



TRADE UNIONISM AND DISPUTE RESOLUTION IN THE NIGERIAN PUBLIC SERVICE

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Abstract

The drive to achieve different set of goals by management and the labour force in the public organizational settings have always necessitated dispute or conflict of interest from both angles. However, goals are never achieved in any atmosphere of chaos or disarray, that is why there must be a mechanism created or fashioned out to endeavor that such interest are better harmonized to produce a harmonious situation on every side. It is for this reason that trade unionism are created as the medium for alternative dispute resolution mechanism. It is for this reason that the paper underscores the importance of trade unionism as the go between government organization and the work force as far as resolving dispute in the workplace is concerned. It is not out of place to mention that the by-product of any human action or inaction is to obtain satisfaction either on a corporate or individual basis. That is the reason why government organization or public institution, consider trade unionism as sacrosanct. The paper made use of the unitary theory as the basis for understanding the reasons behind the negative posture exuded by government towards trade unionism in the organization settings. The paper also identified certain challenges of trade unionism in the Nigeria public service such as: divide and rule, constitutional bottle neck, insincerity on the part of government among others. The following recommendations becomes tenable: from the outcome of the research; Trade Unions should explore other alternative instrument by looking inward instead of often embarking on industrial action. If they must engage in industrial action it should be constructive. As a work force, they should be allowed to participate in politics so that they can be on the seat of power to influence decisions and thereby produce a society of social justice for the Nigeria work force.

Key Words: *Unionism, Dispute, Labour, Public Service*

Introduction

Conflict is endemic in human groupings because of the divergency in human community (Otite, 2001). Hence, there is always a channel needed to periodically address issues as they escalate to serve as force of intervention to continuously put things in order (Fema, 2010). It is for this reasons that several relevant bodies of different typologies are created according to their professional ties or purpose to handle divergent issues according to their merits using different tools. For example for civil and criminal cases, the police and the law courts are there as bodies or organs created to weigh into such matters.

Though in a civil democratic setting all matters or issues whether civil, customary, criminal and industrial end in the court of law since it is the only institution charged with the function of adjudication among men but due to

the technicalities found in the operation of the law and the court there are also alternative disputes resolution options created to achieve speedy results. Thus, the need for trade unionism as an umbrella body to represent the collective interest of the workers and an alternative to resolve disputes that are bound to happen as far as there are intermix in interaction, goals and aspirations.

Since disputes are part of organizational sustainability, the only way to achieve goals is the continuous emphasis on industrial harmony, and dispute settlement which has been the concern of organizations, researchers, employees and other stake holders because of its importance on productivity (Fajana, 2012). Meanwhile, the success or failure of an organization largely depends on the efficiency of the human resources.

This has made human resource management a key function in the achievement of organizational goals and in the case of third world countries like Nigeria there are several nagging issues related to job loss, employee commitment, motivation and productivity. Even with the existence of liberal democracy there exist a continuous decline in productivity. Third world governments and work organizations have found out that they cannot eat their cake and have it since liberal democracy allows for pluralism and protest and the results of it are not favorably to them (Iyayi, 2000). It is for this reason that trade unionism is considered in this paper as the inevitable organic tool to re tool the public service in achieving workers goals and organizations commitment through dispute resolution that ensues from the formal and informal relationships within the organizational ecology even if management and government institutions seems to be uncooperative about its existence.

Conceptual Elucidation

The Meaning of Trade Unionism

Different scholars have given different definitions to trade unionism. However, Charlywood (2004), defines it as the continuous association of wage earners with the main aim of maintaining or improving the conditions of their employment. It is the organized bodies of workers either private or public who are legally employed to work and boost the economy of the nation-state. It is for this reason that Jrain (2019) described it as the association of workers in a specific industry, trade or company established with the aim of securing advancement in the working conditions, pay benefits or social and political status through collective bargaining. In this sense, trade union is seen as any organization of employee established to enable a collective bargaining power instead of an individual bargaining power in the labour market. The essence is to ensure uniformity and solidarity that favors all. According to Kalejaiye (2020), trade unions are classified into different types such as craft (exclusive to skilled workers), occupational (all workers in an industry regardless of occupation), general (amalgamation of occupational and industrial organizations), enterprise (all workers in a single company or plant). According to him, though their nomenclature differs but their welfare interest is the common denominator that unifies them. In the work of Afonughe (2020), it is succinctly put as a collection of the work force of a nation or even an organization that come together to fight a common front. The idea of it is to give more meaning to the struggle since it is pluralistic instead of a one man show that can easily be bluffed off. According to Adesina

(2003), trade union exist to protect the rights and promote the interest of her members in the work place. It can be described as a well-structured, and organized association of workers in same line of profession and calling formed to safe guard their rights and interest with the understanding that workers have little strength of bargaining power when they are not organized (Onuora, 2015). According to Sunmonu (1996), Britain is acknowledged as the original place where trade unionism started based on the premise that advent of industrial revolution at about the year 1760 contributed to the circumstances for the sprouting of trade unions. Before that time, craft men such as tailors, printers and shoemakers though generally small and scattered, existed in various towns and established local clubs and craft unions which began to link up themselves with their counterpart organizations in other areas for the formation of a loosed federations. This according to Charlywood (2004), culminated in the formation of national federation by haters as he described in the year 1771. First the employers and later successive government became apprehensive of this trend as their federation developed and became stronger. While Fashoyin (2005), traced the genesis of trade union as the rapid expansion witnessed in the industrial society of 18th century Britain which pulled not only men, women and children but also rural workers and immigrants into new roles in the work force in immense numbers. With the industrial revolution, both skilled and unskilled labour spontaneously organized in groups and began to organize themselves as trade union throughout its beginning. As exhaustively put by Feather (1974) cited in Jrain (2019), in 1979, the British parliament passed different combination of laws banning trade unions and making it illegal for any group of work men to converge together for any purpose relating to employment. According to Feather (1994), in order to give the act of 1979 an appearance of fairness, there was a similar ban on employers but it was easy enough for two or three employers to meet socially without any issue and there they reach a gentle man's agreement on wage rates and then impose these rates without fear of resistance from their workmen as organization was unlawful. Despite the law workers protested and resisted and many were prosecuted and made to serve stiff prison terms (Ogbe, 2022). Workers were subjected to long hours of work, rising prices, degrading living and working conditions, low wages, demotion of skilled craft men to unskilled workers, bad housing etc. This led to wide spread strike in the textile industry in 1808 and in the mires in 1810 (Sam, 2011). However, after

25 years of the enacted laws it was later repealed in 1824 and in 1825 and another act was passed in parliament which gave legal recognition to not only the right for collective bargaining but also the right to strike and the right to pay union dues (Sam, 2011). This marked the inception of the legal history of trade unions in Britain and its subsequent spread to other parts of the globe as a phenomenon that gain attraction in every country, people or place of abode.

Why was Trade Union Formed

According to Ifeyinwa (2023), the philosophy behind trade union formation was to ensure that earnings and working conditions of workers are controlled by rules which are consistently applied across membership despite the differences in their aims and objectives. Unity is strength, individual workers no matter how intelligent or strong, while acting individually cannot successfully prevail against the employers (Fajana, 2017). It is too clear that unity and solidarity among the workers is the actual essence of trade union. No wonder they maintain the slogan of an injury to one worker is an injury to all workers (Croucher, 2003). Therefore, if unity and solidarity are remove from trade unionism, there will be nothing left of it (NLC, 2005).

The Role of Trade Unionism in Organizations

The main activities and roles of trade unions varies from one to another, which are captured in the work of Onakalu (2018) to include;

Provision of benefits to members

Trade unions help to provide professional training, legal advice and representations for members.

Collective Bargaining

Where trade unions are able to operate openly and are recognized by employers, they negotiate with their employers over wages and working conditions (Akuh, 2016).

Industrial action

They organize strikes or resistance to management in furtherance of their particular goals and objectives (Baird, 2017).

Political activity

They promote legislations favourable to the interests of their members or workers as a whole. To this end, they may pursue campaigns, undertake lobbyings or financially support individual candidates or parties (NLC, 2005).

Providing security for the union members

This is aimed at keeping check over the employment and termination of member's employment (Eesuola, 2012).

Conflict Resolution

Ensuring that any unsettled disputes or matters are referred for arbitration (Eesuola, 2012).

Bargaining

Negotiating such matters as wages, hours of work, medical facilities, fringe benefits and other welfare scheme with management (Enyioko, 2015).

Cooperation

To Synergize cooperation of their members with their employers and the awakening of public opinion in favour of labour or workers (Akuh, 2016). From the foregoing it is the right to aver that trade union covers the entirety of national life with the workers as it is the nucleus or membrane

The Objectives of Trade Unionism

According to George, Owoyemi and Onkalu (2018), the objectives of trade unionism are to:

Secure better wages for the workers in order to improve their economic lots.

Securing bonuses for their workers from the profit of the organization or enterprise

Ensuring stable employment for workers by resisting the negative schemes of management that are aimed at reducing employment opportunities.

Provision of legal assistance to workers caught up in disputes regarding work and payment of wages

Protection of workers against retrenchment and lay off

Ensuring that workers get provident fund, pension and other benefits as stipulated by the rules.

Securing better safety and health welfare schemes for the workers

Enabling effective participation of workers in management meetings.

Inculcating self-respect, discipline and dignity among member workers

Ensuring uniform opportunities for training and promotion

Ensuring organizational efficiency and optimal productivity

Generating a committed industrial work force for improving productivity of the system.

The Benefits of Trade Unionism

In the work of Aiyede (2004), the benefits of trade union is enumerated as follows: It provide a better opportunity through which the worker can achieve his/her objectives with the support of his colleagues.

It protect economic interest of workers by ensuring a measurable wage rates and wage plan for them

Trade union enables the worker to enjoy certain amenities in addition to his/her wages.

In certain conditions they assist in aligning members to assist in negotiation between workers and management.

It gives room for a worker to be a member of the management team so their interest can be protected.

Organic Structure and Organization of Trade Unions

According to Yusuf (2009), the highest organ of any trade organization is its congress which elect the leadership of the organization. The congress amend the constitution and gives the policy direction of the organization. The next in line is the executive committee or the board which supervises the day to day administration of the union secretariat or headquarters which in most cases is under the secretary general or executive president of the union. The secretariat or head quarters coordinate the administration of all the regional, state or zonal branches of the union as the case maybe. According to him, at the union secretariat is the headquarters and there are departments such as administration, education, research, finance, economics, information and international affairs. As posited by Jeminiwa and Onaeko (2015), the department are headed by full time trade unionist with committee made up of elected members directing and supervising the activities of the departments. The committee members recommend policies to the executive committee or board depending on its good judgment (Egbe, 2017). The African charter of popular participation in development is also applicable to trade union democracy (Arusha, 1990). The charter embodies accountability, popular participation, social and economic justice, empowerment of the people, partisan and non-partisan involvement, respect for human and trade union rights and the rule of law.

This is becomes the focal scope of unionism in terms of *mondus operandi* so long as the need to protect workers interest and welfare in the public institution is concern.

Trade Union in Nigeria

Trade unionism in Nigeria are said to be part of the colonial legacy which witnessed the attendant capitalist exploitation and the increase in labour work force created resultant disputes between the workers and the colonial government (Fashoyin, 2005). The wage workers witnessed terrible working conditions with low income and glaring discrimination of Nigeria workers in the colonial service.

According to Damachi & Fashoyin (2006), No Nigerian however qualified was able to rise to the position of senior service in the colonial administration. This according to NLC (2005), spur up the rise of workers bid to stop capitalist exploitations as well as to improve their conditions of service and to be treated with respect and dignity. Thus, the first trade union formed, was named the Nigerian civil service union established in 1912 (Nwoko, 2009). However, the Nigerian civil service union was not recognized and therefore, suffered

harassment by the colonial employers until 1938 when the trade union ordinance was enacted which hitherto paved the way for the registration of trade unions in the country (Sam, 2011).

Challenges of Trade Unionism in the Public Service

The Nigeria public service is pervasively challenged were the workers has little or no inputs. According to Yesufu (1984), and Adesina (1995), the role of government in wage determination has become prominent and has continued to generate debate over what should be the limits. According to them government has seriously infringed on the rights of the average Nigeria worker to strike actions and their right to freedom of association as it happens in other clime. According to Awulika (2020), the workers and their families belongs to the poorest section of the country. Thus, they experience directly the consequence of poverty. Ambassador Fafowora (2002) quoted 'but how really poor are Nigerians? And what do we mean by the term mass poverty?. In 1980, Nigeria was ranked 35th in the world by the World Bank as a middle income country with a per capita income of nearly 1000 dollar per annum at the prevailing exchange rate of 2 dollar to naira. At today exchange this will be about N130000 per annum. By 1996, the world bank report showed that Nigeria has dropped to the 13th poorest country in the world with a per capita income of less than \$300 per annum or N35000.00 per annum at today's exchange rate. In real terms, this means that the condition of Nigerians is three times worse than it was just thirty years ago. By 1996, the poverty level was 65.6 percent or 67 million people. On a comparative basis, Nigeria is today virtually poorer than all her neighbors . Ghana is ranked 33rd with a per capita income of \$320, while Benin is ranked 30th with a per capita income of \$370. Cameroon is ranked 47th with a per capita income of \$680, more than twice the per capita income of Nigeria". Today according to world Bank (2022), Nigeria is regarded as the headquarters of poverty in the world. The ruling elite have thus created an atmosphere that is entirely hostile to productivity and effective industrial relations (Olukayode, 2015). It is clear that there is no way a bad and anti-people government can enunciate policies programmes that will make for industrial harmony in the industrial relations system. In the case of the public service, it is hoping against hope to expect that productivity will increase in such an atmosphere (Mukoro, 2020). The recent industrial action by the Academic Staff Union of Nigerian Universities that took place for six months did not yield any result as the challenge still remain the same (Elizabeth, 2023). The gang up of the political elites against the

Nigerian workers is highly a brutal one. Now citizens are battling with the pangs of fuel hike without palliative measures to cushion the effect (Lasisi, 2023). The Nigeria worker is suffering from poor pay, bad conditions of service, inflation, poor health care. The basic necessities of life has become a luxury (Akuh, 2016).

Theoretical Frame work

The paper adopts the Unitarist theory as the lens used to examine the relationship between government and unionism in Nigeria. According to Fox (1966) the theory clearly explain the reason behind government corrosive response to unionism while Arm Strong (2008), averred that the unitary view is typically held by management or government functionaries who see their function as that of directing and controlling the work force to achieve economic growth objectives. To this end, management believed that the enterprise is a unitary system with one source of authority itself and one focus of loyalty to the organization as well (fema, 2010). In essence there should be no other organization within the larger one. The unitary model is without doubt the least sympathetic to the presence of trade union or collective bargain in the work place which are regarded as interference in the efficient performance of the managerial functions and unnecessary for the protection of employee interests (Farnham, 2000). As corroborated by Salamon (2000), the unitary perspective assume that the organization should be an integrated group of people with a single authority or loyalty structure and a set of common values, interest and objectives shared by all members of the organization. Therefore, management prerogative is regarded as legitimate, natural and accepted and any opposition to its formal or informal internal or external decisions is seen as irrational (Tamunobere, 2023). The state of things in Nigeria as far as unionism is concerned speaks volume of itself, government is not at pal with them in every possible way, if not for the little ray of light beaped by the light of democracy, unionism would have long gone into extinction.

Trade Unionism and Dispute Resolution in the Nigeria Public Service

Despite challenges faced by labour union in the Nigeria environment, there still exist laudable success achieved by it. In their findings, Okwudili and Enyioko (2016), revealed that the use of labour union enables organization to solve conflict and increase employee productivity. It is on this note that Akpofa (2015), enumerated the gains of labour union in the public service as follows:

It Protect the Workers Interest

Labour union serves as the umbrella network that act as protective roof or hub against government and employers obnoxious policies

It strengthen Workers Bargaining Power

The working class on several occasion have been able to negotiate a better and desirable welfare package for themselves. Though much is still needed to be done (Akpofa, 2015).

Democracy Buffer

The use of trade unionism in the settlement of disputes in the public service has curtail the practice of absolutism tendencies from government desk there by empowering democratic ideals (Onuora, 2015).

Peaceful Agreement

The agreement negotiated by the union leaders are binding on the entire membership and on the employer (Turner and Daryl, 2016).

Conclusion

The idea of trade unionism in the enterprise of government is a win win approach if the tenets of unionism are allowed to thrive. As a matter of fact, pluralism in governance enables better condition of service since it will provide the avenue to serve as watch dog to government. And it is unarguable to mention that government cannot do without the work force of the public institution no matter how powerful they are. Therefore, workers must be well motivated to make government succeed. In this case the welfare of the individual worker should not be toiled with because a well-motivated worker will in turn produce the needed results that will make government to succeed. Therefore, fighting trade unionism will produce a counter productive results in the enterprise of government no matter the propaganda put in place to polished deficiency of government administration.

Recommendations

Despite challenges besieging trade unionism in Nigeria, the organization can still remain relevant if they understand that the history of the human race has been that of struggle for freedom. Therefore, there should be no room to be deter by the discouraging antics of government, inner strength to continue the struggle should be hold on to until there it is victory for the Nigeria worker.

Trade Union should be discrete in their approach to dispute resolution. Since government now decide nowadays to pay deaf ears to strike actions, better approach should be sort out. In this case, individual union members can synergize themselves on a partnership scheme since government is successively not ready to do anything meaningful as an institution.

However, if there must be industrial action it should be timing so that they can capture the moment to their own advantage.

Labour union should get involve in active politics by flagging out a formidable vanguard through which they can democratically obtain power from the stern crops of politician. Being at the centre of decision making will rather make for a better liberation of the worker.

Government in Nigeria should also take a queue from modern democratic societies whose advancement has gone beyond just providing the primary needs of the people.

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