

Challenges and Prospects of Effective Industrial Conflict Resolution in Nigeria

Albert T. Akume* and Yahaya M. Abdullahi

Department of Public Administration, CASSS, Kaduna Polytechnic, Kaduna, Nigeria
**Telephone: +2348032928851; *E-mail: yimaalbert@yahoo.com*

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ABSTRACT Interaction between workers and their employers is not devoid of conflict. However, collective bargaining is the tool used to resolve amicably contending labour issues between employees and their employer. Contrarily, rather than have smooth labour-management relations via collective bargaining, conflicts have continued to characterize labour-management relations in Nigeria. Sadly, the present democratic regimes have witnessed series of industrial unrest now than ever before. It is against this backdrop that this paper utilizing the documentary and analytical approach examines the challenges and prospects of effective industrial conflict resolution in Nigeria. It was observed that significant among the reasons that have vexed the situation is the unprecedented jumbo salaries and allowances being paid to political offices holders. The other factor is related to government persistent character of reneging from implementing signed agreement with its labour union. This paper therefore recommends that parties should endeavour to respect signed agreement as a way of reducing the persistent labour unrest.

INTRODUCTION

There is superfluity of views in the literature in the way labour-management-relations or industrial relations should be handled for a peaceful working environment. The necessity of a harmonious working environment cannot be overemphasized as it has positive implication for the organization and society at large. Conversely, if the issues touching on labour-management relations are not properly resolved they tend to burst its banks with resultant severe consequence on motivation, relationships and production. It is an emotionally charged and sensitive area of public and private organizational administration. Labour-management relations is a complex concern that is aimed at the allocation of rewards to employees for their services, and the conditions under which services are rendered (Craig 1975 cited by Otobo 2005: 43).

Significant to this paper however is the labour-relations between the government and its public administration. Despite, state privatization program and the corresponding ongoing downsizing policy in accordance with the dictate of the neo-liberal economic dictum of SAP, the Nigerian government still is the leading employer of labour as such has a stake in labour relations issues. The government's workforce is subsumed in its public administration. In the literature there are three ways of viewing public

administration, namely how to govern a society, the way of management and administration, and the civil service culture (Molen 2004: 3). Labour-management relation is not an exclusive shop for individual influence and action, various actors combined to influence, determine and manage the relationship.

These actors include the state represented by the government, labour represented by its union leaders, and politicians who enact labour laws. According to Otobo (2005: 19-20).

the actors are: i) a hierarchy of managers and their representatives in supervision; ii) a hierarchy of workers (non-managerial) and any spokesmen, iii) specialized governmental agencies (and specialized private agencies created by the first two actors) concerned with workers, enterprises, and their relationships.

Each of these actors has their individual interest they seek to protect in the relationship hence making labour-management relations an arena for conflicting interest. As such, if the system lacks an appropriate mechanism for balancing those divergent interests the possibility of conflict is eminent and capable of impeding production, service delivery and can disrupt system stability as a whole.

In the extant literature, collective bargaining presents industrial relations actors the useful mechanism for value expression and value adjustment in the work place. It is a mechanism that allows for openness negotiation, consen-

sus building and integration of defined values for which the end goal typifies an amalgam of divergent group interest. The amalgam of interest is as a result of shifting pattern of adjustment by actors driven in the spirit of give and take that characterize the negotiation process. This mechanism for balancing values in labour-management relations is essential because it eliminates the desire by one group to dominate and superimpose its value over that of the other groups. In relationships domination and superimposition is often the main cause of igniting conflict. Conflict is a process in which one party perceives that its interest is being opposed or adversely affected by the actions of the other parties (Bartol and Martin 1998). It is the perceived existence and pursuit of mutually incompatible goals between groups a relationship. The method adopted for managing conflict depends on the ideology or frame of reference held by actors (Poole 2001). Such perception has the capacity to either ameliorate or exacerbate conflict situation between actors in industrial relations.

Nigeria, in recent years, has witnessed a plethora of trade disputes rather than peaceful industrial relations. The pattern of industrial relations has been conflictual with disruptive consequences and significant work-hour losses due to work stoppages. In the literature, the cause of industrial relations conflict in Nigeria is due in part to the recalcitrant attitude of the management to create the right arena for open discussion with aggrieved parties as early as notice of labour discontent have been served the management or government. Equally too, the sources of trade dispute has been attributed to government poor policy choices. While some see it as a consequence of government failure to respond to, and respect existing agreement already signed with labour unions or as Oghenekaro (2013) aptly noted the government's penchant for reneging on agreements. To be specific, this reason reclines behind the present downing of tools by ASUP and ASUU (Gani 2013; Issa 2013). To others; it is the enactment of arbitrary laws aimed at breaking the solidarity and power of trade unions as it is the case of the trade union act of 2004. These factors have combined to generate avoidable industrial conflicts.

The consequence of industrial relationship conflict is not only reflective in the man-hour lost but also the psychological effect it has on

the ordinary citizens due to withholding public services as a result of industrial actions. In a conflict prone society like ours industrial action by employees often heightened the level of insecurity thus making issue horrifying for the general public. Although conflict is an integral part of social existence, the issue, then, is not to attempt to avoid or suppress conflict but, rather to prevent unnecessary conflict by managing it in such a manner that it leads toward productive ends (Radin 2007: 365). Unfortunately, the evident character of labour-management relations in Nigeria has been conflict that has persisted.

Concept of Industrial Relations

Public labour-management-relation is an engaging area of action as well as a sensitive aspect of interaction in the general gamut of inter-organizational relations that is rooted in inter-governmental relations (Okoli and Akume 2011). Labour-management-relation is the process by which employers and unions negotiate pay, hours of work, and other conditions of employment. It is the process of determining how conditions of service are negotiated and agreed upon that allows the signing of contract governing such conditions for a specific period of times, shared responsibilities and the pattern of administering the resulting contract (Bartol and Martin 1998: 338) signed. Industrial or labour relations subsume the process of interest accommodation by which conditions of work are fixed; relations are regulated and power is shared in the field in the field of labour (Cordova 1980). Generally, these processes describe all those activities which contribute both formally and informally to the organization of the relationship between employers and their employees (Cole 2006: 393). These activities are dictated by a tripartism-interaction between employers, workers and government (Ojo 1998: 82) to be effective and accepted.

It is important to note that in both public and private organizations labour-management relations the one connecting element in the relationship is differences in the interest of the various actors. The interests of the different actors are most often than not conflicting for which compromises are constantly negotiated to generate agreement between actors so as to enable the relationship to transcend peacefully. In labour-management relations workers, managers,

politicians and the public have a stake in the outcomes of public sector labour relation processes. At issue for workers are pay levels and working conditions, for managers, workforce quality and the degree of authority wielded at the work place, and for the politicians the support or opposition of an important constituency as well as the fiscal consequences of pay decisions. At issue for the public are jobs, tax rates related to decisions about public pay, and services quality as impacted by employee ability and motivation (Thompson 2007: 49).

Despite this divergence of interest between the tripartism, the interest of employer and employee are not necessarily hostile—that is what is good for one is necessarily bad for the other. The opposite is more apt to be the case. While they have different interest, they are likely to prosper or suffer together (Grover 2008: 482). The character of labour-management relations is aptly captured below:

- Statute-based job selection, promotion and pay criteria.
- Centralization of wage negotiation.
- Wage agreement covering whole governments or entire sectors of government.
- Retention by governments of the right to unilaterally impose settlement where agreements with employee representatives were not forthcoming.
- Limited managerial flexibility on pay matters.
- Internal equity as a primary criterion for pay setting.
- Pay progression based on seniority (Thompson 2007: 49).

The above description contradicts the exist framework held by government that politicians retain the authority to unilaterally set terms and conditions of employment while workers gained the right to organize and are granted high levels of job security with adequate if not liberal levels of remuneration (Thompson 2007). This traditional approach to public sector labour-relations has created rigid, rule-bound personnel practices that militate against performance, and promote adversary relationship between workers and managers (Rosenbloom et al. 2009: 246).

Within the ambit of labour-management relations, openness in collective bargaining presents disputing parties the right opportunity to resolve issues under contention amicably. This has been demonstrated in a study of the atti-

tudes of union stewards toward filling grievances in the public sector which showed that grievances rates tends to reduced when management negotiators are perceived as accommodating rather than combative during hearing negotiations (Grover 2008: 489). However, where such opportunity is not fully utilized in resolving differences between parties strike is inevitable with the likelihood of such interactions degenerating into physical bouts. In labour-management relations the right to strike remains a serious yet contentious and controversial issue. Scholarly, the arguments surrounding the acceptability or not of strike by public bureaucrats are couched on four fronts. The arguments against public employee strike are premised on these four grounds:

- i) that strike violate sovereignty by conceding special interest to some specific group in contravention of the public interest;
- ii) the essentiality of public goods whose supply must not be interrupted;
- iii) that traditional channels of influence on public policy exist for unions outside of strike which are lobbying and voting;
- iv) it is often use as a political tool to obtain leverage and redirect budgetary priorities. On the other end of the spectrum, proponents of public official rights to strike hold that:
 - i) labour and management gain a better understanding of each other as conflict become channeled thus making the process socially constructive;
 - ii) the absence of strike weaken labour's position at the bargaining table because of their inability to withhold services;
 - iii) since private workers have the right to strike the public worker too should not be deprived of such rights;
 - iv) public employee strikes occur whether or not they are illegal and regardless of penalties prescribed by law (Denhardt and Denhardt 2009: 308-309).

In general, the model for industrial relations analysis is couched neatly within the social system and the social action perspectives, with John Dunlop leading the first perspective; while the second perspective is pulled from the Weberian sociological works. The structure of industrial relation can best be understood and captured within the framework of the wider system of soci-

ety subsuming social, political, economic and legal systems. It is from these subsystems that inputs are generated while the government, employers and their organizations, and workers and their unions serving as inputs and agent that activate the process via the instrumentality of collective bargaining, joint consultation and daily interpersonal relations. These processes by the tripartism provides the avenues for interest accommodation and conflict resolution that give birth to outputs in form of rules that governs the relationship thereby allowing it to transcend peacefully with little disruptions to the whole system.

The process of rule making (output generation that governs relationship) is significantly by influenced actors. Their specific roles are explained by their 'frame of reference' neatly weaved around a specific perspective and with each expressing a divergent perspective influencing the nature of Labour-Relations (Cole 2006) interaction.

A frame of reference embodies 'the main selective influences at work as the perceiver supplements, omits and structure' what is noticed. A unitary a frame of reference emphasizes common values, the notion of the team and a unitary form of authority in the enterprise. A pluralistic frame of reference emphasizes that the work place is composed of actors with a variety of different interest, aims and aspirations within diverse and often conflicting organization and groupings (for example trade unions and management), and with diverse foci of loyalty and allegiance. Finally, a radical perspective entail a focus not only on conflict between industrial relations actors but is based on the assumption that there is structured social inequality and substantial imbalances in power amongst various parties (Poole 2001: 774-775).

It is within these frames of reference that the understanding of the issue of relationship, conflict and its resolution and its impact on the system a industrial relations can best be appreciated.

Conflict: Concept, Process, and Issues

Conflict is defined by interest, values and psychological disposition. More often than not conflict is a mixture of all three, although, in some instance they may vary (Chalant 2001: 473). Conflict can be understood and better appreciated

drawing from the following pluralist, (industrial relations and political exchange), unitary, radical, transaction cost economics and theory of labour regulation (Edwards 2001) perspectives. Like the other prevailing pattern of conflict that has characterized Nigerian political spheres, industrial relations conflicts have had its own fair share of influence on the system. Industrial conflict or trade dispute is a part of the general pattern of conflict in the polity. However, the term 'industrial conflict' is used in three main senses: 1) the use of overt sanctions, as when it is said that conflict erupts when workers go on strike; 2) a continuing sense of discord ('conflict over new work rotas'); 3) an underlying conflict of interest between workers and manager that need receive no overt expression (Edwards 2001).

In the literature, there are varying perspectives to the causes of conflict; which are struggle over resources, psychological needs, values and the absence of information. It could occur at either inter-personal or inter-group or at both arenas. These causes of conflict have been captured in the conception of conflict by Loser (1968) as the struggle over values or clan to status, power and scarce resources in which the aim of the conflicting parties are not only to gain the desired values, but also to neutralize, ignore or eliminate their rivals.

The human relations view conflict as a vital element of social existence, inevitable and should be accepted, depending on how it is handled it could be destructive or productive. Conflict can be destructive when it is allowed to tear individuals, groups or society apart as a result of poor management, under this situation conflict is dysfunctional and should be discarded (Onyishi and Asogwa 2009: 252). The traditional approach of viewing conflict is that it is dysfunctional. It is a consequence of poor communication, a lack of openness between people, and the failure of managers to be responsive to the needs and aspirations of their employees (Robbin and Judge, 2008: 486). Conflict could foster the building of better and stronger social ties among groups in society where the process of resolution and reconstruction is open, fair, truly accommodating and integrative that it allows for group viability, self-critic and creativity. This perspective is anchored on the view of the interactionist who sees conflict as a normal process of interaction, especially in a plural society (Onyishi and Asogwa 2009: 252).

One important stroke in making conflict productive and less destructive is its quick and

friendly resolution of the main contending issues that had generated the conflict situation. The quick and amiable resolution of conflict is an essential element for better human relationship. It is the means to change, the means by which social values of welfare, security, justice, opportunities for personal development can be achieved (Burton 1972: 137). In this sense, conflict then is a dynamic process of social change reflecting the complex progression in the balancing and re-alignment of individual, group or societal interest. The obvious difference between societal conflict and organizational conflict is the violent character. Conflict is violent when it results in physically damaging or destroying the property and high-valued symbols of one another; and or psychologically or physically injuring, destroying or otherwise forcibly eliminating one another (Sandole 1993 cited in Onyishi and Asogwa 2009: 252). It is an expression of deep sited resent for which genuine and peaceful avenue for dispelling it was not provided.

Conflict expression in public organization in the form of trade dispute begins in subtle form and which if unattended to becomes manifest later with the significant use of influence (such as strikes, work-to-rule, etc.) by the aggrieved to push their demands to management for resolution. Organizational conflict however precludes the use of arms like other forms of societal conflict. Every good management is proactive in identifying such latent conflict situation, once such discontent is notice it is imperative that it should immediate respond to those signs in a carefully manner with the intent of meeting some of those genuine demands backed by a promise to solve in the near future the other demands they do not have the immediate capacity to remediate. Paradoxically, some management merely dismisses the demands of labour, at the extreme, some management often respond with threat to dismiss union leaders by tagging them as trouble shooters, the last approach often aggravate the conflict situation rather than solve the problem.

The dynamics of labour-relations conflict can be better appreciated within the context of what is not considered as a civil wrong (a tort) (Cole 2006: 405). A trade dispute cannot be held to be a tort if a dispute between workers and their employer relates wholly or mainly to one or more

- i) terms and conditions of employment,
- ii) engagement or non-engagement, or termination or suspension of employment...of one or more workers,
- iii) allocation of work or duties of employment as between workers or groups of workers,
- iv) a membership or non-membership of a trade union, facilities for officials of trade unions,
- v) Machinery for negotiation or consultation, and other procedures relating to any of the above matters, including the recognition by employers...of rights of a trade union to represent workers (Cole 2006).

From this stand point, a member or members of trade union are protected from legal liability of tort when they are involved in a trade dispute with their employer on matters relating to conditions of service.

The conflict process in organization has five stages, the first stage is the expression of potential opposition or incompatibility; the second stage is that of cognition and personalization which is followed by the third stage of intentions, the fourth stage is premised on behavior and the fifth stage is typified by outcome (Robbin and Judge 2008: 487).

Theoretically, the first stage of the conflict process according Robbin and Judge (2008: 487) begins with creating the conditions that facilitate conflict but does not necessary result in conflict. These likely conditions are fertilized by reasonable sense of unfairness and inequity, poor communication, ill structuring and nature of work relations, and ambiguity in precisely defining clear boundaries of staff responsibilities. Others include personal variables such as stereotype and the dislike of another individual based on personal emotion, personality or values. If unchecked, these conditions cascade into the second stage of perceived conflict. At this point, conflict is not yet personalized between parties, but if not properly handled by the parties concerned it could result in the parties involved in conflict due to anxiety, tension, frustration or hostility.

When these behavioral (emotion) conditions overtake an individual it precipitates into overt action which leads us to the third stage. The third stage of the conflict process is emblematic of open expression of conflict that is triggered by i) minor disagreement or misunderstanding, ii) overt questioning or challenging each other, iii) assertive verbal attacks, iv) threats and ulti-

matums, v) aggressive physical attacks, and or vi) overt efforts to destroy the other party (Robbin and Judge 2008: 487).

Conflict when it becomes overt it is necessary to evolve ways of handling it in order to reduce its impact otherwise it will become dysfunctional (Robbin and Judge 2008: 492-494). The methodology for resolving conflict could be through either of the following competing, collaboration, avoiding, accommodation or compromise. Due to the consequences as well as the emotional pressure involved and other implications on the parties in the conflict and the organization, an effective mechanism of conflict management that provides the right avenue for open and sincere round-table dialogue built around the spirit of give should be instituted. This genuinely go deep to uproot resentment and other prejudices that had initially provoked the conflict thus, making conflict assume a functional dimension.

Objectives

The objective of this paper is to examine the causes, methods used in resolving industrial conflict, and the challenges to effective conflict resolution in reducing the growing dissonance in labour-management relations in Nigeria.

METHODOLOGY

This paper used the analytical approach of the simply descriptive qualitative research method to achieve the above objective.

OBSERVATIONS AND DISCUSSION

The causes of industrial or labour-management conflicts vary yet they combined to fuel trade dispute (Davar 1988; Ojo 1998: 124). In Nigeria, to be specific, some of the recent significant causes of trade dispute in recent times are: the demand for wage increase, the quest for better working conditions, poor consultation and involvement of labour unions on labour related issues by government, and the Trade Union Act of 2004. Others are the privatization policy of the federal government with implication for down-sizing with its resultant hardship on the larger population. The astronomic increase of the salaries and wages of politicians as compared to the paltry salary structure paid to civil

servants is also one of the reasons for industrial relations conflict in Nigeria.

The unjustifiable jumbo salaries for political office holders and legislators has by no means helped matters at easing the growing agitations by labour unions in Nigeria for a corresponding increase in their members pay package which has up to this moment remained meager. The argument a corresponding salary increase by the organized public labour unions is anchored on the fact that legislators, top government functionaries and the ordinary public servant go to the same market where prices of goods and services have continued to rise due to inflation. The failure to incarcerate public officials indicted of corruption and the gradual but steady increase in petroleum pump price and the failure of government/ management to honour existing agreement reached between it and labour have remained a significant sore point of conflict (trade dispute) in Nigeria.

Recent happenings have resulted in the disproportionate large difference in the wage gap of political office holders (covering both legislators and executive appointees) and public bureaucrats. As Dipo in Tell magazine of July, 2010 noted that

so far, politicians and, in particular, political office holders have been playing the fabled Oliver Twist, always asking for more of the nation's material resources...they are busy awarding themselves mouth-watering salaries and allowances in millions and billions, much to the chagrin of the taxpayers and the suffering masses. In the same vein, even with the biting economic situation and collapsed public infrastructure, officials in the executive arm of government continue to draw mouth-watering salaries and allowances (Tell 2010: 52; Demola 2010: 12-15).

There is no contesting the fact that pay differentials run in close parallel with other inequalities at the work place (Otobo 2005: 68). Hence, the unjustifiable difference had sparked-off chain-reaction (both latent and violent) from public unions for equally corresponding fair share of increase of the remuneration of their members as it is obtained with that of their political appointee counterparts. The necessity for wage increase is anchored on the fact that public bureaucrats irrespective of the accusation of inefficiency are at the front line of policy implementation and directly bear the brunt of the im-

pact of public reaction to the seemingly assumed anti peoples policies of government. Despite the continuing demand for adjustments and balancing of wage difference by unions, the call continued to fall on government's deaf ears. This act by the government has contributed in vexing the situation hence provoking labour union to engage in industrial unrest.

With mounting pressure and the looming threat to industrial peace in the country, the government soft-pedaled its hard stands and carved-in to engage labour in series of strained negotiations which culminated in the government agreeing to raise the wage bar from #5,500 for states and #7,800 and #18,000 for federal staff as the new minimum wage in Nigeria. Throughout the process of negotiation between organized labour union and the government, the Nigerian labour unions showed substantial enigma and character to allow industrial harmony to prevail irrespective of government inconsistencies and schemes to stall, if possible, derail the negotiation process. Although the improvement represented some gains for labour yet the change is not substantial enough to bridge the deep wage divide between political appointees and public bureaucrats in Nigeria. The new wage structure was thereafter enacted into law thus formally authorizing the implementation of #18,000 naira as minimum wage by the various tiers of government in Nigeria. This figure is against a quarterly allocation of #22million per member of the House of Representative, it was increased to #42million for the same period, while the speaker now earns about #100million quarterly, all outside their official salaries. This translates to #400million annually for the speaker, #168million per members, and over #60billion for the 360 members of the House of Representatives on allocation alone (Tell October 24, 2011: 34).

The figure allocated to members of the House of Representatives is much lesser compared to that of the Senate which has a higher allocation.

In industrial relations, when agreement is reached by the various parties and it is enacted into law it is to be respected and implemented. Despite the agreement reached by government and organized public labour union and its legislation, sadly, in order not to implement the agreement signed into law, state government began to cry foul arguing that they could not pay the new minimum wage and still have sufficient

funds to provide public services sufficiently. Be-that-as-it-may, even before the enactment of the new paltry wage increase public services had significantly depreciated or and in some cases non-existence due to misappropriation of funds meant public service delivery. Another antic evolved by the state governors was the call for the adjustment of the revenue sharing formula coupled with the removal of subsidies on petroleum product which will allow government to increase its revenue earning.

Be-that-as-it-may the demands of the governors were mere political scheme targeted at helping the government to renege on its obligation of paying the new minimum wage. The call for the removal of subsidies on petroleum product and the expressed inability to pay the new salary regime became avenues for generating more industrial conflict in the polity; as these areas remain significant contentious points in labour-government relations in Nigeria. To press home the need to pay the new minimum wage labour had to brace itself up for industrial action. Despite the warning signs, government remained obstinate at implementing the salary regime. Given the stance of the government labour began a warning strike at the national levels to force the government to come to terms with the reality of paying the agreed minimum wage signed into law. While some state government succeeded in renegotiating with their state unions for lesser pay package for their unions as against the already agreed minimum wage like in the case of (Ondo state). It took a public revelation by Adams Oshiomhole, the governor of Edo State that all state governors had the capacity to pay the national agreed minimum wage for the State governors to finally succumb to paying the national minimum standard.

One pressing question is, why have the government remained adamant to the demands of labour for fairness in wage setting to balance the significant wage divide? And secondly why did the issue of removing subsidy never arose when an upward adjustment in the salaries of political appointees were made. Simply put, political appointment still remain chained to the bars of political compensation, as such maintaining a flamboyant salaries and allowances for political office holders and their appointees is a subtle yet astute way of paying-off political appointees after the 2007 and 2011 general elections without resorting to corrupt means to pay

for election support. Valid as this reasoning may be to support the setting of super salaries and allowance for political office holders it has not impeded the embezzlement of public resources by most public officials in Nigeria (Leadership March 29 2010; The Nation October 22 2011; Tell October 24, 2011).

Equally too, if one may ask why did the case of removal of fuel subsidies did not arise during the setting of the huge salaries and allowances of political office holders and other appointees? Or why has the government not considered strengthening wealth tax as a means for strengthening its revenue base? The truth still remain that the elitist pattern of state resource distribution and systematic plundering of public resources by those who have access to public purse still hold sway in government in a rather crafty but latent manner. Although, one may see the necessity for the removal of fuel subsidies due to the biting effect of global financial crunch and the steadily declining fiscal resources of government it should not be related to salary increment for public servants. Hence, the removal of subsidies should not be pitched on the grounds of balancing the wage deferential; which make the whole idea and act of government susceptible to doubt. More so, the public outcry that greeted the decision of government to remove subsidy cannot be divorced from the fear that the removal and the monies saved from the exercise will not be used judiciously for the purpose it is meant for due to mismanagement and corruption by government officials (Tell October 24 2011: 34).

In all the twist and turns that followed the new minimum wage between organized labour and government, the striking reality that has come to the fore is the unacceptable attitude of the government to disrespect the law as well as the selfish elitist nature of the political class in Nigeria. It is therefore not surprising the labour-management relations have continued affected by persistent conflict in Nigeria. This attitude have defeated in some significant way the gain achieved in the political front via a free fair election in Nigeria.

Accordingly, since differences and conflicts are inevitably between management and union leaders, it is imperative that conflict be resolution should take a rational process of problem-solving and a recoiling of positions (Dale in Ojo 1998). In industrial or labour-management rela-

tions, a genuine process of conflict resolution that attempts to deal with trade unrest must rightly begin with the creation of an atmosphere unfavourable for furthering disputes than with machinery for their settlement (Davar 1988: 258). This process of conflict management involves taking a negotiative approach to the promulgation of rules and regulations, as opposed to a 'decide, announce and defend' approach (Radin 2007). This approach should be neatly weaved around arbitration, bargaining and negotiation.

On the contrary, government has perceived industrial action in Nigeria as an affront on its persona and authority. This perception had informed the government's strategies of not only trying to win at all cost but to find ways to neutralize ignore or eliminate their rivals (the organized labour union). Unfortunately, this strategy has remained the albatross to quick and genuine trade dispute resolution in Nigeria. This poor methodology to trade dispute resolution have been crafted out of government's insincerity of purpose and strengthened by the State's desire to superimpose its position on the organized labour (Onyishi and Asogwa 2009).

Conflict management is not an ad-hoc arrangement, neither is it a punitive measure that satisfies a short term emotional demand...it involves openness, good communications, rational temperament, respect for each other and clear perception of issues (Uji 2005: 759). The empirical excursion into the pattern of handling industrial conflict in Nigeria's has been poor despite government last minute decision to follow the legal or theoretical analogical process of mediation, conciliation and arbitration (Ojo 1998: 130-131). In Nigeria, despite the avalanche of legal process to industrial dispute resolution as noted above hardly have it been utilized in the first instance. Despite this saddening pattern the process of trade dispute resolution had on most cases reached the level of arbitration.

From 1985 to date, the Nigerian governments have adopted different strategies ranging from that of union recognition, in some instance the posture of union exclusion while at other times, the look has been that of union opposition (Bratton 1999) in relating to union leaders during trade dispute in Nigeria. These strategies albeit have not reduced the growing consistency of disharmony (trade dispute or conflict) in Nigeria's industrial or labour-management relations (Eg-

waikhide and Aruwa 2005). Whatever the strategy government use in relating to labour unions, it of the essence to note drawing from past antecedence, the real intention of government in Nigeria is to systematically control labour unions at all cost. This aim in itself has been a major source of conflict between labour unions and government. This is particular true with the proscription of trade unions such as ASUU, NUPENG PENGASSAN and subsequent appointment of sole administrator to manage the activities of Nigeria Labour Congress (NLC) (Ojo 1998: 145). Nonetheless is the posture of the Trade Union Act of 2004. Specifically,

the enactment of the Trade Union Act of 2004 has been described as draconian and an attempt to suppress the growing role of NLC as the most powerful social institution in Nigeria. The stipulation of voluntary membership, criminalization of strike (previously 'no-work-no-pay' policy), outlawing picketing, and proliferation of trade union federation have been described by the Nigerian Labour Congress (NLC) as an affront. Despite, the right to choose which union they want to belong to complies with fundamental human right. It is still questionable whether the new Labour Act will create a better industrial relations environment in Nigeria (Egwaikhide and Aruwa 2005: 258).

Unfortunately, this act has failed to promote peaceful industrial relations in Nigeria as evident by the intensification of trade dispute after its enactment; this goes to confirm the earlier expressed doubts of scholars and students of Nigerian industrial relations alike about the Acts efficacy.

CONCLUSION

The prevailing aim of industrial relations is to espouse the spirit of peaceful relations between labour and management. This goal is achieved through the instrumentality of collective bargaining which avails the tripartism the opportunity for interest adjustment and compromise under an atmosphere devoid of imposition and trepidation. On the contrary, industrial or labour-management has reflected a pattern of relationship characterized by caginess and conflict with its resultant severe implications not only on the tripartism but the society as a whole. While there is plethora of reasons for unhealthy industrial relations significant among these rea-

sons are the absence of integrity on the part of the government to respect the right moral rule of conduct of accepting and implementing jointly agreement, the bias in the pattern of state wage distribution and the unhealthy pattern of viewing labour union's call for better working conditions.

The unimaginable difference in the wage and salary gap between political office holders and other appointees and those of public servants has been at the center of raising agitation by the latter for corresponding improvement in the wages of their members. This agitations and submission to the government to effect the change in the spirit that is emblematic of fairness and equity has continued to resonate on deaf state ears thus provoking labour to take the hard path of trade dispute via strike. This last action had forced the government to reconsider its position and follow the path of negotiation which saw the introduction of the new minimum wage law. Sadly, rather than for the government to abide by to demands of the new wage law, the government had resort schemes aimed at reneging on its obligations thus sparking off a renewed confrontation and labour unrest in Nigeria. The flagrant disregard of the law by the government which it is suppose to uphold and protect calls to question government sincerity to promote labour-management working harmony in Nigeria.

RECOMMENDATIONS

- i. There is the need to strengthen and utilize existing labour-relations mechanism to facilitate continuous interface so that differences are narrowed and frustrations are re-channel into useful productive ends so as to ensure that conflict is minimized and services are not disrupted.
- ii. Both the government and labour unions must allow room for adjustments and re-adjustments of demands based on socio-economic conditions during the period of negotiation.
- iii. Negotiation should be conducted in an atmosphere that is open, honest and devoid of domineering tendencies.
- iv. Once agreements are reached and sign, each party to the pact must seek to respect and abide by the dictates of the accord. And where the negotiative process fails

to resolve the discontent, the process of arbitration must be allowed to take its due course without manipulation by any of the parties involved.

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