



**Dissertation**

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**Economic Conditions and Industrial Conflict in  
Nigeria: a Comparative Study of PRE and Structural  
Adjustment Periods, 1981-1992**

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**ECONOMIC CONDITIONS AND INDUSTRIAL CONFLICT IN NIGERIA:**

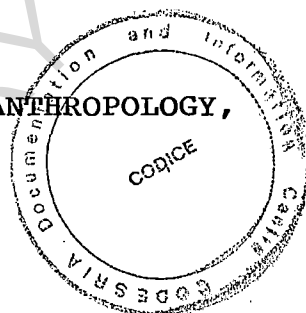
**A COMPARATIVE STUDY OF PRE AND STRUCTURAL ADJUSTMENT**

**PERIODS (1981-1992)**

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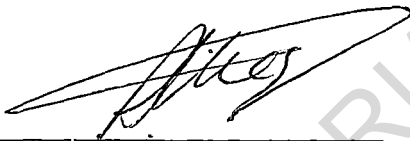
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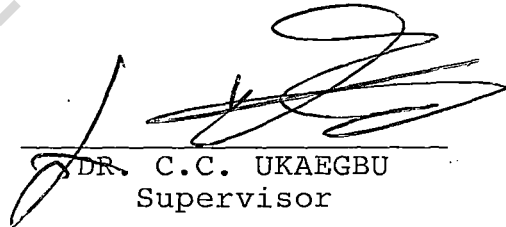
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CERTIFICATION

Anugwom, Edlyne Ezenongaya, a Postgraduate Student in the Department of Sociology and with Reg. No. PG/M.Sc/91/12155 has satisfactorily completed the requirement for course and research work for the degree of M.Sc. in Sociology. The work embodied in this project is original and has not been submitted in part or full for any other diploma or degree of this or any other University.



PROF. D.S. OBIKEZE  
Head of Department



DR. C.C. UKAEGBU  
Supervisor

DEDICATION

To my mother  
She's wonderful

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## ACKNOWLEDGEMENT

I'm eternally grateful to my supervisor, Dr. C.C. Ukaegbu, whose painstaking thoroughness and patience were invaluable in the completion of this work. Credit goes to Dr. E.E. Uwakwe who was also very instrumental to the completion of the work. I also acknowledge the interest shown in this endeavour by my Head of Department, Prof. D.S. Obikeze.

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## ABSTRACT

This study mainly investigated the effects of economic conditions on industrial conflicts in Nigeria. Broadly, two economic periods were covered. The tools of investigation were the documentary and unstructured interview methods. It was discovered that the level of conflicts at any given time is affected by the economic condition at that time. Precisely, the pre-Structural Adjustment Programme period witnessed more conflicts than the Structural Adjustment Programme period. Also the private sector employers reacted to the worsening economic condition by increasing wages, while public sector workers were almost stagnated on one wage level. Moreover the private sector witnessed more industrial conflicts than the public sector. Militancy of the workers was found to have been dulled by the presence of the military. It is believed this was due to patriotism on the part of labour and also the use of repression by the military. Generally, while the use of collective bargaining especially in the public sector was not encouraging, there was an appreciable use of voluntary conflict resolution mechanisms.

## CHAPTER ONE

### INTRODUCTION

#### PREAMBLE

Conflict between management and labour is a universal phenomenon in industrial and industrializing societies. Right from the inception of organized labour in Nigeria, the interests of the working class have often differed from those of management. While management aims at minimising expenditure, paying as little as possible to labour and conserving funds, labour on the other hand aims at earning as much as possible. As a result of this diametric opposition which cuts across other issues in an industrial relations setting, the relationship between the two groups is inherently conflictual in nature.

However both labour and management have an interest in the continuity of the production process since the two stand to gain even though differently. Hence the conflicts between the two do not just arise out of mere whim. Neither are they carried out with the sole purpose of disrupting totally the production process. Thus the relationship between labour and management is usually formalized and based on mutual interests. As Fashoyin (1980) has argued, in spite of their disputes both parties are committed to the

continuation of the production process. This is because the survival of the business organization enables them to achieve their private goals.

Following the global economic recession of the 80's, the Structural Adjustment Programme (SAP) was recommended by the International Monetary Fund (IMF) as the appropriate cure for the worsening economic situation in many African countries. Some African nations including Nigeria adopted the programme in order to escape from economic doldrums. While this study will not assess the effectiveness or otherwise of the adjustment programme; it will focus on the extent to which labour/management relations in the country have been coloured by it.

#### STATEMENT OF PROBLEM

The incidence of conflict between management and labour is an ever recurring one. Throughout the history of industrial relations in Nigeria, labour conflicts be it in the form of strikes, lock-outs or other forms of dispute have played an important role in shaping and reshaping the process of industrialization.

The level of conflict in industry is invariably affected by the socio-political and economic climate of the society. The present study is mainly an attempt to elucidate the relationship between labour/management conflict and the socio-economic situation in the society. Until the introduction of the structural adjustment programme in the country in 1986, Nigeria was enjoying a relatively normal socio-economic condition.

Thus prior to the introduction of the programme, the socio-economic terrain was favoured by the prominence of petroleum in the international market and the revenue accruing from that was used in improving the lot of the average Nigerian. Although the first cracks in the wall of the Nigerian economy occurred in 1983, it was not until 1986 that stringent measures were taken ostensibly to abate a worsening socio-economic situation. Prior to this, Nigerians were not very familiar with galloping inflation, unemployment, acute shortage of basic social amenities and deteriorating standards of living. The living standard of the average Nigerian was one of the highest in Africa (Newswatch, February 24, 1992). University

graduates never roamed the streets in search of non-existent jobs but had alternative jobs to pick from. In a nutshell, the socio-economic condition was stable and favourable, Nigeria was awash with oil money and its citizens reaped from this. Labour was relatively a satisfied sector. The wage structure then is an indication of the level of socio-economic normalcy.

Until the assumption of office by Alhaji Shehu Shagari, the minimum wage in the country was N60.00 a month. It was Shehu Shagari who raised this to N100.00 a month in 1980 and the National Assembly increased it to N125.00 in 1981. Workers were able to subsist on this income. Ironically, some sections of the public saw this increase as bogus because included in the new wage package were rosy conditions of service. The Daily Times editorial (May 4, 1981) saw the increase as more than enough unless the workers wanted to precipitate an inflationary trend. It saw the original N300.00 a month demanded by workers as purely unrealistic. From the above it can be seen that the socio-economic condition was then relatively peaceful and normal. This is not to argue that there

were no conflicts, nor that there were less conflicts.

But the structural adjustment programme tended to have changed things. The SAP was introduced as a financial and fiscal policy in 1986. Following the devaluation of the Naira in pursuit of a "realistic foreign exchange value", there is now a galloping inflation that has made nonsense of the average workers' earning. The Naira now exchanges at the rate of twenty-two to one dollar officially, while some years ago the two currencies were at par. The black market rate is even higher at fifty naira to one dollar. In fact Nigerians are now saddled with a situation of run-away inflation which has made the Naira valueless. Prices keep jumping higher everyday and even efforts by the government to arrest the situation seem to worsen it. Labour got the first shock of the period when under the National Economy Wages Amendment Order 1986, the government initiated a programme of wage cuts aimed at saving about #50 million. Although the government under persistent pressure from organized labour and the public withdrew the programme, it went on to announce employment embargo and total freeze on promotions. The workers who are on a fixed salary



seem the worst hit by SAP, even the superficial increases in recent times have not helped matters. For instance, workers in the country were recently granted a 45% salary increase across board. But between the period of agitation for the salary increase and the eventual award, the inflationary rate had increased by over 300%. Hence the increase seems to have done nothing to improve the lot of the average worker. In the views of the then Nigerian Labour Congress President, Mr. Paschal Bafyau, most of the expectations about SAP have not been met, poverty has become even more widespread in the land (Newswatch, op. cit).

Also the labour/management conflict structure in Nigeria tends to show a curious relationship between the private and public sectors. While the private sector seems to have witnessed more conflicts, the public sector has always taken the initiative. Hence the public sector may embark on one dispute or the other and this is eventually settled, then the private sector will most times embark on their own dispute for the same reason. But because the private sector seems uncohesive and uncentralized the

dispute may be carried out under various umbrellas. Consequently there might be ten private sector unions involved in conflict and negotiating with ten separate employer associations or management groups. Even though the Nigerian Employers Consultative Association (NECA) exists as a private sector employers' forum, it does not have the legal backing to enforce decisions nor to compel all private sector employers to become members.

It is a classical industrial relations truism that there are more disputes during economic booms than during depressions. According to the prosperity theory, in times of boom, the worker is not at all hindered by the fear of employer retaliations. He is likely to get a new job if fired, unlike during economic depressions when the probability of getting a new job is low. In Nigeria, this situation which obtains now in the structural adjustment era may have curtailed the vociferousness of the workers as many a worker has been forced by economic realities to take his fate calmly. The quest for a regular source of livelihood and the hordes of unemployed Nigerians may have overtaken the need to assert the rights of the workers. Workers have all the same shown resistance when their existence is threatened by deteriorating economic conditions and

this has been the norm in recent times. Therefore most structural adjustment programme era workers' agitations have centered on the issue of wages and related conditions of service. However, the validity of the assumptions of the classical school of thought in the Nigerian situation has been questioned. Otobo (1987) and Turner (1965) see the classical viewpoint as purely western and inapplicable to the Nigerian situation. They argue that contrary to the classical view, conflicts are bound to multiply in times of economic depressions than during booms. This is so because of the level of development of Nigeria which has made it imperative for workers to focus their disputes primarily on wages and conditions of service.

This viewpoint may be tenable in the Nigerian situation when one realizes that the military take-over of power is an intervening variable that has produced some effects in the industrial relations system. For instance, in 1988, the military dissolved the national executive of the NLC and appointed a caretaker committee to run its affairs. It was the first time any government was taking such a giant step in the

internal affairs of the NLC. There were also the issues of the SAP relief package of 1989, and the correct pricing of petroleum products or subsidy removal, all of which have helped to make the SAP era industrial relations situation more tense and conflict prone.

Again as the government of the day becomes more repressive and economic conditions worsen, there is a tendency for conflicts between labour and management to worsen. To the extent that legal and statutory mechanisms like arbitration and industrial courts may become frequently used as a means of conflict resolution. This is because of the unwillingness of both parties to soft pedal and the mutual suspicion and distrust existing between the two. The above issues underlie this study, and from these the following research questions are pertinent:

What effects had the economic conditions of the pre-SAP era on industrial conflicts in Nigeria?

What effects have the economic conditions of the SAP era on industrial conflicts in Nigeria?

Have there been differences in the incidence of conflict between the private and public sectors?

Do conflicts always result from workers' agitation for higher wages and managements' unwillingness to grant such requests?

What have been the effects of the military regime on conflicts between labour and management?

What are the dominant mechanisms used for resolving industrial conflicts in Nigeria?

#### OBJECTIVES OF STUDY

1. To ascertain whether conflicts between labour and management is affected by economic conditions i.e. whether there are differences in incidence of conflict between the pre-SAP and the SAP periods.
2. To examine the influence of wage legislations on industrial conflicts in both the private and public sectors.
3. To examine the role of the military in industrial conflicts in Nigeria?
4. To ascertain the predominant mechanism for conflict resolution in Nigeria.
5. To ascertain whether there are differences in conflict levels between the public and private sectors.

6. To give useful suggestions on ways of avoiding or minimising conflicts in the country's industrial set-up.
7. To provide a useful reference for future studies in the area of labour/management conflicts.

#### SCOPE OF STUDY

Precisely this study compares incidence of conflict between the pre-SAP and SAP periods in both the public and private sectors of Nigeria. It covers a period of twelve years (1981-1992), divided into two periods of six years each.

The pre-adjustment period will cover 1981-1986, although SAP was introduced in 1986, its effects on the economy began in 1987. The adjustment period will cover 1987-1992. The study therefore contrasts the two periods with the objective of determining any difference in the number and nature of labour/management conflicts between them.

#### SIGNIFICANCE OF STUDY

This study is important in that the ever recurring phenomenon of conflict between labour and management

would be thoroughly investigated. Moreover, the identification of factors, whether economic or non economic that give rise to conflicts would go a long way in building up a solid industrial relations system in the country.

It is hoped that the study will be a useful reference for subsequent studies on the subject i.e. the work is expected to enrich theory and practice in industrial Sociology. Pointedly, the validity of the prosperity theory in the explanation of labour conflicts in Nigeria would be ascertained.

## CHAPTER TWO

### ECONOMIC CONDITIONS AND INDUSTRIAL CONFLICT

#### REVIEW OF RELEVANT LITERATURE

I begin this review by emphasizing that the popular assumption that a knowledge of why unions are formed gives insight into why conflicts arise is grossly inadequate and misleading. This is largely because as shown in the Nigerian case, there might be some uncertainty regarding the origin of unions, but no such uncertainty exists as regards conflicts in the industry. As a result every conflict is anchored on one or more identifiable factors. Moreover there is hardly any one to one relationship between union origin and sources of conflict.

Wigham (1968) holds that the first clearly recorded modern day national strike was the English general strike of 1925. The strike was called by the General Council of the Trade Union Congress (T.U.C.) with a membership of over six million workers to support the miners who were threatened with wage reduction and longer working hours. It began on May 3, and lasted



for nine days. Though not all the workers were called out at first, many of those in essential industries such as railways, transport, iron and steel, building and printing were involved. The strike was called by the workers to protect their economic interests. Therefore, Wigham offers the view that disputes are nothing short of weapon of economic interest at the disposal of unions. But he failed to mention the fact that disputes sometimes do arise as a result of non-economic issues such as factory regulations, duration of working days, managerial style, political conditions etc.

Baugh and Stone (1982) on their own part locate conflict in the realm of public sector unionism. These unions they argue, are with substantial market power and are usually in a position to play a role in the political process. Hence they use their political leverage to further their own interests. This they do by declaring support for some candidates and by rejecting others that do not meet their demands or aspirations. Baugh and Stone point out that public sector unions are much more organized, involved in essential and social services and are politically

located. Moreover politicians are presumed to be more responsive to the highly organized and focused benefit demands of an organized minority than to the broader concerns of the public at large. Baugh and Stone also argue that government avoids public sector disputes because the cost of acceding to public employees' demands may be diffused over time and throughout the tax paying public. In addition, the supplier of public services is often a legal monopoly or near monopoly. Baugh and Stone hastened to point out that public unions are not all powerful because they are also fraught with weaknesses, as a result in a time of revolt, public opinion may constrain union demands. It is also argued that among many white-collar public employees who have a strong sense of professionalism, union membership and activity are seen as incompatible with professionalism (Ibid).

Baugh and Stone seem to have captured the main issues involved in public sector conflicts but have failed to pin point the role of the private sector. Moreover, the lack of uniformity in the private sector and influence of wage determination in the public

sector have made the latter more restive. This is relevant to the present study as it is likely that public sector unionism defines and structures private sector conflicts. The over-riding influence of the public sector on the private sector in Nigeria is often taken for granted, as the private sector is said to be underdeveloped and unorganized.

On his part, Freeman (1981) sees the quest for wages as the essence of trade unionism. He asserts that unions raise members' wages but more so particularly the fringe benefits, and refusal to grant them this breeds conflicts. This, Freeman believes, arises mainly during economic depressions than during booms. He goes on to contend that depressions bring about more conflicts whereas economic booms minimise the number of conflicts. But Freeman's emphasis on fringe benefits alone does not really account for the recurring labour/management conflicts. Also binding unionism, conflicts, wages and economic conditions together may not be a totally right orientation in itself. Since conflicts could arise out of political demands, union status, work place practices etc. as

distinct from fringe benefits and wages and all these could arise under any economic situation. However, Freeman seems to have presented a plausible counter point to the classical industrial relations viewpoint that conflicts are bound to multiply during booms than during depressions.

Cohen (1979) brings in another perspective to the study of industrial conflicts. He relates conflicts to democracy and argues that conflict is inimical to the political progress of the society, because it pulls back the political and economic machinery of government. Moreover the use of paralysing strikes by public sector workers cripples the government. They are therefore subversive to democracy. Cohen sees collective bargaining much favoured by labour as anti-democratic. This is because it takes away the process of decision making from the public at large or their elected representatives and reposes it in the hands of a few self-seeking workers and propitiating government officers. Interesting as this sounds, the crux of the argument lies in proving whether institutional wage fixing or wage determination by government is not

against democracy and whether labour wins all their suits. The argument for democracy by Cohen is merely academic and does not appear firmly rooted in the realities of the industrial relations system of any country since the practice of collective bargaining is as global as the institution of democracy.

For Ross and Hartman (1960) the institutionalization of conflict withers away strikes. Therefore they examine a configuration of variables which they argue mar or prompt conflicts. At one end of the configuration, strikes are rampant while at the opposite end which is institutionalization, strikes wither away. They explain that institutionalization arises when workers are organized in unions and collective bargaining becomes a dominant tool of industrial relations. From this perspective they did a comparative study of the conflict levels in some European countries and came up with four broad patterns of strike activity. The first is what they called the North European (Mark 1) pattern which covers countries like the United Kingdom and West Germany. Here

strikes involve few members and last only a relatively short period of time. The second one is the North European (Mark 2) or the Scandinavian model which reveals minimal member involvement but long lasting strikes; while the Mediterranean-Asian pattern has the opposite, i.e. high levels of involvement by members but short strikes. Finally, the North American pattern has fairly high levels of involvement in long strikes.

Ross and Hartman support this delineation by looking at the configuration of variables rather than single variables in isolation. These variables include, first, the stability of the labour movement in terms of its age and membership, both of which serve to induce conflict; the longer a union has been in existence the more likely it is to have established a modus vivendi with the employers and the more probable it is to have secured the interests of its members. The second variable focuses on leadership conflict within the labour movement, in terms of factionalism and rival unions on one hand and the strength of the communist groups on the other. Both, weaken central leadership and therefore the less

united a union movement is, the more likely it is to promote conflict. There are also other variables such as the acceptance of the union by management and consolidation of bargaining structures which reduces conflict i.e. the more egalitarian the union/ employer relationship, the less likely are strikes. Also strikes are reduced where a labour party is a potent force or is in office where it is assumed it can focus the desires of workers and strive to realize same. Finally, conflict can be reduced where the state actively intervenes in industrial relations and has its own dispute resolution policies to minimize industrial disruption. Where all five features are present, Ross and Hartman believe strikes would wither away.

In looking at the above contention of Ross and Hartman, Grint (1992) praises its originality but argues that the dynamics of time and development have rendered it void. The scheme, Grint goes on, was developed between 1948 and 1956, since then conditions in many places have altered radically on several occasions. Also they failed to resolve the crucial enigma of whether strong unions become strong

through striking and are their current resources so strong that striking becomes unnecessary; one cannot help agreeing with Grint that Ross et al fall short here.

On the other hand, Blau and Scott (1977) locate management/labour conflicts within the broader framework of dialectical process of change in formal organizations. Hence they point out that it is one of the developments that generate a change in the organization. For them, such dialectical manifestations are not finally resolved as solving one problem automatically creates future problems. They argue that collective bargaining furnishes mechanisms for resolving issues, but conflicting interests generate new ones. They believe that each problem solved brings the organization nearer a perfect or efficient level and provides modalities for dealing with new problems.

Dahvendorf (1976) in the same line sees the relationship between labour and management as an authority relationship - that is between those who have authority and those without it. Hence management are the power holders and wielders while labour are



those without it. Conflict arises because those without power strive to acquire it, while those with power want to cling unto it. As a result, a rift ensues. But he comes out with the assertion that such conflicts do not annihilate or derail the organization but rather introduces change. He also sees the formation of workers' unions as institutionalizing conflict and encouraging democracy.

Also Grint (op. cit), in looking at conflicts raises the issue of the institutionalization of conflicts which he argues is the key to understanding modern industrial conflicts. Therefore he holds that understanding why institutionalization arose gives insight into the problem of conflict. As a result, the institutionalization of conflict anchors on the mutual recognition of and desire for some form of incomplete but necessary accommodation between labour and capital rather than union sell-outs or quiescence. "Because the accommodation is incomplete in terms of procedural and substantive features, no permanent consensus can prevail" (Ibid, 1991:184). Indeed the very agreement reached is also the root of further disagreements in so far as rules and regulations

appertaining to agreements are seldom self-explanatory. Although Grint's contribution is insightful, it fails to pin point concrete variables or conditions which give rise to conflict. One might then argue that his contention is too general to provide a specific and practical understanding of the problem.

Nonetheless such conceptions of industrial conflict held by the above scholars (Blau and Scott, 1977; Dahrendorf, 1976; and Grint, 1992) provide a useful insight into the ultimate survival of the organization even in the face of stiff and bitter disagreements. By implication no matter the condition of the socio-economic terrain and the level of conflicts as a result of it, the industrial set-up persists. Therefore, they hold that conflict is geared towards changing the organization than leading to its demise.

Other scholars like Kerr and Siegal (1954) emphasize the nature of the industry concerned in relation to the rate of conflict. In a study based on analysis of aggregates of strike data, they established that certain industries were generally

more strike prone than others. They hold that the most strike prone industries are those in which the workers constitute an isolated mass. Strike proneness they argue is also associated with single industry communities, minor but highly skillful professions and industries that engender cohesiveness among workers by their nature. Hence they identified mining, shipping, and stevedoring as the highest while agriculture and rail roads were lowest. Hartman and Ross (1962) totally subscribe to this view. Although they collected data on this, the volume of data and period of study were not enough to warrant a generalization. Apart from an inability to pin point the qualities that make some industries more strike prone than others, the case of Nigeria tends to show the rail roads as attracting more conflicts than others from independence in 1960 to now. Moreover the argument that such high dispute industries have more united workers put forward by Kerr and Siegal is more tentative than factual and also their empirical evidence does not fit this theory (Grint, op. cit). It is one of the aims of this study to appraise the above viewpoints in relation to the Nigerian context.

In explaining industrial conflicts, McCarthy and Redman (1983) hold that a much greater role should be assigned to collective bargaining arrangements, the role of government and to the interaction between these two than to general economic factors such as prices and levels of employment. That the growth of effective shop steward system is important as are politically instigated changes such as income policies. Therefore they argue that the impact on the economy of strikes has not been as great as many argue. But their logic seems to be invalidated by the fact that in their own field work they found out that among almost all categories of workers, pay demands provide the most common occasions for conflict. Also while relegating economic factors to the background they forgot to mention precisely what should constitute the focus of such collective bargaining and the equally expedient role of government.

In their own submission, Lofchie and Roseberg (1968) argue that labour conflicts in Africa are not significantly affected by the state of the economy. They hold that the imperative of development has

inculcated in the labour movement in Africa the ability to march forward despite the economic situation. Therefore the unions might accept a severe austerity condition out of patriotism and not embark on conflict. As a result they bear a major responsibility for increasing over all economic output while accepting conditions of austerity, so that the entire society might benefit. Nigerian workers in recent times seem to have been caught in this dilemma. While workers are called upon to make sacrifices in order to revamp the ailing economy, the ruling class has tended to display a level of luxurious affluence that seem to belie such patriotic calls. Workers have made sacrifices but have also realized that most of the problems being put forward as retarding the economy are direct consequence of mismanagement of affairs by the ruling class. That, may therefore induce them to embark on union militancy disregarding government's call for patriotism.

Adopting a different approach, Watson (1987) postulates that the most fundamental reason why conflicts arise in employment situations is that the employers are 'using' employees for various purposes

of their own whilst the employees in turn though from a weaker point or position, are 'using' their employment for their own various purposes. So for the employment relationship to exist at all, there are clearly a range of common interests which provide the cooperative dimension to employment, whilst the remaining divergence of interests provides the considerable conflict dimension. However, these conflicts have to be seen within the particular societal political economy in which they arise. Moreover, Watson notes four main approaches used by management in looking at conflict. These are the traditionalist; sophisticated paternalists; sophisticated modern; and the standard modern. In the traditional approach, management directly enforce their wishes; in the sophisticated paternalist, benefits and welfare measures are used by management to discourage the desire for union involvement. In sophisticated modern, unions are given a role in the handling of issues either in a constitutional way where strong collective agreements form the basis of relationship or in a consultative way. Whereby a less formal relationship is fostered so that many issues are dealt with before they reach the stage of a

formal dispute. And the standard modern in which it is recognised that management and employees have different values and purposes. And where in the absence of a formalized industrial relations approach, industrial relations interventions only occur when disputes arise and make them necessary.

This seems to capture the essentials that make or mar harmonious industrial relations in the work place, though it does not point out concretely the common areas of interest or convergence and the areas of divergence. Moreover, such a view might be largely conceived as western as this hardly captures the kernels of the Nigerian situation. It is the intention of this research to find out to what extent Watson's four models could be used to explain the Nigerian situation.

Taking the 1945 and 1964 general strikes in Nigeria as case studies, Cohen (1974) is of the view that disputes as they occur in Nigeria are basically located in the political structure. In analysing the 1945 strike, he pointed out that it was caused by a combination of factors such as the escalating cost of living occasioned by the Second World War and the

migration of rural dwellers to urban areas; the discrimination in the civil service against Nigerians, in favour of their foreign counterparts. There was also an accusation about high-handed treatment of employees by the government. The order of 1942 under the General Defence Regulation which made strikes and lock-outs illegal for the duration of the Second World War was "an action which was interpreted as an attempt to curb labour militancy precisely when it was gaining most" (Ibid: 159). The banishment of Michael Imoudu, the railway workers leader for his part in the 1942 disturbances gave the labour movement its first hero and provided one of the causes ce'le'bres of the nationalist movement. Moreover the inability of the government to review wages if cost of living was high in accordance with its promise was another cause of the strike. The Tudor Davis Commission which was set up to look into the demands of the workers in 1945 specifically isolated this broken promise as a cause of the conflict.

This is interesting, because even in recent times the non-challant repudiation of agreements by both parties i.e. labour and management has been a constant



harbinger of industrial unrest and has grossly militated against the effective utilization of the collective bargaining mechanism in the Nigerian industrial relations system. The general strike of 1964 replicated at least in three aspects the lessons of the 1945 strike. It was clear that given a reasonable unity of purpose, the unions could present a fairly formidable political force. Secondly, their ability to get together depended on a coincidence between political dis-satisfaction and economic grievance. Finally, the issue most likely to galvanise the unions to action was an increased perception of social inequality combined with government's insensitivity and arrogance in handling their demands. In the case of Nigeria since the inception of SAP, a coincidence between political dis-satisfaction and economic grievance might be said to exist, since the military junta as a system of government has not proved satisfactory to the people.

For Cohen therefore, labour conflicts in Nigeria are basically products of the political structure. They show marks of political ineptness on the part of government and a longing for political power on the

part of labour. As well as a precipitation for forceful change of government, "... it seems clear that the 1964 strike helped provide a staging ground for the army's intervention eighteen months later" (Ibid:168).

In his view, Ubeku (1983) sees the 1945 conflict as the result of government's inability to meet the demands for more rewards by workers. He traces the genesis of the strike to the 1942 Cost-Of-Living-Allowance (COLA) made by the government to the workers in order to cushion the economic hardship occasioned by the Second World War. But in 1945 with prices still going steep, the workers again asked for another award but the government refused to budge this time around hence the general strike occurred. The conflict according to Ubeku had some negative influence on organized labour, because points of difference during the crisis led to the dissolution of the executive body of the union by the General Council of the Trade Union Congress; though government eventually granted workers' request.

Batstone (1979) adopts a Marxian orientation by arguing that conflicts are nothing short of manifesta-

tion of the conflicting interest of labour and management. He goes on to identify conflicts as rooted in the extent to which differing interests receive unequal recognition. Management and its interest predominate over that of labour. Such a view held by Batstone despite its own good points tend to contradict the concept of productivity bargaining or the productive objectives of labour. Productivity bargaining seeks to tie together both the interests of labour and management as well as that of the general public. Emphasis on productivity bargaining in recent times has narrowed the real or imaginary gap between the interests of labour and that of management.

On a different pedestal, Otobo (1987), looks at industrial conflicts from the point of view of economic prosperity and depression. Hence he argues that the role of Nigerian unions might be viewed in the context of material conditions existing at any point in time and in the conduct of economic and political elites. Otobo argues that conflicts are bound to multiply in times of economic depression than otherwise. Therefore he sees the two factors of

deteriorating economy and insincerity of politicians and policy makers as forcing workers and unions into "proposing sets of sometimes complimentary and at other times conflicting policies, the more immediate demands such as minimum wages and pensions being backed by strikes" (Ibid:59). Otobo seems to have made a useful observation on the Nigerian situation. But in the absence of data, his conviction that conflicts multiply during depressions remain a speculation. It is the key thrust of this study to precisely determine the influence of economic situations on industrial conflicts in Nigeria.

Also writing on the behaviour of unions during periods of boom and recession, Obufa (1990) holds that the behaviour in each period is the opposite of the other. Hence he believes that unions agitate for wage increases especially during boom, as a result the boom period is more conflict prone while union activity during recession is nominal and principally aimed towards making sure that the existing workforce is not reduced through retrenchment as a result of economic conditions. In the words of Obufa (Ibid: 28), "this is based on the assumption that a violent

recession will reduce aggregate demand leading to a fall in product prices. This may attract retrenchment of union members and thus divert unions' wage objectives to that of retaining existing workers". Because of this, the trade union policy in a recession is likely to be different from that in a booming economy.

Obufa seems to agree with the classical industrial relations view that booms precipitate conflicts. But he stops short of describing the actual shift in policy or the different policies that the two periods engender. Though it is likely that the period of recession might call for a shift in industrial relations policy from that of boom as is the practice in Britain (Wigham op. cit). This may not be exactly so in Nigeria since Usman (1985) contends that the inability of the government to deal with problems of the SAP era stems from their failure to understand the nature and cause of the recession.

On their own side, some other Nigerian scholars like Yesufu (1962), Ananaba (1969) and Fashoyin (1980) have located conflicts in the economic domain. As a result they see economic reasons as underlying industrial

conflicts. This however does not mean they completely gloss over other factors. Yesufu argues that the demand for more economic benefits is the prime cause of conflicts. However he remarks that the gross neglect of the process of industrial democracy also brings about conflict. Fashoyin similarly places blames on the state of development of the labour union and their approach to industrial relations. For him, the uncohesiveness of the unions, the non-challant attitude of government to industrial conflicts and the speed with which both parties repudiate collective bargaining agreements all contribute to increased industrial conflicts. He went on to relate the level of conflicts in industry with different governments and economic situations in Nigeria, and came up with the conclusion that since after independence the labour movement has suffered the worst repression under the government of Buhari (1984-85). However, it is worth recognising that Fashoyin was not reckoning with the military regime that came after Buhari, hence his postulation is strictly limited in time. Fashoyin sees this repressiveness in the number of harsh decrees churned out by the Buhari regime to

restrict labour activism in the country. But subsequent governments may have certainly outdone Buhari in the area of repressive and restrictive decrees. Fashoyin also ascribes the wobbling nature of the trade unions in the late and middle eighties to the repressions of military governments and deteriorating economy. Though this contention of Fashoyin has been questioned in recent times, the essential services decree 1993 of the military junta was disregarded by ASUU, NUT and other unions that went ahead with their strikes despite the repressive decree.

On a quite different note, Usman (op. cit) in appraising the role of the military in a depressed economy argues that the military is mired in a culture of non-performance. As a result the effects of SAP on the workers have not been addressed by the government. Such effects he identified as the almost freeze on new employment and large scale retrenchment in all sectors of the economy, chronic and serious shortage of food stuffs and all types of goods as well as the high rate of inflation and the consequent reduction in real value of wages, salaries, and

allowances coupled with the uncertainty and irregular payment of these. He believes that the conception of the nature and causes of the current economic crisis held by the military government is erroneous at a fundamental level. And this prevents it from coming to grips with the real nature and basic cause of this crisis and therefore working out and implementing strategies and programmes capable of resolving it.

Kayode Soremekun writing in Times International (Sept. 8, 1980) appraises industrial conflicts from the point of view of the reactions of the public. Such reactions he argues centers on sympathy and apathy, but most of the time the public displays fervent sympathy for the workers even without a full understanding of the issues involved. This view of Soremekun looks plausible especially since the SAP era. This might be attributed to the emergence of unpopular governments and the worsening economic situation in the country.

For Ananaba (1969), conflicts oscillate between two issues viz: politics, and economic rewards and conditions of service. He sees the first landmark



successful strike by the Railway Workers Union in 1941 as the result of demands for improved wages and better conditions of service. He goes on to assert that the origin of unionism in Nigeria is a good pointer to the cause of conflicts between labour and management, "although the reason for founding it was basically economic, its organization and functions were bedevilled by the political situation of the day" (Ibid:259). For him therefore, industrial conflicts are the products of economic or political factors.

Arguing on a different note, Sonubi (1974) sees the selfish pursuit of interests by labour and management as the cause of industrial conflicts. But he sees labour as the main initiator of conflicts. He showed in an empirical study that of all trade disputes declared in Nigeria between 1966 and 1970 totalling 840, a hundred and fifty-five of them were declared solely to fight for the interests of members of the unions that declared them. Most of the disputes were sympathy disputes and strikes for a brother union or another union engrossed in one conflict or the other with management.

Ibikunle (1983), arguing from another angle posits that the core cause of industrial conflicts in Nigeria lies in the insensitivity of government and the inconsistency of industrial relations policies. He holds that each government adopts an ad-hoc approach it deems fit in dealing with labour, while the government after that will abandon the policy for its own new one. This vicious cycle he argues breeds instability in the industrial relations system. He goes on to pick holes in government's approach to the implementation of agreements reached with labour and attributes disputes to this non-challant approach. The Daily Times **editorial** (October 20, 1992) places the blame for the escalating industrial conflicts in Nigeria at the door-steps of the government. It saw those in charge of implementing agreements reached with labour as principally responsible. It goes on to caution that with the biting economy any such unwarranted ambivalence on the part of government would bring about a deluge of disputes in the country.

From the above, the problem of industrial conflicts in Nigeria has centered mainly on economic factors, though it goes beyond this to encompass other issues

like politics, the legitimacy of unions, work environment, international labour matters as well as morality. Moreover the economic factors have bordered mainly on the twin issues of wages and conditions of service. But a salient fact remains that once a union embarks on a dispute or strike for any reason other than wages, it most of the time tends to use the impasse to ask for a review of wages. This should be clearly isolated from the main cause of the conflict. Explanation of the source or cause of conflicts has varied with the orientation of the scholar concerned and the particular case or cases being examined. Though the economic factor has remained a predominant variable in industrial conflicts in Nigeria.

#### THEORETICAL ORIENTATION

The neo-classical economic or prosperity theory provides the orientation for this study. Though this does not mean that all the assumptions of the theory are correct in a study of labour-management relations in Nigeria, it is believed that it will go a long way

in coming to terms with the basic issues involved in a study of this nature.

According to the tenets of this theory, the rational utility maximising worker weighs the advantages of unionism and improved employment conditions against such costs as union dues and possible employer retaliations (Cornfield, 1986). As a result there is greater workers' unionization and agitation during growth periods of the business cycle when workers can afford to pay dues and the employer is less likely to retaliate. This is the prosperity perspective which argues that the more the economic prosperity, the more the unionism. This is simply because in times of economic boom, workers find it easier to get jobs, therefore they have no fear to participate in union activities or belong to unions since if fired as a result of union activities the workers concerned can easily get new jobs. Conversely, during periods of depression, workers become afraid to participate in unionism because if fired, they will find it difficult to get new jobs.

This exposes two conditions in the case of Nigeria viz: the worsening economy and the role of

of the military in the affairs of this country. The SAP has tended to turn around a rosy life style of workers to a life of want. It has been a period of nightmares and unrealized aspirations. Workers in the pre-SAP socio-economic order were reaping the bounties of the gains of petroleum and were faced with the ironic dilemma of how to spend bogus salaries and allowances. In fact a former Head of State reportedly told news correspondents that Nigeria was swimming in money, hence it was an insult to bring in second hand clothes and heads of stockfish from outside for consumption by Nigerians. But the story has since changed, the discarded second hand goods have become a luxury and it is not only clothes and stockfish but cars, refrigerators, and other durable goods. More and more people are turning to second hand goods, because the new ones are simply unaffordable. The workers have been worst hit by SAP. The real value of salaries i.e. its purchasing power has been on a steady decline. And the cost of consumer and durable goods has hit the roof. Consequently the worker can no longer live up to societal expectations and his status has nose-dived

with his purchasing power. In a nutshell, the pre-SAP period was a growth period of the economy and the workers reaped from this, as salaries and allowances were rosy. The SAP period on the other hand is a period of continuous depression of the economy and workers are suffering for it, as salaries and allowances in relation to their market values tend to be pitiable peanuts. From this, we may hypothesize that given the harsh economic conditions, workers are more likely to engage in industrial conflicts now than they did in the period of boom.

Crucial to the militancy of workers is the issue of the military take-over of power. Ideally, the prosperity theory holds that workers are supposed to display more militancy during prosperity periods than during depressions. But military rule is an aberration in the governance of any state. The structural adjustment period has been a military era. This may have some implications for organized labour in the country. Fashoyin (1990) has come up with the concept of corporatism in analysing the role of the military in labour relations. He argues that as a result of restrictions imposed on the domestic economy by

international creditors, the military were induced to adopt authoritarian control and repressive measures on labour and other social groups in the country. This fact seems to be supported by the countless number of detentions and harrassments which union leaders have suffered under the military regime. Corporatism emphasizes the paramount importance of the state over all other interests; a system Fashoyin identified as the moving force behind South American military juntas. Arguing further, Crouch (1979) holds that the stability of industrial relations in a corporatist state is ensured through close integration of political, economic and moral forces rather than through their separation. Simply put, labour is expected to tow the lines of government's economic policies even when such do not favour it. But this has not been exactly the case as workers have shown appreciable militancy even in the face of severe military threats. Hence it may be expected that the presence of the military may have no effects on labour conflicts given the worsening economic conditions.

The prosperity theory to a large extent may fit the Nigerian situation. There seem to be more conflicts in the pre-adjustment era than now. Even though in recent times there has been an upsurge in the number of workers' conflicts, given the gross deterioration in the welfare of the workers, the level of conflicts seem less than commensurate. A situation where workers were willing to accept a mere 45% increase in salary while faced with an over 300% inflationary rate depicts the inhibiting effect of economic depression on the militancy of workers. In effect it seems that workers have only resorted to disputes now when there is no alternative to it and where the issue at stake is very crucial to their survival. Moreover from the gap between the salary increase and inflationary rate, it may appear that workers are more flexible and compromising in times of economic depression and military rule than at other times.

The above theory nonetheless has some flaws as with all theories, hence it has been criticized as harping endlessly on the economic motive of man. It also contradicts the general assumption that workers ought to agitate more during recessions than during



booms. As was shown in the literature review, Otobo (1987), Turner (1965) and Lofchie and Roseberg (1968) have all argued that in Africa and other developing countries, economic recession does not minimise but rather multiply industrial conflicts more than economic booms. This according to them is because the issue of wages and related conditions of service is still a developing area in African economies. And as such the militancy of workers is webbed around this. What is more, economic recessions first affect the living standard of the average worker in Africa, hence the workers tend to act to prevent this. But despite the above criticisms, the prosperity theory is more amenable to the the present research than other theories of unionization like the defensive theory, the anti-colonialism theory and the relative deprivation theory (Eke, 1989). The prosperity theory, it is hoped, will capture all relevant issues involved in this study.

#### RESEARCH HYPOTHESES

The following research hypotheses will form the basis of this work:

1. There is a significant difference in incidence of industrial conflicts between the pre-SAP and SAP periods in Nigeria.
2. There are more industrial conflicts in the private sector than in the public sector in Nigeria.
3. Overt expressions of conflict predominate over covert expressions of conflict in times of economic depression than in boom.
4. Conciliation and mediation more than institutional and legal means are used as conflict resolution mechanism in pre-SAP than in SAP period.

#### OPERATIONALIZATION OF CONCEPTS

LABOUR:- in this context refers to all workers in the country who are bound together by the string of a union or unions, with the exception of those in management cadres.

GOVERNMENT:- refers to the government as employer of labour and its agents like managers/chief executives of public parastatals, extra-ministerial bodies and commissions.

MANAGEMENT:- covers all employers of labour in the country and also workers in management positions.

PRE-SAP YEARS:- refers to the period before the introduction of the Structural Adjustment Programme (SAP). It was relatively a normal period of socio-economic development in the country hence workers were not subjected to severe economic hardship and financial constraints as is being witnessed now in the SAP era.

INDUSTRIAL CONFLICT:- is a state of disharmony, discord or disagreement between labour and management.

OVERT CONFLICT:- means labour disputes involving work stoppages or strikes.

COVERT CONFLICT:- means labour disputes involving other subtle means of showing grievance such as work to rule, disaffection, sabotage, cheselling etc.

SOVEREIGN PRINCIPLE:- this is a principle that confers on the government as the representative of the people the right to take decisions without recourse to consultation with people again. It is one of the loopholes used by government to evade collective bargaining agreements since it claims that the sovereignty ibued on it makes it imperative that government alone decides what is best for the workers.

CORPORATISM:- is a political system in which major decisions especially in the area of the economy are made by the state in close association with employers, trade unions and other pressure groups. Though in practice it is a rule that confers domineering and final decision making over economic matters on the government and expects the other parties to understand this and abide by it.

CONCILIATION AND MEDIATION:- are voluntary methods of settling disputes whereby the parties in dispute willingly submit their grievances to a third party who tries to resolve the dispute by facilitating compromise between both parties.

## CHAPTER THREE

### THE NIGERIAN INDUSTRIAL RELATIONS SYSTEM: HISTORY AND PROCESS

#### PARTIES INVOLVED IN INDUSTRIAL CONFLICTS IN NIGERIA

Ideally the three parties involved in industrial conflicts are the government, labour and employers. While the government in addition to its regulatory role in the economy is the main employer of public sector labour, the employers are the employers of labour in the private sector. These three parties are also the parties involved in an industrial relations system. In Nigeria, labour is largely grouped under the umbrella of the Nigerian Labour Congress; and in the private sector, employers are organized under the Nigerian Employers Consultative Association. It must be pointed out that the government in addition to being a public sector employer also structures, and sometimes determines the nature of the industrial relations system especially through legislation. And such a role by government may both inhibit the independent growth of the industrial relations system as well as encourage it. It is the contention of Ross and Hartman (1960)

that the active intervention of the state reduces conflicts. This view becomes crucial in the developing countries where there is still a lot to be done in terms of channelling resources and manpower towards maximum utilization.

This section therefore will look at the roles of the three parties involved in conflict within the Nigerian context. The parties are, the government and its agencies; the employers association; and labour.

#### THE GOVERNMENT AND ITS AGENCIES

In the opinion of Watson (1987) the state plays a central part in coping with the conflicts and contradictions which are part of the industrial capitalist type of society. The government and its agencies should be seen in the sense of that set of institutions which employ people and also play an active role in regulating the national economy, though not necessarily corporatist in orientation.

Although the employer-employee relationship in Nigeria is generally stated to be based on free voluntary ethic, that freedom is exercised within a tight frame-work established by the third actor in

the system, the government (Ubeku, 1983). Apart from the colonial era, the government in Nigeria has been playing a very active albeit restrictive/ interventionist role in industrial relations in the country especially the military dictatorships (Fashoyin, 1990).

The colonial government did not give the initiative for the establishment of trade unions in Nigeria though it did encourage and actively promote its development as part of its general policies in the colonies. The colonial development and welfare act of 1940 was part of that encouragement. The aim of the act was to make aids and subventions from the United Kingdom available for approved schemes of social and economic development. But the act had provisions that stipulated that no territory should receive aids unless it had in force legislations protecting the rights of trade unions; and unless projects for which the aid has to be used were carried out under a contract that included a 'fair wages clause' and that forbade the employment of children under 14 years of age. But the broad policy of the colonial government on trade union development

in Nigeria was spelt out in 1950 by the then Governor, Sir John S. Macpherson. While commenting on the Fitzgerald Report into disorders in the Eastern Nigeria Provinces in 1949, he said:

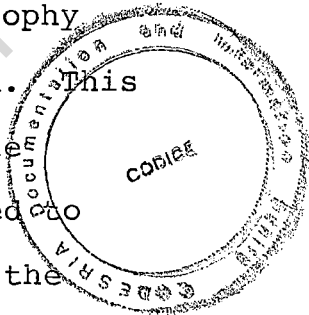
I must make brief reference to the general policy of the government in relation to trade unions. The government had repeatedly made it plain that it wishes to see strong and responsible unions built and in spite of many set backs ... a great deal of practical evidence has been given of government's determination to carry out this policy. The difficulties to overcome have been and still are great and it would be over optimistic to hope for very quick and spectacular progress, but the government policy of encouraging the establishment of strong and responsible unions will be pursued with increased energy and with a renewed determination to succeed. (Fitzgerald Report 1950; quoted in Ubeku, 1983:107).

The colonial government was not just interested in the growth of unions for unionism sake, but more importantly in seeing that they were channelled in the right direction, presumably as unions concerned with the economic well being of their members only. This emanated from the government's fear that the unions might be politicized and hence bring more problems for the legitimacy seeking colonial government. In fact one can boldly assert



that the government's interest in unions was as a result of the need to arrest their political development. Hence the colonial government prepared ordinances that only touched on how the unions can keep their houses in order and remain peaceful, while nothing on trade union philosophy and its role in society was ever touched upon. This according to Ubeku (op. cit) is understandable since the colonial government was not prepared to have political agitations that would disrupt the economy of the country with economic consequences for the metropolitan home country, Britain.

It must be emphasized that the colonial government avowed commitment to union development was not matched with action. Rather the department of labour being convinced of the immaturity and harshness of the unions went all out to stem and frustrate union activities. The real action tendency is displayed in the Fitzgerald Report which cautioned irresponsible unionists against rash actions that would make them lose all they have gained, and which took the British unions over a hundred years to gain. In a nutshell, the colonial government adopted the



system of double standard and absenteeism to industrial relations in the country.

But towards independence, a change of heart appeared and the first show of this was the government's role in establishing the Nigerian Employers Consultative Association. After independence the voluntary ethics of colonialism and allowing unions to naturally grow as in the British experience continued until 1968 when the first major shift in this posture occurred. That year the military promulgated the Trade Disputes (Emergency Provisions) Decree of 1968. The decree together with the 1969 amendment introduced some radical changes in the industrial relations system. Hence the voluntary mechanism for disputes resolution was replaced by another which banned strikes and lock-outs and made arbitration compulsory. Since after the 1968 decree the government has continued this practice of regulating industrial relations system the way it deems fit. Such regulations have come in the form of various decrees and also the use of minimum wage legislations and commissions to channel the

development of industrial relations in the country. Of all the decrees so far put forward by the government, none is as pervasive as the 1976 Trade Disputes Decree and its 1978 Amendment. In fact trade unionism and industrial relations practice in the country is defined and structured by these two laws. Most government panels and commissions have looked into the area of wages and industrial conflicts. Although they have always claimed a thorough understanding of the issues involved, their consequences have always been a further deterioration of matters (Fashoyin, 1980). As a result, it is alleged that the active involvement of government especially since the 1980's have contributed in no small measure to the inability of the country to evolve an enduring collective bargaining mechanism (Fashoyin, 1987).

This notwithstanding, the position remains that the rigid adherence to the principle of non-interference in industrial relations in Nigeria by government in the early stages hampered the development of the system for a long time. The government erroneously believed initially that like in Britain

the unions and industrial relations should develop naturally, forgetting the peculiarities of Nigeria's own socio-economic conditions. But the role of the government, though welcome, should not be restrictive and aggressive as it has been so far. Instead, a deliberate attempt to link all interest groups with the general socio-economic interest of the nation should be sought. In the views of Adeogun (1987) government so far performs two major roles in industrial relations. It acts as a legislative and regulatory authority **by** laying down the legal framework, it acts as the mediating body by putting facilities at the disposal of the parties for the resolution of their disputes. It is my contention that allowing the other two parties involved active participation in the above two functions of government would engender a more harmonious industrial relations system.

#### EMPLOYERS' ASSOCIATIONS

Employers' associations in a sense are of recent development in Nigeria. In 1954 there were only eight employers' associations registered under the

Trade Union Ordinance. And with the exception of the Nigerian Mining Employers' Association, these were really local associations, some restricted to one town such as the Abakaliki Contractors Union, or to a province as in the case of Ondo Provincial Timber Contractors Union (Yesufu, 1962). These bodies were not really concerned with labour matters as such but with the regulation of trade practices and in providing friendly services in order to minimise the risk of competition. In short there was no national employers' association. Thus while house unions and trade union-centers were active by the middle of the 1950's, there were no organized employers associations to deal specifically with industrial relations at the national level. Hence each company or firm dealt with its own union (where it existed) as best as it could without the benefit of the views of other employers especially those in the same type of business (Ubeku, 1983). This state of affairs is attributable to three things; the government even till now is the largest single employer of manpower and has tended to set the pace in dictating wages and other conditions of service

which other employers follow. Until towards independence, the private sector i.e. organized private sector was made up of essentially commercial houses and they were scattered throughout the country in small groups, the unions were weak and loosely organized and therefore did not constitute any real threat. Once an employer was able to hold together the internal situation i.e. workers, there was no need to be perturbed by the external situation i.e. those outside the firm; individualism was the basis of industrial life, each to himself and the company for us all. The growth of economic activities towards the late 1950's and the shift by many employers to industrialization gave rise to the development of national employers' associations. The Manufacturers Association of Nigeria (M.A.N.) founded in 1978 is primarily concerned with production and manufacturing problems; the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA) is concerned mainly with trade and commerce matters. While both bodies play some roles in industrial relations, the association concerned solely with industrial relations and to

which members of both MAN and NACCIMA belong is the Nigerian Employers Consultative Association (NECA) (Ubeku, 1983).

NECA was formed in 1957 at the initiative of the Federal Ministry of Labour. Initially it was made up of twenty-eight employers including such well established companies as the UAC of Nigeria Ltd., Shell B.P. and the Nigerian Tobacco Company. The association was necessitated by the need for a separate central body of employers to deal with labour and labour related matters both nationally and internationally. The government wanted a counterpart to the trade union movement to liaise with on matters concerned with labour. Moreover the time was ripe for it because the strong emergence of labour unions at the center and its pervading influence made the employers fear that labour becoming dominant might influence the government to come out with policies detrimental to employers. Thus the old practice of each employer going it alone became insufficient and they therefore sought strength and security in association. A platform to coordinate and facilitate uniformity of actions on all matters of

common interest to employers and for making representations to the government on all major industrial relations issues became prominent. The NECA was given assistance and guidance initially by the Overseas Employers' Federation (OEF). The OEF provided NECA with a model constitution and the association has continued its special relationship with OEF since inception.

#### INDUSTRIAL RELATIONS OBJECTIVES OF NECA

1. To ensure the orderly development of a good industrial relations system and in particular to encourage the payment of equitable rates of wages and salaries and to assist members with advice on the settlement of disputes.
2. To encourage employers as far as is practicable to establish uniform points of custom and to adopt reasonable standardized forms of employment **contracts.**
3. To liaise with government on all issues relating to labour, such as labour legislation and other topics that may affect the interest of employers.
4. To promote or encourage any technical or other



form of education and research for the development of efficient employees in all or any branch of industry and commerce in Nigeria (NECA Annual Reports 1960-85).

NECA tries to pursue these objectives through presentation of a common front on all matters concerning the employment of labour in Nigeria.

The highest policy making body of the association is the Coordinating Committee. The committee is made up of representatives of each of the employers' federations affiliated to the association. It meets once a month to review and make general policy decisions. Three other specialised committees exist whose duty is to carry out research and ground work to enable the Coordinating Committee to lay down policies for all employers. These are the Industrial Relations Committee; the Training and Education Committee; and the Finance Committee.

In 1963, the association was structured into trade groups. These are companies that had operations or activities that were similar. However the 1978 Industrial Relations System in the

country changed this, because the labour unions were reorganized on the basis of industrial unions based on the 1978 act. As a result NECA was restructured in 1979. The association felt that the new classification of the unions did not correspond exactly to its trade groups. Also under the new industrial relations system, the national unions were free to negotiate with individual companies in an industrial sector. NECA felt that this would lead to inconsistencies in wages. Hence the association favoured an arrangement whereby a national union would negotiate with the employers' federation representing all the firms in that industrial sector. It has therefore regrouped its members into employers' federations corresponding to the national industrial unions in the private sector of the economy. NECA also has geographical groups which are organized irrespective of the type of business or service particular companies operate. Consequently all NECA members within a specific geographical location can come together to take decisions on issues of general interest involving workers and employers within that zone. Therefore

when in 1977 the Federal Government directed that all employers should provide their workers with housing, all employers in the Ikeja geographical group of NECA commissioned Knight, Frank and Rutley, with experience in housing to advise them on a low cost housing scheme (Ubeku, 1983). The functions of NECA broadly are:

- a. Labour-management relations
- b. Training and Education
- c. Membership of tripartite bodies
- d. Advisory roles and services
- e. Representation to government on specific labour matters (NECA Annual Reports 1960-85).

NECA meets up these functions through its several commissions that meet regularly. No wonder it has been able to establish a common front for employers to follow and this line of action brings to sanity recalcitrant employers. It has played and is still playing sound roles in the education of employers in industrial relations. This it does through issuing guidelines; memoranda and courses that cover such matters as collective bargaining;

recognition of unions; redundancy; strikes; time off for union officers; training; safety; service benefits; disciplinary procedures etc. It also has been involved since inception in all government tripartite bodies on labour matters. Because of this it has been represented on many bodies including the National Manpower Board; the National Provident Fund Advisory Council; National Board of Technical Education; West African Examinations Council; National Industrial Safety Council; Council for Management Training and Education; and the Industrial Training Fund etc. Moreover NECA makes representations to the government and unions on its views on various labour issues, more so the government and unions also contact it for its opinion on the same labour issues.

It must be pointed out that a lot of the industrial labour unions treat NECA with suspicion and have argued that but for NECA, many employers would be prepared to improve the lot of workers to a much higher level than it is at present. There might be some truth in this, as the NECA is bound by interest to show more sympathy to employers.

But we mustn't for once forget the countless number of small firms and recalcitrant organizations NECA has been able to bring to tow the lines of decorum. NECA has, though been particularly against the automatic application of government wages and salaries commissions recommendation to the private sector. Its stand on this can only be supported by the principle of collective bargaining which thrives in the private sector now than in the public sector (Fashoyin, 1987). This is because the automatic application of government wages and salaries commissions' recommendation would leave NECA in the ditch with nothing to bargain on with the unions. But this attitude has been the cause of frequent disputes in the private sector and NECA though always losing, has not given up its avowed stand on this issues. Hence in 1964 the association fought against the automatic extension of the Morgan Wages and Salaries Commission recommendation. However it gave up after some strikes. It also fought against the Adebo recommendation in 1971 and lost. Again it was against the Udoji awards of 1975 and yet again in 1980 over the N100.00 per month minimum wage. Though

since the late 1980's NECA's stand on this has shifted, not because it has accepted the principle of wage legislation or automatic awards but because in the area of wages, the private sector on the average is better than the public sector. This seems to result from the due cognisance given the deteriorating economic conditions by the private sector on one hand, and the government's endemic reluctance to fix wages that readily and really address current economic situations. Also NECA is most times against the introduction of new fringe benefits on the ground that they would increase the wage bill for employers.

It is worthy of note that NECA is purely a consultative association and although its advice to members is persuasive, it cannot enforce a breach e.g. the case of Michelin PLC in 1980 where Michelin failed to agree with decisions reached at the national level with the relevant NECA federation. Michelin refused to implement the agreement arguing that it does not recognise the National Union of Footwear, Leather and Rubber Products Workers of Nigeria. This was contrary to NECA's advice. Finally, after extensive damage had been done to its factory in Port-Harcourt, the case was referred to IAP. NECA since the 1990's has been

waxing stronger and spreading its tentacles to reach all employers in the country and to cover all aspects of the employment contract. In the views of Fagbemi (1994), NECA is poised for the great challenges ahead.

### iii. THE LABOUR UNION

The first firm evidence of modern trade unionism in Nigeria was the formation of the Nigerian Civil Service Union on Monday, August 19, 1912. Yesufu (1962) argues that the formation of this union under the drive of a Mr. Libert who came from the Sierra Leonean civil Service, was not as a result of the wish of a group of workers who wanted a platform from which to fight for amelioration of grievances or for the improvement of specific conditions of employment. Rather it was an attempt to match the existence of such institutions elsewhere. This is buttressed by the fact that even on the inauguration of the union, none of the members even Libert himself was clear as to the real purpose of a trade union.

The Railway Workers Union and the Nigerian Union of Teachers were formed in 1931 as a result of the

workers' being dissatisfied with the existing service conditions. Moreover, the technical workers in the railway felt that the largely aristocratic civil service union was not representing their interests well especially with the economy already showing signs of the great depression that was to follow. The Railway Workers Union was a militant group right from inception. It was the first union to be legally registered on 17 January, 1940 under the Trade Union Ordinance of 1938 (Yesufu, 1962).

But the colonial government was not watching the above spectacle passively. With the rapid sensitization of workers particularly by the railway union, the government came out to monitor the rate of growth as well as activities of the unions, though mainly for political reasons. So the colonial government just did not sit down and watch the growth of unions, as earlier, they made efforts at both streamlining this growth and controlling the activities of the unions. The British government wanted to make sure that its development was channelled in the right direction. That was one of the intentions behind Lord Passfield's circular of



1930 and 1946 which purpose was to persuade the colonial administration to allow the development of workers' organizations. The circular of 1930, for example, had stated that the advances made in the economic and social conditions in the colonies had created a situation favourable to the development of unionism. As the unions were novel to workers in the country, there was need for supervision and guidance. Moreover the aim of the colonial government was to prevent the unions from falling under the dominance of dissaffected persons by whom their activities might be diverted to improper and mischievous ends. This theme was re-echoed later by the Tudor-Davis Commission of 1945 in the following lines:

"The trade unions should receive every help and encouragement from Great Britain to develop along proper trade union lines. The alternative will be their being swallowed up and converted to political uses in a wider demand for self government and independence, i.e. their drifting finally and irrevocably into the hands of the politician " (Ubeku, 1962).

The colonial government finally passed the Trade Unions Ordinance in 1938, therefore giving a legal backing to the union venture. The law laid down the

mode of registration of trade unions and prescribed the rights and obligations of unions in the employer-employee relationships.

Once the legal basis for unions have been established, three major events helped in the rapid growth of trade unionism. In that they gave a sense of oneness to all workers and encouraged them to get closer. These were the granting of the Cost-Of-Living-Allowance (COLA) to government employees in June, 1942; the second event was the general strike of 1945; and the Enugu coal mine shooting of 1949.

#### CENTRAL LABOUR ORGANIZATION

The 1940's witnessed the emergence of trade union federations with the formation of the Trade Union Congress of Nigeria (TUCN) in 1942. Originally the congress aligned with the National Council for Nigerian Citizens (NCNC), a political party (Cohen, 1974). While the other, the conservatives, favoured the colonial posture of exclusion of trade unions from politics. The radicals formed a break away body in 1949 called the Nigerian National Federation of Labour (NNFL) in March. One of their

aims and objectives was to assume public control of all major industries and the eventual creation of a socialist government. The two bodies continued the struggle for leadership, although the TUCN was rapidly losing support while the NNFL faced greater instability because of its obvious organizational difficulties.

It was not until 1950, in the process of forming a new coal miners' union following the Enugu mining crisis of the preceding year that two factions, now joined by another, the Federation of Government and Municipal Non-Clerical Workers Union, combined to form a body known as the Nigerian Labour Congress (NLC).

The NLC formed in 1950 soon disintegrated in the face of its communist political overtones, personality clashes and the penchant of labour leaders to proliferate unions which gave them the leverage to become leaders. This was shown clearly by the rivalry between Michael Imoudu and H.P. Adebola in the formation of a central union. It bears notice that the government while aware of the controversy ridden state of affairs in the nation's central labour sector, did not interfere except for a loose monitoring,

and the only intervention was mainly designed to encourage the unions themselves to form a virile central trade union (Fashoyin op. cit).

In the year 1961, the government fully intervened in an attempt to maintain relative industrial peace particularly in a country in transition from an agrarian to an industrial based economy. But this intervention and others after it yielded little success as it was thwarted by the rancour within the various unions and between them. However a success was recorded as a result of the so called Apena cementary declaration of 1974. Where at the burial of a colleague the rival central unions resolved to come together under a single umbrella. It was this resolution that gave rise almost a year later to the formation of the Nigerian Labour Congress on 19th December, 1975. Today the NLC has gotten stronger and is structured into forty-one industrial unions that cuts across all workers in the country. The union then is the mouthpiece of the workers, it articulates their desires and channels same to the employers. It also negotiates, bargains and represents the interests of the workers in tripartite and bilateral

negotiations and committees. Its role in an industrial relations system is important and this is structured by the extent to which it is effective and adequately represents the real interests of the workers. Hence its functions can be itemised as follows.

1. The organization of workers into effective and influential pressure groups.
2. The trade union negotiates with the employer and attracts favourable labour contracts for the workers.
3. The running and management of the union itself.
4. The union also engages in the enlightenment, sensitization and education of workers through vocational training, semi-formal education, ideological and political training.
5. It initiates actions especially through lobbying to forestall unfavourable labour laws.
6. Industrial disputes or differences between workers and management are settled usually through the aegis of the organized labour union.
7. Moreover, the union engages or takes part in such bipartite or tripartite agreements like the joint industrial council, arbitration and collective bargaining.

COLLECTIVE BARGAINING AND CONFLICT RESOLUTION  
IN NIGERIA

COLLECTIVE BARGAINING IN NIGERIA

In looking at the history of conflict resolution policies and methods in Nigeria, it is pertinent to state that collective bargaining although in use in the country is not exactly a conflict resolution mechanism. Collective bargaining is a "process of a party in industrial relations making proposals or demands to the other, of discussing, criticizing, explaining, exploring the meaning and the effects of the proposals; of seeking to secure their acceptance" (Akpala, 1982:227). It hence includes making opposite proposals or modifications for similar evaluation. It is a process of negotiation between workers and employers through their organizations based on the contract of employment and aimed at achieving the best possible working conditions, terms of employment and maximum productivity. Collective bargaining is aimed at ensuring that both the employer and employee achieve their desired goal and or satisfaction in the workplace. Fashoyin (1980) argues that collective bargaining should be the core of the nation's industrial relations since it takes into cognisance

the needs of the parties in the workplace. Hence he states that:

"... it is important that the type of industrial relations practice the nation evolves must on the one hand reflect the sentiments and aspirations of the parties in the workplace and on the other, conform to the overall goals of rapid industrialization in an environment of relative industrial peace" (Fashoyin, 1980:3).

i. DEVELOPMENT OF COLLECTIVE BARGAINING IN NIGERIA

The first initiative towards collective bargaining started with the establishment of the Provincial Wage Committees which were introduced in 1937 (Fashoyin, 1987). It was the first formal attempt to regulate labour relations in the public sector and in fact for the whole of the country. It was principally set up to determine rates of daily paid workers. It achieved little mainly because of its novelty and the fact that it conflicted with established civil service practices and the sovereign principle. Again the representatives of the workers on the committee knew little about industrial relations practice and hence made little or no contribution at all.

Following the 1945 general strike and the awareness on the side of the workers of the need to participate in deciding their conditions of employment, the government introduced in 1948, the Whitley Councils which had been in use in England as far back as 1919 (Fashoyin, 1987). But the Whitley Council though it increased the scope of workers included in bargaining, the unfavourable response of the civil servants to unionism and the regular resort to civil service rules and regulations which is perjoratively called, General Order (G.O.) made the council largely unuseful. Following Whitley were government Commissions and Wages panels set up to look at the issue of wages and collective bargaining in the country, these commissions ranging from the Morgan Commission of 1963-64 to the Udoji Commission of 1972-74 made only slight modifications on the procedure of the Whitley Councils. Though government while proclaiming the use of collective bargaining as a policy still preferred the use of laid down regulations and the use of salary awards and commissions or wage determination through legislation which precipitates inflation (Fashoyin, 1980). This stems from government's unwillingness to overcome its scruples



over the sovereign principle and the ad-hoc approach to industrial relations which makes such things only remembered during crisis.

ii. USE OF COLLECTIVE BARGAINING IN INDUSTRIAL RELATIONS IN NIGERIA

Collective bargaining may be at the national or inter-industry level; the industry level; the enterprise level and the plant, factory or shop floor level. Though bargains aimed at achieving much and tackling crucial issues are those held at the national or inter-industry level and the industry level; while the enterprise and plant level bargains are aimed at taking proper care of minor details involved in everyday working life.

Collective bargaining as already stated is not a conflict resolution mechanism per se, rather it is used to create harmonious atmosphere at the work place. In other words, it is used in making relationship between the employer and the employee more cordial and based on mutually agreed principles. Though collective bargaining may be used to pre-empt or diffuse tension and disputes in the industry. This occurs when the points that would have resulted

in disputes are tackled through the use of collective bargaining. But when a dispute is full blown, collective bargaining most times appears powerless. This is mainly because a situation of mutual distrust and suspicion have arisen between the parties involved. In Nigeria, the mechanism of collective bargaining is not strange as it has been in use for sometime now and widely too (Ubeku 1983; Fashoyin 1980; Yesufu 1962 and Akpala 1982). But the problem associated with its usage in Nigeria is hinged on two areas viz: the ambivalence on the part of the government and employers; and the repudiation of agreements arrived at through the use of collective bargaining.

The government right from independence in 1960 has vowed to use collective bargaining as a veritable tool in the country's industrial relations system but events have shown a deep rooted ambivalence on the part of the same government. This is clearly shown in the frequent use of wage tribunals and commissions for the determination of wages and conditions of service in the country especially in the public sector. This practice, Fashoyin (1980) points out contradicts government's avowed commitment to collective bargaining;

undermines the effectiveness of collective bargaining in the private sector because the system has so far provided a means of extrapolating tribunal awards to the private sector; the use of wage tribunals have created illusions and considerable distortions in wages, partly because the awards generally reflect exaggerated aspirations and misleading cost of living index rather than an objective analysis of observed changes in labour productivity in the country.

But far more crucial to the effective employment of the collective bargaining mechanism in Nigeria is the issue of repudiation of agreements reached through the mechanism. Agreements arrived at through collective bargaining sometimes do not see the light of day as both parties involved have shown a great predilection towards repudiation. Otodo (1987) and Fashoyin (1980) share the feeling that collective bargaining in Nigeria has been much weakened by the attitude of parties involved to agreements reached. But they have pointed out that the government more than any other party have shown a great disregard for collective agreements. Even in the private sector

negotiations while in progress have been usurped most times by the employer who makes a show of it, only to foist his own conditions on the worker. In recent times this seems the case in Nigeria especially with the workers' demand being continuously on the rise because of the continuous growth of inflation. Though generally the private sector might have responded more to the issue of matching income with the realities of living since they have also increased continuously their products and services prices according to the dictates of the economy.

Furhtermore, Fashoyin argues that negotiating partners usually take up attitudes towards each other that bring down the process <sup>to clash of</sup> / personalities. Such attitudes are guided by class consciousness; the struggling working class on the one hand and the affluent manager on the other. While this inevitable polarization appears world wide, assertions that management is out to exploit the workers, only serve to destroy the basic elements of good labour-management relations in Nigeria.

Arguing on another pedestal, Turner (1965) have pointed out why collective bargaining cannot be

completely operated in Nigeria; and his views are endorsed by Akpala (1982). Turner has posited that pure collective bargaining as has been subconsciously adopted by the International Labour Organization and frequently advocated as ideal for industrial relations has been of Anglo-Saxon definition and origin. He argues that different economic circumstances between the West and African countries makes adoption of free collective bargaining as practised there, in Africa difficult. That even the advanced countries that have advocated collective bargaining are in the face of growing requirement for economic and social planning increasingly being pressed to modify the traditional sectional bargaining and to use more and more of centrally guided systems of job value regulation and industrial relations. In the developing countries, Turner went on, the requirements for socio-economic planning are much more urgent, therefore an attempt to adopt the western model of collective bargaining is more likely to cause economic distortions of social inequalities than succeed.

The argument against the total transplant of western collective bargaining to Africa may be plausible

but it still does not rule out totally the use of collective bargaining even though a modified version in Nigeria. Bargaining as part of social life is an elementary part of the traditional way of life in Nigeria (Enahoro et al 1987) hence people even in remote villages come together to confer on issues of common interest. Abrupt total adoption of free collective bargaining may not be successful but the mechanism should be encouraged and allowed the room to grow in the Nigerian environment. Moreover the issue rests mainly on repudiation of agreements and there is nothing inherent in our peculiar socio-economic milieu that encourages this noxious practices of repudiation of voluntary and mutual agreements.

iii. PRE-CONDITIONS FOR COLLECTIVE BARGAINING

1. The parties must have attained a sufficient degree of organization.
2. They must possess the necessary skill to manage the intricacies of the bargaining process. Thus a sufficient degree of literacy is essential.
3. They must be ready to enter into agreement with

each other within the frame-work of the machinery established for that purpose.

4. Collective agreements concluded must be observed by those to whom they apply.

Based on the above four criteria, collective bargaining still has a viable future in Nigeria though the unwillingness of parties to adhere to the fourth principle has been a major obstacle to progress in collective bargaining as a viable industrial relations mechanism in Nigeria. All the same, the 1976 trade disputes act made collective bargaining a prerequisite for the settlement of trade disputes. And the remarkable growth of counterpart employer associations willing and able to negotiate in good faith and who have entered into procedural agreements with the trade unions as the frame work for voluntary collective bargaining is very encouraging. By far the most effective use of collective bargaining in Nigeria has been on the national level i.e. that between the government, employers and workers within an established machinery with a view to devising policies to combat inflation, unemployment and to advise on relevant labour legislation.

Bodies like the Prices, Productivity, and Incomes Board (PPIB) and the National Labour Advisory Council (NLAC) are past examples; while recent examples include the National Wages Tribunal and the various inter-sectoral and labour committees set up to monitor the budget and the drift of the economy in recent times. But collective bargaining can take place also between the government, workers and employers independent of any established body, on certain topical social and economic problems. There are also discussions held as part of work-level consultation which may be written or unwritten but is accepted or normally implemented. Agreements might also be reached collectively on procedures for settling labour disputes, this is aimed at enabling the parties involved work out a fine procedure acceptable to themselves with the help of a conciliator or mediator so that solutions eventually reached will reflect the wishes of the concerned parties. Finally there is the stage of actual bargaining process with the obligation to negotiate in good faith; to ban certain practices that might impede bargaining; to provide various other measures which purpose is to ensure



that the parties have enabling information to bargain and negotiate in full knowledge of all relevant facts.

In 1978, a new industrial relations system was established in the country and this new system approves collective bargaining on two levels viz: the National and the Enterprise level. This is depicted in the table below:

Table i: LEVELS OF COLLECTIVE BARGAINING

Level	The Parties Involved	Nature of Relations
1. Enterprise	Branch Union Employer  Workers' Representatives Management Representatives	Collective bargaining  Joint Consultation
2. National	Industrial Union Employers' Federation  National Labour Congress The Federal Government Nigerian Employers' Consultative Association	Collective bargaining  Discussion

Source: Ubeku 1983.

In recent years i.e. since the 80's, three factors have made collective bargaining very vital to industrial relations practice in the country. These are, the attraction of young and more educated men into the public and private service since the 80's; the realization of the futility of making strikes illegal even in the amorphous essential service category (Fashoyin 1987); and the realization by both parties that the use of lock-outs and strikes by either party can be detrimental to the set-up and they all stand to gain from the continued existence of the production process. Moreover the government have been persuaded by political considerations to give more vent to the views and positions of workers especially in matters of employment.

The use of collective bargaining even now in the 90's is greatly underdeveloped and undermined by the already mentioned factors of ambivalence; repudiation and institutional wage determination by government. Even as at 1992 the government set up a wages and salaries panel that is yet to finish its assignment. Collective bargaining have made much impact in the private sector though there has been a tendency by employers to limit the scope of issues discussed.

And this inhibits the spirit of unionism as the union exists to poach on employers' prerogatives and the more successfully it does this, the more viable it is.

#### CONFLICT RESOLUTION IN NIGERIA

Until 1968, the settlement of industrial disputes in the country was by the principle of voluntarism and other ad-hoc methods. The voluntarism principle stresses the freedom of the two parties in industry to govern themselves and to choose any means of settling their disputes and grievances (Fashoyin, 1980). There was no standing arbitration panel, arbitration panels were set up as often as disputes arose and were disbanded as soon as their business finished i.e. when the dispute is settled. Prior to 1968, Nigeria's most important legislation in the area of conflict resolution - the Trade Disputes (Arbitration and Inquiry) Ordinance of 1941 - highlighted two important features of the voluntary principle.

First, the parties were absolutely free to decide which of the available machineries - mediation, conciliation or arbitration, they wanted. There was

no compulsion on either party to appear before either of the panels when they are set up. In fact when the government intervened in any dispute it could not prescribe any settlement machinery if the parties already had internal machinery of their own. Secondly, there was no permanent institution to call upon when trade disputes arose.

The 1941 law was replaced by a more realistic one in 1968 i.e. the Trade Disputes (Emergency Provisions) Decree No. 21 of 1968 (Ubeku 1983), which was subsequently amended in the Emergency Provisions Amendment Decree No. 53, 1969. These laws were specifically tailored by the government to take care of the needs of the country at that time. In the face of the civil war, the government wanted an atmosphere of peace, and unity in every sector of the nation. Also there was the fact that policy makers though far from an indepth analysis of the 1941 law found it not adequate. The 1969 decree though meant for one year was subsequently renewed up to the end of 1975 - demonstrating the government's conviction that even with the end of the civil war in 1970, some reform in the peace time settlement procedure was desirable.

More importantly, the government's desire during the post-war period to monitor the role of workers and employers in the management of industry cannot be over-emphasized. Indeed this desire was the second most important reason for introducing reforms in the status quo and for institutionalizing the war time measures in the new Trade Disputes Decree No. 7 of 1976.

The 1976 decree was born out of the need for a change, and the provisions of the Third National Development Plan 1975-80 which placed on the government the responsibility for co-ordinating the activities of every economic decision maker in the country. Again the chaotic wage system existing prior to 1976 left the government no alternative but to introduce strict regulations on labour-management relations. Thus the elaborate prescriptions in the 1976 law and the establishment of the Productivity, Prices and Incomes Board in the same year showed that the government had clearly abandoned the voluntary principle in favour of a more interventionist approach.

Under the 1968/69 law, the element of voluntarism was abrogated. Hence either party could declare a trade dispute and mutual consent was unnecessary.

When a dispute existed, the parties were obliged to meet within seven days for the purpose of resolving the dispute. If no agreement was reached within this period, the Commissioner for Labour had to be informed. The latter could at his discretion send the dispute to an inquiry, conciliation or arbitration. It could be seen that within the framework of this decree, the entire element of voluntarism had been abrogated. The 1969 amendment also had two other important elements viz, the law emasculated the right to strike or lock out. It stated that it shall be an offence for any employer to take part in a lock-out and for a worker to take part in a strike. It also established a permanent Industrial Arbitration Tribunal (now Industrial Arbitration Panel, IAP), whose decision as approved by the Commissioner, Minister or Secretary was to be final and binding.

Both decrees i.e. 1968 and 1969 have been modified and incorporated into the Trade Disputes Decree of 1976. One major modification can be stressed. Under the new law, any party which is not satisfied with the arbitration award could raise

objection. And in this situation, the case is automatically referred to the National Industrial Court (NIC) by the Minister of Labour. The NIC started work in 1978, it was established by the 1976 decree, the court is appellate and its judgement with respect to trade disputes is final. The 1976 decree is still the kernel of industrial conflict resolution mechanisms in Nigeria, although various governments have at one time or the other issued one decree or another contravening the provisions of the 1976 decree. But such executive fiat proclamations are purely transient and are meant to serve the immediate needs of the government in power and becomes moribund after the time period involved.

#### 4.3 CONFLICT RESOLUTION MECHANISMS

i. **MEDIATION AND CONCILIATION:** These are purely patterns of conflict settlement that is even widely used in interpersonal relations. It precisely refers to a process of settling disputes in which a third party intervenes in order to facilitate a voluntary settlement of the dispute through helping the parties involved in the dispute to reduce the degree of their differences and arrive at an acceptable and agreed

solution. Conciliation just aims at helping the parties discuss their differences and from this arrive at their own solution. But mediation goes beyond this. Therefore the mediator brings a strong pressure on the parties and is permitted to offer proposals to the parties which they are free to choose or accept or evaluate as means towards a settlement.

It is suggested that the difference between the two is so slight that it can be neglected and both terms used interchangeably. But in situations such as that which apply in West Africa, mediation can much more easily promote settlement than conciliation (Akpala, 1982). According to Akpala, the unique and essential characteristic of the conciliation process is its flexibility which sets it apart from other methods of settling industrial disputes. Consequently, a conciliator or mediator cannot follow the same procedure or pattern in every case; he of necessity adjusts his approaches, strategies and techniques as dictated by the peculiar nature of the circumstances of the dispute.

In most Western countries, conciliation is voluntary, that is both parties in dispute agree in



the spirit of industrial relations to invite or accept a third party in order to help resolve the conflict. But in places like some French speaking West African countries, conciliation is compulsory. As a result the disputing parties must attend conciliation proceedings or else the authorities concerned would compel the absenting party to attend under some punishment. In Nigeria, conciliation is also compulsory therefore the Labour Minister has the discretion to appoint a conciliator for the parties and informs them and they are expected to attend the proceedings. And to use this platform to resolve their differences. Conciliation being compulsory in most developing countries is considered imperative in order to avoid the dilatory tactics of the employer/management and even labour, since this would not augur well for the economy.

ii. **ARBITRATION:-** This is quite different from conciliation in that here the parties submit their claims to the arbitrator and support such claims with all evidence, facts and argument at their disposal. It is the next step after the failure of the conciliation process or attempt. But here the decision lies with the arbitrator who makes a decision in the

form of an award to either of the disputing parties whom he feels is justified by all facts of the case available. Arbitration provides a way of resolving a deadlock. There are voluntary and compulsory arbitration. An arbitration is voluntary if it is the parties in dispute that refer such case to the appropriate arbitration machinery. But it becomes **compulsory** if the parties are compelled by the state to go to arbitration in the face of prolonged trial of strength and gross damage to the industry or sector concerned.

In Nigeria, a basic difference exists between compulsory and voluntary arbitration, though one might argue that after conciliation and mediation, compulsory arbitration seem to be the next most frequently used tool of dispute settlement. Four basic conditions make arbitration voluntary and hence outside the scope of the institutional arbitration framework of the state. These are:

- a. The parties agree among themselves to refer their dispute to arbitration.
- b. They agree, on the personality that is appointed to arbitrate where necessary.

c. They may also agree in advance to be bound by whatever award the arbitrator makes.

d. The parties could agree to refer the issue to arbitration but may not agree to bind themselves in advance to accept the award (Akpala, 1982).

iii. THE INDUSTRIAL ARBITRATION PANEL (IAP):- In Nigeria, this is the established institutional voluntary arbitration body. The IAP was set up for many reasons, some of which are, to prevent unnecessary, prolonged and damaging conflict; to safeguard the community which may mean the same thing as to protect the interest of the state; for security reasons i.e. strikes and other bold forms of conflict shouldn't be encouraged during war periods and times of national emergencies; it is also sometimes seen as consistent with industrial democracy if it can be shown that it was established with the consent of the people; moreover the implications of conflicts on the economy cannot be over-emphasized.

As a result of all these, the Industrial Arbitration Panel was established by the Trade Disputes Decree No. 7 of 1976 as a court of original

jurisdiction for the purposes of settling trade disputes (Annual Labour Report; 1989). Since then the IAP has been very instrumental to the resolution of various disputes in the country and its use seems to increase with the years.

iv. THE NATIONAL INDUSTRIAL COURT (NIC):- This is really not a conflict resolution mechanism as it connotes all the paraphernalia of a normal court, but following the establishment of the IAP as a court of original jurisdiction there was also the need for an appellate and final court of labour. Hence the NIC was established by the Trade Disputes Act of 1976. Its function is to serve as an appellate body to the Industrial Arbitration Panel as well as a court of first instance. Apart from the normal duties of conflict resolution and settlement, the NIC, like the IAP, was conferred with the powers of committal for contempt and power to deal with cases of inter-union disputes and appointment of public trustees to manage the affairs of unions involved in inter-union disputes (Annual Labour Report, 1989).

Having looked at the various means of resolving conflicts in the industrial relations system in Nigeria,

it seems appropriate to look precisely at the relationship between conflicts and economic conditions in Nigeria. As well as the role of each party in the industrial relations system and the use of various conflict resolution tools in Nigeria within the time period covered by this study.

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## CHAPTER FOUR

### RESEARCH DESIGN AND METHODOLOGY

#### METHOD OF DATA COLLECTION.

The method of data collection for this study was mainly through extraction from documents. Documents refer to written materials that contain information about the phenomenon one is studying. As Bailey (1952) observed, documentary *method* becomes crucial for this form of study because of two features. One, in a study covering a long period of time, the researcher cannot go back in time to observe the trends nor to examine or experiment on it. Two, using survey research to ask people who witnessed such a phenomenon of interest is tricky as the time lapse will likely produce much error caused by memory failure. Moreover documents are rarely published as research materials by the Publishers, individuals, or groups and this goes a long way in ensuring the reliability of the documentary method.

Concretely the data for this study were derived from three main sources viz: the government, the labour unions, and the employers' association. This was necessary since the three are the parties involved

in an industrial relations system. The federal government through its labour office issues an annual labour report which has detailed accounts of all industrial conflicts and other labour related issues in the country for the year. The Nigerian Labour Congress keeps a yearly record in the form of registry of all disputes in all sectors in the country; the Nigerian Employers Consultative Association also keeps a similar record.

The greatest set back of the documentary study method is the issue of originality or validity of the documents being used. This was overcome through covering as many documents as possible on each issue or subject. Therefore, the records of the government, the labour unions and employers were perused. Also recorded information from other sources like that of the Central Bank on disputes were sought for comparison. Internal consistency checks of each documents was carried out before use. This was done through independent cross-checking of the total number of conflicts each month and period to see if it tallied with the totals in the annual reports and registers. External checks or comparisons of similar documents

were done i.e. the annual report for each year was compared with registry entries for the same year.

In addition to the documentary method of study, unstructured interview would be used to gather data from the participants in the industrial relations system of the country. As a result, a study sample for the interview would be drawn from the government, employers and labour.

### 3.2 SAMPLING PROCEDURE

Unstructured interviews with key officials of the three parties i.e. government, labour and employers were conducted using the stratified sampling technique. This is relevant to the study because the three parties to a dispute in relation to this study are made up of different groups, and these groups were used as strata for the study. This is shown below:-



Table II: SAMPLING FRAME

Government	Labour	Management
1. The Labour Ministry	Nigerian Labour Congress	Nigerian Employers Consultative Association
2. National Industrial Court	First Generation Unions (Unions formed before 1969)	First Generation Firms (Firms established before 1960).
3. The Industrial Arbitration Panel	Second Generation Unions (Unions formed after 1960).	Second Generation Firms (firms established after 1960).

This was done in order to remove bias and give equal representation to all interests in the study.

Having established the above strata, the purposive sampling technique was used to choose three elements from each stratum in each party. As a result a total number of nine respondents from each party were selected giving a total sample size of 27 for the study.

The purposive sampling method was used in order to ensure that only respondents well versed in industrial relations practice in the country were interviewed,

though efforts were made to include both the rank and file respondents in the sample population. As Mueller et al (1977) posited, purposive sampling requires the researcher who knows the characteristics of the population of study to use his mature judgement in spotting typical cases for sampling.

The interview covered such issues as the role of mediation and collective bargaining in conflict resolution; factors that precipitate crisis; the most frequently used tool of dispute expression, sectoral distribution of conflicts; the role of the three parties during crisis; the influence of the economy on labour/management relations; the effects of military rule on industrial conflicts etc.

#### METHOD OF DATA ANALYSIS

Content analysis of documents was used before the data were transformed into purely quantitative data through the establishment of code of categories, and frequency of occurrence of items of interest. Berelson (1954) holds that content analysis is a research technique for the objective, systematic, and quantitative description of the manifest content

of communication. It is based on the researcher's ability to collect, organise, describe, analyse and explain circumstances from the result of his finding. Also content analysis according to Bailey (1982:313) is a structured document-analysis technique in which the researcher first constructs a set of mutually exclusive and exhaustive categories that can be used to analyse documents and then record the frequency with which each of these categories is observed in the document studied. The content analysis of documents in this study focused on the number and types of conflict; the number of work stoppages; number of workers involved in conflict; methods of settlement of conflicts; man-days lost; number of conflicts in each sector i.e. private and public; the number of conflicts in pre-SAP and SAP periods.

Analysis of data in the form of bar chart, frequency polygon and percentages was also carried out. Further, the chi square ( $X^2$ ) statistic and the difference in means of the two periods were employed in the test of research hypotheses. The chi-square was invaluable in giving insights to the extent of relationship between variables. Finally, information

gathered from the unstructured interview helped to support or contradict the data from the documentary sources.

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## CHAPTER FIVE

### DATA ANALYSIS

#### ECONOMIC CONDITIONS AND INDUSTRIAL CONFLICT

The main thrust of this work is to determine the influence of economic conditions on conflicts between labour and management. In the case of Nigeria, this translates into determining the difference in conflict levels between the SAP and pre-SAP periods since the two are undoubtedly different economic conditions characterized by differing economic situations and circumstances. In the view of the Newswatch, February 24, 1994, prior to SAP, Nigerians were not familiar with galloping inflation, unemployment, acute shortage of basic social amenities and deteriorating standards of living which is the lot of the average Nigerian in the SAP era.

It is a classical industrial relations paradigm that conflict increases with boom. This is because the worker is guaranteed of his job security and even when he is sacked, since the economy is rosy he still has places to get a job offer unlike during

depressions when there are no jobs available. The fear of losing his job keeps the worker away from agitation or militancy. As a result there is bound to be less conflicts during economic recessions than during booms (Cornfield, 1986). Far from being purely a western orientation, this view point receives the support of some Nigerian scholars, like Obufa (1990) who has argued that in times of recession union activity is nominal and geared mainly towards ensuring that the existing work-force is not depleted through retrenchment as a result of the economic condition. Consequently, he sees the period of recession as the least likely period for an upsurge in conflicts and pinpoints the period of boom as the season of conflicts. Obufa arrived at this conclusion after extensive case studies of some industrial firms in Port Harcourt, Rivers State.

But this notion of the classical school has received severe knocks from such scholars as Turner (1965), Otobo (1987) and Lofchie and Roseberg (1968). These scholars hold that rather than economic booms bringing about more conflicts in Africa, the opposite is the actual case. As a result, Turner argues that

the stage of development of industrial relations in Africa makes such a western notion inapplicable here. Lofchie and Roseberg hold that the imperatives of development has inculcated in the labour movement in Africa, the ability to move forward despite the economic situation. Therefore the unions might accept a severe austerity condition out of patriotism and not embark on conflict. In Nigeria, Otopo (1987) argues that conflicts would rather increase during economic depression than otherwise. For him the role of the Nigerian Unions may be viewed in the context of material conditions existing at any point in time and in the conduct of political and economic elites. Though Otopo ties the actual behaviour of unions during recession to the conduct of political and economic elites, he nonetheless sees as improbable the notion that conflicts increase during boom than during depression especially in the Nigerian context.

From the foregoing it is the aim of this study to draw the actual line i.e. to precisely determine to what extent economic conditions affect conflicts between labour and management. As stated elsewhere in this work, documentary evidence of

conflicts in Nigeria was collected for the 12 years that was the scope of the work. This was divided into two equal parts of 6 years for each economic period i.e. pre-SAP and SAP.

Table III: NUMBER OF CONFLICTS ACCORDING TO ECONOMIC PERIOD

Economic Period	Number of Conflicts
Pre-SAP (1981-86)	1,037 (51.3%)
SAP (1987-1992)	984 (48.7%)
Total	2,021 (100%)

As is evident from table III there were more conflicts in the pre-SAP era than in the SAP period. This it would seem supports the classical industrial relations truism that there is bound to be more conflicts during the growth periods of the economy i.e. booms than during recessions. But one must look at the contention of Otobo (1987) that the behaviour of the unions vis-a-vis conflicts during recessions depends on the conduct of economic and political elites during the same period. Such conduct refers to the extent to which the elites display behaviour that tends



to nullify the supposed severity of the situation i.e. workers cannot be expected to remain calm if leaders exhibit ostentatious living styles that belie the supposed recession. Nevertheless Otobo's views may not hold in this particular case because the whole twelve years of study were mostly era of military rule hence the difference in the conduct of political and economic elites between the two periods wouldn't be significant. From the above it seems pertinent to test the first study hypothesis i.e. there is a significant difference in incidence of industrial conflicts between the pre-SAP and SAP periods in Nigeria.

Test of Hypothesis I: Use of the t-test as a test significance between Difference in Means of the two Periods

$$\bar{X} = \frac{\sum X_i}{N}$$

$$\bar{X}_a \text{ (Pre-SAP)} = \frac{1037}{6} = 172.83$$

$$X_b \text{ (SAP)} = \frac{984}{6} = 164.$$

$$\text{Difference in Mean} = 172.83 - 164 = 8.83.$$

This then shows that on the average there were more conflicts during the pre-SAP than SAP period.

It is now pertinent to discover whether this difference is statistically significant. Hence:

H1: There is a significant difference in incidence of conflicts between the two periods.

H0: There is no significant difference in incidence of conflicts between the two periods.

Degree of freedom = 10

Level of significance < .05

∴ Critical t = 1.812

Computed t = 0.85.

Decision: Since the computed t at 0.85 is less than the critical value of t at 1.812, we accept the null hypothesis. Therefore there is no significant difference in incidence of conflicts between the SAP and pre-SAP periods. This rejects the hypothesis that there is a significant difference in incidence of conflicts between the two periods.

This seems to tally somehow with the responses of those interviewed. There was a consensus of opinion on the fact that SAP has influenced conflicts in Nigeria though not really in terms of the number or incidence of conflicts. Almost all the respondents agreed in various ways that SAP actually influence

industrial conflicts in Nigeria. This strand of thought is captured in the views of a trade unionist, 'the economy has made everything bad. SAP has affected everything and not the least the level of conflicts and disputes'. Though such opinions were the norm, a different picture was presented when the respondents were asked about the actual direction of influence, i.e. whether such influence was for good or bad. While some argued that SAP has increased the number of conflicts, others hold that there is no difference, while a significant number also felt (about fifty percent of the respondents) there were more conflicts in the pre-SAP than in the SAP era. An executive member of NECA opined that, 'SAP has not really increased the level of conflicts. I think at the onset of SAP there was no immediate upsurge but as the economy worsened, workers felt the only way out was to make employers pay more; forgetting that everybody including the firms were under the same economy'. Another employer emphatically replied in the negative, 'I don't think, in fact it (SAP) has not in any way affected the number of conflicts'. Asked further whether this means that the workers are docile or don't

feel the pinch of SAP, he argued that, 'sure they do but at the same time they realise that the firm is producing below capacity and the marginal profit is declining, all because of SAP'.

But a member of the Nigerian Civil Service Union rejected the above notions and held that the workers are badly pressed because of the economic condition and their only source of power when pressed is the strike. Hence it is likely there are more strikes now than in pre-SAP period. Reminded that the number of strikes does not seem commensurate with the hardship being experienced by workers, he opines that this discrepancy should be sought in union leadership. 'Don't you know that we live in times of 'settlement'. The government has for the past five years embarked on a consistent union leadership 'settlement' exercise. So when leaders are bought, it becomes problematic mobilising workers for decisive action'. Since the area of leadership corruption or sell out is not the focus of this study, there was no need asking this unionist to fully explain himself.

From the above it can be seen that the views of those interviewed correspond to a certain degree

with facts in the documents. As a result SAP has affected the Nigerian worker but this has not actually led to an appreciable increase in conflict level. This might be attributable to the maturity of the labour unions; or the influence of the military; or the use of money and material inducements to entice union leaders and hence weaken the unions; or the fear of losing their jobs on the part of the workers as postulated by the prosperity theory. It is likely that a combination of the above factors may be responsible for this trend. That notwithstanding, the classical industrial relations theory that boom brings more conflicts than recessions still remain a truism even though slightly in Nigeria.

#### SECTORAL DISTRIBUTION OF CONFLICT

The structure of labour/management conflict in Nigeria seems to suggest that there are more conflicts in the private sector than there are in the public sector. In the views of Fashoyin (1980), the private sector in Nigeria attracts more conflicts than the public sector. This, he argues, is the case notwithstanding the fact that the public sector always

initiate conflicts. Fashoyin feels that this is so because of the influence of public sector wage determination by government on industrial peace in the private sector. He also notes the relative uncohesiveness of the private sector. This view seems plausible when one realizes that NECA even after three decades of existence still does not have some noticeable large employers of labour in the private sector as members. This is further compounded by the fact that NECA as a consultative association has no coercive power, hence even if members choose to violate laid down procedures and rules, NECA lacks the required legal mechanism to bring such members to book.

Table IV: SECTORAL DISTRIBUTION OF CONFLICTS  
(1981-92)

Year	Private Sector	Public Sector	Total
1981	170 (34.1%)	88 (65.9%)	258 (100%)
1982	265 (77.9%)	75 (22.1%)	340 (100%)
1983	98 (70%)	88 (47.3%)	186 (100%)
1984	70 (70%)	30 (30%)	100 (100%)
1985	36 (46.2%)	42 (53.8%)	78 (100%)
1986	37 (49.3%)	38 (50.7%)	75 (100%)
1987	40 (63.5%)	23 (36.5%)	63 (100%)
1988	101 (73.2%)	37 (26.8%)	138 (100%)
1989	79 (56%)	62 (44%)	141 (100%)
1990	84 (48.3%)	90 (51.7%)	174 (100%)
1991	160 (60.4%)	105 (39.6%)	265 (100%)
1992	124 (61.1%)	79 (38.9%)	203 (100%)
Total	1,264 (62.5%)	757 (37.5%)	2,021 (100%)

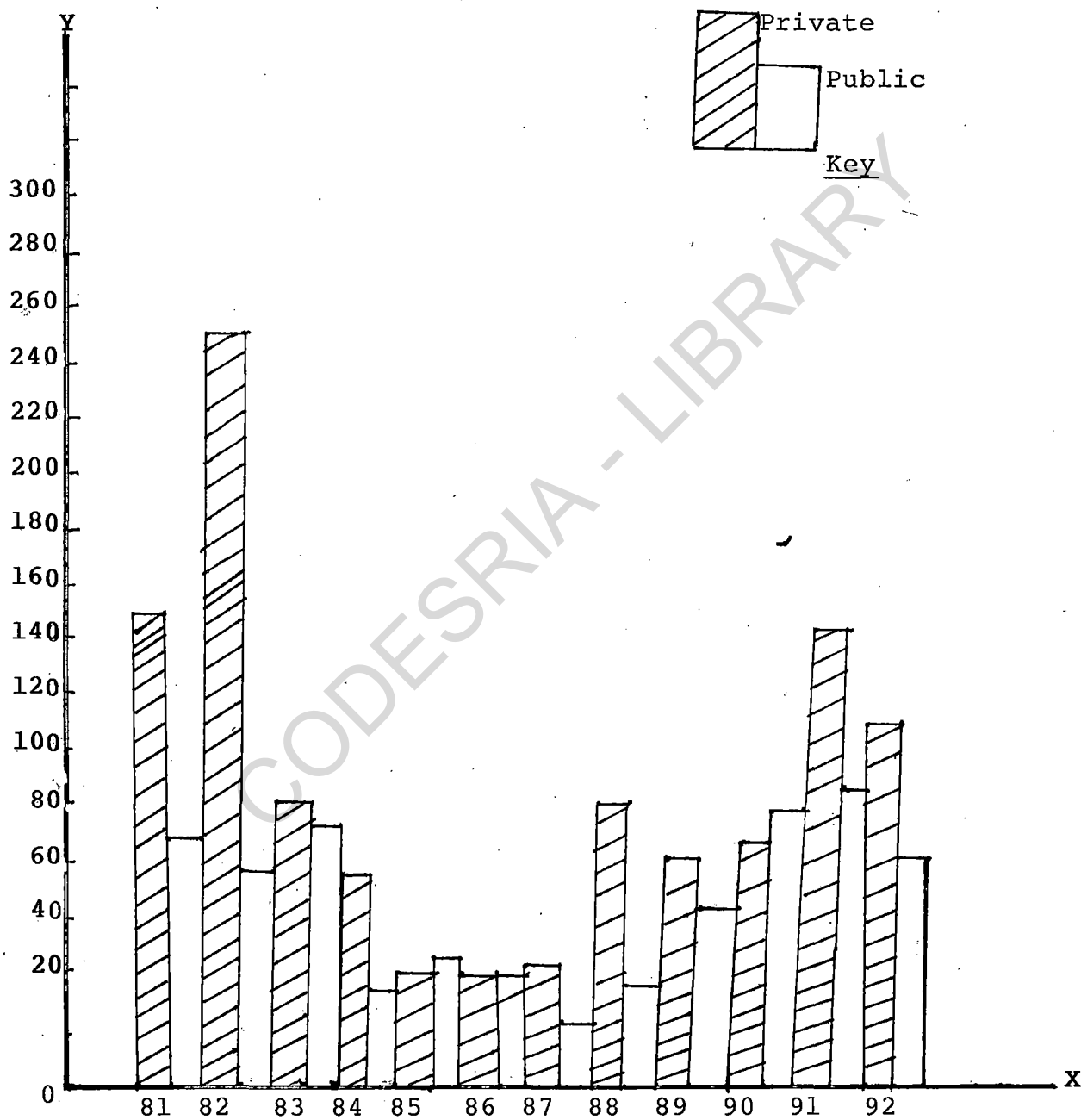
Source: Register of Trade Disputes (1981-92),  
Federal Ministry of Labour, Lagos.

The relative low number of conflicts witnessed in the period 1984-86 may have something to do with the change of government in December 1983. It seems the workers were patient to discover if the new government would arrest the already noticeable gradual drift in the economy. Also as Fashoyin (1990) argues, the government of Buhari which was in power in 1984 was very repressive and this might have affected the mood of unionism in the country.

Table IV shows that the private sector in Nigeria attracts more conflicts than the public sector. And this supports the earlier contention that the private sector has a higher number of conflicts than the public sector. And this seems plausible in view of the fact that of the 42 industrial unions (41 unions since late 80's) in the country, only nine are mainly public sector unions, the rest are largely private sector unions. This considerable difference in number of unions between the two sectors may actually give rise to more conflicts in the private sector.



Figure 1: BAR CHART SHOWING SECTORAL DISTRIBUTION OF CONFLICTS



Most of those interviewed pointed out that the private sector is more conflict prone than the public sector. In the words of a finance institution employee, 'the private sector appears more conflict prone because they are not as organized as the public sector in terms of both unions and employers'. Asked further about which union in his own opinion is most conflict prone, he replied, 'since two years ago, the NUPENG, prior to that, Dockworkers'. This opinion is also shared by a management staff, 'the private sector I believe, though the public sector is the first to start a conflict. Although in the last two years, the public sector might have taken the lead'. All the same, a few of the respondents were of the contrary opinion though they seem not so decisive about why the public sector is more strike prone. According to a journalist, 'the public sector is more strike prone because they are the ones that work for government and therefore more exploited'.

However it seems pertinent at this stage to test the second hypothesis underlying this study. The hypothesis states that, there are more industrial conflicts in the private sector than in the

public sector in Nigeria.

H1: There are more industrial conflicts in the private sector than in the public sector in Nigeria.

H0: There is no difference in the number of conflicts between the two sectors.

Test statistic = t-test

Degree of freedom = 22

$P \leq$  = .05

Critical t = 2.074

Computed t = 5.7

Decision: Since computed t at 5.7 is greater than the critical value of t at 2.074, we reject the null hypothesis. Therefore there are more industrial conflicts in the private sector than in the public sector in Nigeria.

#### THE ROLE OF THE MILITARY

Fashoyin (1990) has argued that the military in Nigeria right from the onset in 1983, embarked on a policy of repression of trade unions and unionists. For Fashoyin, the military evolved a policy of corporatism mainly in order to guard against the activities of the unions so that such activities would

be in line with what the military see as the state policy. This system of repression embodied in the corporatist principle, Fashoyin points out, is the main tool that the military dictatorships in Latin America have used consistently to put the working class people in check. Therefore the policy works by intimidation and harrassment of union officials and other vocal members of social groups in the society. In order to make them tow the lines of the military, whether or not such lines are favourable to them. According to Fashoyin, such a repressive principle reached its climax in the military regime of Buhari (1983-84) when unions were unceremoniously proscribed and leaders of such unions incarcerated. Though the contention that the regime of Buhari was the harshest may have been invalidated by the activities of other military leaders following him. The point remains that the government of the day especially military government plays a key role in evolving activities of the industrial relations system of any country (Grint, 1992).

This view is also shared by Otobo (1987) who feels that the role of unions in different economic conditions is

dependent to an extent on the conduct of political and economic elites. The above observations become crucial when one realizes that the military junta in Nigeria, lacking legitimacy, has looked at repression and intimidation as tools of achieving acceptance. As a result, vocal groups in the population have been the victims of such repressive measures aimed at achieving 'acceptance' for the military. In fact it was only during the military regime that such hitherto unknown measures were brought to bear on the workers. Hence it was the military that proscribed ASUU in 1988; dissolved the elected executive council of the NLC and set up a caretaker committee in 1988; sacked all striking airways pilots in March 1985; and proscribed the NMA in April 1985 (Fashoyin 1990). All these were the first of their kinds in the industrial relations history of the nation and may be it could not have happened under any other type of government than the military.

The above factors might lead to a feeling that the supposedly lower level of conflicts in the SAP era despite the economic hardship might be as a result of the presence of the military and their

subsequent inhibitive effects on the militancy of workers. While a majority of people interviewed were of the view that the presence of the military has affected the incidence of conflicts in the country as shown by the words of one union member, 'the presence of the military has worsened the situation, they have made things worse and hence more conflict'. But when asked if unions are afraid of the military, he answered emphatically in the negative and would rather argue that the unions are 'only careful'. But a lot of other people interviewed would not like to put blames on the military in isolation but rather in conjunction with the economy. As a result such people who are equally significant in number argue that the military has not increased the level of conflict nor reduced the militancy of the workers (about 60% of those interviewed hold this opinion). Rather the economy should be held equally responsible. In fact a few of them went on to argue that the state of affairs might still be the same even if civilians were in charge. Such ambivalence in opinions is aptly caught in the following statement from a respondent, 'the military

has affected the incidence of conflict both negatively and positively. It has led to a lot of instability in the nation and this has occasioned a lot of pressure on the firms and make them conflict intense. But on the other hand it had given a lot of impetus to organized unions in terms of recognition and actual aids'.

But one must point out that whilst the people interviewed from the labour sector were very vehement in agreeing that the military has affected conflicts for the worse, they were also equally unequivocal in stating that the militancy of the workers has not been eroded by the presence of the military. Consequently in line with views expressed, the military has influenced conflicts both positively and negatively but has hardly influenced the militancy of the workers. It was also argued by some of the respondents that given a good cause for a showdown with the government, the labour unions do not hesitate, military or no military. Despite this, some unionists interviewed have placed blames for any weakness in the unions on the fact that the leaders have sold out to employers. In the words of a

member of NUPENG, 'the military has worsened things because they don't make concessions to workers in view of existing economic hardship as is done abroad. But it has not weakened workers' militancy.

Therefore, one would infer that the military has influenced both the number of conflicts and also the militancy of workers though not to a significant level. And again, of the pre-SAP years only the first three were of civilian rule while the last three were of military rule. A comparison of the two periods would suggest that there were more conflicts during the last three years of the civilian regime than during the first three years of the military regime (see table V).

Table V: INCIDENCE OF CONFLICTS BY TYPE OF GOVERNMENT (1981-86)

Period	Number of Conflicts	Type of Government
1981-83	784 (75.6%)	Civilian
1984-86	253 (24.4%)	Military
Total	1,037 (100%)	



This notwithstanding one might argue that this is bound to be so because the military in its first two years might tread softly in order to win the support of the populace and to justify its overthrow of the civilians. Though also, the military may be very authoritative in their first year, this Fashoyin (1990) believes was the case of the Buhari regime in 1983/84. Either way, it seems the final outcome was a reduction in the dispute level in the labour sector. This notwithstanding, another comparison of the last three years of the civilians and the last three years of the scope of this study (which also falls within a military era) may be instructive.

Table VI: INCIDENCE OF CONFLICTS BY TYPE OF GOVERNMENT (1981-83; 1990-92)

Period	Number of Conflicts	Type of Government
1981-83	784 (55%)	Civilian
1990-92	642 (45%)	Military
Total	1,426 (100%)	

In as much as the difference between the number of conflicts for the two periods in table VI is not

as large as that of the preceding table, the fact that economic conditions between the two were separated by about ten years and was harsher in the last period (1990-92) is very interesting. On the basis of this, one cannot help inferring that the military has not significantly affected the level of conflicts.

#### CONFLICT EXPRESSION TOOLS

As was stated earlier, the means of expression of conflict used by workers tend to change as economic conditions worsen. Hence it might be expected that the SAP period, being a period of harsh economic conditions would attract such severe conflict expression mechanisms as work stoppages and strikes. In this regard, a hypothesis was framed in order to test the validity of this supposition. The hypothesis states that, overt expressions of conflict predominate over covert expressions in times of economic depression than in boom.

H1: The more the economic depression, the greater the tendency for overt expression of conflict.

Ho: There is not difference in patterns of conflict expression between periods of boom and recession.

Test statistic: Chi-square ( $X^2$ ).

Df = 1

$P \leq .05$

Critical  $X^2$  = 3.84

Computed  $X^2$  = - 0.14

Decision: Since the critical value of  $X^2$  is greater than the computed  $X^2$ , we accept the null hypothesis. Therefore there is no difference in means of expressing conflict between the two periods under study.

This seems to tally with the opinions of a large number of those interviewed. In fact the opinion of most was that the patterns of expressing conflict have not changed as a result of the economic condition. While some mentioned the use of strikes, lock-outs and work to rule etc. without elaborating, others went on to pinpoint that the only difference in conflict expression between the two periods may be in the intense nature of the conflicts in the SAP era and the longer periods it takes to resolve them.

According to one of the respondents, conflict are expressed by, 'the usual means, strikes, disputes, etc., may be the strikes are a little long drawn and damaging, look at the fuel issue ...' Though a few argued that, 'strikes are frequent now because we want to show the seriousness of our demands', the point is that the prevailing economic situation has had no effect on the means that are used in expressing industrial conflict. It seems the age long means of work to rule; lock-outs; dispute declaration; and strikes have been used as deemed necessary by the parties in dispute.

Table VII: CONFLICT EXPRESSION TOOLS USED IN NIGERIA (1981-92)

Year	Overt	Covert	Total
1981	234 (90.7%)	24 (9.3%)	258 (100%)
1982	257 (75.6%)	83 (24.4%)	340 (100%)
1983	135 (72.6%)	51 (27.4%)	178 (100%)
1984	49 (49%)	51 (51%)	100 (100%)
1985	41 (52.6%)	47 (47.4%)	78 (100%)
1986	35 (46.7%)	40 (53.3%)	75 (100%)
1987	40 (63.5%)	23 (36.5%)	63 (100%)
1988	102 (74%)	36 (26%)	138 (100%)
1989	79 (56%)	62 (44%)	141 (100%)
1990	104 (59.8%)	70 (40.2%)	174 (100%)
1991	138 (52%)	127 (48%)	265 (100%)
1992	113 (55.7)	90 (44.3%)	203 (100%)
Total	1,327 (65.7%)	694 (44.3%)	2,021 (100%)

Source: Annual Labour Reports, 1981-88; and Trade Disputes Register, 1981-92, Federal Ministry of Labour, Lagos.

It becomes necessary now to see if the means used in resolving conflicts has been affected by the different economic conditions of SAP and pre-SAP. Ideally, there are two major conflict resolution mechanisms viz: the institutional and the voluntary mechanisms. The voluntary mechanisms are mainly mediation and conciliation and voluntary arbitration; while the institutional means are arbitration, i.e. the IAP, and the National Industrial Court (NIC). It is the contention of this study that as economic conditions worsen, the means of resolving industrial conflicts shifts from voluntary mechanisms to institutional mechanisms. This viewpoint is not however shared entirely by a majority of the respondents interviewed who feel that there has not been any reasonable change in the mechanism of conflict resolution as a result of change in economic conditions. Rather they argue that any greater use of institutional means now should be attributed to either greater awareness of their use or the intense and prolonged nature of the conflicts.

Therefore a lot of them agree that a greater use is being made of the institutional methods but not

necessarily as a result of higher incidence of conflicts. In the opinion of one of them, '... they are being used greatly because of greater awareness than anything else'. Asked if this does not reflect the intensity of conflicts now; he replied, 'not exactly but I believe, the awareness angle is greater'. Another variant of this opinion is that of a labour activist who feels that, '... the level of use (of institutional mechanisms of resolution) is more, because the labour sector is restive and bad leaders both in labour and government are responsible.' Asked to explain how, he opines, 'the top level government and the leadership of the NLC share a lot in common, this is the lining up of their pockets with public wealth'.

Though some respondents are of the opinion that incidence of conflict is higher and parties are unwilling to settle amicably hence the greater use of institutional mechanisms. However the awareness opinion being put forward by a lot of those interviewed do not seem strong enough since it is usually the duty of the Labour Minister or his representative to invite the disputing parties to an arbitration hearing. The

NLC comes in only when the parties or one of them rejects the award made by IAP.

Table VIII: CONFLICT RESOLUTION MECHANISMS USED IN PRE-SAP AND SAP PERIODS IN NIGERIA (1981-92)

PRE-SAP	INSTITUTIONAL	VOLUNTARY	*OTHERS	TOTAL	SAP	INSTITUTIONAL	VOLUNTARY	*OTHERS	TOTAL
1981	24	72	62	158	1987	28	48	-	76
1982	31	244	65	340	1988	31	66	41	138
1983	32	135	18	185	1989	69	62	10	141
1984	21	82	-	103	1990	34	154	-	188
1985	39	70	-	109	1991	65	213	-	278
1986	79	41	-	120	1992	54	112	37	203
Total	226 (20.3%)	744 (66.7%)	145 (13%)	1015 (100%)	Total	281 (27.4%)	655 (64%)	88 (8.6%)	1024 (100%)

Source: Trade Disputes Register, 1981-92,  
Federal Ministry of Labour, Lagos.

\*Disputes in this column are those settled through other means such as inquiry or tacit understanding. Also in the table are disputes not settled but carried over from preceding years. Hence some years have more disputes resolved than the actual



disputes received that year. This is because previous disputes might have been resolved during that year. And the total number of disputes resolved for the 12 years is greater than the number of recorded disputes for the same period. This is because some disputes before 1981 were settled in 1981 and 1982.

Table VIII shows that voluntary mechanisms are largely used both in pre-SAP and SAP periods. But there is a slight increase in the use of institutional mechanisms during the SAP period. But such a difference is more or less insignificant to warrant a bold statement. Therefore the use of institutional mechanisms for conflict resolution is still not favoured above the voluntary mechanisms despite the economic condition.

#### Test of Hypothesis 4

H1: Conciliation and mediation more than institutional means are used as conflict resolution mechanism in pre-SAP than in SAP period.

H0: There is no difference in the use of conciliation and mediation during both periods.

Test statistic = Chi-square ( $X^2$ ).

$$Df = 1$$

$$P < .05$$

$$\text{Critical } X^2 = 3.84$$

$$\text{Computed } X^2 = -0.75$$

Decision: Since the critical value of  $X^2$  is greater than the computed value, we accept the null hypothesis. Therefore there is no difference in the level of use of conciliation and mediation between pre-SAP and SAP periods.

In view of the probable recurrence of prolonged conflicts during the SAP period, it is expedient to see if actually industrial conflicts in that period are more prolonged than the pre-SAP conflicts. And one way of doing this is to see if more man-days were lost during the SAP than pre-SAP periods, because it is more likely that the more man-days lost, the more prolonged the conflict.

Table IX: TOTAL MAN-DAYS LOST AS A RESULT OF CONFLICTS IN PRE-SAP AND SAP PERIODS

Year	Man-days lost	Year	Man-days lost
1981	2,218,223	1987	121,779
1982	8,221,761	1988	256,604
1983	9,838,035	1989	521,716
1984	301,809.5	1990	1,338,141
1985	118,097.5	1991	3,082,374
1986	332,294	1992	879,982.5
*Total	21,030,220	Total	6,200,596

Source: Trade Disputes Register, 1981-92, Federal Ministry of Labour, Lagos.

\*Total man-days lost between 1981 and 1992 = 27,230,816.

It can be seen that contrary to popular expectation, the pre-SAP years have more prolonged conflicts as indicated by the man-days lost than the SAP period. An average of 4,538,469.4 man-days was lost throughout the 12 year period under study. Of this, the pre-SAP period lost an average of 3,505,036.7 man-days, while the SAP period lost an average of 1,033,432.7 man-days. Therefore it can be stated that the economic condition of the SAP era has not significantly affected the duration of industrial conflicts in Nigeria.

One other interesting aspect of this study was to find out which industry is more strike prone than the others. This derives from a motive to test the validity of the Kerr and Siegal (1954) isolation hypothesis. Where they argue that industries isolated from society as a result of their nature and which workers form a cohesive and distinguishable mass from the others in the society are more conflict prone than others. As a result they point out that the railroads, stevedoring, and shipping are more conflict prone than others. In the case of Nigeria, the recording of conflicts according to broad sectors makes it almost impossible to draw any meaningful conclusion on the issue. From all indications, the conflict recording i.e. data on conflict is done in such a way that isolating particular industries without a wide margin of error is very difficult.

For examples, strikes embarked upon by the trailer drivers wing of National Union of Petroleum, Energy and Gas Workers (NUPENG) is recorded under petroleum rather than NUPENG; strikes by stevedorers are usually recorded under shipping and sometimes transport. Also most strikes by officers in higher

levels i.e. grade level 08 and above in ministries and parastatals even in the private sector are sometimes recorded under the amorphous section, senior staff. This is really frustrating as it would have been expected that since the 1976 restructuring of trade unions into the forty-two NLC industrial unions, the conflict recording system should follow that format i.e. recording conflicts only under the forty-two industrial unions.

In the opinion of a majority of those interviewed, the railway and dockyard or stevedoring attract more conflicts than others. However they pointed out that in the last two years, the petroleum and education sectors have tended to take the lead. In the words of one of them, 'in the last two years, petroleum, that is NUPENG (is more conflict prone), but prior to that, the railway and dock workers'. Also agreeing, another respondent opined, 'the railway workers, the dock workers and in recent times, the teachers, petroleum workers and tanker drivers.'

But apart from the question of the industry that attracts more conflicts, one other crucial issue is that of the causes of conflict. Some scholars like

Wigham (1969) and Freeman (1981) among others have looked at conflicts as resulting from issues of wages and salaries. To them these are the main factors underlying disputes in the work place. It is one of the objectives of this study to pinpoint the role of wage demands in conflicts in Nigeria. There is a consensus of opinion among those interviewed that wages and salaries are the main causes of industrial conflicts. In the view of one of them, 'I personally believe that the primary cause is the issue of wages and conditions of service. I mean it is the genesis of any other thing that might result to dispute'. Such an opinion is typical of almost all respondents interviewed.

But the records are not as unequivocal. This is because there exists in Nigeria, a curious dimension to causes of conflict. This is whereby once a dispute occurs the unions see it as an opportunity to increase their benefit from the production process i.e. a demand for higher wages is hastily added as one of the points in dispute. As a result there is need to distinguish between the remote and immediate causes of any dispute. But the documentary data does not make such a necessary distinction, it rather lumps

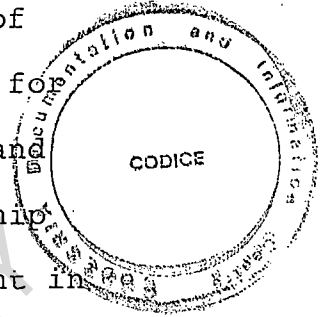
all the points in dispute together, hence it becomes difficult to generalize that the demand for wages by workers and inability of employers to pay leads to conflicts. Though the point is made clear in the Annual Labour Reports (1981-88) that factors of wages and salaries demand, agreement repudiation and work place practices predominate as causes of industrial conflicts in Nigeria as it appears most frequently than any other factor giving rise to conflicts.

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## CHAPTER SIX

### CONCLUSION

No matter how one looks at it, a word of commendation is due to the Nigerian workers for displaying a remarkable level of tolerance and maturity during this period of severe hardship occasioned by the economic hardship prevalent in the country. That the level of industrial conflicts in the pre-SAP period is above that of the SAP era despite its implications for industrial relations theory shows the patriotism of the average Nigerian worker. It is also likely that apart from patriotism on the part of the workers, the conservatism of the leadership rank might also be a contributory factor. However the issue of patriotism coincides with the argument put forward by Lofche and Roseberg (1968) that the imperatives of development may inculcate in the unions in Africa the ability to withstand severe economic conditions without resorting to paralysing conflict activities. Though the allegation of sell-out by union leaders was rampant among union members interviewed the fact remains that such buying of union leaders by employers and government can only delay and not





subvert unions' aims. Hence it might be argued that such sell-outs, if real, would not fully account for the patience and understanding so far exhibited by the workers.

All the same, the unions in Nigeria have to be cautioned against the speedy use of work stoppages than other means of expressing conflict. Industrial relations practice makes it imperative that work stoppages should be preceded by other subtle forms of dispute expression. That is, work stoppages or the strike should be the last resort. But the speed with which unions in Nigeria use it is alarming, especially its use in recent years by NUPENG. This approach negates the principle of industrial relations. Moreover the unions (except elite ones like the ASUU and the Senior Staff Associations), have not fully attained the level of maturity needed to participate effectively in policy making processes. It is likely that an uncurtailed participation in decision making by workers especially in a developing country like Nigeria might displace core organizational goals. While not supporting management's alienation of the workers in policy or decision making, there is need

for a certain caution in doing this. Therefore routine and recurrent policies should be the domain of the workers. While crucial policy issues that is most times beyond the understanding of the average worker should be the preserve of management.

Also the employers, especially those organized ones who are full members of NECA have responded to the worsening economic condition by increasing the wages and allowances of workers. This is worthy of note since the duty of every conscientious employer should be to ensure in as much as possible that the remuneration given to a worker is as close as possible to the realities of the economy. Even though people have argued that such increases are only slight and marginal, it is still a step in the right direction especially when it is recognized that government has not responded as well as private sector employers. It might be expected that the public sector unions should engage more in conflict as a result of this. But the contrary is the case, while not totally ascribing this situation to the influence of the military being in power, it might all the same be possible that the roles of the unions have been

curtailed, no matter how little, by the presence of the military. Such repressive measures as unleashed by the military government of Buhari (1983-84) on union leaders and agitators might have set the stage for an inhibitive influence on the militancy of workers throughout the period of military rule (Fashoyin, 1990). This militancy was further dulled by the desire of the military government to adopt corporatism as a state policy in issues concerning labour and the economy.

A lot has been done in the area of conflict resolution. Despite opinions and suggestions to the contrary, voluntary mechanisms of conflict resolution was used more during the period studied. As a result the industrial relations system in Nigeria is marked by a high use of the tools of conciliation and mediation in resolving disputes. This is encouraging as it show that parties in dispute understand that the primary aim of disputes is to enhance their reward or lessen their loss rather than disrupt entirely the production process. This is so because conflicts that are usually referred to the IAP and NIC as the

provisions of the Trade Union Decree of 1976 show are those that are prolonged and bitter with little likelihood of the parties resolving it among themselves. Such conflicts cause a lot of damage to the economy both in terms of man-days lost and the actual sum of money lost since each day's work activity can be quantified in monetary terms.

Corollary to this is the use of collective bargaining. This conflict inhibiting mechanism is not new in industrial relations practice in Nigeria since the government right from the early 60's has made this a policy of industrial relations in the country (Adeogun, 1987). But the use of this mechanism in Nigeria especially in the public sector is not encouraging. Generally the use of collective bargaining has been affected by the mutual suspicion which both parties bring to the bargaining table, the consistent repudiation of agreements reached by parties; and the consistent use of wage determination and legislations by government. Though the private sector in Nigeria makes regular use of the collective bargaining mechanism, this all the same is vitiated by the limitation of scope of issues to be bargained

on by management (Fashoyin, 1987). This limitation though used by management to limit workers' encroachment on its prerogatives does not augur well for the practice of collective bargaining. This is because it is seen by workers as a sign of insincerity on the part of management. And it goes a long way in making a total superficiality of the mechanism.

This is even more interesting when it is realized that unions in Nigeria in recent times have shown considerable interest in the area of policy making which had hitherto been the preserve of the management. Such avid interest as displayed by the ASUU, NUT and NUPENG has been the cause of industrial conflicts in the country. Public sector collective bargaining has been stalled by three factors, viz: the use of wage determination by government; the inability of government to overcome its scruples over the sovereign principle; and the preference by workers for a long time to be guided by civil service rules and regulations. This state of affairs is quite unfortunate since collective bargaining in Nigeria started in the public sector (Fashoyin, 1987).

The use of wage determination by government not only discourages collective bargaining but also distorts reality and occasions great inflation. Despite the obvious negative influence of this on the economy and the labour sector, the government does not seem in a hurry to abandon this practice. As late as 1992, the government inaugurated a wages and salaries panel to look into the issue of wages and salaries in the country and make recommendations to the government. The panel is yet to finish its assignment. In fact it is reportedly still looking for a suitable accommodation at the Federal Secretariat, Ikoyi, Lagos. Even though labour has repeatedly called this panel a delay mechanism by government, the fact remains that wages and salaries would be structured once again by the recommendations of this panel whenever it makes such recommendations. This practice as has been argued by scholars like Ubeku (1983) and Fashoyin (1980) breeds more conflict especially in the private sector; and precipitates an inflationary trend in the economy. The private sector employers have not been willing to adopt such government sponsored determination or legislation since they are

not actively involved in it and private sector unions have shown a desire to be treated to the goodies of such legislations and this situation invariably breeds conflict. The mass of unions in the private sector coupled with its relative uncohesiveness makes the conflicts that arise as a result of this, numerous and costly to the national economy.

From the foregoing one might attempt the following general statements:

The prevailing economic condition (SAP) affects conflicts in the country but not in the aspect of increasing it, but in making the workers more united and alive to their situation i.e. the peculiarity of the country's situation and the need for some sacrifice by every body. Again, the patriotism and maturity of the workers coupled with the likely conservatism of their leaders is also another likely cause of the relative lower conflict level in the SAP period. Undeniably unions might be influenced by the military but this has not stopped them from agitating for their rights when conditions are right for such agitation a la NUT, ASUU, NUPENG, NRU etc.

Collective bargaining even though a recognised and established industrial relations tool in Nigeria seems not to be fully exploited by both workers and management as a conflict inhibiting mechanism. This state of affairs might account for the general increase in incidence of labour conflicts in the country; especially, the frequent use of work stoppages can be attributed to it. A much more spirited use of the mechanism would go a long way in saving the nation the loss arising from the frequent conflict situation. Also the use of mediation and conciliation is very encouraging and shows the willingness of parties in dispute to disagree only when it is necessary and to work towards agreeing since it is always imperative.

The only weakness in the NECA as a regulatory body in the private sector is as a result of its inability to legally enforce its decisions when members choose to err. It is likely that the restructuring of NECA or the establishment of laws backing it and giving it powers of sanction and coercion would go a long way in harmonizing employment and employment matters in the private



sector. This ultimately will lead to a much more organized private sector with its implications for industrial peace.

Wage determination and legislation as currently used by government is counter productive and the consequent evils of hyperinflation and more conflicts would continue until government stops its use. Wages and conditions of service are best determined at the collective bargaining table. Unreasonable demands can only result from this as often feared if the management keeps the marginal profit of the firm a closely guarded secret from the workers. If not, the workers should be made to realize that the marginal profit of a firm is that profit which accrues to the firm as a result of the employment of one more worker. And it is this profit that really should determine the wage of the worker and the gross profit of the firm.

Then workers in government/public sector and the service industries can be guided in deciding their wages and salaries with management by what obtains in the production sector. Wage determination like any other quasi-forceful tool hardly works and when it does, it is only for a brief period.

In view of Watson's (1987) industrial relations models, Nigeria might be said to approximate the fourth model more than any other. That is the Standard Modern model in which it is recognised that management and employers have different values and purposes, and where in the absence of a formalized industrial relations approach, interventions only occur when disputes arise and make them necessary. It is a plausible contention that the above model more than any other put forward by Watson captures the true essentials of industrial relations practice in Nigeria where the stick and carrot method is used mostly, especially by the government.

Stated rules, and trade unions are only remembered when it becomes obvious that a strike or work stoppage is likely or when one is already in progress. If not, management and government pays only cursory attention to established industrial rules and regulations in their every day dealings with labour. As a result, industrial relations practice comes into play during industrial conflicts only to be abandoned once there is little peace and this is one of the main reasons for recurring

industrial conflicts in the country.

Definitely, the prosperity theory which states that there is bound to be more conflicts during economic booms than during recessions explains to a large extent the case of Nigeria. Hence the data shows that (see Table III) there were more conflicts during the pre-SAP than SAP period, though it must be mentioned that the level of difference in conflict rates between the two periods is not significant as shown by the statistical manipulation.

Finally a thorough examination of issues raised above and their use in the practice and policy of industrial relations would go a long way in helping to evolve a better industrial relations system. Hence this work is recommended for those in the practice of industrial relations i.e. unionists, government and management as well as others responsible for policy decisions regarding labour in Nigeria.

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