

Industrial Disputes and the Efficacy of Collective Bargaining in public and private organisations in Nigeria

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Abstract

The number of industrial disputes in Nigeria is on the increase in the face of continuous collective bargaining. The efficacy of collective bargaining as instrument par excellent for resolving and obstructing the incidence of industrial disputes in the country has therefore rise divergent opinions. Some industrial relations experts are of the view that collective bargaining remains the best way of resolving disputes and promoting industrial peace in Nigeria, while many more opposed this position. This paper therefore examines the effect of collective bargaining on industrial disputes in Nigeria. To achieve this objective, we sourced data/information from Ministry of Employment Labour and Productivity, Central Bank of Nigeria and other relevant publications. Data obtained were analysed and presented in graft, table and chart. In the course of our analysis, we observe that, despite the introduction of collective bargaining as a significant major tool for resolving and reducing the incidence of industrial disputes in Nigeria, the waves of industrial disputes continues to increase and fluctuate with time throughout the country. This suggests that collective bargaining cushions' industrial disputes but does not totally remove conflict in work organisations and work community. We argue that the increasing incidence of industrial disputes and the seemingly inability of collective bargaining to resolve them in Nigeria is occasioned by management refusal to implement collective agreement, attitude of participants, skills of negotiators and mediators, public policies, unions' and employers' mandate. We recommended among others that mediators and other negotiators should follow strictly the principles of collective bargaining; and that management should ensure the letter-to-letter implementation of collective agreements.

Keywords: Industrial Disputes, Collective Bargaining, Public and Private Organisation, and Industrial Harmony.

INTRODUCTION

Industrial crisis are endemic in industrial society (Ratnam, 2007). In Nigeria these disputes have assumed unprecedented proportions after the civil war (Fashoyin,

1999) and in most recent time the country is witnessing another huge increase in the number of industrial conflicts (Okene, 2008). Industrial disputes obstruct socio-economic growth and development of countries and Nigeria is no exception. This

is because *harmonious and stable labour relations environment cannot be over-emphasized as healthy labour-management relations are sine qua non to the development process in the nation's economy* (Eroko, 2012:1). Despite this truth, the waves of industrial disputes in Nigeria is sky rocketing; likely because when people (management and employees) works together in an enterprise, a number of different interests are found, some are shared, while others are opposed. Those interests that shared promote industrial harmony, while those opposed triggered industrial disputes (Crouch, 1977).

Importantly, although management and employees depends on one another to achieve their objectives, this relationship is often characterise by hostility, bitterness, and mutual antagonism. This is because unceasing power struggle characterised the relationship between dominant and subordinate class in formal organisations (Cascio, 1992; Otobo, 2000). Again, the complexity of formal organisation, the different backgrounds of workers, in terms of needs, goals, skills, talent, status, aggressiveness and other diverse attributes of employees and management makes conflict inevitable in formal organisations (Umoren, 2001; Jaja & Umezuruike, 2004). This implies that no formal organisation regardless of its size, nature of operation is immune from industrial dispute (Buker, 1999); and no organisation is so excellent and successful that is immune from internal conflict (Kaye, 1994; Buker, 1999).

Consequently, labour and management, as well as owners of means of production have

develop a web of rules to govern their day-to-day interactions so as to promote harmonious relationship between them (Dunlop, 1958). Different conflict handling mechanisms has also been develop to minimize the occurrence and reoccurrence of industrial disputes (Chukwudike, Undated). In Nigeria as in other parts of the world, collective bargaining, work-floor democracy and other grievance management procedures was introduce to reduce the incidence of industrial disputes. Despite these innovations, industrial disputes seem to be assuming unprecedented level in Nigeria. The concern of this paper therefore, is to assess the effect of collective bargaining on industrial disputes in Nigeria. Consequently, the rest of this paper would be organize in the following sequence:

1. Theoretical review on industrial disputes
2. Conceptual explanation of industrial disputes
3. Yardstick for assessing industrial disputes in formal organisations
4. Effect of industrial disputes in public and private organisations
5. Mechanisms for resolving grievance/industrial disputes in Nigeria
6. Meaning and nature of collective bargaining
7. Evolution of collective bargaining in Nigeria
8. Collective bargaining and the incidence of industrial disputes in Nigeria
9. Factors that obstruct the efficacy of collective bargaining in public and private organisation in Nigeria
10. Recommendations
11. Conclusion

THEORETICAL REVIEW ON INDUSTRIAL DISPUTES

There are significant numbers of theories that attempt to explain industrial disputes in work environment or community. A critical review of some of these theories was attempted. They include the Marxist theory, the competitive, pluralistic, and distributive theories, structural theory and the unitary theory of industrial disputes. The Marxist/Radical theory has its origin from the works of Karl Marx, F. Engels, V. Lenin, and L. Trotsky. It posit that the nature of the capitalist society where there is basic division of interest between the owners of means of production (the capitalist) and labour (workers) informs industrial disputes. This is because the nature of capitalist economic system creates inequalities of power and economic wealth between labour and capital. Under such arrangement, industrial disputes are inevitable and natural; they are the natural ways workers express their dissatisfaction with the capitalist system. Close to the Marxist theory is the competitive theory, which argue that industrial disputes are occasion by divergent or distinctive goals that exists between employees and employers. These goals essentially opposed one another; and create an avenue for distrust and lack of harmonious or effective communication; making industrial disputes unavoidable at work place and work community.

Similarly, the pluralistic and distributive theories of industrial disputes are associate to the Marxist and competitive theories. The pluralistic theory holds that the work environment (organisation) is made-up of powerful and divergent sub-groups

(management and unions), each with its own sets of goals, objectives, leadership, and loyalties. Conflicts occur within the organisation as each sub-group tries to impose their goals, objective and aspiration on others groups. The Pluralistic perspective beliefs that industrial conflict can best be resolved through collective bargaining. On the other hand, distributive theory of industrial dispute posit that conflict occur in work organisation or environment because of poor rewards to work. The dissatisfaction among workers over poor-compensation or remuneration inform agitation or anger, and could lead to large-scale industrial conflict. This suggests that collective bargaining geared towards resolving poor-wages among workers could significantly reduce the incidence of industrial disputes in formal organisation and work community.

Structural theory of industrial disputes posit that conflict occur because of organisational structure. That is, organisations that are poorly design or structured could inform industrial dispute. This is because such structure/design hinders proper flow of information between management and workers. Establishing well-designed organisational structure is quintessential to reducing or resolving industrial disputes in work community or environment (Paxton, 1991).

The Unitary theory of industrial conflict provides a contrast perspective from the Marxist, competitive, pluralistic, structural, and distributive theories. The Unitary theory views the organisation as *one happy family* where members share the same goal interest and aspiration. This implies that,

management and employees shares common purpose and operates within the principles of cooperation and understanding. It suggests that the organisation is an integrated and harmonious entity where conflict is avoidable. *Unitarism* posit that trade unions are not necessary since there would be no conflict between management and labour. It holds that loyalty of employees to management and the organisation is mutually exclusive and total. However, *Unitarism* acknowledged that industrial conflict is destructive and could impede goal attainment of organisations as well as obstruct socio-economic development of society. Thus, cooperation between management and labour is vital to ensure industrial harmony at work floor and work community.

CONCEPTUAL EXPLANATION OF INDUSTRIAL DISPUTES

Industrial dispute means the differences between employees and employers emanating from employment and/or non-employment terms (Mamoria, Mamoria & Ganker, 2009). It is a total range of behavioural and attitudinal expression of opposition and divergent orientation between employees and employer. It arises from perceived incompatibility of actions, goals and interest between labour and management leading to antagonistic relationship (Onyeonuru & Bankole, 2001). It entails disagreements between employer of labour and employees over terms of employment (Szilagyi, 1981).

Industrial disputes are cause by external and internal factors in the industrial relations system. Internal factors include management

style, nature of workplace, promotion policies, and grievance procedures among others (Otobo, 1982; Ratnam, 2007). External factors include economic policies, political change, economic depression, culture, and technological change (Otobo, 1982, Agba, 2007). Similarly, Kiggundu (1988) argue that the external environmental factors pervade labour-management relations. Consequently, any research that focuses on internal factors at the expense of external ones, will only provide a one sided view of the causes of disputes and would produce ideas that are generally found to be inadequate for organisations to relate effectively with their environment.

Communication could also pose a challenge to industrial harmony. Communication here entails the transfer of information, ideas, understanding, and feeling either vertically or horizontally within the organisation and its environment. Poor communication between labour and management impedes peaceful relationship between employees and employers (Mondy & Premeaux, 1993). Poor leadership style affects employees' intrinsic job satisfaction and could influence negatively on workers attitude to management. When workers are not satisfied with leadership style, conflict becomes inevitable. Appropriate leadership style is therefore a potent tool in ensuring harmonies labour management relationship (Ushie, Agba, Agba & Chime, 2010; Ushie & Agba 2010).

YARDSTICK FOR ASSESSING INDUSTRIAL DISPUTES IN FORMAL ORGANISATIONS

Absence of strikes, lock out and other industrial actions should not be the only guide for assessing the amount of industrial disputes or grievance in work environment or community; this is because, in every establishment, parties in labour relations have their different goals and objectives. Employees need high remuneration, conducive work environment, and job security, while management employed the services of employees to further the business or commercial objectives of the organisation (Cowling & Mailer, 1990; Ushie & Agba, 2010). Consequently, the ultimate test for industrial peace is whether the existing labour relations are conducive or supportive enough to enable the organisation to achieve its set goals or aspirations in a short or long term. The pertinent questions to consider are whether labour-management relations is helping or hindering the achievement of high level of productivity and reduce turnover as well as create an atmosphere that supports the presence of a committed and dedicate workforce (Cowling & Mailer 1990).

Low level of conflict is therefore not a significant pointer that labour-management relation is satisfactory. It is possible for low level of conflict to exist alongside with inflexible working condition, which places the employer on advantage over employees. Such condition or atmosphere could remarkably impede labour opposition to management (Cowling & Mailer, 1990).

EFFECT OF INDUSTRIAL DISPUTES IN PUBLIC AND PRIVATE ORGANISATIONS

There are diverse effects of industrial conflict on the Nigeria society. It ranges from positive to negative consequences. Industrial conflict provides for freedom of expression among workers and employers, thereby prohibiting increase and accumulation of strong antagonism between employees and management. It could serve as avenue for the integration of union members.

Industrial conflict plays constructive role in the stability of formal organisation and the industrial relations system. It provides the mechanism for identifying and balancing social differences within an establishment. It leads to stability or equilibrium of formal organisations. The right amount of conflict could enhanced productivity while too much of conflict could reduce or lead to decline in organisational output.

Dubrin (1992) argue that industrial conflict could lead to the discovery of hidden talents among employees and management. This is because when people faced conflicting situation, they became more innovative than they would be in normal or tranquil situation. For instance, when a unit in an establishment is contending with management, worker in that department will provide concrete explanation to management on why their services are inevitable in the organisation. Innovative ideas could be form and put across to management on how to improve the unit's contribution to the entire organisation.

Industrial disputes affect society. It is responsible for the epileptic school system in Nigeria, ailing industries, low economic

growth, and development. Industrial disputes affect the proper functioning of the health sector in Nigeria leading to many deaths. Industrial crisis in tertiary institutions in Nigeria is also responsible for the production of half-baked graduates in the country. On the positive side industrial conflict, have help in reviewing government policies on frequent hike in fuel price and other socio-economic issues that would have posed untold hardship on the Nigerian masses.

MECHANISMS FOR RESOLVING GRIEVANCE/INDUSTRIAL DISPUTES IN NIGERIA

Conflicts are inevitable in labour relations. They form an integral part of the industrial relations system (Imhabekhai, 2001). Thus, management must learn effective means of resolving industrial conflict and such mechanism should be built on the underlying philosophy of win-win (Dubrin, 1992). This is because, the philosophy of win-win emphasized that, after industrial conflict has been resolved, both parties should gain something of value (Mondy, Noe & Premeaux, 1999).

In Nigeria, there are two major approaches to industrial dispute resolution; these include internal and external mechanisms (Fashoyin, 1999; Otopo, 2000). Internal mechanism deals with pre-agreed and self-imposed understanding between management and labour to resolve their grievances bilaterally without a third party (Dubrin, 1992; Otopo, 2000). Section three (1) of the Trade Dispute Act of Nigeria supports internal settlement of industrial disputes. The section stipulates that, all internal mechanisms must be

exhausted before conflicting parties can resort to statutory procedures; this is because internal mechanism allows for easy resolution of conflict through bilateral negotiation. However, internal machinery is often difficult to apply in government establishment when wage issues are involved. The reason is that, government establishes independent wage commission to determine the remuneration of workers. Under this condition, tripartite negotiation is inevitable; thus making internal machinery for settling industrial dispute in government establishments or institutions an up-hill task.

External machinery involves a third party in ensuring the settlement of disputes between employees and employer/management (Otopo, 2000). It is employed when parties in disputes have exhausted the internal machinery and impasse still occurs. An impasse is recognize only when the Minister of Employment, Labour and Productivity is satisfied that the grievance procedure has been strictly followed without solution. External machinery includes- mediation, inquiry board, conciliation, arbitration, and industrial court (Imhabekhi, 2001).

Mediation requires parties in disputes to submit their grievance to a mutually agreed mediator, who has no binding authority but could assist conflicting parties to resolve their dispute through collective bargaining. The mediator assists in scheduling meetings and keeps conflicting parties talking until their differences are resolved (Simikin, 1971; Holley & Jennings, 1988; Hodgetts & Luthans, 1997). Conciliation strategy occurs where the third party supports the direct bipartite negotiation between management

and employees to enable them identify the causes and extent of their differences and established alternative solutions that would be mutually acceptable by contending parties (Salamon, 1998). Conciliation according to Fashoyin (1999) is the most widely used third party interventionist strategy in Nigeria and many disputes are settled at this level.

Arbitration strategy entails judgment. It includes procedures where direct negotiation between employees and employer is replaced with adjudication process involving the third party. Here, a special labour court settles disputes between contending parties. Section 7 of the Trade Disputes Decree of 1969 established the Industrial Arbitration Panel (IAP); and saddled the panel with the responsibility of arbitration in Nigeria. At arbitration level, bilateral negotiations are concurrent with the panel procedures. When disputes are settled through bilateral negotiations, the panel confirms the agreement as its award. On the other hand, the National Industrial Court (NIC) is the last stage in industrial grievance procedures in Nigeria. The court has exclusive jurisdiction to make awards on industrial issues before her.

It is regrettably lugubrious that despite the existence of standard grievance procedures in Nigeria, parties in disputes hardly follow these mechanisms. Employers especially governments often disregards verdicts from NIC because of the court's constitutional powers are weak. Consequently, most trade unions are reluctant utilizing the highest court (NIC), and this prolongs most industrial disputes in the country.

MEANING AND NATURE OF COLLECTIVE BARGAINING

Collective bargaining is the whole gamut of relationship in which the representatives of employees and employers negotiate and agree on terms of employment (Rollinson & Dundon, 2007). It is the process of arriving at or attempting to arrive at collective agreement between representatives of labour and management (Fashoyin, 1999; Fajana, 2002). It includes the process in which unions, as designated representatives of workers in a given unit, negotiate terms of employment with appropriate employer (Fajana, 2000). It entails the performance of mutual obligation of designated representatives of workers and employers to meet at reasonable time and center in good faith with respect to terms of employment, which include wage, hours, and other condition of service (Mondy, Noe & Premeaux, 1999). It involves consultation and communication between a single employer or an association of employer and employees with the purpose of reaching agreement that regulates the terms and conditions of employment (Mamoria, Mamoria & Gankar, 2009).

Collective bargaining includes all forms of negotiations under mutual understanding that takes place between representatives of employer or group of employers and workers organisations, with the aim of determining working conditions, regulate relationship between employers and workers, and other terms of employment (Ratnam, 2007). Collective bargaining constitutes one of the several mechanisms for handling industrial disputes in Nigeria (Fashoyin, 1999). It is the most viable

means through which employees participate in decision-making; it is the bedrock of industrial democracy and peace. Collective bargaining cushions industrial conflict but do not totally remove disputes in labour-management relations. It fosters reconciliation and settlement among conflicting group or groups. It establishes industrial jurisprudence in workplace by establishing rule and regulations that govern both management and employees conduct and interactions in formal organisations (Otobo, 2000; Fajana, 2002).

Although, collective bargaining is geared towards reaching mutual/collective agreements that would promote industrial peace; in Nigeria the situation is different. Fashoyin (1999) argue that between 1960 and 1970, an average of six per cent of reported industrial disputes are caused by non-implementation of collective agreements between labour and management. Similarly, Agba (2007) observed that non-implementation of agreements between Academic Staff Union of Universities (ASUU) and the federal government is largely responsible for the waves of industrial disputes in Nigerian Universities. This implies that collective bargaining may cushion industrial disputes but non-implementation of collective agreements; could further the frontiers of industrial disputes.

Despite the existence of collective bargaining in Nigerian tertiary institutions and other organisations alike, the proportion and magnitude of industrial disputes are on the increase. ASUU University of Calabar Branch (2003) posits that collective

bargaining or collective agreements are not the problem but implementation of collective agreements constitutes a high profile challenge to industrial harmony in Nigeria Universities.

Collective bargaining has been a means for wage determination in Nigeria; however, the very process of this mechanism obstructs to industrial harmony. The establishment of Independent Wage Commissions by government to determine the salaries and wages of public sector workers makes the method complex and antagonistic, comprising of three combative players- the government, labour unions and employers. This mechanism makes strikes and other industrial actions inevitable. According to Mamoria, Mamoria and Dankar (2009), it is easier for agreements to be reached through bipartite negotiation than tripartite process. The third party, which is government, may prolong negotiation between labour and management, making workers to run out of patients, and making them to employ other forms of industrial tools to compel management/government to meet their demands. The very purpose of collective bargaining was defeated in 2000 when President Obasanjo unilaterally reviewed wages of workers in the civil service from 25 percent to 12 per cent. This act and other similar ones are responsible for most strikes in Nigeria (Nigeria Labour Congress, 2009).

EVOLUTION OF COLLECTIVE BARGAINING IN NIGERIA

Collective bargaining in Nigeria begins in the public sector (Ogunduboye, *et al.*, 2001); this is because of the near absence of large-scale private organisations sector many

years before the country's independence in 1960. The earliest evidence of large-scale private sector organisations were British Bank of West Africa and Royal Niger Company; however, these companies were not unionized until 1942 and 1946 respectively. In the public sector, the establishment of the *provincial wage committees* in 1937 marked the first ever-recorded joint negotiation in the country. Agitation from workers who were dissatisfied with the unilateral nature of the negotiating committees informed the expansion and inclusion of workers' representatives in the *provincial wage committees*. According to Fashoyin (1999), the expansion and inclusion of workers' representatives in the *provincial wage committees*, which exclusively composed of government officials before 1942, marked the beginning of real collective bargaining in Nigeria.

The industrial disputes of mid 1940s and perhaps the general strike of 1945 informed the introduction of the Whitley Council patterned after the British System in 1948. The morphology of the entire council was divided into three: the first was to cater for negotiations that relates to senior staff; the second was for junior and the third was saddle with the responsibility of bargaining issues that concerned industrial or technical employees. The seemingly inability of the Whitley Council to settle the many issues of industrial relations in the country and the quest by government for a more harmonious work relationship in the public sector occasioned the establishment of the Udoji Commission in 1974.

The private sector however witnessed a slow growth of collective bargaining up to 1947. Consequently, the Department of Labour made serious efforts to establish in every private organisation that employs a minimum of seven workers a reliable mechanism for constant negotiation between the employer and the workers representatives or union. The expansion of the private sector in the late 1970s and 1980s and its accommodation of more staff/employees accelerated the growth of unions and collective bargaining in that sector. Imoisili (1986) has argue that the private sector in the 1980s employed over 35 per cent of Nigerians and was a prime major player in Nigerian's economy. This scenario, coupled with the establishment of Nigerian Employers' Consultative Association (NECA) and Workers Union, expanded the frontiers of collective bargaining in the private sector. Imoisili further observed that both employers and employees fall under the nine (9) major industrial groups in the organized private sector in Nigeria as depicted in Table 1, were members of NECA in March 1984 and all members of NECA belief in the use of collective bargaining as a significant tool for promoting industrial harmony. In the public sector, government and employees also belief in the importance of collective bargaining in curtailing industrial disputes; and enhancing industrial peace.

Nine (9) Major Industrial Groups in the Private Sector in Nigeria

Industrial Group	No. of Companies
	Membership of NECA
Construction and Civil Engineering	28
Chemical and Non-Metallic Product	79
Food, Beverage and Tobacco	51
Banking, Insurance, Finance and related institutions	45
Metal Products, Iron and Steel	45
Precious, Electrical and related equipment	43
Petroleum and Natural Gas	48
Shop and Distributive Trade	53
Automobile, Boatyard and Transport Equipment	26
Total	418

Source: Adopted from I. C. Imoisili (1986:61)

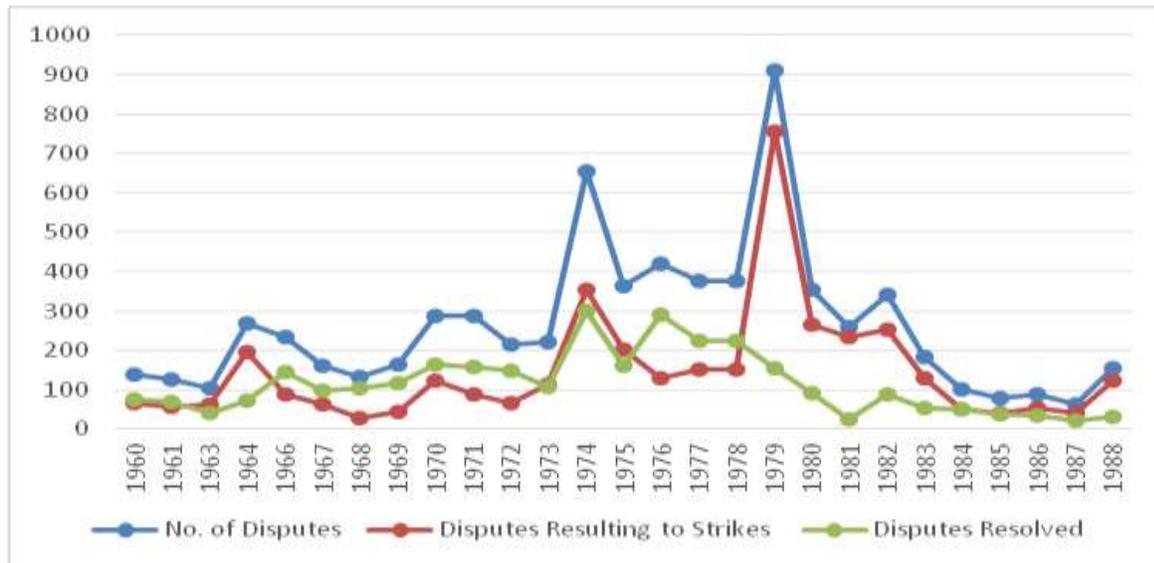
Despite the country’s adherence to collective bargaining since the 1940s, first in the public sector and later in the private sector, industrial disputes continued to be in a state of constant fluctuation. Consequently, we argue in this paper that, collective bargaining do not totally remove industrial dispute, but could help minimize its spread. We posit that the increasing rate of disputes in the face of collective bargaining in Nigeria could be informed by the dynamics of society and the changes that occurred in negotiable and non-negotiable items. Attempt is made in subsequent sections to prove this claim.

COLLECTIVE BARGAINING AND THE INCIDENCE OF INDUSTRIAL DISPUTES IN NIGERIA

We critically examined existing data on industrial disputes in Nigeria from 1960 to

2007 in this section. Information were sourced from Federal Ministry of Employment Labour and Productivity; Central Bank of Nigeria Statistical Bulletin Volume 17 of 2006; Central Bank of Nigeria Annual Report and Statement of Accounts. The data revealed that more than 50 years of the existence of collective bargaining in both the public and private sectors in Nigeria, industrial disputes still remains a recurrent decimal. In 1960 for instance out of 140 disputes, only 75 were resolved through collective bargaining and few via other grievance procedures without resulting to strike. Similarly, in 1961, only 69 disputes were resolved out of 127 disputes. This trend continued throughout the 1960s (see figure 1 for details).

Figure 1: Trade Disputes and Strikes, 1960-1988



Source: Federal Ministry of Employment Labour and Productivity Annual Reports, Quarterly Reviews, Central Bank of Nigeria Annual Report and Statement of Accounts; T. Fashoyin, (2nd ed.) *Industrial Relations in Nigeria* 1999, Lagos: Longman.

Figure 1 further revealed that, the number of industrial disputes increased in mid and late 1970s. For instance in 1974 out of 655 disputes, only 301 were resolved through collective bargaining and a few others through legal procedure and this reduced the incidence of strikes in that year. In 1979, only one hundred and fifty-five (155) industrial disputes were resolved through collective bargaining out of 910 disputes. Consequently, 755 strikes were recorded in the same year. However, between 1984 and 1987 there was a significant drop in the number of industrial disputes from 100 disputes to 63. Despite this drop, collective

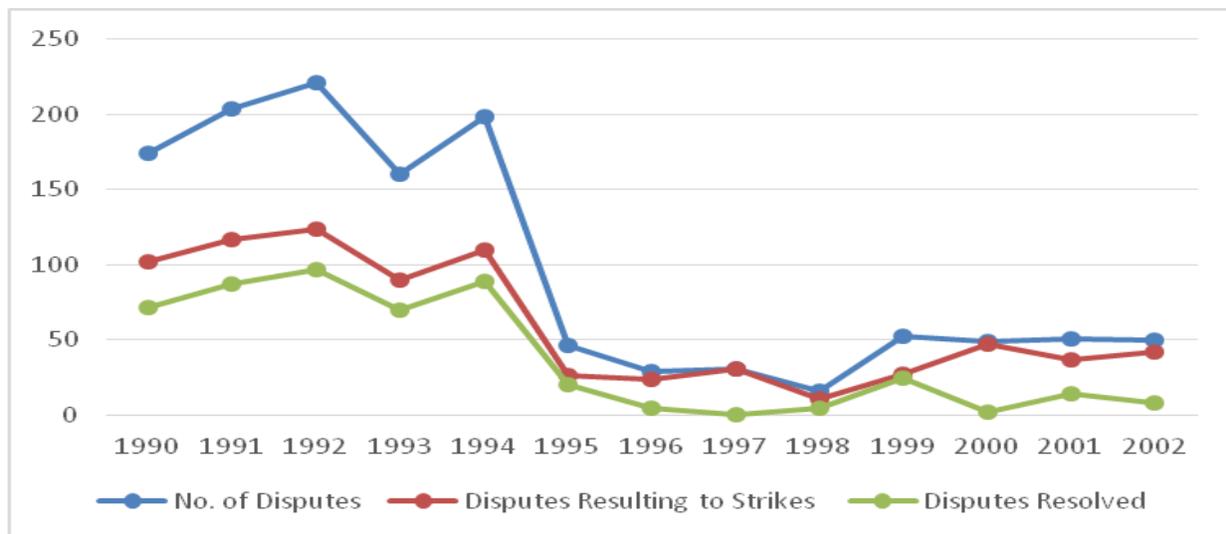
bargaining could only curtail a few number of strikes as depicted in figure 1.

The rate of industrial disputes, in the 1990s as depicted in figure 2 was relatively low as compared to other years. However, the fluctuating characteristics of these disputes were also visible. For instance, industrial disputes increased from 174 to 221 between 1990 and 1992. It dropped to 160 in 1993 and increased the next year to 199. There was a significant reduction in 1998 to about 16 disputes; and by 1999, it increased to 52 disputes. Disputes resolved as depicted in figure 2 shows that in 1990, out of 174 disputes, collective bargaining enable trade/labour union to resolve 72 disputes

while 102 disputes led to work stoppages. In 1992, a total of 124 work stoppages was recorded out of 221 disputes, meaning only 97 industrial disputes were resolved through the instrument of collective bargaining.

There was however, a remarkable failure in 1997, where 31 disputes were witnessed and 31 resulted to work stoppages making collective bargaining grossly ineffective.

Figure 2: Industrial Disputes Statistics in Nigeria (1990-2002)

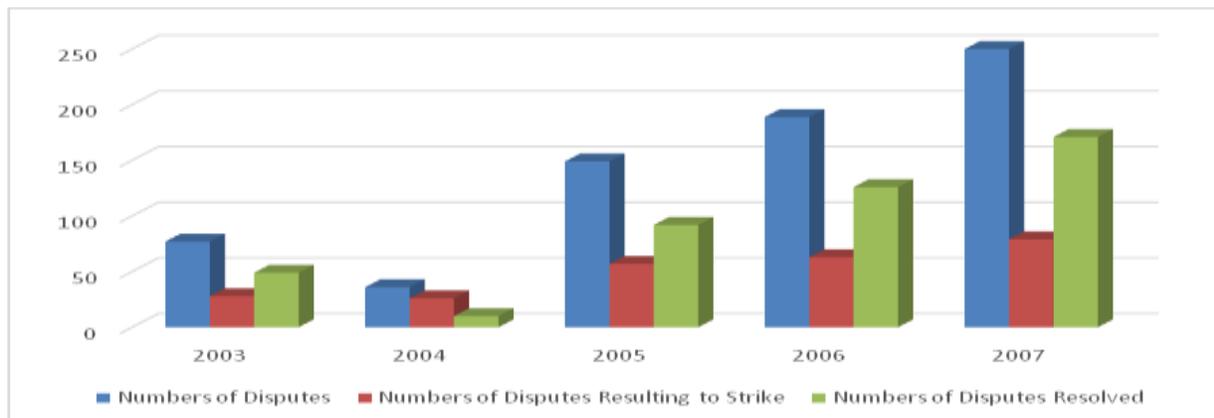


Source: CBN Bulletin vol.17 (2006), Federal Ministry of Employment Labour and Productivity; A. A. Awe and K. R. Ayeni (2010), Empirical Investigation into Industrial Relations and National Productivity in Nigeria, *Ozean Journal of Applied Sciences*, 3(3) P. 336.

Figure 2 further revealed that, out of 49 disputes in 2000, only 2 disputes were resolved while 47 led to strike or work stoppage. In the same vein, 14 disputes were resolved out of 51 disputes in 2001 while 8 were resolved out of 50 disputes in 2002. Figure 3 also shows that industrial disputes increased from 77 in 2003 to 250 in 2007. It further revealed that, 49 disputes were resolved out of 77, and 10 out of 36 disputes in 2003 and 2004 respectively. It shows that 92 disputes were resolved in 2005 out of 149, while 57 led to strike. In 2007, over 79 strikes were recorded out of 250 disputes,

while 171 disputes were resolved through collective bargaining or other grievance settlement mechanisms.

Figure 3: Summary of Industrial Disputes in Nigeria (2003-2007)



Source: Federal Ministry of Employment, Labour and Productivity, Abuja. S. Fajana (2010), Decent Work Deficits in Nigeria: A Constituents’ Consensus, available at: <http://www.ilo.org/public/english/irra/documents/.../decentworkdeficit.pdt>

Preceding analysis as presented in figures 1, 2, and 3, suggests that the efficacy of collective bargaining in reducing the incidence of industrial disputes and the reoccurrence of strikes in Nigeria fluctuates in both private and the public sectors. It suggests that collective bargaining cushions industrial disputes but do not eradicate its occurrence in work relations. It shows that industrial disputes are inevitable in industrial society and that collective bargaining is remarkably significant in cushioning conflicts and reducing their effect in the private and public sectors. It implies that, in the absence of collective bargaining, industrial disputes and its effects on the socio-economic and political development of Nigeria could assumed incredible height.

FACTORS THAT OBSTRUCT THE EFFICACY OF COLLECTIVE BARGAINING IN PUBLIC AND

PRIVATE ORGANISATIONS IN NIGERIA

The preceding section of this paper, revealed that, despite the introduction of collective bargaining as a significant major tool for resolving and reducing the incidence of industrial disputes in Nigeria, the waves of industrial conflict continue to increase and fluctuate with time. This shows the weakness of collective bargaining in settling and obstructing the occurrence and reoccurrence of industrial conflict in the country. In this section, we advanced a number of possible reasons for the relatively non-performance of collective bargaining in the country. These include – the dynamic nature of society, the unique circumstances of organisations, and attitudes of participants in collective bargaining process, skills of negotiators and mediators, unions and employers’ mandate, and the changing characteristics of items in negotiation list among others.

Society provides the operational environment for collective bargaining process. The dynamics within this environment in terms of public policy, significantly affects the effectiveness of collective bargaining in the peaceful settlement of grievance in work community. Public policy also influence items in the negotiation list and could prolong grievance settlement procedures and provoke further workers agitation and dissatisfaction. The frequent change of items in negotiable and non-negotiable list, could account for the ineffectiveness of collective bargaining in Nigeria. Over the years, especially from 1967 to 2010, the number of items in negotiable list has significantly increased. The evolutionary growth and frequent change in negotiable items demands a number of skills and experience from both mediators and employees; and this could obstruct the effectiveness or immediate resolution of conflict using collective bargaining especially when such changes occurs when negotiations are ongoing. Fashoyin (1999) observed that, between 1967 and 1982 alone, items in negotiable and non-negotiable list were changed five times and this significantly affected negotiating strategies of both management and employees and was responsible for some delay in resolving industrial disputes.

Incompetent and inexperienced negotiators and mediators at the bargaining table could have accounted for the ineffectiveness of collective bargaining in resolving and reducing the incidence of industrial disputes in Nigeria. This is because collective bargaining requires professionals, who are able to conduct themselves in accordance

with strategic plans and arrive at mutual agreement. It suggests that parties involve in collective bargaining should be knowledgeable on key factors that affects negotiating processes in the country. For instance, negotiators are widely expected to restrict themselves to the mandate and authority governing the conduct of mediators and unions throughout the course of collective bargaining.

Unwieldy or protected legislative could either increase or reduce the incidence of industrial disputes, despite the application of collective bargaining at workplace or work community. Actions of adhoc committees or tribunals on trade disputes could likely be responsible for the risk of work stoppage or increase in trade disputes. This occurs more frequent when mediators are unskilled or inexperienced on labour issues and causing change in the timing of collective bargaining. Legislative delay for instance, has severally cause negotiations to exceed time limits or period set by unions for their grievances to settle; once such demands are not met within the timeframe, work stoppage becomes inevitable. Again, inadequate communication flow between mediators and polarisation of issues among others might have significantly contributed to the fluctuating incidence of industrial disputes in Nigeria even when collective bargaining is operational. This suggests that, pragmatic steps need to be taken to strengthen the efficacy of collective bargaining and make it instrument par excellent an inevitable major tool and vital mechanism for resolving and reducing the incidence of industrial disputes in Nigeria.

RECOMMENDATIONS

We paper proposed the following recommendations:

1. Management should respect and implement collective agreements reached between employees and labour unions or workers.
2. Grievance procedures should be well stated in formal organisations. Both management and employees should ensure that these procedures are strictly followed during collective bargaining or grievance settlement process.
3. Management should adopt democratic principles. This will allow for effective workers participation in decision-making and thus reduce the friction in policy implementation and industrial disputes arising from unacceptable management policies.
4. We recommend that government should properly scrutinize public policies to ensure that they do not obstruct industrial harmony before such policies are implemented in the country.

CONCLUSION

Collective bargaining is instrument par excellent for resolving industrial disputes the world over. It allows for industrial democracy and employees participation in decisions making. It promotes harmonious relationship between management and employees, and enhances productivity in formal organisations. Unfortunately, in Nigeria the benefits of collective bargaining are yet to be reaped. Probably because the principles of collective bargaining is yet to be fully abide to; for instance, collective agreements reached between management and labour are hardly implemented. This

practice among others factors have remarkably impeded and bedevilled the efficacy of collective bargaining as vital tool in industrial conflict resolution in the country. Consequently, the incidence of industrial disputes continue to gallop and spray with time throughout the country; and this significantly accounts for the low level of outputs of must organisations in the private and public sectors of the Nigerian society. To resolve this crisis requires collective efforts of stakeholders. We therefore, recommended among others that management and labour alike should adopt and abide to the precepts of collective bargaining for harmonious working relationship and increased productivity in Nigeria. We propose that parties in industrial relations should respect and implement to the letter mutual agreements reached through collective bargaining.

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