

GOVERNMENT AGENTS IN NIGERIA'S INDUSTRIAL RELATIONS SYSTEM

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Abstract

A situation of grave concern in Nigeria is that about sixty percent of all industrial disputes results in industrial actions. This can be regarded as a failure on the part of relevant agencies, whose statutory role is to proffer solution to industrial disputes. This article examines the functions and lapses of relevant government agencies in their statutory roles, and recommends ways to improve the industrial relations system in Nigeria, which include the review of the roles and functions of the agency; the involvement of organized labour in legislations and the recruitment of qualified personnel to handle industrial matters.

Keywords: Government agency; industrial relations; disputes; unrest

Introduction

From when Nigeria got independence in 1960 till date, the industrial system of the country has been characterized by industrial disputes, crises, and unrest in its entirety. A major feature of the industrial system, be it public or private, as been one of strikes, lockouts, picketing, sit-downs, work to rule and demonstrations. This situation has made many to describe the relationship of organized labour and government agencies as been that of "cat and mouse". There are constant disruptions in all spheres of the Nigeria, from the educational sector to the power sector of the economy. In most recent times, strike action by Nurses and Doctors to protest the non implementation of the agreement with government. Not to forget the strike by the Academic Staff Union of Universities over the failure of government and its agencies to honour an agreement reached in 2002.

As if these series of unrest is not enough, even under the civilian administration of Chief

Olusegun Obasanjo, in February 2002, some members of the Nigerian police force embarked on a nationwide strike. That strike although quickly brought under control, leaves much to be desired about the agents of resolving industrial unrest in Nigeria, as these police men and women do not have faith in the system hence the strike. The very agency saddled with the responsibility to maintain law and order, were not confident that fellow government agencies could handle their grievances satisfactory. These development and the frequency at which industrial unrest are witnessed in the industrial relation system in the country has given course for concern as to the effectiveness of the agents of government in the system, hence the interest in this topic. This paper seeks to analytically examine the agents of government in the industrial relations system in Nigeria. It is expected that the careful examination of the roles of the agency will assist policy makers in developing a system that will not only solve

the numerous problems facing these agencies, but that will be generally acceptable.

This paper is divided into six sections, with section one as introduction; section two handles the conceptual framework; section three deals with the theoretical consideration used in explaining the situation in the industrial relations system; section four explains the various government agency and their functions; while section five examines the role of government agency, and apprise their performance; and section six is the summary and conclusion.

Conceptual framework

Industrial Relations according to Fashoyin (2005) is not restricted to what happens between management and workers in public and private enterprises, nor to the implementation of labour laws and provision of collective agreements. Fajana (2005) defines *industrial relations* as encompassing every conceivable feature affecting the management of labour (human resources) including activities of government or its agents in such manpower management. From these definitions industrial relations include not only labour management/relations, but the term also comprehends an all-embracing approach to resolving and/ or reconciling conflicts as well as improving the lot of workers in the relationship between employer and employee. Conceptually, therefore, *industrial relations* refers to the pattern of interaction or relationship between employer and /or management on the one hand, and employee and/ or trade unions on the other, including the activities of government in supervising and controlling the industrial relations system. These are patterns of relationships that are directly related to such issues as productivity, discipline, employment, conditions of service, wage security, safety and so on.

Government Agency refers to all organs established by government in its efforts to supervise, control and administer government policies on industrial relations in the country.

Strikes: according to Wikipedia, the free encyclopaedia, Strike action, often simply called a strike, is a work stoppage caused by the mass refusal of employees to work. A strike usually takes place in response to employee grievances.

Industrial Disputes: The total range of behaviour and attitudes that express opposition and divergent orientations between individual owners and managers on one hand, and working people and their organization on the other- Kornhauser, Dubin and Rose (1954)

Government agencies and their functions

Over the years government has set up several agencies to assist it in the administration and control of the industrial relation system and these instruments are also called government machineries.

Federal Ministry of Employment, Labour and Productivity

The Federal Ministry of Employment, Labour and Productivity which was established in 1937 by the colonial authorities and inherited by indigenous administrations after independence in 1960. It was established to enforce labour legislation, advise government on trade union development. Federal Government Gazette Notice No 1205 of 1979, states some of the functions of the ministry as follows;

1. Condition of Employment
2. Industrial Relations
3. Factory inspection
4. Trade Unions, including registration of Trade Unions
5. Central Labour Organization on cooperative matters
6. Supervision of the following bodies

- (i) Industrial Arbitration Panel
 - (ii) National Industrial Court
 - (iii) National Institute for Labour studies (established in 1987 and located in Ilorin)
7. Maintenance of Relations with the following bodies
- (i) Organization of African Trade Union Unity (ATUU)
 - (ii) International Labour Organization (ILO)
 - (iii) Nigeria Labour Congress
 - (iv) Nigeria Employers Consultative Association.

Presently the ministry has ten departments included, are the departments of Industrial Relations, saddled with the responsibility to promote industrial harmony, through the encouragement of voluntary collective bargaining, between workers and employers. The department of wages and productivity, which ensure that proper wages are paid and employee are not enslaved. Then the department of labour inspection and training, this section has the duties of inspecting factories to ensure that best practices are followed, and also provide training for employers and employees on how to handle disputes.

The National Labour Advisory Council

Among the various agents of government is the National Labour Advisory Council, which according to Ojo (1998) is established to advise the government on labour matters. The composition of the Advisory council consists of one representative from each state government of the federation of Nigeria and two representatives from the Nigerian Employers Consultative Association (NECA) and two representatives from each of the labour centers, while the Permanent Secretary of the Federal Ministry of Employment, Labour and Productivity serves as its Chairman. The function of this council include

the review of existing or proposed labour laws, and the examination of the social implications of such amendments may have on the public in general and the working class especially. Although the power of this council is advisory, but when it does review any law, such laws normally sails through all stages with ease including the national Assembly-Ojo (1998)

Industrial Arbitration Panel

The Industrial Arbitration Panel is a standing body that undertakes arbitration matters. The Industrial Arbitration Panel consists of a chairman, a vice-chairman and not less than twelve members, in the first instance or a single arbitrator selected from the members of the panel by the chairman, assisted by assessors who are appointed by the Minister, and representing the interest of employers and workers. The selected arbitrators and the nominated assessors constitute the Industrial Arbitration Tribunal (IAT) to settle the dispute.

According to the Trade Dispute Decree No. 7 of 1976, section 90 empowers the Industrial Arbitration Tribunal to make an award within forty-two days from when it was constituted. The only exception to this provision, is when the Minister of Employment, Labour and Productivity extends the time frame for the Tribunal. At the end of the seating of the Tribunal, it is mandated to make award and both parties have twenty-one days to react to the award.

National Industrial Court

The Trade Dispute Act of 1976 established the National Industrial Court, but it did not start to function not until 1978. The National Industrial Court comprises a President and four other members appointed by the Federal Executive Council (FEC). The President of the court must have been a Judge of the high court or must have been a practicing Lawyer for at least ten years. The list of assessors consisting

of representatives of employers and workers who could be used to assist the court in dealing with certain matters.

The National Industrial Court has exclusive jurisdiction over the following:

1. To make awards for the purpose of settling trade disputes.
2. To determine questions relating to the interpretation of any collective agreement, and any award made by the Industrial Arbitration Panel or by the court itself.
3. The terms of settlement of any memorandum following reconciliation.

According to Obi (1995) the National Industrial Court, in normal circumstances handles cases which could not be resolved at Arbitration. The practice and procedure of the court are governed by the National Industrial Court Rules 1979

Boards of Inquiry

Board of Inquiry is another government agent used to intervene in industrial relation system. The Trade Dispute Decree of 1976 empowers the Honourable Minister of Employment, Labour and Productivity to set up a board of Inquiry to investigate any industrial disputes or imminent ones-Obi (1995). The Board normally investigates, the facts, causes, and the circumstances of a dispute. The procedures are informal, and the boards are free to regulate their own procedures and practices. Parties to the disputes may either appear by themselves or be represented by counsel.

Appraisal of government agencies

The Nigerian industrial system has always been besieged by woes according to Otobo (1988), it has been a history of conflicts, crises and violence. This is clearly seen from the way and manner labour activists are treated by organs of the state, such as the state security services. One major area of problem at resolving industrial disputes at the conciliation

stage, which appears to be weak is the lack of experienced conciliators. This is due to manpower problem with the public service, and the employment policy of the Federal Government of Nigeria. The embargo on employment was recently lifted, as prior to this period, most of the personnel in the Ministry of Employment, labour and productivity were simply unqualified. The inability to handle matters is seen from the Federal ministry of Labour annual reports, which clearly shows that between 1960 and 1988 there were 6647 industrial disputes in Nigeria and these disputes led to 3954 strikes indicting that about sixty percent of all industrial disputes end up in strikes. Whereas disputes are supposed to be settled.

Another area of concern, which has led to frustration is the delays in handling matters. In some cases its take up to two years or more before awards are made, for example it took the Industrial Arbitration Panel twenty months to make award in the dispute between the Civil Service Union and the federal government regarding the granting of car loans and car-running allowance- Ubeku (1983). That situation can in itself allow for a lack of confidence on the part of those concerned, because "Justice delayed is justice denied"

The federal ministry of Employment, labour and productivity have some department that are suppose to have meaningful impact on the industrial relations system, but their role and activities leaves little to be desired. The department of inspection and training does not even have an accurate statistics of industries and organizations operating in Nigeria. A staff of the ministry who preferred to remain anonymous, stated that for the past ten years he has worked in the ministry they have not gone out on inspection not even once. So without inspections how can they train and even advise the government on the present

trend in the system. Here the agency has failed Nigerians again.

At a very crucial time when Nigerians are supposed to be reaping the dividends of true democracy after undergoing an unforgettable 32 years of military rule, the much expected turn around in the nation's economy and social welfare of the citizens continue to deteriorate and with the recent declaration of the Nigeria Medical Association and the Nigeria Labour Congress to embark on strike which will paralyze social and economic activities in the country and is an indication of the Federal Government's sleeping dog attitude before swinging to action.

On the issue of statutory oversight, the facts clearly shows that control and supervision is superficial, such that, the various departments are not aware of certain issues in their jurisdiction. According to Ubeku (1983) the Nigerian government has gone beyond ensuring that disputes are settled in a manner acceptable not only to the parties to the disputes but also to the state. In other words the state is more concerned with the settlement be in the interest of the state. But that should not be the case, as government should take the position of an umpire and not taking sides, as it is currently practiced. This situation has also led to a lot of unrest in the industrial system.

Summary and conclusion

From the fore-going, it is abundantly clear that the government had done well to establish agencies to assist in the regulating and supervision of industrial related matters. Yet these agencies had had one or more problems, which has affected the efficiency and effectiveness of these agencies in industrial relations system in Nigeria. But evaluating the functions of these government agencies shows that they have done little or nothing to contribute to industrial peace in the country,

and this has led to delays in handling industrial issues, which may several months at times years to resolve, and this could be discouraging making many loss fate in the system's ability to handle matters. In other instances the inefficiency of these agency has led to incessant industrial disputes and unrest, with sixty percent of all industrial disputes resulting in industrial action, and strikes. In some instances the agency saddled with a responsibility completely fail to carry out its duties as we saw in the case of the department of labour inspection and training. Most literatures on this issue points to the fact that government in most cases is satisfied once the results of industrial arbitration favours it, even when the real issues have not been handle or when a majority of employees are involved. This situation does not encourage industrial harmony and peace. Hence this paper makes the following recommendations

- (i) That the legislations setting up government agencies in industrial relations system, should be reviewed, to make them more efficient and effective.
- (ii) That government should as a matter of urgency review the roles and functions of its agencies, with special reference to how industrial issues are handled.
- (iii) That the federal government should review its recruitment policies, so that professionals can be hired to inject, some professionalism in the industrial relations system.
- (iv) The government should always include, organized labour when drawing up policies that affect the industrial relations system.

This appraisal also revealed that not only government agencies that need reformation, but the laws, rules and policies pertaining to industrial relations also need reformation. This is same position is held by Okaka (2010). Finally as stated by Holley and Jennings,

(1994) industrial relations should be jointly determined by the parties and also administered by all the parties, in line with these researchers.

References

- Akhiomen A.E. (2010) *Nigeria Labour Congress and Federal Government Strike Resolution: A good omen for peaceful co-existence in Nigeria*, (www.nlcng.org)
- Fajana, S. (2005) *Industrial Relations in Nigeria: Theory and Features* (3rd ed). Lagos: Nigeria: Labofin and Company.
- Fashoyin, T.(1992) *Industrial Relations In Nigeria*, 2nd edition, Lagos Longman Nig Plc
- Holley H. W. and Jennings, M. K. (1994) *The Labour Relations Process*. Fifth edition, Orland, Harcourt Brace and Company.
- Kornhauser A, Dubin R, and Rose A (eds.) *Industrial Conflicts*, New York, McGraw Hill. 1954
- Obi R.U. (1995) *Industrial Sociology and Labour Relations in Nigeria*, Benin, Nigeria, (Ethiope Publishing Corporation)
- Odigie S.A. (1993) *State Intervention in Industrial Relations in Nigeria*, Benin, Nigeria (Ethiope Publishing Corporation)
- Ojo F(1998) *Personnel Management :Theories and Issues*, Lagos: Panaf Publishers.
- Okaka E.O.(2005) *Government Intervention In Industrial Relations In Nigeria 1861-2004 and The Trade Union Amendment Act 2005*, University of Benin (Unpublished M.Sc. Thesis)
- Okaka E.O.(2010) Workers Perception of the Trade Union Amendment Act, 2005 *Journal of Research in National Development*, Vol. 8 No 1.
- Olson M.(1971) *The logic of Collective Action Public Goods and The Theory of Groups-* Harvard Economics Studies Series, Volume CXXIV(Harvard University Press Massachusetts, USA)
- Otobo, Dafe (1988). *State and Industrial Relations in Nigeria*, Oxford Malthouse,.
- Ubeku Abel K. (1983) *Industrial Relations In Developing Countries- The Case of Nigeria*, London : Macmillan Press.