

TRADE UNIONS AND THE NATURE AND CAUSES OF INDUSTRIAL CONFLICTS IN NIGERIA**Kevin Akut*, Rapp, R. and Adamu, D.**

Federal College of Animal Health and Production Technology Vom, Plateau State, Nigeria

*Corresponding Author's contact: kevinakut2000@yahoo.com , 07031990567**Abstract**

This paper examined trade unions the nature and causes of industrial conflicts in Nigeria, with a view to high lighting the nature and causes of industrial conflicts. First the paper examined what a trade union is, its objectives and the marked difference between a trade union, a professional body and social club. While a trade union may be an association of various categories of workers, a professional body is restricted to only those with the required qualification. Although both have the powers of collective bargaining, the latter is restricted and controlled by professional ethics. Similarly, social clubs also do not have legal recognition to negotiate terms and conditions of work for its members. Causes of industrial conflicts in Nigeria include misinterpretation or non-implementation of collective agreement, government's industrial and economic policies, nature of labour legislations, unpatriotic and unethical behavior of the political and economic classes among others. Furthermore, collective bargaining in the Nigerian public and private sectors was discussed. In the public-sector government in regulating wages and employment terms and conditions use wage commissions, therefore wage determination is by fiat and the terms and conditions of employment are hardly viewed as bilateral or tripartite. While in the private sector parties in collective bargaining draw procedural agreements to determine matters to negotiate at the central level and those to be treated at the company level. However, industrial conflict whether in the public sector or private sector is part of organizational life and must be managed correctly, and agreement reached during negotiations implemented. This will ensure a harmonious work place that is satisfactory to both labour and management.

Keywords: Trade Union, Industrial conflict, collective bargaining, public and private sectors.

Introduction

Fajana (2002) defines trade unions as associations of wage/salary earners formed with the objective of safe guarding and improving the wage and employment conditions of its members and to raise members' social, economic and political status and standard of living in the community. From work, people want to satisfy different needs. Individuals cannot hope to obtain their work goals acting individually with their employers. This limitation according to Fajana (2002) is explained by the following factors; the unfavourable situation of the labour market; the employee often needing an immediate sale of his labour because it is not storable; the de-

skilling process by which the individual worker is alienated from his output, etc. Group action, through for example trade unionism, often presents a better opportunity for the employee to achieve his work goals and objectives.

ALSO, according to him trade unions are the main resource of working people. Their roles include economic, social welfare, political, psychological benefits to members and opportunity to participate in managerial functions in the industry. Constraints exist limiting the extent of success in meeting these functions. For instance, the orientations and the wider cultural and ideological environment in which unions are formed may suggest

moderate or co-operative actions. Other restraining factors are the economic, political structure, technology, the distribution of power in the larger society, the patterns of labour market segmentation and institutional structures, and also the power and strategies of employers, management and the state. Habu et al (2013) defined a trade union as an association of workers formed to promote, protect, and improve, through collective action, the social, economic, and political interests of its members. According to them it is not the character of a trade union membership that matters. What is crucial is the quality and ability of a trade union and its purpose.

Difference between a Trade Union, a Professional Body and Social Club

Ngu (1994) distinguished a Trade Union from a Professional body. He reported that a trade union may be an association or organization of various categories of workers like the Nigerian Civil Service Union (NCSU) and the Non-Academic Staff of Universities (NASU) while a Professional body is usually restricted to only those with the required qualification such as the Nigerian Medical Association (NMA) and the Nigerian Union of Journalists (NUJ).

Ngu further stressed that a Trade Union must be registered in accordance with the labour legislation within the framework of the ILO standards. A Professional body is not strictly subject to these requirements provided it meets professional standards and ethics. Although both Trade Union and Professional body have the powers of collective Bargaining, the latter is restricted and controlled by its professional ethics. In fact, one of the most widely accepted features of a trade union is collective bargaining (Ngu 1994).

Similarly, Fajana in Theophilus (2013) also acknowledged that trade Unions differ from social clubs and other political organizations because only trade unions are accorded the legal recognition to negotiate terms and conditions of work on behalf its members.

Objectives of Trade Unions

Theophilus (2013) stated that the basic objectives of trade unions are as follows:

- Unification of members into a strong fold and one umbrella.
- To protect the rights of members from arbitrary treatment from government and employers.
- To serve as a strong force in fighting for their demands as individual workers alone cannot fight a course and win.
- To also contribute in decision making in the organization.
- Regulation of terms and conditions for employment for effective communication among members.
- To advocate for goals that affect society as a whole. These goals are not achieved through the normal collective bargaining process, but by lobbying for federal and state legislation and government sponsored programmes and policies.

Werther and Davis (1985) noted that like other organizations, unions are social systems that pursue objectives. Their objectives are influenced internally by the wishes of their members, the aspirations of their leaders, and the financial and membership strength of the union. And like other organizations, unions are open social systems that are affected by their external environment. Also, according to them the financial condition of the employer, the gains of rival unions, the inflation and unemployment rates, and government policies influence the union's objectives.

Nature and Causes of Industrial Conflict in Nigeria

Conflict occurs in all human societies but it varies in degree and form. In some societies verbal rather than physical aggression is frequent while in other societies more passive form of expression may predominate. Fajana (2002) reported that Nigerian work places have been noted to be historically and characteristically conflict proves even in the immediate past. This trend is not desirable within the globalised changing environment of work. Theophilus (2013) opined that there will always be conflict and disagreement between employers and employees, either on wages or on the general conditions of services at work.

Habu and Lohor (2012) defined conflict as tension that is experienced when one perceives that one's needs or desires are likely to be thwarted or frustrated. Also, according to them conflict is part of organizational life and can occur within the individual, between individuals, and the groups. While people perceive conflict at bad, it can also be beneficial because it may cause an issue to be presented in a different perspective. Conflict can lead to a sufficient analysis of an issue before a decision is taken.

Fajana (2002) defined industrial conflict as the inability of labour and management to reach agreement on any issue connected with the object of employer-employees interaction. Conflict may be caused within the enterprise (internal) or outside it (external). Internal sources refer to the inability of employers and employees to obtain maximal share of the industrial cake; the conflicting needs of all three action; and various forms of employers' grievances of complaints about individual (employees or the work groups (Fajana, 2002).

Fajana further stressed that most important is the inability of the employer to satisfy the

worker's various needs; submission to mechanical control; and alienation. Other issues are connected with misinterpretation or non-implementation of the collective agreements. External sources of conflict include government's industrial and economic policies, the nature of labour legislation unpatriotic and unethical behaviour of the political and economic classes, national economic mismanagement and general distribution of wealth and power in the society.

Furthermore Theophilus (2013) highlighted causes of industrial conflict as follows:

- **Government policies:** The implementation of government policies may have some undesirable consequences for labour management relations especially where workers feel a sense of insecurity, injustice and unfair treatment. Some of the policies implemented may be anti-union objectives, in some cases certain interpretation given to implemented policies usually present an obviously sense of bad faith in the bargaining process. The Union may feel a sense of betrayal and conflict may be the next lien of action.
- **Principle of negotiation:** this theory assumes that conflict is caused by incompatible position or interest of different actors in labour relations and this interest often generate conflict.
- **Human need:** conflict is caused by unions or frustrated basic needs. For instance, since the cost of living index is increasing, workers generally bargain for higher wages to meet the rising cost of living index and to increase their standard of living. Disputes are caused by the demand for higher wages.
- **Poor communication:** good communication is said to be an effective

tool for managing and providing a harmonious industrial relation, yet sometimes, communications are poorly related and this has always lead to industrial conflict among workers and management of an organization.

- **Non-implementation of agreement:** This refers to employment conditions or to the terms of employment between employees' union and the employer's representative which in the long run is not implemented. This can lead to industrial unrest. Otopo, in Theophilus, (2013) noted that grievances and dissatisfaction arose as a result of non-compliance of the employer to fulfill agreement reached in the process of bargaining.

Collective Bargaining

Ngu (1994) defined collective bargaining as a technique and process of settling industrial crises by bringing together representatives of workers and those of the organization in a round table deliberations. According to Okolie (2010), collective bargaining is a term that has been used by Sydney and Beatrice Web to describe negotiations on conditions of service and terms of employment between employers and workers or between employers' association and trade unions.

Ngu (1994) noted that whatever may be the philosophical interpretation of trade unionism, it must be accepted here that workers form or join unions for specific objectives. Although individual workers may have their own individual objectives they are subordinate to the union objectives which are aggregate of workers interests. The individuals subordinate their own individual objectives to the aggregate or collective objectives because they cannot as individuals achieve them. Ngu further stressed that the organization can only be threatened by these collective and not the

individual objective because, management can easily control the individuals through the various disciplinary procedures or techniques. Management for example can suspend or dismiss some individual workers with little or no adverse effects on the organizations objectives. It cannot however suspend or dismiss all workers without serous damaging effects on the organization's objectives. It is for this reason that management would rather prefer reconciliation of collective objectives of workers with those of the organization (Ngu, 1994).

This is done through the principle and practice of collective bargaining.

Fajana (2002) observed that collective bargaining includes the negotiation of sets of rules to govern the substantive and procedural terms of the employment relationship as well as the relationships between the parties themselves. Practically, collective negotiation involves the two sides in making their cases and defending it to the end.

Collective Bargaining in the Nigerian Public and Private Sectors

Most local unions are characterised by a larger association called the national union, which organizes and helps the locals (Werther and Davis 1985). Also, according to them national unions also pursue social objectives of interest to their members and maintain a staff that helps the local unions with legal assistance, negotiations training of local officers, grievance handling, and expert advice. In return, locals share their dues with the national union, and they must obey its constitution and bylaws. It worthy of note that in collective bargaining the pre-negotiation phase is very vital for both parties. Both parties and management must sort for information about each other to enable them tackle the bargain wisely (Theophilus, 2013).

Collective bargaining is at the centre of the British voluntarist employment relations

system and it is also regarded as the only effective means of protecting workers' interest as well as the most effective means of preventing and settling industrial dispute Webbs, in George et al (2012). According to Francis et al (2011) the practice of industrial relations as a discipline and that of collective bargaining in particular emanated from the private sector the world over. Thus, much of the practices of public sector collective bargaining are modeled after the private sector collective bargaining gained its root in the public sector owing to the near absence of private sector at the turn of the century Fashoyin, in Francis et al (2011). Furthermore, they stressed that, in Nigeria, the public sector pays lip-service to the collective bargaining machinery. Governments at all levels (Federal, state and local) have continued to set aside collective bargaining and to give wage awards to score political points in spite of its commitment to the ILO Convention 98 to freely bargain with workers. The state or the government in the course of regulating wages and employment terms and conditions revert to the use of wage commissions. Thus, wage determination is by Fiat. Wage tribunals or commission offer little opportunity for workers' contribution in the determination of terms and conditions of employment and can hardly be viewed as bilateral or tripartite. Thus, the state preference for wage commission is anti-collective bargaining (Francis et al, 2011).

In the private sector collective bargaining is used to conclude collective agreement, settle disputes or reach a common understanding on issues (Francis et al, 2011). They also stressed that parties draw procedural agreement which determine what matters to negotiate at the central level through the National joint industrial council or Joint negotiation council and Negotiation council and those to be treated at the company level.

At the company level, matters of mutual interest affecting the efficiency of the company and the welfare of employees are discussed by parties. On what constitute items for negotiation at the central level and those at the company level, Imoisili in Francis et al (2011) observes that the items may not be necessarily mandatory or voluntary or exclusively managerial rather, it is the relative bargaining strength of the parties that determines items for negotiation and those for discussion.

Furthermore, where the union is worried that its branches will not be strong enough to get a good deal from their respective employers at the company level, it will insist that such a matter be earmarked for negotiation at the central level. In similar vein, if the unions in the branches are strong and could handle thorny issues at their own advantage, they are given autonomy and as many items as possible are shifted to the branches or company level. Imoisili in Francis et al (2011) again observes that in general, issues concerning wages, the major fringe benefits, working hours etc. tend to be negotiated at the central level while items that are peculiar to each company (Canteen facilities, shift arrangements, home ownership schemes etc.) tend to be discussed at plant level. The procedural agreement also included checks and balances to safeguard the interest of both parties. Above all, each party should demonstrate its willingness to be bound or adhere to the collective agreement without further delay, unnecessary delay in the implementation of the final agreement can spark off another or fresh industrial crises (Theophilus, 2013).

Conclusion

The Nigerian work place have been known to be historically and characteristically conflict prone, but over the years trade unions have been known to rise to the occasion to protect the rights of their members from arbitrary

treatment from government and employers. Source of industrial conflicts include misinterpretation or non-implementation of collective agreement, government's industrial economic policies, nature of labour legislations, unpatriotic and unethical behavior of the political and economic class among others.

In Nigeria, only a trade union is recognized by law to negotiate terms and conditions of work for members. Furthermore, collective bargaining practice in Nigerian public and private sectors was discussed, worthy of note is that industrial conflict whether in the public sector or private sector is part of organizational life and must be managed correctly, and agreements reached during negotiations must be implemented. This will help guarantee a lasting, harmonious relationship between workers and employers.

REFERENCES

- Fajana, S. (2002). *Human Resource Management: An Introduction*. Akoka, Yaba, Lagos: Labofin and Company.
- Francis, A.C., Tunde, E., and GbaJumo-Sheriff, M.A. (2011). Collective Bargaining Dynamics in the Nigerian Public and private sectors. *Australian Journal of Business and Management Research*, 1(5), 63-70.
- George, O.J., Owoyemi, O., and Onokala, U. ((2012). Trade Unions and Unionism in Nigeria: A Historical Perspective. *Research in World Economy*, 3 (2), 68-74.
- Habu, C.S., Dagett, G.S. and Freejob, M.B. (2013). *Human Resource Management*. Jos: Print World.
- Habu, C.S., and Lohor, F.K. (2012). *Organizational Behaviour: Principles and Applications*. Jos: Print World.
- Ngu, S. (1994). *Personnel Management in Nigeria: Principles and Practices*. Zaria, Nigeria: Gaskiya Corporation Ltd.
- Okolie, C.N. (2010) Trade Unionism, Collective Bargaining and Nation Building: The Nigerian Experience. *A New Journal of African Studies*, 7 (1), 136-148.
- Theopihlus, G. (2013). *Perspective in Industrial Relations Published in Nigeria*. Jos: Cenchi Publications.
- Werther, W.B., and Davis, K. (1982). *Personnel Management and Human Resources*. New York: McGraw Hill.