

AN APPRAISAL OF INDUSTRIAL CONFLICT IN NIGERIA (1978-2015)

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ABSTRACT

The history of Nigeria Labour Congress is replete with industrial actions expressed in the form of strike actions and demonstrations since its formation in 1978. These industrial actions usually occur due to federal government policies that do not favour the Nigerian workers. Such policies may include among others increase in pump prices of petroleum products and failure of government to increase the minimum wages of workers when due. This research findings shows that there is no federal government administration in Nigeria without a face off with the labour union. The study is a historical analysis which attempts to examine the methods usually adopted in the resolution of industrial disputes in Nigeria. It adopts a multi disciplinary approach of historical interpretation of secondary sources from books, journals, long essay and others. The essay argues that early warning measures can be harnessed and use in de-escalation of industrial dispute instead of allowing issues to degenerate into dispute before making effort to resolve such dispute.

Keywords: Industrial conflict, Nigeria Labour Congress, Collective bargaining, Trade Union, Conflict Resolution.

INTRODUCTION

The advent of the industrial revolution in the 19th century resulted in the mechanized production of goods and services. The production brought people from different cultural backgrounds together for the purpose of enhancing the production process both for individual consumption and for those outside the system. When people are pooled together under the industrial system, dispute is bound to occur due to differences in interests, perception and expectations. This usually disrupts the peaceful design of the work environment.

In most western societies, government is the largest single employer, but most people are employed in small and medium businesses in the private sector. In Nigeria a greater number of the workforce is found in the civil service. Therefore in the context of this research, the federal government of Nigeria is the employer while the Nigeria Labour Congress (NLC) is the umbrella organization for government workers including others in the private sector.

The Nigeria Labour Congress (NLC) was formally constituted in 1978 as the only national federation of trade unions in the country. Over the years the body has continued to act as a very strong pressure group representing the voice of the ordinary people in the Nigerian society. The NLC has continued to react against government policies through demonstrations, strikes, mass rallies and sit in that could affect the ordinary people in the society. The NLC usually reacted and advocates for wage/salary increase, advocates against the increase in petroleum prices and the return of the country to civil rule during the military era.

Conflict is an inevitable part of human existence characterized by incompatible interests, aims, and aspirations of individuals or groups (Akpuru 12). Mechanisms are devised for peaceful settlement of all kinds of conflict. Such mechanisms include negotiation, bargaining, mediation, conciliation and arbitration. Government relies on negotiation and bargaining for settlement of industrial dispute and agreement reached sometimes ends in a dead lock. This is because government sometime fails to implement such agreement reached. It is in this regard that this study aims to unveil some of the industrial disputes between the NLC and the federal government and how such disputes were resolved.

THE CONCEPT AND CAUSES OF INDUSTRIAL DISPUTE

A dispute may be define as an argument or a disagreement between two people, group or countries. Therefore industrial dispute may be viewed as a disagreement between a trade union and employer or group of employers following the failure of one side to meet the demands of the other for the amelioration or removal of a grievance (Ugwunna 5). The above definition recognizes trade dispute as incompatible interest of both the employer and employee.

The main reason for industrial dispute is to maintain stability in an organization. Stability in an organization will enhance peaceful co-existence in the organization and also increases output and productivity. Industrial dispute also help to maintain efficiency in resource utilization and also contend the demand for employee security and public interest. Apart from helping to maintain equilibrium, the most relevant aspect of industrial dispute is when it goes beyond its acceptable level where conflict becomes abnormal, dysfunctional or pathological (Ugwunna 8-9). This is so because there are situation where dispute is accompanied by pervasive violence which result in major economic and social disorganization of a community or society involving

the extinction of union or management of institution and controls which result in unhealthy and unsafe work environment causing insecurity, encouraging absenteeism, lateness and so on. This was quite evident during the military era in Nigeria. The military regime of General Sanni Abacha dissolved the executive of the NLC in 1994. But from the foregoing, it is observed that industrial dispute is inevitable as it is bound to occur in any work organization. Thus, industrial relation system aims at maintaining a balance among the parties in an organization in order to preserve the continuity of the enterprise.

CAUSES OF INDUSTRIAL DISPUTE

There are many causes of industrial dispute between employees and employers. Some of them include economic, social and political (Ubekwu 158).

Economic Factor

Non compliance with the agreement reached between employer and workers in terms of wages and salary, infringe benefit and overtime pay are the main economic factors that triggers dispute in an organization. Wages or salary increment is one of the terms of agreement in which management and employee must negotiate and review regularly. The dynamism of economic activities has virtually made it impossible for prices to stabilize for an indefinite period. The standard and cost of living of workers change continually in Nigeria. For the wage earners, the standard of living keeps falling while cost of living keeps rising. In this regard salaries must be adjusted positively or increased to be in line with the cost of living. But employers usually resist the demands for wage or salary increment by their employees, hence, dispute often arise to counter the negative response of employers to workers demand for wage or salary increase. This indeed is the major cause of dispute between the labour union and the federal government.

Social Factor

When the employer does not provide good working condition or environment for the workers, dispute is bound to arise. Employers sometimes fail to provide adequate measures for the welfare of the workers outside the establishment. Absence of these often causes employee frustration which may eventually lead to industrial dispute.

Political Factors

Management and labour unions have different ideologies. Labour has socialist view and considers the management (employer) as having exploitative intentions and feels that workers must demonstrate or protest in order to stop the employer's exploitative powers. Management on the other hand, with its capitalist oriented perception sees the workers as making excessive demands

which increases its production cost and reduces profit. Because of this, both parties fail to agree and dispute is bound to arise.

THE NIGERIA LABOUR CONGRESS IN HISTORICAL PERSPECTIVE

The Nigerian labour congress (NLC) was formally constituted as the only national federation of trade union in Nigeria in 1978 during the regime of General Olusegun Obasanjo. Before the creation of the organization, four labour centres existed. These were the Nigerian Trade Union Congress (NTUC), Labour Unity Front (LUF), United Labour Congress (ULC), and the Nigerian Workers Council (NWC) (Zailani 16). The advent of NLC ended decades of rivalry and rancor involving the four labour centres and union affiliated to them. The affiliated unions which were over one thousand in number were restructured into 42 industrial unions. The NLC provides a common platform for its affiliates. It is a symbol of unity and strength of the country's trade union movement. The founding president of NLC was Wahab Goodluck. The history of NLC is full of up and downs, it has survived three instances of dissolution of its national organs and subsequent appointment of State administrators.

OBJECTIVES OF THE NLC

The fundamental aim and objectives of the congress are:

1. To protect, defend and promote the rights, well being and the interest of all workers, pensioners and the trade unions.
2. To promote and defend a Nigerian nation that would be just, democratic, transparent and prosperous and to advance the cause of the working class through the attainment of the following:
 - (a) To continually promote, defend and advance the economic, political and social well being of Nigerian workers.
 - (b) to promote and defend the rights, well being and interest of workers in the work place and society.
 - (c) to promote and defend the rights, well being and interest of pensioners and ensure their recognition by the society.
 - (d) to continually enhance the quality of life and improve the income and other working conditions of workers.
 - (e) to promote and sustain the unity of Nigerian trade union, ensure total unionization of all workers irrespective of their creed, gender and political beliefs.
 - (f) to ensure the existence of one trade union and one federation of trade union in every industry.
 - (g) to promote and defend trade union and human rights, rule of law and democratic governance.
 - (h) to promote and defend democracy, probity and transparency in the trade union and civil governance.

(i) to work for the industrialization and prosperity of the Nigerian nation and ensure protection of jobs, full employment and human working environment.

(j) to continually strive to influence public corporate policies and legislation on issues at all levels, in the interest of workers, disadvantaged social groups and trade unions.

NLC AND THE FEDERAL GOVERNMENT DISPUTES AND RESOLUTION

Trade union is a voluntary unincorporated association whose purpose is to regulate the terms and condition of employment of workers. Also, the trade union decree of 1973 defines trade union as any combination of workers or employees whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers (Nwadiaro 1). The NLC has over the years acted as a single trade union for other industrial unions in Nigeria. The congress has continued to play significant roles in regulating the terms and conditions of employment of Nigerian workers. In total, the NLC has over 4 million members that span across both private and public sectors, this make the congress the largest trade union in Africa.

The NLC and the federal government usually engaged in dispute right from the military era till today. The peak days of NLC reactions against the federal government policy was during the military regime of General Ibrahim Babangida. The regime which took over power on August 27, 1985 formally adopted neo liberalism as the dominant economic policy despite widespread domestic opposition to the IMF loan. The regime adopted a corporatist strategy that combines co-optation, repression and buying off to bring NLC under its control as part of its hegemonic agenda. The people and the NLC reaction against the structural adjustment programme incensed the military administration to take over the NLC. Also in 1994, during the regime of General Sanni Abacha, the government became fed up with the labour movement agitation for the restoration of democracy. Just like the previous regime, General Abacha dissolved the NLC national executive council and appointed a sole administrator. The same treatment was meted to the two unions in the oil and gas industry-National Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN). Equally, the administrators apparently plundered the finances of congress and the two unions. Arbitration, prolonged and unlawful detention of labour leaders, invasion and disruption of union meetings, seminars and other activities of congress and its components by security forces and vicious anti labour campaign by the State generally marked the era. The military at this point invoked the legislative prerogative of congress and unleashed all manners of legislation to check the activities of union. For example under General Abacha a decree that banned a section of the movement from holding leadership position in congress came into effect.

The demise of General Sanni Abacha brought in General Abdulsalami Abubakar who made several amendments to some labour decrees. The amendment and repeal of some sections of labour decrees restored democratic element to the congress and also removed certain restrictions on congress. But even with this, the labour movement did not yet enjoy the degree of freedom of association it possessed after independence in 1960. It should be noted that the reclaimed congress held a national delegate conference on January 29, 1999. It was in the conference that Adam Oshiomole led executive council was formulated (History of Nigeria Labour Congress 1).

On may 29 1999, the Nigerian fourth republic was ushered in within the framework of liberal democracy. General Olusegun Obasanjo was elected the President of Nigeria. During the period, the federal government and labour relations were not very cordial. The federal government implemented increase in the prices of petroleum products (petrol, kerosene, diesel etc.) from twenty naira to thirty naira on June 1 2000-barely a month after it announced increase in national minimum wage. The NLC leadership reacted promptly to the increase in a press statement widely published in Nigerian dailies indicating her objection to an un-negotiated outcome of the prices and formally demanded the reversal of the increase with a notice of a strike. The government reluctance to rescind its decision led to a general strike called by the NLC which began on June 8, 2000. The protest was widespread and effective as public sector institutions such as National Association of Nigerian Student (NANS) and some private sector organizations closed down in response to the strike action initiated by the NLC.

The general strike action persuaded the government to negotiate and bargain with the leadership of NLC in order to settle the issue and reached a concrete agreement. The concession made by the two parties led to a compromise that resulted in about 80% to 100% reductions in the pump prices of various petroleum products. An agreement to that effect was signed between the NLC and representatives of the federal government on June 13, 2000 on the basis of which the NLC strike was called off. Another important aspect of the agreement was the establishment of a negotiating committee that included representatives of various stake holders in petroleum product (NNPC, marketers, students, market women, Labour, manufacturers and others). The committee was expected to review all aspect of the petroleum product supply and distribution and make recommendation to the federal government (History of Nigeria Labour Congress 1). In 2001, the Obasanjo administration over look the agreement and indicated fresh difficulties in sustaining the agreed prices of the petroleum products. Therefore on 1 January, 2002, the prices of petroleum product were increased and implemented. Fuel prices were once again increased. Kerosene moved from seventeen naira to twenty four naira, diesel went up from twenty one naira to twenty six naira while petrol moved from twenty two naira to twenty six naira. Labour immediately proceeded on a belated strike on 16 January 2002. This followed the expiration of a seven day

ultimatum given by the NLC to the government on 8 January 2002 asking the later to reverse the price increase. Instead of negotiating with the NLC, the federal government went to court to contest the action of the NLC and had victory as the Abuja high court declared the strike action illegal. Because of this, the central working committee of the NLC met and called off the strike on the 17 of January, 2002 in respect of the Abuja court ruling

In November 2010 during the administration of President Goodluck Jonathan, there was a faceoff between the labour union and the federal government. This took place as a result of federal government non implementation of the 18000 naira minimum wage. Negotiations between the labour union and the federal government ended in a dead lock leading to industrial action on the part of the labour union. Also in January 2012 following fuel subsidy removal by the Jonathan led administration, there was a nationwide industrial action organized by the NLC and other trade union in the country. Protest started on Monday, 2 January 2012 in response to the fuel subsidy removal by the Federal Government of President Goodluck Jonathan on Sunday, 1 January 2012. Protests took place across the country, including in the cities of Kano, Ojota in metropolitan Lagos, Abuja, Minna and at the Nigerian High Commission in London. The protest was characterized by civil disobedience, civil resistance, strike actions, demonstrations and online activism. The use of social media services such as Twitter and face book was a prominent feature of the protest (Lakemfa 58). These detailed analyses indicate the series of industrial disputes between the federal government and the NLC right from its formation and reform in 1978. But, what measures were adopted in the resolution of these industrial disputes during the period in review.

COLLECTIVE BARGAINING AND NEGOTIATION IN INDUSTRIAL CONFLICT RESOLUTION

The forgoing analyses on the history of industrial action in Nigeria indicates that such disputes were usually resolved through the negotiation table. The process whereby parties to trade dispute sit to negotiate in order to find a way of resolving issues that had led to dispute is describe as collective bargaining. Section 91(1) of the Labour Act defines collective bargaining as the process of arriving or attempting to arrive at collective agreements (Zailani 57). Article 2, ILO Collective Bargaining Convention defines collective bargaining as “negotiations which take place between an employer, a group of employers or one more employer, organizations, on one hand and one or more workers, organization on the other, for: (a) determining working conditions and terms of employment; and (b) regulating relations between employers or their organizations and worker’s or organization” (Zailani 57). Collective bargaining is a process whereby employees and employers enter into dialogue and consultations with a view to arriving at collective agreements aimed at regulating conditions of work.

The rationale for collective bargaining is agreement although disagreement may still occur. Therefore, collective bargaining takes place once a collective action is reached when parties make genuine efforts to reach agreement. It is a process since the various parties meet to bargain and the agreement is just one of the possible outcome of it. Collective bargaining and negotiation plays a significant role in creating harmony and stability in a work environment. To the employee, collective bargaining is beneficial because the individual employee has no voice and may be subjected to arbitrary decision by the employer. But through collective bargaining labour issues such as duration of service, termination procedure, promotion, wage increase, insurance and job security are negotiated and concrete agreement reach. To the organization, negotiation and bargaining amicably reduces the incidence of strike action and lock out which have adverse effects on productivity and cost. It should be noted that in union and management relationship differences in opinion and perceptions is bound to exist and could cause dispute and disruptions in the work place. Therefore, collective bargaining specifies the procedures for resolving the dispute as provided by the trade dispute decree of 1968 to provide a quick and effective method of settling them (Ugwunna 48).

Right from the formation of the Nigerian labour congress (NLC) in 1978 industrial dispute abound and it has never been left unresolved. The federal government has never wasted time in settlement of industrial dispute with the NLC. The reason is that time wasted will result in loss in output and revenue generation. Negotiation and collective bargaining is usually adopted in the settlement of industrial disputes within the period of this study. Once the NLC feels aggrieved over any issue by the federal government, they will openly expressed dissatisfaction and demand satisfaction with an ultimatum. If the government refuses to accept such demands, the NLC will embark on a strike action and demonstration. It is usually during the strike action that the government will calls for a negotiation where bargaining will take place until agreement is reached that will favours both parties.

Even with the efficacy of collective bargaining in resolving industrial dispute in Nigeria, there are certain challenges attached to this laudable method of settlement of industrial disputes. In Nigeria, the first of such challenge is lack of trust and confidence on the part of the employer (government) with workers across the country. This usually hinders the outcome of agreement reached by the parties. This is noted in the incessant violation of agreements by the government. For example, the government on several occasion renege on the agreement reached with the Academic Staff Union of Universities (ASUU). Agreements were reached between ASUU and the federal government between 1999 and 2009 and a greater part of those agreements were never implemented. For example agreements reached between the ASUU and the administrations of both Olusegun Obasanjo in 1999 and late Umaru Yar'dua in 2009 were never implemented by the federal government after negotiations (Emmanuel and

Mohamed 9). Similarly, the Academic Staff Union of Polytechnics (ASUP) embarked on a strike action to demand for the implementation of an agreement it entered with the Federal Government in 2009. The Federal Government failed in its promise to implement the relevant issues reached with the union. Concerning this slack of implementation of agreement reached, the Chairman of (ASUP) noted

Principally in 2009 we entered an agreement with the government which was supposed to be renegotiated in 2012. Between 2009 and 2012, nothing was done about the agreement... We called off the 81day old in 2013 because the Joint Committee on Education of the Senate and the House of Representatives intervened. There were 13 issues in the earlier agreement we signed in 2009, but the government decided to pick out four which it said it could handle within a short time. The union vowed to continue the strike until their demands are met (Zailani 63-65).

This indicates the lack of trust and confidence on the part of the government on the implementation of agreement reached with the employee. It is expected that government should always negotiate and agree on issues that can be implemented with ease instead of accepting what cannot be implemented. It is also within the ambit of this research that the concept of early warning measures becomes imperatives. This research recommends that this laudable mechanism can be harnessed and used in conflict mitigation. Under this mechanism, potential sources of conflict or dispute can be mitigated before it escalates into conflict and hostilities (Ifesinachi 103). Strike actions and demonstration could be compared to hostilities or war in real conflict sequence. It is the last resort by organized labour union in a situation of renege in agreement. Therefore, federal government can prevent the escalation of industrial action by negotiating with the various union concerned, instead of waiting until union embark on strike action and demonstration before negotiation through collective bargaining.

CONCLUSION

This paper has analyzed the Nigerian labour union and its escapades since its formation in 1978. It has continued to play significant roles in representing the Nigerian workers. Through mass rallies, ultimatum, strike action and protest movement, the union has continued to kick against some government policies that affect the standard of living of Nigerian workers.

Conflict is an inevitable part of human existence that cannot be avoided even in countries with sophisticated standard of living. Labour conflict is one of

such conflict. But the good thing is that conflict has never defied resolution. Negotiation and bargaining has proven to be an ideal method for resolving industrial dispute. The study found out that the Nigerian government has used this medium over the years in the resolution of industrial conflict, although the military regime was an exception. The military regimes proved to be repressive and draconian in its response to labour demands during the period. The regimes dissolve the executive council of the NLC and ban a section of the congress from holding leadership position. There are some challenges in the use of the bargaining method of resolution of industrial dispute. This has been the non implementation of agreement reached between the federal government and the labour union. Even with the challenge, bargaining and negotiation has prove invaluable in the resolution of labour dispute with the federal government. The paper concludes that early detection of issues that borders the workers and prompt attention to it can help to prevent industrial dispute instead of waiting until labour goes on strike before attempt is made to resolve such disputes.

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