Kingdom applicants. He said that the UK, US, Australia, and some other countries have long legislated against age discrimination, but rather base their criteria of selection on skill and competence. He said while some Nigerians are agitating for such legislation in Nigeria, it is unfortunate that the government is not aware that it is contributing to the already existing employment problems by its age discrimination practices.

The "over-agedness" of job seekers in Nigeria is mostly due to the encumbering circumstances that twirl the poor population in the country. Most job seekers are orphans who have to pause several times in their educational journeys to work so as to pay their way through school, so that when they eventually graduate they are well over thirty. Some are bedevilled by exam failures, tertiary institution strikes, and inability to get jobs in time before they expire into "over-agedness". How then could the nation hold them responsible for circumstances of their birth and institutional failures to provide the enabling environment for early graduation from school? Okom (2014:64 – 65) in his novel, Outside the Gold Circle, presents the unemployment case of Lucky, a leading character in the novel:

"I finished primary school at the age of eleven," Lucky said. "Then I sat the West African Examination Council (WAEC) O' Level examination at the age of seventeen. I re-sat the examination a year after my first attempt. When I got my O' level papers I was nineteen years. Then I sat the Joint Admissions and Matriculation Board (JAMB) examination twice before I succeeded. I entered the university at the age of twenty-one. . . . ASUU strike kept me at home for two years. At long last, at the age of twenty-seven, I graduated from the University of Calabar. I did my National Youth Corps service . . . for one year. Then I entered the labour market at the age of . . . twenty-eight in 2006. I prayed earnestly to God, to get a good job between 2006 and 2008 but here I am still looking for a job up to 2011. Since 2009, I have been declaring my age every year; sort of telling lies to the nation. But I have to because I must get a job. My university degree – is it to be chewed like food? No . . . ."

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This excerpt points categorically to the fact that employment policies in Nigeria on age barrier necessarily force its desperate job-seeking citizens toward perjury – a contravention of the noble Law of the land, and a contradiction of the impeccable ideals dictated by the Constitution.

The rate of crime in Nigeria has been identified with the level of unemployment in the country. There is the likelihood that those who are discriminated on the level of age can turn to crime. Which means that age discrimination practice in Nigeria is a double-edged sword in that, one, it leads frustrated and desperate job seekers towards the false declaration of age which, in the face of Law, is perjury and, two, it leads jobless graduates to take to crime in order to survive. According to Dambazau (2007:92), "unemployment could lead to mental stress, apathy, and illness – factors that could pave the way to criminal behaviour." He said this is quite a fact in a society like Nigeria in which there is no adequate provision for social welfare so as to give temporary relief to the unemployed, which can become an instigator for criminal behaviour.

IV. Theoretical Framework

A few theories of crime shall be discussed here to lay the foundation for this research. The practice of age discrimination has far-reaching implications. Some theories here should be able to give us a grand foundational theoretical picture of this social problem.

The strain theory of sociology states that anomie results in society when societal pressure pushes social subjects to deviance. Robert K. Merton, a functionalist, is a disciple of this school of thought. If, as he puts it, it is true that there are institutionalized means of arriving at culturally defined ends, then social subjects live in a society that sets equal goals for its subjects without providing equal means for the attainment of such goals. The truth of this becomes more prominent when we examine critically the social problem at hand: Nigeria shares the common goal of success and expects its citizens to strive towards it, but the very Nigeria puts a stumbling block on the path of some of its citizens by indulging in age discrimination practice. Merton (1968) says "the social and cultural structure generates pressure for socially deviant behavior upon people variously located in that structure" (quoted in Haralambos and Holborn, 2008: 323.) How then can all attain the goal of success when the structure itself puts strain on some of its citizens? This strain put on some of them necessarily pushes them towards deviance and non-conformity. As Merton (1968:672 – 682) explains among others, that deviance is likely to occur when some social subjects accept the cultural goals but cut corners to attain them (innovators) and when some neither agree with the cultural goals nor subscribe to the means of achieving them (rebels).

In a balanced society, equal emphasis is placed upon both cultural goals and institutionalized means. However, in an unbalanced society like Nigeria where more emphasis is placed on goals at the detriment of means, the situation then is likened to a game of cards in which "winning becomes so important that the rules are abandoned by some of the players" (Merton,1968: 672 – 682.).

The Critical Criminological theory, represented by the Marxist criminologists can also help us to understand the social problem under investigation. The Marxist criminologists hold that power, prestige and affluence are key ingredients of influence of the rich in control of the state and its institutions towards the oppression of the poor. Lucky, the main character in Okom's Outside the Gold Circle captures this clearly when he said age barrier placed by government and other employers are meant to frustrate the majority poor. He said, "I think it (age limit) is a way of putting a barrier against poor people like us who often go to school late; who are often affected by . . . (ASUU) strikes, and who find it difficult to get jobs on time." In the book, Lucky saw expressly that, rich men's children who go to school early and who school abroad are not affected by the age discrimination. So, as long as the age discrimination practice lasts, it does not bother the rich.

The Marxist criminologists expose the fact that lack created the capitalist system for the proletariats could force them to crime. Since the poor workers labour so much for the affluent owners of the means of production yet have very meagre returns for their efforts, this scarcity of resources or poverty forces them towards deviance. When the capitalist system denies work to a particular group of persons because of their age, having spent so much for their education with no money left, the likely option is to resort to crime. Poverty has been identified by criminologists as a cause of crime. According to Dambazau (2008: 87), ". . . crimes, such as stealing or theft, burglary, and victimless crimes, such as prostitution, could be the consequence of poverty as a direct cause."

Another theory which gives a foundation to this discourse is the labelling theory in the Symbolic Interactionist perspective of deviance. The chain effect resulting from age discrimination could lead to labelling – a social condition where a social actor is regarded by others as a deviant while in essence the person so referred sees himself otherwise. A job seeker, for instance, who doctors his age through false age declaration, gets caught, is tried in court and goes to prison, comes out and gets labelled by society as an "ex-convict". But the person was only trying to do this for him to get a job to survive; he may never come to the self-acceptance that he is an ex-criminal. This reveals then the maximum harm caused by age discrimination practice. That,

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social groups (government and non-government employers) create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular persons and labeling them as outsiders. From this point of view, deviance is not the quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender". The deviant is one on whom the label has successfully been applied; deviant behavior is behavior that people so label (Becker, 1963:9)

Another Theory of relevance is the Conflict Theory of Criminology, represented by Thorsten Sellin who views crime as a conflict of norms. He says, ". . . groups exist which are more or less in conflict with the dominant community group . . ." (Sellin, 1938: 74.) The complexity created by urbanization and modernity makes group norms of particular subcultures different from the legal normative rules of the mainstream cultural group. This cross border cultural conflict between the norms of the subculture and those of the mainstream culture creates deviance. Age declaration practice by employers is bound to create a sub-cultural group of desperate job seekers whose norm it is to doctor their ages to meet up with the age requirement of employers for employment, the norm of which violates the legal norm of Nigeria as contained in the Penal and Criminal Codes.

V. Methodology

a) Research Design

The study area is the Calabar metropolis of Cross River State. According to Tripod (2016), "Calabar Municipality lies between latitude 04° 15' N and longitude 8° 25' E." The two organisations in the metropolis used as a case study are United Bank for Africa (UBA), representing a non-governmental employer, and the Nigerian Security and Civil Defence Corps (NSCDC), representing a government employer. The key informant interview assisted the researcher in gathering data from respondents. Well-structured interview questions were formulated to elicit appropriate responses from respondents. The purposive and snowball sampling technique was used, as it is the most appropriate in reaching out to the right respondents. The researcher, in purposively locating the organisations, was duly directed to those appropriately placed in the organisations to supply the correct answers to the interview questions.

b) Results/Discussion

When asked whether their organisations had an age policy on employment, both responded in the affirmative. Reacting to the nature of the employment policy on age, UBA said it has two kinds of staff, namely, the frontline staff and service staff. For frontline staff, an applicant must not be more than 27 years while for service staff an applicant must not be more than 30 years. The NSCDC equally says it has two kinds of workers: for the rank and file, an officer must be between 18 – 25 years, while for officers' level an applicant must be between 22 – 35 years of age. They both say the age policies of their organisations are not public documents, but only accessible to their workers. They both agreed that their age policies have made some desperate applicants to falsify their ages, since they would not be employed otherwise. They both agreed that age falsification is a crime and a problem of immediate concern for Nigeria, but they said they had not prosecuted some defaulters they detected during their screening exercises because they knew they (the guilty applicants) were only trying to survive. They both agreed that late schooling and strikes in higher institutions are contributory factors to false age declarations, so defaulters should not be blamed. They added that age falsification is a normal thing in Nigeria, anyway.

The researcher tried to get court cases of those who had been convicted and sentenced, but the high court visited said it had not had such cases. This points to the fact that the laws on false swearing on age are blue laws; such should be struck off the law books by legislators.

VI. Recommendations

1. Government legislators should enact laws against age discrimination. This has become necessary, bearing in mind that age discrimination policies are against the tenets of the Nigerian Constitution, which should not be the case. All subsidiary laws must be in line with the Constitution, which is the grand norm of the country.
2. The government should deemphasise paid jobs and encourage private ownership by providing soft loans for the unemployed to start their own businesses, which will go a long way to check age falsification because of paid jobs.
3. The government should create enough jobs to take care of the volume of graduates coming out of school, which will help applicants to get jobs on time before they expire into over-agedness.
4. All government establishments engaged in age discrimination should desist from this practice, thereby setting an enviable example for establishments in the private sector which may want to indulge in age discrimination.
5. The government should have a unified pool of national information about every citizen in Nigeria, which will include their ages, so that when once given and entered into the pool, any person willing to falsify his/her age will be discouraged, since they know that they would always be found out.

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VII. Conclusion

The Constitution is founded on the principles of equality and justice to all, irrespective of age, colour, sex, religion, ethnicity, etc., reason being that those who conceived the Constitution believe that all men are created equal. Discrimination based on age is a form of injustice that has gone on unpunished for years in Nigeria. The time has come for government employers and other stakeholders to respect the noble ideals of the Constitution and defend them in word and deed.

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