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Understanding the Importance of Labour Management Relation in Nigeria

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Abstract: Disputes have a common origin in employees' dissatisfaction with some aspects of their terms and conditions of employment. Where dissatisfaction is being expressed, but not in a procedural way carries with it the idea that the complaint has been ignored or unfairly treated. Economic policies introduced by Nigerian government such as Structural Adjustment Programme, removal of oil subsidy were greeted with a nationwide strike by various labour unions; this was done to express their dissatisfaction with the policies. The aim of this study is to examine labour and management relationship and to provide means of achieving and ensuring industrial harmony at work. The study is qualitative in nature. Therefore, documented facts from literature were used. The study concluded and recommended that if the management is in constant communication with the labour union and involves them in formulating the best strategies to handle disturbances, the management and labour can maintain a good, conflict-free working relationship.
Keywords: Management, labour, relation, strike employment.

Introduction

There exist one fundamental belief that society exist only where there are human beings and therefore human being exist with society, so also is labour management relations, it cannot exist in isolation, labour management relation exist where there are two set of people. The first sets of people are those whose property allows them to live from the labour of others who have to provide the labour in order to live. The second set is the society which is subsystem of the larger society which is called industrial society (Marshall, 1920:56).

The most important factor to be noted in the development of labour management relations is the colonial experience; the colonial masters had played their role in the provision of employment and payment of wages commensurate with the labour, this system to labour relationship and the formation of a viable pattern of relations that existed between the workers and the management.

In the African tradition before the coming of colonial masters there were no labour management relations. Organized labour management relations means system of rules and regulations that guide relations between employer and employee. The only visible means of labour management relations was the oral undertaking to discharge ones responsibility or duties to commensurate with what the other person might have put for the other. The colonial period had witnessed a lot of problems prominent among them was culture, the cultural variation has contributed to the slow understanding of labour management relations in the sense that the expectation African worker was quite apart from that of a foreign manager (Aminu, 1999).

Before the advent of modern employment, there existed a traditional form of union. The union was of a knit family structure where the head of family engaged his wife and children into farming. The leader of a community organized his subjects for communal project such as bush clearing or bridge building. There existed traditional unions such as association of hunters, blacksmith, weavers or carvers. They were mutually organized to regulate trade practices among members in term of fixing prices, setting disputes and paying tributes to their traditional rulers, however, when the modern system of employment emerged there were a shift from the traditional form to modern sector of employment.

Statement of the Problem

Grievance or dispute have a common origin in employees dissatisfaction with some aspects of their terms and conditions of employment (Thomas and Murray, 1976). The dissatisfaction may be confined to an individual's employee or be experienced collectively by a group of even all employees. On this note, Torington

and Champion (1983) noted that where a dissatisfaction is being expressed, but not in a procedural way carries with it the idea that the complaint has been ignored or unfairly treated. Economic policies formulated by Nigeria government, such as; Structural Adjustment Programme, wage freeze, embargo on employment, removal of oil subsidy were greeted with a nationwide strike. The labour union did that to express their dissatisfaction with the policies.

Objective of the Study

- To examine labour and management relations in Nigeria.
- To provide means of achieving and ensuring industrial harmony at work.

Research Methodology

The study is qualitative in nature; the data were drawn from secondary source. Therefore, documented facts from literatures such as books, articles, newspapers as well as periodicals were used in order to reflect the contemporary issues on labour management relation.

Literature Review

Labour Management Relations:

For one to understand what labour management relation is there is a need to explain separately what is labor and also what is management labour refers to workers of all grades (skilled or unskilled) who are engaged in a gainful employment, while management relation can be defined as a process by which employer of labour. Therefore labour management relation can be defined as a process by which employers and employees relate to one another regarding the terms and conditions of employment, or to determine

i. How to share economic returns
ii. Term and conditions of employment
iii. How to protect the interest of both parties
iv. What extent of workers participation in the major decision making process affecting them..

Objectives of Labour Management Relations

The objectives of labor management relations include;

i. Find ways and means of reading mutual agreement between the employer and employee on terms and conditions of employment such as hours of work, salary and wages and disputes.
ii. Ensure the use of dialogue and collective bargaining in setting grievances and disputes.
iii. Ensure industrial peace and harmony in a work place.
iv. Review form time to time machinery set up by government that affects labour and nay overlaps within the established framework of labour management.

Importance of Labour Management Relations

The importance of labour management relation in employers and employees relationship cannot be over emphasized because it is a concern with individual's employee or collectively interact together in an organization and also concerned with the problems arising out of the regulated term between the employees and government

Trade Disputes

A Trade dispute or grievance is a specific formal notice of dissatisfaction expressed through an identified procedure. A complaint is different from grievance, it is an indication of employee dissatisfaction or disagreement which has not taken the formal grievance settlement route i.e has not been officially communicated to the management. Management should therefore, recognize the fact that an unsettled dissatisfaction either in form of complaint or grievance is a major source of conflict and the presence of conflict may affect the productivity of such employees. Who may not work effectively. Once where the management fails to live up to expectations, complaint result and subsequently grievance.

Grievance either real or imagined can be discussed under two headings'

- Individual grievance; this arises as a result of an employee feeling aggrieved. In most cases, managers may fail to find out the exact causes of such grievances. However, one may find an element of

frustration in this cause. To solve such problems, managers should be patient to prove the employee so as to find appropriate solution.

- Collective grievance; it originates from two sources
- Alleged ill treatment of an employee
- Disagreement between the union representatives and the management on mis-interpretation or non implementation of collective bargaining agreement.

Collective grievance is also refer a us a dispute while Singleton (1975) points out that the term 'dispute' is variously applied to time officials of the union is called in or if it is not solved at domestic level and is referred to an external procedure. In much the same way that a formal grievance may arise if a complaint in a negotiated procedure is not met by management. The use of the term dispute implies in both situations that the issue is to be initiated and resolved on an inter-organisation basis between management and the union and may if necessary involves the use of industrial action on the union part if there is continuing failure.

Trade dispute is defined by Adamu (1995) as: - "a formal expression of collective employee dissatisfaction at the organizational level, resulting from either a prior failure to resolve a grievance or a failure to agree on matter of within the negotiating process".

While the Trade Union Act, 1976, defined a trade dispute as "any dispute between employers and employees or between workers and workers, which is connected with the employment or non-employment or the terms of employment, or conditions of work of any persons".

The Act further defined workers as; "any public officer or any individual other than a public officer who has entered unto or works under a contract with any employer whether the contract is for a manual labour, oral or in writing, and whether it is a contract of service or apprenticeship".

Section two of the Act imposes an obligation on the parties to a trade dispute to deposit three copies of any collective agreement for the settlement of a dispute to the minister. The minister has been empowered to make an order, if he so wishes, to the effect that anything contained in the collective agreement so deposited shall be binding upon the parties to it where such order has been made, failure to comply with it is an offence punishable with a line or term of imprisonment for six months.

In a situation where a worker is dismissed in the event of a dispute, that worker still has the legal right to continue with the trade dispute to it final conclusion. Where a worker voluntarily resigned his appointment, if he so wishes can still pursue the trade dispute with his former employers. There are circumstances where a trades dispute arose as a result of strike by workers. Then a particular employee decides to go back to work and is turned back by his union. After the strike was over, the union demanded for the dismissal of the said employee because he blackmailed the union by coming to work. The union also dismissed him from participating in any union activities. The Labour Act, 1974, states that a worker must not be dismissed by reason of the fact that he has lost or been deprived of membership of trade Union or has refused or been unable to become, or for any other reason is not, a member of a trade union.

Procedure for Settling Trade Disputes

The first legislation which made provision for the settling of trade disputes in Nigeria was the Trade Disputes (arbitration and inquiry) ordinance No. 3 of 1941. The Trade Dispute Act, No. 7 of 1976 replaced the earlier legislation.

The Trade Dispute Act, 1976, was amended by Trade Dispute Act, 1990 but the date of the commencement still remained January, 1976.

In the procedure of settlement of trade dispute, according to the Act, where there exist agreed means for the settlement of the dispute independent of the Act, the parties to the dispute shall first attempt to settle the dispute by the means provided for in the agreement. This reflects the policy of the government to encourage the parties to settle their dispute without having recourse to the Act. This policy is further reflected in the Act where it is provided that if any attempt to resolve the dispute fails or there is no agreement between the parties to provide for a mode of settlement of the dispute, a mediator will be appointed.

If within seven days of the date on which a mediator is appointed in accordance with section 3(2) of the Act, the dispute is not settled, then the dispute shall be reported to the minister of labour by or on behalf of either of the parties within three days of the end of the seven days. The minister shall, if not satisfied that the requirement of section 3 and 5 the Act have been substantially complied with, issue to the parties a notice in writing specifying the steps which must be taken to satisfy those requirements and may specify in the notice the time within which any particular step must be taken. Where after the expiration of the period specified in the

notice issued under subsection (1) of the Act or if no period is specified, after the expiration of fourteen days following the date the notice is issued, the dispute remains unsettle and the minister is satisfied;

a) That the steps specified in the notice have been taken, or
b) That either party is, refusing to take those steps or any of them.

The minister may proceed to exercise such of his powers under section 7,8,16 or 32 of the Act as may appear to him appropriate.

The minister may for the purposes of section 6 of the Act appoint a fit person to act as conciliator for the purpose of effecting a settling of the dispute. The conciliator is required to inquire into the causes and circumstances of the dispute and by negotiation with the parties, endeavor to bring about a settlement. If a settlement of the dispute is reached within seven days of his appointment, the person appointed as conciliator shall report the fact to the minister and shall forward to him a memorandum of the terms of the settlement signed by the representative of the parties, and as from the date on which the representative of the parties, and as from the date on which the memorandum is signed (or such earlier or late as may be specified therein), the term recording therein shall be binding on the employers and workers to whom those terms relate.

If any person does any act in breach of the terms of settlement contained in the memorandum signed pursuant to subsection (3) of this section, he shall be guilty of an offence and liable on conviction.

a. In the case of worker or a trade union, to a fine of N200; and
b. In the case of an employer or an organisation representing employers, to a fine of N 2000.

If a settlement of the dispute is not reached within seven days of his appointment, or if, after attempting negotiation with the parties, he is satisfied that he will not be able to bring about settlement by means thereof, the person appointed as conciliator shall forthwith report the fact to the minister. Within fourteen days of the receipt by him of a report under section 5 of the Act, the minister shall refer the dispute for settlement to the industrial Arbitration panel.

Industrial Arbitration Panel consist of a Chairman, a Vice Chairman and ten other members all of whom shall be appointed by the Ministers: -

a) Two shall be persons nominated by organizations appearing to the minister as representing the interest of the employers; and
b) Two shall be persons nominated by organizations appearing to the minister as representing the interest of workers.

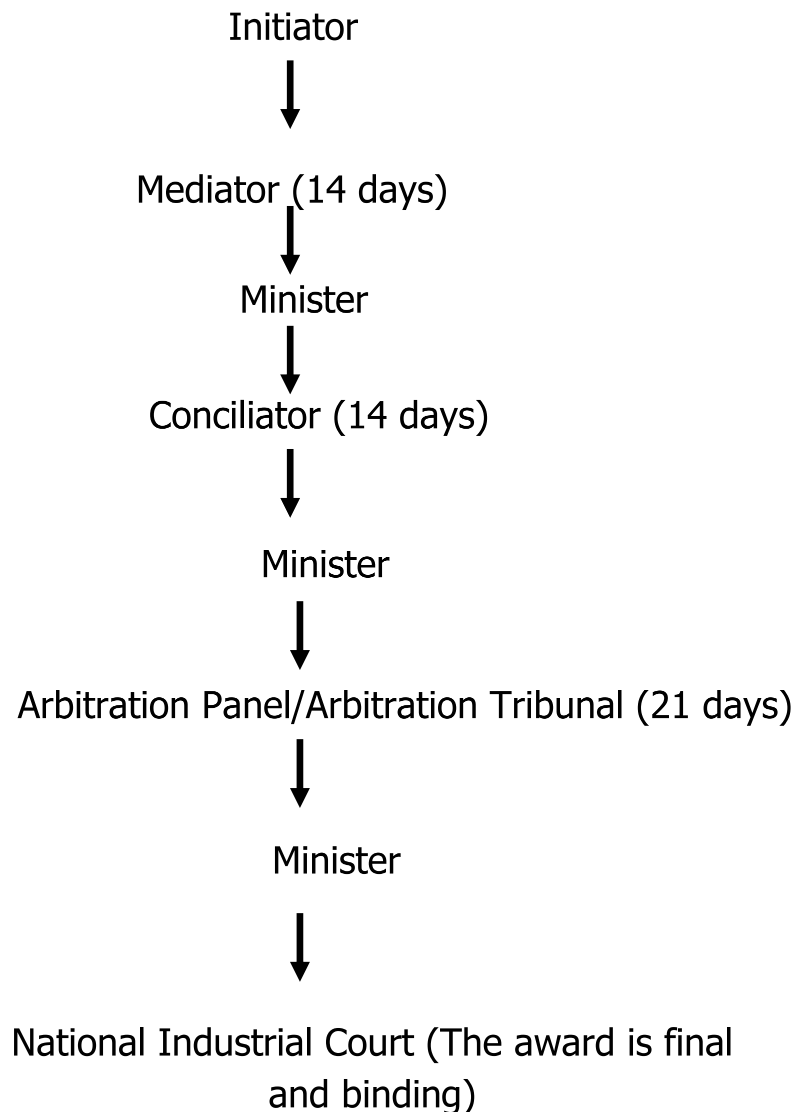
For the purpose of the settlement of any dispute referred to the panel by the minister, the chairman of the panel constitutes an arbitration tribunal in accordance with whichever of paragraphs (a), (b) and (c) of section (4) of the Act. An arbitration tribunal shall make its award within twenty-one days of its constitution or such longer period as the minister may in any particular case allow and on making its award ,shall forthwith send a copy thereof to the Minister, and shall not communicate the award to the parties affected. On receipt of a copy of the award of the tribunal, the minister shall immediately publish the award if any as he thinks fit, a notice.

a) Setting out the award.
b) Specifying the time (not being more than seven days from the publication of the notice) objection to the award may be given to the minister by or on behalf of either party to the dispute.

The minister has the right to refer the award back to the tribunal for reconsideration if he deems fit. If no notice of objection to the award of the tribunal, is given to the minister within the time and in the manner specified, the minister shall publish in the Federal Gazette and the award is binding on both the employers and workers. If notice of objection is given to the minister in a prescribed manner, the minister shall forthwith refer the dispute to the national Industrial Court. The award of the national Industrial Court is final and binding on the employers or workers to whom it relates.

The procedure for setting trade disputes is simplified diagrammatically.

THE PROCEDURE FOR SETTING TRADE DISPUTES IS AS FOLLOWS



Strike

Strike is the last resort by which workers express their dissatisfaction with any of the terms of employment or condition of service. That industrial conflicts (strikes) exist and can be, or is expressed in a variety of forms is hardly disputable. Thus Kerr wrote 'Its means of expression are as unlimited as the ingenuity of man. It is the most common and most visible expression of employee's dissatisfaction when all avenues to resolve the disputes failed. In defining strike and distinguishing it from other forms of industrial action. Griffin (1939) wrote; "a strike is a temporary stoppage of work by a group of employees in order to express a grievance or enforce a demand".

This definition brings out five essential elements of any strike;

(a) It is a complete stoppage of work.
(b) It is a temporary stoppage of work.
(c) It is a collective or group action.
(d) It is carried out by employees.
(e) It is a calculative act.

A strike according to the trade dispute (emergency provisions) Decree of 1968 is the "Cessation of work by a body of persons employed acting in combination or a concerted refusal to work under a common understanding of any number of persons employed to continue to work for an employer in consequence of dispute.

A renowned South Africa economist W.T Hutt (1973) looks at strike form a different perspective. To him: - "The Strike like the boycott is a coercive or punitive device. It is deliberate disruption of the process of human cooperation by way of the collusive, coordinated withdrawal of labour from an organized activity".

He further observed that the mere right to disrupt the continuity of the productive process is having deplorable effects regarding both the size of real income and equity in the distribution of that income. He maintained that, while the power to Strike can redistribute income in favour of labour in general. Hutt (1973) it attract a sacred cow. Most labour unionists' he notes' firmly believe that their material standard, their security and even the respect in which they are held are indirectly derived from the convinced, long and bitter struggles, and what they have achieved, they have no doubt at all, is capable of being preserved only retaining the powerful weapons they have forged. Such convictions he said are wrong, but most labour critics today accept the same ideas. They have grave misgivings and they deplore what they think of as the abuses of strike power. But the existence of that power they still regard as a guarantee to injustice.

Bagobiri (1986) stated that, conflict of employees with the employer may also take the form of peace bargaining and grievance handling, of boycotts of political action, of restriction of output, of sabotage, of absenteeism, or of personnel turnover. The word strike is interchanged with industrial conflict for the purpose this chapter. The most effective weapon of the union is the strike. When employees stay off their jobs, stop work, in an attempt to gain their demand is called strike.

Idowu et al (1989:2) stated that, industrial conflicts, are the clashes, disagreements, variances, struggles, trials of strenght and in fact, the showdown that transpires from time to time as a result of differences and incongruence in the aspirations of those who run the industries (i.e. management) and those who supply labour (the workers). This often results into one or more of the following. Because these are ways by which workers clearly express their strike actions. And any of these happen in an organisation. It clearly means there is strike in the organisation.

1. Go-slow or sit down actions in the place of work;
2. Work-to-rule; working at normal pace that merely gurantees at least minimum efficiency.
3. Sit-in or takeover by the workers and throwing the management out of the factory.
4. Work-in: employees preventing employers from closing the factory.
5. Picketing-laying siege on the factory/company and preventing and entry; and
6. Lock-out, employers closing the factory to disallow workers. Just as the strike is the most potent weapon for a union, the lockout is most powerful weapon of management.

When management uses this method, employees are literally locked out of the company premises until a settlement is reached. In these situations, the management of the firm may attempt to keep the company operating by having the managers perform the vital jobs until the issue is settled. The lockout is, in effect, a management strikes.

Many discussion of industrial conflict simply concentrate on strikes. No doubt strikes are probably the most visible and the most spectacular aspects of industrial conflict, but they are only part of the phenomenon (Idowu et al 1989:3). Labour turnover, absenteeism and accident rates have all been used as measures of industrial conflicts because it has been argued that they are alternative ways a worker may express dissatisfaction with employment conditions and relations. Strikes may be of long or short duration depending upon the nature of the causes of the strikes and the behaviour of employer toward the strike resolution. In the final analysis no one really wins a strike, regardless for the period of the strike. But some unions strike even though the sum of the money given is far smaller than their normal salary/wages. Losses are incurred not only by workers but also employers, because when their goods are unavailable in the market, potential customers begin buying competitors products.

Causes of Strikes

There is a popular saying that there is no smoke without fire. The same is to strike because there is no strike without a cause. Reasons why employees go on strike are divided into two, internal and external. Internal

factors are those within the organisation, while the external factors are those initiated from the outside environment. The internal causes of strikes include among other things;

- Dissatisfaction with working condition.
- Delay in payment of wages/salaries;
- Unlawful dismissal of employees
- Claim for bonus;
- Need for transfer of certain manager
- Poor management system- too much autocratic leadership in an organization distort communication between union and the management, whereby in the cause of implementing policies, conflict may arise and lead to strikes; and
- Inappropriate implementation of fringe benefits.

Among the external factors that cause strikes in Nigeria are:

- Sister strike: It is a situation where a strike is going on in one company/organization then other employees/organisations tend to join in support for their members.
- Government economic policies: Economic policies formulated by government to be implemented nationwide sometimes move employees to go on strikes. For example, the introduction of Structural Adjustment, wage freeze, embargo on employment, removal of oil subsidy led to a nationwide general strike in 1988. This was purely an external factor that involved almost all sector of the economy.
- Expatriate manager: Many a time expatriate managers behavior do influence employees to go on strike discrimination, colour indirect interest of the expatriate.

Types of Strike

There are various types of strike. These include: -

i. **Recognition Strike:** This is a strike to force the employer to recognize and deal with the union.

ii. **Economic Strike:** This is the typical strike, based on a demand for better wages, hours, and working conditions than the employer is willing to grant.

iii. **Jurisdictional Strike:** When two unions argue about which has jurisdiction over a type of work and attempt to exert pressure upon the employer to allocate it to one or the other, a jurisdictional strike may ensure. For example, both carpenters and metal workers wish to hang metal doors. If either group go on strike to force the employer to grant the work to its members, this is a jurisdictional strike. The employer is caught in the middle between two airing unions.

iv. **Wildcat Strike:** Wildcat strikes are the quick, sudden, and unauthorized types of work stoppages. Such strikes are not approved by union leadership and are contrary to the labour agreement. They are sometimes viewed as a form of "fractional bargaining" by a subgroup of employees who have not achieved satisfaction through regular grievance processing or collective bargaining procedures.

v. **Sit-down Strike:** When the employees go on strikes but remain at their jobs in the plant, this is termed a "sit-down strike". Such strikes are illegal since they constitute an invasion of private property. Employees are free to strike for certain objectives, but they must physically withdraw from the company's premises.

vi. **Sympathy Strike:** If other unions who are not party to the strike consent to strike in sympathy with the original union, this is termed a sympathy strike. It is an attempt to exert an indirect pressure upon the employer.

Who is Responsible For Strikes

Government and employers are solely responsible for strikes, because whenever the government formulates economic policies that seriously affect the living standard of Nigerian working class, such policies do constitute conflicts between the agencies of government and union leaders who are representatives of the employees which usually at the end do result to strike by the employees. While in the private sector, employers (Management) implement policies that do have serious effect on the condition of work of the employees, such conditions lead to conflicts and subsequent strike.

Methods of Measuring Strikes

There are three conventional ways to measuring strike activity according to Fashoyin (1980:73), one is to count the number of strikes that occurred during the period under review. To qualify as a strike, the stoppage

must involve at least a certain number of workers directly involved in the work stoppage. Lastly, one could count the number of man-days lost because of strike action by workers directly involved in the dispute. The relevant data for these measurement for Nigeria indicate that between 1980 to 1990 there were 1,273 strikes involving 2,205, 104 workers and about 17, 800, 487 man-days lost due to strike.

The Right to Strike

According to Ubeku (1975:168-173) it is an established principle of law that workers reserve the right to withhold their labour over an issue which concerns their conditions of employment. In Crofter Hand Woven Haris Tweed Co. V. Veitch. Lord Wright said where the rights of labour are conditioned by the rights of the men to give or withhold their services. The right of workmen to strike is an essential element in the principle of collective bargaining.

A strike is an infringement of the legitimate rights not only those of the employer but in many cases those of the consuming public or of other workers also. The use of strike is thus acceptable to the extent only that it is properly used for the furtherance of legitimate satisfy this test it is considered to have lost most of its legitimate nature in the following circumstances.

a) When it is diverted from its proper objective of settling a trade dispute between workers;
b) When the methods adopted for the conduct of the strike are contrary to public order. For example, the Trade Union Act states that every strike action must be approved by the majority of members by secret ballot. What constitutes a majority is not specified but presumably it means a simple majority; and
c) When the means for the peaceful settlement of disputes have been established by legislation or agreement, and the union fails to use them.

Payment during Strike Period

Private and public organization approaches to payments during strike period varies from organisation to organisation. In the private sector payments are hardly made during strike especially workers on wages unlike the public sector where salaries are being paid even at strike period. It is generally accepted and sometime practiced in Nigeria that whoever goes on strike need not be bad during the period of the strike. But in the developed countries where Unions are financially sound, they normally pay their workers during strikes to show a sign of support. Even though the pay is not up to the normal entitlement of a worker; usually half or two-third of wages are paid.

Indeed this principle of "No Work, No Pay" is recognized by the Internal Labour Organisation (ILO). A worker's Education Manual titled "Collective Bargaining" states; "if a strike or lock-out lasts a long children may suffer great hardship and privation because of loss of wages; may be only a small fraction of that they need, and even that will cease altogether when the union funds are exhausted".

It is clear therefore, that in accepted industrial practice an employer is under no obligation to pay his workers during the period of strike. If he pays them, he will not only have waived his right of non-payment, but also, he would have set for himself a dangerous precedent.

Collective Bargaining

Collective bargaining is the cornerstone of industrial relations system of any country. In Nigeria most organisations have in one way or the other it's system of collective bargaining for proper understanding of workers and management in the event of disputes settlement.

It is worth mentioning that both labour and management in Nigeria have agreed on the importance of establishing a machinery for collective bargaining to promote a system by which rule-setting in industries can be established with the prime objective of creating an efficient and acceptable system of distributing economic wealth, setting the price of labour, making rules and settling disputes in the workplace (Yusuf 1984:62).

Collective bargaining has been defined as "negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers" organisations, on the one hand, and one or more representative workers" organizations, on the other, with a view to reaching agreement" (ILO 1960:3).

In the absence of a representative workers organisation, representative of the workers duly elected and authorized by them in accordance with the national laws and regulations, may be parties to collective agreement. For a worker's organisation to be acceptable as a party to collective bargaining in Nigeria, it must have been

registered as a trade union for the category of workers whose working conditions are being considered (Ubeku 1975:18).

In accordance with Article 2, Number 152 of the International Labour Organization, the principles of collective bargaining is said to include the following;

a) Determining working conditions or terms of employment.
b) Regulating relations between employers and workers
c) Regulating 1relations between employers or the organisations and workers.

Armstrong (1984;326) is of the view collective bargaining aims to establish by negotiation and discussion agreed rules and decisions in matters of mutual concern to employers and unions as well as methods of regulating the conditions governing employment. Collective bargaining is viewed as industrial democracy at work place, because it is a process by which disagreements are reached through proposals and counter proposals between unions and management.

Therefore it is a process of "give and take" sometime referred to as offer and acceptance. But Stevens (1963:27-56) stated that collective bargaining is a complex process for both labour and management. To the public, however, it often seems to be a confusing process with characteristics resembling a poker game, a debating society or a contest of bluff and counter bluff. Actually, it follows several predictable steps. In the process of negotiation, union normally present a high demand while the management usually makes a low offer until an appreciable level has been reached by both parties. The final reached represent the entire "package of negotiation.

It is important to differentiate between negotiation and Joint Consultation. It is imperative to note that in some industries workers' demands are negotiable while others are not or workers' manual of many companies state categorically items which can be negotiate and those one that are for consultation.

Negotiable items include

- Wages
- Hours of work
- Leave and leave pay
- Overtime pay etc.

Items for consultation include

- Employment
- Promotion
- Training
- Staff welfare
- Health and safety
- Termination of employment

Where there is a disagreement and a deadlock over any negotiable item, workers have the right to go on strike but is not the case with consultative issues. This does not mean however that workers cannot show resentment over irregular promotions or favouritism in the selection for training or wrongful dismissal. The breaking of these items into "negotiable" and consultative" items is just the work of employers and not that of the workers according to Ugwuanyi. Even in the so-called consultative items, management should spell out the making decisions in those areas so that even without consulting the workers, they can at least see that the procedure has been followed and the justice has been done.

Types of Collective Bargaining

Basically there are two types of collective bargaining but many books have identified it with different nomenclature. According to Chamberlain and Kuhn (1965:326-327) collective bargaining are of two types.

1. Conjunctive bargaining

This arises from the absolute requirement that some agreement or any agreement- be reached so that the operations on which both are dependent may continue" and result in a working relationship in which each party agrees, explicitly or implicitly, to provide certain requisite services, to recognize certain seats of authority, and to accept certain responsibilities in respect of each other.

2. Cooperative bargaining

It recognized that each party is dependent on the other and can achieve its objective more effectively if it wins the support of the other. A similar distinction was made by Walton and Mckersie (1965:3267) where they identified two types of collective bargaining as distribute and integrative bargaining.

Distributive bargaining: Is a complex system of activities where one party's goals are achieved to the detriment of the other party. This could lead to conflicts or disputes.

Integrative Bargaining: Is a system of activities which are not in fundamental conflicts with those of the other party and which can be integrated to some degree. Such objectives are said to define an area of common concern, a purpose".

Flippo (1976:393) also identified two types of collective bargaining as traditional and integrative bargaining. All meaning the same as above. Collective bargaining is nothing rather than win-lose syndrome.

Principles of Collective Bargaining

During the process of collective bargaining, workers union or representative of workers and management meet to discuss or resolve issues patterning to terms and conditions of employment with a view of reaching agreement.

Collective bargaining is the dream of every trade union all over the world. This is because it is an avenue through which trade unions expressed their grievances or trade disputes of its members. At the same time it is an opportunity to ameliorate the working conditions of its members and also to increase the purchasing power of members through the collective bargaining processes.

Therefore collective bargaining cannot be waved out in any industrial organisation since it is the only weapon or avenue that is used to negotiate working condition and terms of employment between union and management or representative of workers and representative of management on one hand and between labour and government on the other.

Collective bargaining is built on voluntary principles because the parties (labour and management) agree to meet without a third intervention. It does not also follow the legalistic type of agreement rather it is a gentlemen agreement which is worded in a non-legal terminology. The settlement of trade dispute does not normally involve the legal process.

The purpose of Collective Agreement

Collective Agreement is a contract signed to;

a. Provide a permanent record which guide both workers/unions and management on matter affecting their relationship.
b. Provide working knowledge in order to clarify issues pertaining to grievances, disputes etc between union and management.
c. Check the irregularities and abuse of office by both parties.
d. Provide the basic framework for industrial peace and industrial democracy if possible in a work place.

Collective bargaining is a continuous process because when a collective agreement is reached. It does not mean that bargaining has ended. In the process of implementing an agreement another disagreement may erupt. This will definitely call for a review of the collective/organisation. Collective bargaining which leads to collective agreement is a clear indication of industrial democracy at work.

Background to Collective Bargaining

Today the techniques of collective bargaining have taken a new dimension. Since the world is dynamic so also is the collective bargaining process. In past workers representative (union) always accused management when it comes to collective bargaining even to the extent of exchanging harsh words. Sentiments clearly surfaced in the process of discussion on matter at hand. Sometime the trade unionist goes to the extent of saying that they go to the same market with the management in trying to justify their demands.

Now things have changed for both parties. This is as a result of training acquired by union leaders. Most of the trade union leaders of the past had no formal education or were just elementary four school leavers. The educated trade union leaders of today had to make research concerning their demand in order to convince

the management. These their demands are normally backed by facts and figures that are officially published by either organisation or government publication.

The management had also changed their collective bargaining techniques by bringing all the functional managers to defend any demand proposal put across by union representative on a bargaining table that affect their individual department or unit.

This is a new dimension of management innovation in the field of collective bargaining. Because the management or its representatives a single person acting on behalf of management no longer exists. The presence of all the functional managers is a clear testimony of management effort to understand and answer union demands.

Ironically one of the pertinent issues that led to disputes that normally involve resolving it through collective bargaining is wages. Wages is the most prominent variable that do not guarantee industrial peace. In the event of a wage dispute that led to the need of resolving it through collective bargaining. Three things need to be addressed by both employer and the union or its representative.

The unions need to address this: -

a) The maximum target of what they want.
b) The minimum target of what they will accept.
c) Identification of any variable that will hasten the achievement of the stated target.

The employer need to address this: -

a) How best they can do to settle the dispute.
b) The maximum they will be willing to offer.
c) Identification of any variable that will help to manoeuvre in achieving the stated target.

Techniques of Collective Bargaining

1. **Data Delay:** In any collective bargaining situation. Both the union and the employer need to make critical analysis on data collected. One technique of bargaining is delaying the use of data during bargaining until such data have been verified. The verification of data enables both parties to be sure that the information content in the data is accurate and not misleading. If you are not sure of any figure do not use it and ask for clarification.
2. **Table pounding:** This is simply hitting a table during bargaining process on a bargaining table to stress a point. That is creation of immediate attention and expressing the importance of the point a party like to express. This situation normally arises as a result of disagreement over a matter or point. Then the party using the table pounding technique is just stressing his point.
3. **Bluffing:** Bluffing is walking out of the negotiation room if demands are not met. In a situation where either of parties is not satisfied, one may decide to walkout of the negotiation room. This is sometime called brinkmanship.
4. **Trade-off:** In trade-off either party will attach a condition or a price to the issues at hand. This is just an alternative given to reciprocate the removal of one stated demand. Example, management may decide to tell the union that, if you will agree to take less pay, the management will increase other fringe benefits.
5. **Cool Play:** This is a situation where both parties decide to play it cool when they realize that they will get nothing from confrontation during a bargaining process.
6. **Team Tactics:** Team tactics refers to the selection of the negotiation team. This team under no circumstance should be less than two members but they can be more than two depending on the nature of the negotiation. The ideal techniques of collective bargaining under team tactics is, one to take the leadership and do must of the talking during the bargaining process, one to take notes and feed the negotiator with any supporting information he requires, and the other members to observe opposite members and play a specific part in the bargaining process.
7. **Orderliness and Calm:** During any bargaining process, the most effective means of achieving success is through orderliness and Calm. This include: -
   a) Be factual in discussion during collective bargaining rather than emotional.
   b) Be a very good listener and do not hurry up negotiations.
   c) Agree on one subject before you move to another subject.
   d) You may question the evidences given by the other side before you finally agree to the argument.

8. **Division into sub-groups:** Since collective bargaining operates on the principles of “give” and ‘take”. The division into sub-group is a technique by which members of the negotiating team will have a chance to discuss the matter thoroughly and secretly on whether to accept the offer given. On the side of the management, it will also have the opportunity to reaffirm its stand.

Bargaining Conventions

Bargaining convention is not different from what we discussed above. These conventions help to create an atmosphere of trust and understanding which is essential to the maintenance of the type of stable bargaining relationship that benefits both sides. Some of the most generally accepted conventions as summarized by Armstrong (1984:346) are listed as follows;

1. Whatever happens during the bargaining, both parties are using the management process in the hope coming to a settlement.
2. Attacks, hard words, threats and (controlled) losses of temper are perfectly legitimate tactics to underline determination to get one’s way and to shake the opponent’s confidence and self-possession. But these are treated by both sides as legitimate tactics and should not be allowed to shake the basic belief in each other’s integrity or desire to settle without taking drastic action.
3. Off-the record discussions are mutually beneficial as a means of probing attitudes and intentions and smoothing the way to a settlement. But they should not be referred to specifically informal bargaining sessions unless both sides agree in advance.
4. Each side should normally be prepared to move from its original position.
5. It is normal, although not inevitable for the negotiation to proceed by alternate offers and counter-offers form each side which leads steadily towards a settlement.
6. Concessions, once made, cannot be withdrawn.
7. Firm offers must not be withdrawn, although it is legitimate to make and withdraw conditional offers.
8. Third parties should not be brought in until both parties are agreed that no further progress would be made without them.
9. The final agreement should mean exactly what it says. There should be no trickery, and the terms agreed should be implemented without amendment.
10. If possible, the final settlement should be framed in such a way as to reduce the extent to which the opponent obviously loses face or credibility.

Quality of a Bargaining Spokesman

In a collective bargaining process, the choice of spokesman is very important. This is because once a spokesman possesses certain qualities attributable to him. It makes the bargaining to be sensible easy and speed. Choosing a bargaining spokesman varies from organisation to organisation and sometime it depends on the dispute.

A lot of authors have argued on the best qualities a spokesman is expected to possess. They did not arrive at definite qualities, but rather accepted that the possession of some or all of the qualities listed below will make a spokesman acceptable during collective bargaining process.

i. **Command of Language:** A spokesman is expected to possess or have a good command of language both oral and written command of language here refers to any language that is used during the bargaining process. A bargaining spokesman must understand and initiate basic ideas that will enable him put his message across to the other party during bargaining process.

ii. **Organization’s Knowledge:** A spokesman is expected to be knowledgeable about his own organisation. He is expected to have work with the organisation for a long period of time in order to give account of its activities regarding its term and condition of employment; rules and regulation and other silent features.

iii. **Power of Decision:** In a bargaining situation where a spokesman is expected to take a position or make a stand, as a spokesman his decision must be relevant or must be of benefit to the organisation. He must not betray the organisation. He must be a man of decision.

iv. **Integrity:** A spokesman is expected to be an experienced, educated, and well articulated person who has the capability for objective thinking.

v. **Personality:** In any bargaining process, a spokesman is expected to be a person of personality. He must have confidence in himself, man of his words and emotionally stable.

vi. **Prestige:** A bargaining spokesman must possess charisma, every likeable and willing to mix with everyone, whether his subordinate or superior and must have asses to power. These are not only qualities of bargaining spokesman. But the possession of any of these qualities makes a spokesman to be accepted among his colleagues.

Constraints to Collective Bargaining

In Nigeria there are number of constraints to collective bargaining in terms of process and structure.

One of the constraints is government legislation and administration directives. The legal constraint is in term of Decree promulgated by the military administration with the sole aim of improving industrial relations structure in Nigeria. These Decree somehow affected the smooth operation of collective bargaining. Administratively the guidelines issued by the productivity, prices and income board relating to wages has some impact on bargaining process and structure of labour and its management in Nigeria.

Another constraint to collective bargaining is the issue of allowance to workers. Various allowances were given to different categories of workers and the process of interpreting these allowances and wages cause a great constraint to collective bargaining.

The formation of employer association is a threat to collective bargaining because workers would not be able to make their demand successful through their representative. So there is conflict between workers' union and employer's association.

However, both management and labour have developed strategies for handling the constraints appropriately. For instance for the technicalities of the law they in most cases apply the tactics of "whip sawing" to achieve their aims, as did the Nigerian Union of Banks Insurance and Allied Workers Union in 1976 (Etukudo 1971:97).

Some of the challenges of trade unions in nigeria are as follows

i. **Leadership**

Nigeria Unions generally lack efficient and committed leaders. Most union leaders quest for power rather than achieving result. This makes the leadership to be autocratic and passive in their leadership and also not dedicated and sincere.

ii. **Lack of proper education**

Nigerian Unions are unfortunate to have most of t heir leaders who are good managers; they lack and find it difficult to use modern management techniques in solving their problems.

iii. **Wide Spread corruption**

Fraud, mis-appropriation, money diversion, embezzlement and other unprogressive attitudes of trade union leaders are hindrances to the development of trade unionism.

iv. **Ethnicity**

Ethnicity, nepotism, sectionalism, ineptitude have crept into the operation of trade unionism and have retarded its development.

Conclusion

Employers or the government and employees or the unions are on opposite sides of the bargaining table and usually represent divergent interest, so their relationship can sometimes be highly adversarial. However, both employers and employees can gain more out of their interactions if they improve their working relationships.

Recommendations

i. Labour and management can work as a team together to discuss issues affecting the organization. Therefore, they can jointly decide on the strategies they will adopt to support the organization in the short-and-long-term and the most effective way to achieve the best interest of all parties involved.

ii. Mutual respect makes it easier for labour and management to meet their goals and ensure neither party will unnecessarily take a hard stance to the other.

iii. The management knows that the labour unions seek to secure employees interest and can minimize the need for constant negotiation by adopting policies and practices that enhance employee welfare.

iv. If the management is in constant communication and involves the labour in formulating the best strategies to handle disturbances, the management and labour can maintain a good, conflict-free working relationship.

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