

Collective Bargaining and Conflict Resolution in Nigeria's Public Sector

Jide Ibietan

Department of Political Science & International Relations
Covenant University
Ota, Ogun State.
E-mail: jidebetan@gmail.com

The general objective of this paper is to identify the link between collective bargaining and labour conflict resolution in Nigeria's public sector. Other objectives are to examine the nature of collective bargaining and conflict resolution mechanisms; and to ascertain the effectiveness of collective bargaining in solving the problems arising from labour conflicts in the public sector. It should be noted that industrial peace and working harmony are essential to the realisation of the goals and objectives of public sector organisations in Nigeria. The paper comprises: abstract; introduction; conceptual framework/literature review; discussion of findings; conclusion and recommendations. The paper observed that even though the history of collective bargaining in Nigeria is traceable to the public sector, the machinery has performed relatively poorly due to the uniqueness and employment practices of government as an employer of labour and its regulatory role. Predicated on the Dunlop/Flanders' industrial relations model and the survey research method as utilised in this study, it was also found that there is limited appreciation of the role of collective bargaining, and this hampers its efficacy in labour conflict resolution in Nigeria's public sector. This results from the narrow view of collective bargaining in approach and practice by managers of industrial relations in the public sector. The recommendations suggested can adequately invigorate the use of collective bargaining in labour conflict resolution in the public sector.

Key Words: Collective Bargaining, Conflict Resolution, Public Sector, Trade Union

The extent to which public sector organisations characterised by rigid bureaucratic structure and mechanistic management philosophies of the classical theorists could promote workers participation in management; particularly in consultation with the unions is subject to serious investigation. Attitudinal tendencies like this circumscribe the potency of collective bargaining as a platform for labour conflict resolution.

There are those who believe that poor workers' welfare and insensitivity on the part of employers or their management representatives offer some explanations for causes of conflicts in organisations. In this respect, it is posited that the wage structure in the Nigerian Public Sector and by extension the living conditions are low. Salaries/emoluments are not only poor, but

payment can be quite irregular. When this is viewed against the backdrop of ostentatious living among political leaders/elites and managers of the Public Sector, conflict becomes inevitable especially in situation where the machinery and process of collective bargaining is not given firm footing.

The widely held misconception that union-management interaction must be adversary and combative is anchored on the existence of dual interest groups (in organisations) with different goals and motivation. One group is represented by employers of labour or the management whose primary concern is profit maximization or service delivery at any and all costs. The second group is made up of workers-their goal is to achieve improved welfare and better working conditions. The

achievement of these seeming disparate goals dictates attitudes and strategies that bring the interest groups on collision path and ultimately conflict. Collective bargaining then rises to this challenge.

Perfidy or deliberate refusal to honour collective agreements arrived at through the consensual process of collective bargaining are rife among employers/management representatives of some public sector organisations. When processes like these are jettisoned, an atmosphere of conflict which collective bargaining ought to neutralize festers.

The thrust of Dunlop/Flanders' model of industrial relations are: that industrial relations is an area of relations between workers' union; managers of organisations and government as regulator; these three actors develop a web of rules governing their relations in the workplace; the web of rules consists of procedural and substantive rules of relations; industrial relations is viewed as a subsystem within the larger system/society and it is the larger society that provides the external environment which influences industrial relations actors and institutions. An industrial relations system comprises certain contexts, an ideology which binds the system together and a body of rules created to govern the three actors.

Method

The study adopted survey research which elicited data from sampled population through questionnaires and interviews. The population of the study is 7766 staff made up of Management and NULGE members in 12 (4 LGAs in each of the 3 senatorial zones) out of the 23 local government Councils in Rivers State. The research made use of 10% sample size amounting to 780 staff selected through stratified sampling. Questionnaires were administered on 740 out of 780 staff, while the remaining 40 staff were interviewed using purposive sampling. The administration of research instruments took cognizance of the Strata namely: Management, Senior and Junior which spread across the following departments: Administration/Personnel; Finance and Audit; Planning Research and Statistics in PortHarcourt; Obi/Akpor; Emohua;

Ikwerre; Ogba-Egbema-Ndoni; Obua-Odual; Alwada-East; Ahoada-West; Tai; Eleme; Khana and Gokana local government areas. The secondary sources of data comprise books, journals, seminar papers and newspapers which have relevant contributions to the study.

Conceptual Framework / Literature Review

Collective bargaining which is mostly concerned with the work relationship between unions representing employees and employers (or their management representatives) is an indispensable ingredient or part of an effective industrial relations system. It involves the process of union organization of employees, negotiation, administration and interpretation of collective agreements covering issues such as wages, hours of works, separation, work and its allocation between workers or group of workers (Ngu, 1994:123). It also includes procedural agreement and other conditions of employment, engaging in concerted economic action and dispute settlement procedures/conflict management and resolution.

The origin of collective bargaining in Nigeria is traceable to the public sector, and as Fashoyin (1999:104) recorded, "...this was as a result of the near absence of a private sector at the turn of the (19th) century". He corroborated that British Bank of West Africa (now known as First Bank of Nigeria) founded in 1894 was not unionized until 1942. Even the Royal Niger Company (now UAC of Nigeria) with vast political and commercial interests in Nigeria was not organized until 1946. Fashoyin noted "...ironically, the machinery has performed relatively poorly..." The emphasis here is that the history of collective bargaining is traceable to the public sector, but the machinery of collective bargaining has performed rather poorly in the sector. Elsewhere, he attributed this relative poor performance of the machinery and practice of collective bargaining to "...the uniqueness of the employer" (Fashoyin, 1999:154).

Generally, collective bargaining can be seen as a process and as a method. As a process, it is dynamic (moving in ideas) and can be employed as a conflict resolution

technique. As a method, it can be viewed as a technique used by trade union (leaders) and managers of organisations to establish and maintain cordial work relations (Ngu, 1994:124). Uvieghara (2001:388) opined that “the term ‘collective bargaining’ is applied to those arrangements under which wages and conditions of employment are settled by a bargain, in the form of an agreement made between employers or associations of employers and workers’ organizations”. He expatiated that “the long term interest of government, employers and trade unions alike would seem to rest on the process of consultation and discussion which is the foundation of democracy in industry”. If the objective of Collective bargaining is to “reach agreement by bargain”, why does conflict arise in work relations? Elele (2008) attempted an explanation by alluding to the differences in interest and goals of the union and employers. The puzzle that must be addressed in Uvieghara’s submission is the reference to collective bargaining as the foundation of industrial democracy.

Expatiating on the understanding of Beatrice and Sidney Webb on collective bargaining, Flanders (1968) in Ojo (1998:137) emphasized the “rule making process” of collective bargaining which according to the author transcends negotiation of economic terms of a contract and defines the rights and relationship among workers, union officials and employers. This rule making process of collective bargaining confers the jurisprudence status on it in labour relations. Cole (2005:415) progressed by typologising agreement into procedural and substantive. Procedural agreements “are formal, written procedures that act as a voluntary code of conduct for the parties concerned...” The parties concerned are managers and employees together with their union representatives. Substantive agreements “are formal, written agreements containing the terms under which, for the time being, employees are to be employed”. Such agreements run for limited or specified period of time. Fashoyin (1999:126 -127) building on Flanders referred to substantive agreements as collective agreements which deals with

“wage and working hours or to other job terms and conditions in the segment of employment covered by agreement”. Procedural agreement “...deals with such matters as the method to be used and the stages to be followed in the settlement of disputes, or perhaps the facilities and standing to be accorded to representatives of parties to the agreement”. Procedural agreements can be timeless (not time bound) and could function as the operative and recital clause to most industrial relations policies of organisations.

Onah (2008) joined other scholars in stating the ideal that “collective bargaining process is the foundation of industrial democracy”, but it is relieving that he added that unilateral regulation or primacy of wage commissions which has become a norm in the Nigerian Public Sector vitiates the ideal. Indeed, that industrial democracy cannot take firm footing in the Nigerian work/labour relations is systemic, this is reinforced by the fact that the democratic experience is wobbling despite the “rule of law” mantra. The author stated conditions for collective bargaining and gave types/strategies for collective bargaining as: centralised or regulated and decentralized or deregulated. In centralized or regulated collective bargaining, the umbrella employers association negotiates collectively with unions as representatives of workers. This has the advantage of setting the baseline or minimum upon which individual employer can negotiate with house or enterprise unions. Deregulated bargaining is a process whereby an employer of labour negotiates wages and other conditions of service directly with representatives of workers (house unions) within the overall economic condition prevailing in the country. The rationale and driving force for deregulated bargaining is the ability to pay principle (Onah, 2008:385-387).

Collective Bargaining in the Nigerian Public Sector

There is agreement among scholars and writers in this area not only in the fact that collective bargaining started in the Public sector, but also in the explanation for same (Otite, 1994; Ojo, 1998; Fashoyin, 1999; Uvieghara, 2001 and Onah, 2008).

Fashoyin (1999:154) and Uvieghara (2001:389) succinctly put it that even though, collective bargaining started in the public sector, it was not meant for it. The nature and reasons for this will be unraveled in this section. The agrarian nature of the Nigerian economy at the wake of the 20th century, the near absence of a private sector and the dominance of government as employer of labour were some of the reasons adduced in favour of the early inception of collective bargaining in the public sector.

Ojo (1998:141) has been quite vociferous in his assertion that “in practice, collective bargaining has never played significant role in labour relations in the public sector in Nigeria”. He emphasized that “infact, government being the major employer of organized labour has impacted negatively on the practice of collective bargaining in the private sector through its employment practices and actions.” Ojo (1998) highlights the limitations and restrictions of the Whitley councils and the succeeding National Public Negotiating Councils. This point was reinforced by Uvieghara (2001:389) that inspite of these councils “in the public sector, there has not always been meaningful bargaining...” He corroborates that “the phenomenon of the appointment, on almost a regular basis, of commissions to review and recommend wages and other conditions of employment of public servants is a clear manifestation of the absence of collective bargaining in the public sector”.

It is pertinent to note that the phenomenon and primacy of wage commissions that comprised mainly of top government officials reviewing and recommending wages, salaries, allowances and other fringe benefits unilaterally continued until 1942 when workers protested the practice (Fashoyin,1999:105). Although, the dominance of wage commissions had waned in recent times. Ojo (1998:141) reported that government “has not ceased to determine wages unilaterally”. Babangida’s unilateral 45 percent wage increase/approval was cited as a case in point. Unilateral actions of this type amount to excessive paternalism and unnecessary autocracy. It is devoid of joint consultation and collective decision making which collective bargaining emphasizes. In

circumstances like this, communication is one way, closed and devoid of feedback. Workers are left with no other means than to generate feedback through their unions by finding a “release valve” in form of industrial actions for pent up anger.

Fashoyin (1999:156-157) expatiated that wage commissions derived their legitimacy from “three contending perspectives” namely: the doctrine of sovereignty which implies that government represents sovereign power and as such, only it could determine employment conditions. The second is the often-stated policy (amounting to canticles) which emphasizes “government’s commitment to a fair wage and equity in employment situation”. The third perspective is that the determination of wages and other conditions of employment in the public sector is a political matter. The tendency is for government in a politically volatile and developing economy like Nigeria to banalise issues like this to the realms of patronage as a means of currying workers/unions support.

It is also important to highlight the role of the Civil Service Rules in management labour relations policies in the public sector. The Civil service rule is the equivalent of the Human Resources policies in the private sector. However, in the public sector, the Establishment Departments of government which administers the rules frequently prescribe employment conditions unilaterally. Perhaps, it is necessary to draw a correlation between unilateral actions and “culture of impunity” which is a carryover from military incursion into governance and the Nigerian public administration system.

Worthy of mention is the issue of salaries and allowances in the Nigerian public sector labour relations. Not only are salaries poor for certain category of workers, the frequency is very low, and quite demotivating. Onah (2008:389) buttressed thus “...because government has been largely unable to pay salaries regularly. The group that has suffered most is the local government staff; hence it is more common for them to be on strike than being on duty”. He submitted conclusively that “all sectors including the police, have embarked on strikes of

different colours.” What role does collective bargaining play in these situations?

Collective bargaining in the public sector is effected through the National Public Service Negotiating Councils (NPSNC), and it is done as laid down in the constitution of NPSNC. This constitution is similar to the procedural agreement in the private sector and it permeates the public sector. The Collective bargaining functions of the NPSNC according to Fashoyin (1999:165-166) are as follows:

- General responsibility for negotiating all matters affecting the conditions of Service of Civil servants.
- Advising the government, where necessary, on the best means of utilizing the ideas and experience, of civil servants, with a view to improving productivity.
- Reviewing the general conditions of civil servants e.g. recruitment, hours of work, promotion, disciplines, salary, fringe benefits and superannuation, provided that in matters relating to recruitment, discipline and promotion, the council shall restrict itself to general principles.

The NPSNC carries out collective bargaining in the public sector at three levels thus:

- The centralized federal bargaining through the NPSNC 1 as represented by the Establishment Department of the Federal and State governments and union representing staff from Grade levels 07-14 at the federal and state civil services.
 - NPSNC 2 as represented by Establishment Department (as described above) and unions representing typists, stenographic/allied staff, executive and non-industrial cadres from Grade levels 01-06 at federal and state civil services.
 - NPSNC 3 –Management represented (as described above) and representatives of five unions namely: The Civil Service Technical Workers Union of Nigeria; Printing and Publishing Workers Union; Medical and Health Workers Union; National Association of Nigerian Nurses and Midwives; Customs, Excise and Immigration staff union.
- The State Negotiating Council comprising councils 1, 2, 3 but confirming their

activities to terms of employment at the state level.

- Departmental (Ministerial) Negotiating Committee comprising any of the civil service unions on the one hand, and the Management of a particular ministry or department on the other. Issues of local interest are negotiated or discussed at this level (Fashoyin, 1999:163).

It is instructive to note that there are forty-four negotiators each in NPSNC 1, 2 and 3. The wieldy membership nature makes negotiations look like carnival or jamboree that cannot be taken serious. States’ representatives of the NPSNC hardly all attend and when they do, attention is not total; these explain the dominance of the federal government in the determination of employment conditions in the public sector.

Conflict Resolution in the Nigerian Public Sector

Ojo (1998:126-133) identifies the internal (voluntary) and external (Statutory) machineries of conflict resolution in the Nigerian public sector. He articulated the discourse in three distinct periodic phases: 1941-1967; 1968-1975; 1976 and beyond. The 1941-1967 period saw the colonial principle of voluntarism underscoring public labour policy. The principle emphasised the freedom of the employer and unions to choose the means they prefer to settle disputes and grievances. The 1941 Trade Disputes (Arbitration and Inquiry) Ordinance allowed not only the use of internal machinery, but was rather too permissive in the use of the statutory machinery, which accorded parties to a dispute the freedom to choose from mediation, conciliation or arbitration as a means of settling conflicts.

Under this law, it was not compulsory for parties at conflict to appear before the statutory panels and when government intervened in disputes, it could not enforce solutions on the parties at the dispute. In addition to the foregoing, arbitration panels were raised on an ad-hoc basis to deal with disputes as they arose, in other words, there were no permanent statutory institutions to deal with conflicts. The consent of parties to a dispute had to be sought by government before cases were

referred to arbitration. This laissez-faire approach to conflict resolution offered less relevance in collective bargaining in this phase.

The 1968-1975 periods coincided with the outbreak of the Nigerian civil war, and it dawned on government that the permissiveness of the principle of voluntarism inherited from colonial rule combined with the uncertainties of war situation could be hijacked by workers and the union in particular to exact concessions from management and government. Ojo (1998:126) buttressed "...that neither government nor management would want a strike at that time". In order to avoid granting concessions to workers/union, government opted for a policy of intervention in labour relations.

The above scenario led to the promulgation of the Trade Disputes (Emergency Provisions) Act of 1968 which was amended by the Trade Disputes (Emergency Provisions) (Amendment) Act of 1969. These laws imposed a total ban on strikes and lockouts. It also directed that wage increases by employers must be subject to government approval. Fashoyin (1999:199) commented that the prohibition of strike on issues requiring "compulsory arbitration, particularly in the public sector has proved ineffective" even in more democratic societies of Western Europe and North America.

The laws (1968 and 1969 Act) also established the Industrial Arbitration Tribunal whose decisions as approved by commissioner (now Minister) of Labour were final and binding. This era signalled compulsory arbitration procedure for conflict resolution. Thus, voluntarism caved in for the principle of intervention to emerge supposedly as a temporary measure – one year at first instance but "it was maintained until 1975" (Ojo, 1998:127). The author in reinforcing Fashoyin (1980) observed that the impact of these laws were felt for a brief period following their promulgation as it led to some degree of restraint, but failed almost completely to stop the occurrence of disputes and work stoppages.

The 1976 period and beyond witnessed government's desire to monitor the role of workers and employers in order to step up

and sustain economic activities after the civil war. The Trade Disputes Act of 1976 was promulgated to modify the 1968 and 1969 Act. Conflict resolution in the public sector (in this period) derived from the Trade Disputes Act of 1976 and Trade Disputes (Essential Services) Act of 1976. The internal machinery popularly referred to as the grievance procedure provides for several stages of resolving conflicts between union members and management, starting from the shop steward level with the supervisor through the departmental level to middle management and to the top management level (in case conflicts could not be resolved at the lower levels with the union).

Ebiloma (2001:82-83) in contributing to this discourse affirmed that "...conflict resolutions are guided by the provisions of the Trade Disputes Act of 1976, as amended in 1977" and corroborated that "it is possible to identify sixteen (16) important features of the Act..." as outlined below:

- Copies of Agreement: Three copies of the negotiated agreement must be deposited with the Minister of Labour and Productivity.
- If the agreement provides for a particular mode of settlement other than the one provided for in the Act, the Minister must insist that the parties comply with that mode.
- If not, the two must subject themselves to a mediator to seek amicable settlement.
- In the event of failure of the mediator to resolve the problem, the minister shall appoint a conciliator if he is satisfied that the provisions of the Act have been substantially complied with, otherwise he shall insist in writing, that the prescribed procedure be followed.
- If the solution is still not found to the problem, the Minister shall refer the matter to the Industrial Arbitration Panel (I.A.P) which is expected to discuss the issue within 42 days. If this fails, the minister shall grant extension as he deems fit.
- If the Industrial Arbitration Panel makes award to any party, this is not immediately communicated to the party concerned until the Minister has gone through the award to decide whether or

- not to remit the case to the Industrial Arbitration Panel for a reconsideration before communicating it to the party concerned.
- If the Minister is satisfied with the award by Industrial Arbitration Panel, he shall communicate it to the parties who have 21 days to accept or reject it.
- If the Minister does not receive any objection from the parties within 21 days, he will confirm the award.
- However, if either or both parties object to or reject (the award), the case will be referred to the National Industrial Court (NIC).
- At any time a dispute is in the N.I.C or the I.A.P. has made an award in respect of a dispute, the Act bans strikes or lockouts.
- According to the Act, the decision of the court in this matter is final and binding on the parties thereof. There shall be no appeal to any other body or person except when constitutional issues are involved.
- The Act, as amended by the Trade Unions Disputes (Amendment) Decree No 54 of 1977, provides that the Minister or any party to the award may make an application to the court for a decision on the interpretation of the award by I.A.P which has become binding on the parties.
- In the same way, the Minister or any party to the agreement may make on application to the court for the interpretation of collective agreement.
- Upon receipt of such application, the court shall then decide the matter after hearing the Minister's brief or, as the case may be the parties to the agreement or with their prior consent, without hearing from them. Such decision by the court shall be final and conducive with respect to the interpretation of the terms or provisions of the agreement.
- The Act makes it clear that the parties to a dispute before the court are:
 - (a) Organisation of workers (Unions) and
 - (b) Employer or an Organisation of Employers such as the Nigeria Employers Consultative Association (NECA).

- The Act further provides that an individual has no locus standi before the court, even though the dispute may arise out of the treatment meted out to an individual worker, such as wrongful dismissal of a worker.

Ebiloma (2001:84) added that despite the laudable features of these legislations, the federal government did not put appropriate institutions and structures capable of negotiating directly with workers' unions. Besides, the procedural implications of the laws portend danger for the practice of collective bargaining in the public sector. The duration of forty-two days within which the IAP has to dispose of cases is rather too long, the cumbersome nature of the processes does not help in the conduct of effective industrial relations system. Fashoyin (1999:197) reinforced that in the public sector, cases referred to arbitration could span longer than forty-two days as "a large number of cases...had no known duration. In most of such cases, political settlements were reached, or the cases fizzled away!"

In view of the above and perceived partiality in the arbitral process, the unions in the public sector tend to be sceptical about the efficacy of arbitration in conflict resolution in the public sector. The Industrial Arbitration Panel which still operates within the civil service structure and the National Industrial Court with original jurisdiction on disputes emanating from the "essential service" section and those directly referred to it by the Minister of Employment, Labour and Productivity (MELP), need to overcome their shortcomings in order to play their expected roles in the conflict resolution process with a view to strengthening collective bargaining in the public sector.

The above averment is underscored by the relative weakness resulting in limited use of mediation in the conflict resolution process due in the main to the failure of the Federal Ministry of Labour and Productivity to enforce the provisions requiring its use and to have a list of mediators who could be used (Ojo, 1998:130). It is also pertinent to note that the services of a mediator are to be paid for by parties at dispute. This is also in addition to the difficulty "in certain cases, for the parties (in dispute) to agree

on a mediator as required by law". Thus, the required report to the Minister of Labour stating that mediation has failed is written by the mediator. The Minister then initiates conciliation which is at no cost to the parties in dispute. "Conciliation therefore almost replaces mediation practically as the first statutory method of resolving conflicts; it is seen as supplementary to collective bargaining. It is more successful in resolving disputes involving procedural issues, implementation of agreements and other rights issues..." (Fashoyin, 1999:195).

Girigiri (2002:16) reinforcing Akpala (1982) contended that these legislations on conflict resolution in the public sector "amount to the curtailment of the processes of collective bargaining because of the elements of compulsion in them". Nonetheless, they signalled movement from principle of voluntarism to that of interventionism which projected government not only as being responsible, but responsive and alive to its regulatory role in collective bargaining and industrial relations in general. The loophole however, remains the ineffectiveness of the legislations in stemming incidences of strike and other forms of industrial action arising from a culture of impunity by the unions and the employer – A point underscored by late Justice Aguda as contained in Fashoyin (1999:198).

Findings of the Study

In a sense, the avowed commitment to joint consultation (with the union) is perfunctory, plastic and rudimentary. It amounts to giving a right with one hand and taking it with the other. The efficacy of collective bargaining as machinery for conflict resolution in circumscribed by unjust and inequitable practices like these. The semblance of collective bargaining practice in Rivers State local government is explicable in the light of Management consultation with the union on quarterly basis to appraise vital work related issues. However, the timelag between one meeting and the other is considered too long in view of the bureaucratic nature of public sector organisations.

The narrow content of collective bargaining (in the perception of

Management) impinges on its use as conflict resolution machinery, thus its application hardly attenuates conflict, except for the "fire brigade" techniques like persuasion and other manipulative techniques, which was highlighted during the interview session. One other important finding of the study is the identification of a semblance of collective bargaining practice without a supplemental approach that can create the necessary buffer for its weaknesses. The use of collective bargaining strategies and tactics (underscored above) by the Managers amounts to gimmicks and a mockery of collective bargaining process in an organized setting. It does not guarantee the efficacy of collective bargaining as a solution to labour conflicts. The above implies that Management pays lip service to collective bargaining and clearly manifests paternalism (reinforced by Freud in Fashoyin 1999:6) as a style adopted in collective bargaining and this is amply reflected in the practices in Rivers State local government system.

A final finding of this study is that collective bargaining operates in theory in Rivers State local government system in view of the limited access to and knowledge of the Public Service Rules as a working manual in the local government system. This vitiates the substantive rules and issues in the collective bargaining process. In this information and communication driven age, it is curious and unacceptable for a public servant to sigh the Public Service Rules (for the first time) as the instruction guide for employment contract only at the point of default. This does not augur well for the collective bargaining process and conflict resolution mechanism.

The methods and stages in conflict resolution in Rivers State local government system are not sufficiently adhered to. The factor impinges on the workings of procedural rules as a major ingredient in the collective bargaining process, and this accounts or the palpable state of collective bargaining process in the system. As a corollary, the rights to be accorded union representatives as a party in the collective bargaining process are breached. This is an affront on the effective application of substantive rules as a major plank upon

which the collective bargaining the unions and the employer – A point underscored by Late Justice Aguda as contained in Fashoyin (1999:198).

Discussion of Findings

In this study conducted using the Dunlop/Flanders' Industrial Relations model with twelve local government areas spread across the three Senatorial zones in Rivers State as focus, it was observed that collective bargaining operates on minimum benchmarks. This is explicable in the light of inadequate appreciation for the human element in the workplace as manifested in payment of salaries/allowances and Christmas bonus only as incentives to workers. The use of promotion, merit award and additional incentives for hard work and display of initiative is less prominent. These explain the dissatisfaction of workers and the combative posture of staff in pressing for better conditions of service. It must be stated that result-oriented managers of the local government system in the 21st century must be prepared to think "out of the box" and fashion out extra-statutory methods and incentives as practiced in the private sector (to motivate workers). This is the new thinking and approach to the New Public Management (NPM), and in tackling the contemporary challenges and changes in the collective bargaining process and conflict resolution. The link between good motivation strategies and effective collective bargaining practice cannot be overemphasized.

Another finding of the study is that there is a narrow view of Collective bargaining (in consent and practice), especially on the part of Managers of the local government system and this limits the effective use of Collective bargaining especially in conflict resolution. In discussing this finding, collective bargaining is construed mainly in terms of remuneration, instead of seeing it in a holistic sense. This factor aggravated discontent in work relations between NULGE and Managers of the local government system, as evidenced by spate of violent demonstrations. To be sure, managerial philosophy and practices anchored on narrow beliefs like these hamper the effective use of collective bargaining in resolving labour conflicts. The

contributions of the Industrial Relations System theorists like J. T. Dunlop, Flanders and later refinements by Fashoyin (1999) and Otobo (2000) on the dynamic and comprehensive nature of collective bargaining is instructive. Further support for this finding was expressed by the reluctance and tardiness on the part of management in honouring and implementing valid agreements which infuriates the union a great deal. With this state of affairs, collective bargaining suffered a major setback in this connection as a potent tool of achieving harmonious work relations. The procedural and substantive rules of work relations as canvassed by Allan Flanders in Otobo (2000: 28-29) is jettisoned in the process.

One other finding of this study is the asymmetry of the conflict resolution mechanism in favour of the management, thus hindering the maximum utilization of the collective bargaining machinery. One factor explaining the above finding is the non-representation of the union on the disciplinary committee of Rivers State local government system. The fairness and equity of collective bargaining as a machinery for redress and conflict resolution is suspect and questionable. This is at variance with the procedural rules of relations as highlighted by Dunlop and Flanders, and as a cardinal plank upon which the collective bargaining process rests in line with the industrial relations system model as utilised in this study.

In a sense, the avowed commitment to joint consultation (with the union) is perfunctory, plastic and rudimentary. It amounts to giving a right with one hand and taking it with the other. The efficacy of collective bargaining as a machinery for conflict resolution is circumscribed by unjust and inequitable practices like these. The semblance of collective bargaining practice in Rivers State local government is explicable in the light of Management consultation with the union on quarterly basis to appraise vital work related issues. However, the time lag between one meeting and the other is considered too long in view of the bureaucratic nature of public sector organisations. The narrow content of collective bargaining (in the perception of Management) impinges on its use as

conflict resolution machinery, thus its application hardly attenuates conflict, except for the “fire brigade” techniques like persuasion and other manipulative techniques, which was highlighted during the interview session.

One other important finding of this study is the identification of a semblance of collective bargaining practice without a supplemental approach that can create the necessary buffer for its weaknesses. The use of collective bargaining strategies and tactics (underscored above) by the Managers amounts to gimmicks and a mockery of collective bargaining process in an organized setting. It does not guarantee the efficacy of collective bargaining as a solution to labour conflicts. The above implies that Management pays lip service to collective bargaining and clearly manifests paternalism (reinforced by Freund in Fashoyin, 1999:6) as a style adopted in collective bargaining and this is amply reflected in the practices in Rivers State local government system

A final finding of this study is that collective bargaining operates in theory in Rivers State local government system in view of the limited access to and knowledge of the Public Service Rules as a working manual in the local government system. This vitiates the substantive rules and issues in the collective bargaining process. In this information and communication driven age, it is curious and unacceptable for a public servant to sight the Public Service Rules (for the first time) as the instruction guide for employment contract only at the point of default. This does not augur well for the collective bargaining process and conflict resolution mechanism.

The methods and stages to be followed in conflict resolution in Rivers State local government system are not sufficiently adhered to. This factor impinges on the workings of procedural rules as a major ingredient in the collective bargaining process, and this accounts for the palpable state of collective bargaining process in the system. As a corollary, the rights to be accorded union representatives as a party in the collective bargaining process are breached. This is an affront on the effective application of substantive rules as a major plank upon which the collective bargaining

process rests. In the face of these, collective bargaining is hamstrung as a process of resolving labour conflicts.

Conclusion

As observed in this paper in the synthesis of positions taken by some scholars, collective bargaining in Nigeria is traceable to the public sector, but the machinery has performed relatively poorly due to the nature of the employer (government) with its attribute of being omnipotent and ubiquitous. The role of government as an employer of labour and as regulator was highlighted. The paper noted the movement by government from the principle of voluntarism to interventionism with its attendant implication of attempting to stabilize the practice of collective bargaining in the public sector, and later in the private sector.

It was reiterated that the effective practice of collective bargaining processes and machinery holds the promise of achieving stability and regularity in the work place through procedural and substantive rules with the objective of ensuring credible mechanism for peaceful resolution of labour conflicts.

Recommendations

This study strongly recommends the introduction of extra-statutory methods and incentives comparable to those in the private sector to motivate workers in order to elicit hard work and maximum display of initiative. These can be in form of merit awards, productivity bonuses, vacation travel/leisure incentives, children education subsidies and other desirable schemes. In addition, periodic review in remuneration and other welfare packages should be initiated without the workers agitating for them. Through these strategies, the local government system and the public sector in general will become a better place for the union and Management.

There should be a conscious and deliberate effort on the part of the unions and the Management to strengthen the machinery and process of collective bargaining in order to facilitate its use in conflict resolution. This, the management can do by divesting itself of the paternalistic tendencies associated with the excessive

management style prescribed by classical administrative theorists. On the part of unions, constant and constructive engagement/discourse with their Management on critical issues will be beneficial. The adoption of Alternative Dispute Resolution mechanism which has the supplemental benefit of encouraging communication in conflict situations is highly recommended in preventing deadlock in the collective bargaining process.

Collective bargaining would further strengthen union-management relations in the Public Sector if “need based” worker education can be introduced. The content of such worker education must include: general re-orientation; the organizational environment; management-union relationship (Management – Employee interactive forum); transparent and fair grievance procedure/conflict resolution mechanism; inter-personal relations and leadership development. The application of human relations approach which goes beyond the physical and mechanical aspects of work relations to taking care of the psychological aspect / needs of the worker is strongly recommended in industrial relations practice in the Public Sector. This has the potency of reducing incidences of labour conflicts.

The paper recommends that there should be a deepening of democratic culture and practices as a plank upon which the processes and provisions of collective bargaining can be built and sustained. As a corollary, democratic institutions such as the judiciary and other watchdog organizations require further strengthening and their independence must be guaranteed to enable them play their roles as the “last hope of the oppressed” and bastion of democracy. The Management of the Local Government System and public sector in Nigeria should avoid unnecessary delays in the implementation of agreements reached with the union. Such recalcitrant moves have the tendency of provoking fresh demonstrations or a trade dispute.

References

Agalamanyi, C. U. (2004). Trade Unionism in Nigeria: The Role of Nigeria Union of

- Local Government Employees (NULGE). *Nigerian Journal of Public Administration and Local Government*. XII(1), 123-130.
- Ajayi, K. (2002). Conflict and Conflict Management in Nigeria: The Search for a National Strategy. *Confluence Journal of Management*, 2(1), 36 – 39.
- Alabi, O. F. (2008) “Communication as Instrument for Change and Conflict Management in Formal Organisation”, in *International Journal of Communication*, 8, 374-386.
- Anele, K. A. (2008) “The Local Government System and Grassroots Transformation in a conflict – Free Environment”, in *International Journal of Communication*, 8, 398 -407.
- Cole, G. A. (2005) *Organisational Behavior: Theory and Practice*. London: Thomson Learning.
- Cole, G. A. (1997) *Personnel Management-Theory and Practice* (Fourth Edition).London: Letts Educational.
- Ebiloma, J. A. (2001) “Collective Bargaining Process and Resolution of Industrial Conflicts in Nigeria”, in *Confluence Journal of Management*, 1(2), 76 – 85.
- Elele, C. (2008) “Collective Bargaining as Solution to Industrial Disputes” *Niger Delta Standard*, Page 26 (September 4).
- Fajana, S. (1990) “Conflict Tactics and Strategies of Nigerian Trade Unions: Convergence, Diversity and Implications”, in *Nigerian Journal of Personnel*, 4(1), 23 – 28
- Fajana, S. (1993). Conflict Activities of Nigerian Trade Unions: Emerging Patterns and Implications for National Development. *Nigerian Journal of Economic and Social Studies*, 37(3), 15 - 22
- Fashoyin, T. (1999) *Industrial Relations in Nigeria* (Second Edition). Lagos: Longman Nig. Ltd.
- Girigiri, B. K. (2002) *Industrial Relations in Nigeria: Issues in Contemporary Public Sector Crisis*. Port Harcourt: Amethyst & Colleagues Publishers.
- Johnnie, P. B. and Nwasike, J. N. (2002) *Organisational Behaviour and Advanced Management Thought (An Epistemological Analysis)*. Lagos: University of Lagos Press.

- Jones, G. R. and George, J. M. (2006) *Contemporary Management* (Fourth Edition). New York: Mc Graw-Hill
- Keghku, T. (2008) "Conflicts in Stakeholders Relationships Between Labour Unions and Government in Nigeria", in *International Journal of Communication*. No.8 (April) P349 – 363.
- Ngu, S. M. (1994) *Personnel Management in Nigeria: Principles and Practice*. Zaria: Gaskiya Corporation Limited.
- Nwanegbo, C. J. (2007) "Book Review: The Changing System of Industrial Relations in Great Britain: A Completely Written Version of the System of Industrial Relations in Great Britain", in *Journal of International Politics and Development Studies*. Vol. 3, No. 1, (July/December) P380 – 386.
- Nwankwo, B. C. (2002) "Strengthening Local Government Administration in Nigeria: The Expected Role of Nigeria Union of Local Government Employees (NULGE)", in *Nigerian Journal of Public Administration and Local Government*. Vol. 11, No. 1. (January) P70 – 91.
- Obasi, I. N. (1999) *Research Methodology in Political Science*. Enugu: Academic Publishing Company.
- Obi, E. A. (2007) "Inter-Group Violent Conflicts in Nigeria: Towards Better Resolution, Management and Transformation", in *Journal of International Politics and Development Studies*. Vol. 3, No. 1 (July/December). P213 – 230.
- Ojo, F. (1998) *Personnel Management: Theories and Issues*. Lagos: Panaf Publishing Inc.
- Onah, F. O. (2008) *Human Resource Management* (Second edition). Enugu: John Jacob's Classic Publishers Ltd.
- Onah, F. O. (2002) "The Paradox of Grievance Management in a Bureaucratic Setting", in *Nigerian Journal of Public Administration and Local Government*. Vol. 11, No. 1 (January) P92 – 104.
- Otobo, D. (2000) *Industrial Relations: Theory and Controversies*. Lagos: Malthouse Press Limited.
- Shafritz, J. M. and Hyde, A. C. (1992) *Classics of Public Administration*. United States of America: Harcourt Brace College Publishers.
- Uvieghara, E. E. (2001) *Labour Law in Nigeria*. Ikeja: Malthouse Press Limited.
- Yalokwu, P. O. (2006) *Fundamentals of Management*. Second Edition. Lagos: African Centre for Management and Education.