

GOVERNANCE, COLLECTIVE BARGAINING AND PEACE CULTURE IN LABOUR RELATIONS IN NIGERIA

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Abstract

The formation of organized labour in Nigeria can be traced back to the late 1890s. Since then industrial relations on working conditions has been a challenge between the tripartite partners; the employers, employees and government. The struggle for improved working conditions, good governance and human dignity has been on. This struggle by the labour unions to improve on the unfair policies and working conditions has generated severe threat in maintaining peace culture in labour relations. It has adversely been affecting the growth of national economy in relation to global economic change. This situation has created almost total failure on the government as regards her social responsibilities to the citizens. This paper discusses the interconnection of governance, collective bargaining and peace culture in labour relations in Nigeria. Recommendations regarding how to make peace in a work environment were given such as government and labour being sensitive to early warning on industrial action to avoid conflict escalation, and government providing a situation where employees should exercise industrial democracy.

Keywords: Governance, Collective bargaining, Peace culture, Labour relations, Social responsibilities.

Introduction

The latent and often manifest antagonism between the employer and employee creates interest variance that affects the continuity of production. The relics of shackles of colonialism have made us to believe that trade unionism is an anathema to the smooth running of our organizations, state craft and its machineries. The issue of collective bargaining has generated serious tension in the Nigerian polity which have defied moral order and negatively affected the growth of labour sector. In this sense, Steiner and Miner (1997: 41) emphasized that:

Today's environment has rarely been exceeded in complexity, turbulence, rapidity of change and significance of change. All organizations, large and small, for their survival, must pay more

attention than ever before to their environment when formulating and implementing policies and strategies.

The purpose of this study is to develop a perspective about formulating and implementing agreement or policies by government as a key player in industrial/labour relations that will favorably accommodate the employer and employee. It seeks to present an overview of the importance of good governance in the process of collective bargaining and to maintain the peace culture in an environment that will comply with the motivation of workers.

The Logic of State Involvement in Labour Relations

The logic governing the involvement of the state in industrial/labour relations is, as aptly summed by Otopo (1988:161) "is rooted in economic, social and political foundations and has both national and international dimensions". This involvement has shown the fusion of state politics and organized labour business. The state system has social and economic influences on labour relations and on the control of public sector through governance. In the view of Omenka (2002:107):

Public sector is that segment of the country that is owned and controlled by the government of the federation or the agencies. It is the sector which serves all the citizens. In Nigeria, the concept of the public sector could be taken to imply: - the civil service bureaucracy exemplified by the federal, state and local government ministries and departments and the parastatals which include public corporations like Power Holding Company of Nigeria (PHCN), Nigeria Ports Authority (NPA), etc. Employees in these categories of the public sector form the largest number of workers in the country.

In every modern state, there are institutional elements that make up the state. These elements include the public service (variously referred to as civil administration or bureaucracy), law enforcement agencies (the police, the judiciary) as well as the legislature. People, some of who wield more power than others, occupy positions in institutions, which constitute the state. The point of emphasis here is that the state structures have positions which are occupied by people and, in the case of Nigeria; these groups form the largest paid employees or workers in Nigeria. This development places the Nigerian state as the major factor in the history of our industrial/labour relations system. As Omenka (2002:107) pointed out:

Unlike in developed nations where the industrial relations system in the public sector was modeled after that of the private sector, the practice in Nigeria is such that the opposite is the case.

The Practice of Governance in Labour Relations

In this study, the concept of governance is defined, according to Farazmand and Pinkowski (2006:703): "As involving all such governmental measures that guide, steer, control, or manage society". In essence, Dwivedi (2001:15) defined the term government:

As an institution, which refers to a set of investments through which people living in a state, believing and sharing a common core of values, govern themselves by means of laws, rules and regulations enforced by the state apparatus.

In further expression, Frederickson (1997:86) stated that:

Governance includes a range of activities involving all cultural communities and various stakeholders in the country, all government institutions (legislative, executive, administrative, judicial and parastatal bodies), political parties, interest groups, non-governmental organizations, (including civil societies) the private sector and the public sector.

The concept of governance is also viewed "as the exercise of political power to manage a nation's affairs" (World Bank, 1992) as well as "the manner in which power is exercised in the management of a country's economic and social development" (World Bank, 1994:vii).

The labour sector is one of the institutions in the country which government manages. For most labour relations business, government is a partner, sometimes silent and sometimes highly active and real. In Nigeria's national history, except in wartime, the government has been so deeply involved in labour relations that resulted in setting over thirty-six (36) wage commissions to fine tune labour relations. The government, particularly the federal government, has presented the most significant influences on labour operations as relates to growth, investments and capital markets. The impact of government on industrial/labour sector business in recent years has increased in response to the tough socio-economic problems and rising demands and expectations of people for a better living.

The expectations of the government can be measured from their performance and governance. Governance, from all empirical indications, in Nigeria, is largely government centered or protective. This implies the misapplication of governance to the protection of only the people at the helm of state craft and their offices. This form of governance becomes a misnomer and or aberration for state government to be a major player in labour relations (Omenka 2002). Most organizations in Nigeria are owned and controlled by the state government, and this leaves organized labour and the peasantry as the more likely threats to private profits and state controlled. Otodo (1988:163) explained in this form:

This political class itself would induce these threat by its consistent show of an embarrassing capacity to generate political instability by its own clumsiness and general incompetence at resolving internal contradictions and rivalries consequently jeopardizing the status quo itself.

On this background, labour relations issues themselves inevitably become politicized, relating as they do to differentials in pay, fringe benefits, status at work, control over work processes, living standards and attendant disputes and conflicts.

The Relevance of Collective Bargaining in Labour Relations

It is important to stress the role of collective bargaining in labour relations. The enhancement of production process inevitably necessitates a definite peace culture relationship between trade unions and the management. This relationship, broadly speaking concerns the implementation of labour agreements reached by the employer and employees. Issues such as the determination of general work force, keeping production high, providing welfare for workers, adjusting to technological change and so forth, are motivating factors that make collective bargaining essential in labour relations. In this sense, Chaturvedi (2006:53) defined collective bargaining as:

Settling matter appertaining to wage claims, conditions of work, productivity and related matters through bargaining between trade unions representing employees and organizations representing employers. This settlement is reached by influence, confronting and conciliation and brings about a de facto contract of employment, though it may not have any de jure status, as it would have no procedure in law.

In labour relations in Nigeria, government, employer and employees (labour unions) have tended to be antagonistic towards one another. This condition still exists and can only label both the government (management) and labour ineffective. Collective bargaining in its operational terms involves the government, employer and employees. In this context, the government has two functions: as an "employer" and as "umpire" to provide governance that will create healthy relationship to exist between the employer and employees, create enabling environment to make labour relations a success to the global economy. Management's task is therefore, primarily to devise appropriate strategies with which the organization can successfully utilized available resources into goods and services. The employees will ensure continuity of production. In analyzing this relationship, Araga (2008:11) stated:

Fundamentally, the basis of relationship between the employer and employees is the contract of employment. Hence, a contract of employment is an agreement that creates the relationship between the employer and employees, contain terms that are legally binding on both parties just like all other forms of contract.

Collective bargaining was further defined by Scott and Marshall (2005:84) as: A system for the fixing of earning and conditions of employment, in which the process of price (or wages), competition in the labour market between individual workers and individual employers were replaced, either in whole or in part, by rule fixing. These rules are of two kinds; procedural, regulating the forms and institutions under which collective negotiations are to be conducted, and, substantive, regulating the actual content of particular agreements. Typically, collective bargaining occurs between trade unions and an employer, or organization of employers.

From a critical assessment, in Nigeria, a system of governance will determine the success or failure of collective bargaining in the polity. The government will create the rules for fixing of wages, regulate the institutions that control the collective bargaining and influence the agreement between labour unions and the employers. In this post modern era, the government and the law in industrial societies have increasingly become parties to both the procedural and the substantive aspects. The government should not use their vantage positions to influence the labour relations in the polity. In his postmodern organization paradigm, Daft (1998:3) laid emphasis that:

Significant changes are occurring in organizations in response to changes in society at large, whereas modern paradigm focused on stable environment, routine technology, large organization size, growth and efficiency, goals, and a culture in which employees were taken for granted, the postmodern paradigm focus on a turbulent environment, non routine technology, small to moderate organizations, learning and effectiveness goals and a culture in which employees are empowered. Under the postmodern paradigm, organizational outcomes are on a more flexible and decentralized structure, a servant leadership, informal and oral communication, decentralized control and a guiding principle of egalitarianism.

Under the postmodern organization paradigm, employees are empowered to ensure that agreements reached are implemented to enhance productivity. "It helps to avert industrial actions and a way of solving collective grievances" (Daft,1998:3). The paradigm initiates consultations, getting recommendation to solve social, political

and economic problems. It brings about good planning and social peace. The workability of collective bargaining must be within the frame work of legislations, and no party should impose decisions, influence or intimidations.

Factors Working Against Implementation of Collective Bargaining in Nigeria

Various theories have been propounded to explain factors working against implementation of collective bargaining in Nigeria. According to Opara (2012), some schools of thought have simply heaped the blame on collapse of moral values. Others draw attention to long standing injustices and bad governance, while another group cited poor leadership.

The collapse of core moral values could be examined in the context of non-recognition and non-application of human relations theory of management, where the human employees are considered as the most important factor in the production process. Furthermore, Opara (2012:68) expressed that: "In this era of moral decadence, the employees are taken to be mere working tools that do not need adequate motivation for their efforts at the work place".

The labour-management relationship is rooted in the legality of public labour policy, which contains a system of fixing earnings and conditions of employment. It has rules that are of two kinds: procedural, regulating the forms and institutions under which collective negotiations are conducted, and, substantive, regulation of the actual content of particular agreements. When policy contents are not applied, it becomes application of injustice by the management/government to employees. No government/ management that imbibes or afflicts injustices to her workers without experiencing stiff resistance from the workers.

In every organization or state craft, success depends on the leadership. The leadership pattern will affect the performance of the workers, because the behaviour of the leader in charge of affairs proportionately affects the effectiveness and efficiency of the employees at work place. "By their ideas and deeds, leaders show the way and influence the behaviour of others" (Manning and Curtis, 2009:2).

When skill, intellect, candour and honesty are gradually relegated to the background, there is bound to be "collective action" by the workers in agitating for their labour rights. According to Scott and Marshall (2005:84), "this collective action theory talks about an action taken by a group either directly or on its behalf through an organization in pursuit of members' perceived shared interest". This organized collective action may degenerate into industrial unrest, riots, or the like actions that will create industrial conflicts or society wide conflicts.

The Basis for Peace Culture in Labour Relations

The importance of peace culture in labour relations cannot be over emphasized. According to Opara (2013:69), peace culture in this study means:

Creating enabling environment for creative management of human difference, initiating problem solving behaviour as a continuum in an organization setting. To maintain creative balance among bonding, to define identities, attitudes, values, beliefs and management patterns that lead people to work together harmoniously.

The aim is to collectively act in the support of peace building and promotion of ideals or principles, which include creating active labour relations and egalitarian civil society.

Furthermore, Opara (2013:68) explained labour relations as:

All about employer-employees relationship in the workplace. The essence of which is to enhance the employer-employees satisfaction and furtherance of industrial peace and organization growth. It deals on the application of naturally agreed duty in connection with status and roles of the workers in the organization and the relationship between the employer and employees and the outside world.

Also, Omenka (2002:106) is of the view that labour relations could be referred to: "As the study of these various kinds of inter-relationships as well as the rules guiding the organization's daily operations and the activities of institutions charged with job regulations". This relationship implies the labour-management relations that derive their legality through the recognition accorded by the government to the parties as partners in the production of goods and services. In another view, Fashoyin (1980:53), expressed that:

By the same token, there is a range of public legislation regulating their day to day activities in the labour-management relationship. This legislation is embodied in what is generally referred to as the public labour policy.

It implies that the position of government in labour relations is one acting as the watch-dog over the relationship between the employer and employees in the workplace. The existence of unions is to allow workers to participate in the determination of policies under which they will consent to work. The principal interest of the employer on the other hand is to maintain control of the organization especially by monitoring allocation of organization's resources.

Social Responsibilities and Peace Culture in Nigeria

In this study, the emphasis on social responsibilities is on the social policies aimed at meeting social needs, especially the state welfare system. The system has to adopt a practical, problem-solving and reforming approach for industrial and societal growth. To allow peace culture to flourish, the government should create an

enabling environment as a social responsibility for industrial/labour relations to operate. Effective security of the country is a social responsibility of the government for investment of business and to allow the management to apply human relations style of management on workers. In the application of human relations management, the workers shall have some duties to cultivate more efforts towards productivity and organizational growth.

Concluding Remarks

Change is the order of life in global business and effective change management is a necessary requirement in postmodern organization paradigm. In this light, the three labour relations partners (government, employers, and employees) must adopt the policy of instituting regular and scheduled review of terms and conditions of service for productive management. The government should effectively adhere to the principles of democratic norms, values, attitudes, in handling labour relations to ensure the growth of peace culture in the country.

In postmodern organizations' paradigm, the labour unions are leading performers in our social political economy. As a challenge, the labour unions should be more articulate to direct and inform the populace to develop constructive criticism on government policies that will stabilize peace culture. In this globalization epoch, the three major labour relations partners in Nigeria should, as a point of commitment, uplift the country to actively participate in the global economy.

Recommendations

The three partners (government, employers and employees) should imbibe good morality in their dealings to achieve peace culture. Hence, peace culture is the only way to provide good conflict resolution and meaningful development in a country.

The government of the day should engage on popular good governance and should imbibe the principles of democracy in organization management. The management and or government should create a situation where workers should have greater say in management decision making. Employers and government will derive more benefits in the form of increased productivity and efficiency. This is a form of industrial democracy, where steps are taken to allow workers to contribute in decision-making. Other consequences of workers' participation include improved workers' acceptance of decision, management capacity and accountability.

On collective bargaining, the government and employers' associations should adhere to the agreement reached with labour unions without any form of trust-gap. The impact of collective bargaining is not exclusively economic; it is also a major contributor to the management of democratic governance.

In sustaining peace culture in industrial/labour relations practice, the theory of "Collective action" should be checked with early warning approach. In this context, 'early warning' is understood as a part of mechanism that will help the three labour partners to size up threats of early crises by treating such promptly to the

appropriate collective decisions to take action. Failure to respond appropriately to stem the tide of the crises might brew or trigger off bigger consequences to manage.

The main concern is to detect the sign on conflict escalation which may result into collective action in due time in-order to initiate preventive measures (early responses, early action).

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