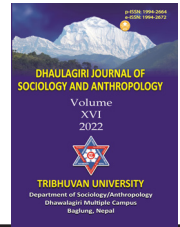


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## Labor Policy in Nigeria: Evolution, Trends and Implications for Industrial Relations

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### Abstract

This theoretical paper examines how Nigerian governments (Military and Democratic) over the years, have intervened in industrial relations through the promulgation of various labor decrees/laws since the inception of trade unionism in Nigeria. Relying on secondary materials, the paper takes a look at the various labor policies/enactments, the philosophy behind their promulgation and also the effects on the Nigerian industrial relations set-up. Focusing on the major provisions of the 2005 labor policy, and using the pluralist and conflict perspectives and trade unions in two vital sectors of the economy, (Education and Health) as case studies, the paper argues that the current labor policy is an attempt to destabilize and weaken trade unions and that the current pattern in Nigeria's industrial relations can be seen in the context of systemic tension and contradiction, a situation which arises as a result of the survival strategists adopted by all stakeholders in the industrial relations context and system. The paper concludes that as a partner in the tripartite relationship, trade unions have important roles to play in the management of the economy, and Nigerian government should adopt a sustainable tripartism that would benefit from the practice of an ideology of social engagement and open willingness for others to share in its responsibility.

*Keywords:* industrial relations, labor policy, Nigeria, strike, trade unions

### Introduction

Generally, industrial relations reflect the interactions between and among the social actors in the labour market namely the government, employers (employers association), employees (trade unions) that exist within a nation-state, and the nature of the relationships among the social actors is inseparable from the level of development of such a nation. Industrial Relations, according to Dunlop (1958), comprises three groups of actors in its operations namely the employers cum their associations, workers cum their organisations, and government (through the agencies in charge of the workplace). These actors mutually create a "web of rules" governing the workplace and work community. These rules are however made within the constraints imposed by certain "contexts" including technology, the market and the status and power relations

of the social actors; and a common ideology, binding the system together. The rules could take different systems such as regulations, policies, decrees, practices, statutes, and collective agreements.

Also, the industrial relations system combines both social values in terms of freedom and right of association, and a sense of group cohesion, as well as the techniques in terms of methods of negotiation, work re-organization and dispute resolution techniques employed in industrial relations matters (Omolawal & Bawalla, 2020). Thus, in terms of scope, it is much wider than what happens in employment contract or the labor market; but also covers what happens in the larger society. Consequently, the government has over-arching responsibilities to ensure the system's efficiency; and this is achieved by introducing and maintaining the labour policy to guide the relationship between and among the actors in the



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system. Labor policy is a documented expression of the government stating the direction in which it hopes actors should follow and the objectives to be achieved in the process. It could also be expressed in the legislation enacted to regulate the relationship and define the rights and obligations of all parties. According to Taiwo, Azeez and Aiyepola (2017), the Nigerian government provides various legal instruments to define its labor policy and regulates industrial relationships. These include the Trade Disputes Act (1976), Labor Act (1974), Trade Union Act (1973), Employees Compensation Act (1987), Factories Act (1987), Pension Reforms Act (2004), National Health Insurance Scheme Act. (2000), and: Uvieghara, (2000). Thus, the labor policy introduced by the government has implications for the industrial relation system.

Since independence, the Nigerian government has provided the labor policy defined in the various legal framework for trade unions to operate, and for the industrial relations to be effective, peaceful and harmonious; the government has adopted these policies in respect of labour administration for two major reasons: as the largest employer of labor and as the state authority. According to Kerr, Dunlop, Harbison & Myres (1960), since colonial times, the Nigerian state has played active roles in industrial relations as the single largest employer of labor. Nnoyenlu (2011) suggests that the peculiar role of government will influence the underlying philosophy of the national labor policy and the practice of industrial relations in the country. The policies adopted by the Nigerian government range from voluntarism to limited intervention, guided democracy, labor exclusionism/labor domination, and finally to what can be seen as contradicting and distorted neo-liberal democracy. Therefore, the paper aims to examine the labor policies in Nigeria as well as the trends and government ideologies behind them and how the policies have affected the country's industrial relations. In achieving this objective, using the pluralist and conflict perspectives, the author examined the labor policies in Nigeria since the era of colonization, till today and critically discussed how the policies have impacted on the industrial relations system of the country.

### **Methodology**

The paper is purely theoretical and relies only on secondary materials from the library, archives, professional and academic journals. It is anchored on the pluralist and Richard Hyman's perspective of conflict. In achieving the general objective of the paper, the discourse is structured into a theoretical framework, and then goes on to present regime- by- regime analysis, starting from the colonial era, post-independence era comprising the first republic of 1960-1966, the military era of 1966-1979, second republic. Military regime of 1983-1999, and the current democratic dispensation from 1999 to date. Focusing on the current labor policy, the paper uses all the

trade unions in the education and health sectors as case studies. The sectors were purposely selected because all the unions in the sectors have a similar story of having been in disagreement with the federal government over unimplemented collective agreements signed with them by the government several years back. In presenting the regime-by-regime analysis, it emphasizes the implications of the prevailing labor policy for the peace and stability of the country's industrial relations system, with a focus on the actions of the federal government as the sole authority that dictates the tune of her economy.

### **Theoretical Paradigm**

This paper adopts the pluralist theory and Richard Hyman's perspective of conflict theory. The pluralist theory of industrial relations argues that work enterprise is made up of persons and groups with a variety of interests, goals and aspirations, and a corresponding variety of lines of allegiance and authority. Conflict becomes inevitable due to the diversity of interest groups and the interactive environment of the workplace. However, such conflicts are often managed for the overriding benefits of all. According to Rose (2008), the problem of government in a pluralist society is not to unify, integrate or liquidate sectional groups and their special interests in the name of some overriding corporate existence, but to control and balance the activities of the constituent groups. Pluralist tradition emphasizes continuous compromises and concessions between the various parts; it also recognizes the notion of freedom, liberty and right of the various parts. This position, therefore, depicts the industrial relations scene where many actors with varying interests exist and use every means to pursue their interests and represents the situation in Nigerian industrial relations as will be espoused in this discourse. Going beyond the pluralist theory, Hyman (1975) argues that industrial relations are basically a power struggle between labor and capital, represented by management. Focusing on trade union as an organization, the problems and aspirations of trade unions and their members are very germane and constitute costs to the employers, hence the attempt of the employers to control the workers. There are also unequal power relations which will always generate conflicts. Consequently, both parties employ strategies to satisfy their aspirations and redress their grievances. The Nigerian government, over the years, has adopted various neo-liberal policies which unfortunately have weakened the economy and put workers in a more precarious situation. The ensuing and inevitable conflicts created the need for the institutionalization of conflict for a harmonious industrial relations system, hence the employment of collective bargaining and enactment of various legislations providing the measures for effective conflict resolution. The power differentials at the national level also highlight the ideologies of both parties and how they impinge on the industrial relations setting (Farnham &

Pimlott, 1990). These two perspectives, therefore, provide a relevant framework to analyze the relationship between the actors in Nigeria's industrial relations system.

### **Nigeria's Labor Policy: Trends and Implications**

#### **Colonial Era**

Trade union activities in Nigeria is often dated back to the colonial period when the Southern Nigerian Civil Service Union was formed in 1912 (It later became Nigerian Civil Service Union in 1914 after the Southern and Northern protectorates were amalgamated) and have increased rapidly in the post-colonial years with the formation and proliferation of various trade unions. During the early stages of colonial administration in Nigeria, it is fair generalization to say that labor matters were dealt with by the colonial administration mainly on a pragmatic basis. The legislation enacted and the administrative measures which were taken, were those which seemed most suitable for the economic and administrative purposes of the time. Thus, according to Attah (2000), the emphasis on early labor legislations was almost entirely on the regulation of contracts, on protective legislations and on the abolition of native forms of domestic slavery. For example, Labor Ordinance No. 1 of 1929 which governed labor conditions generally provided for a contract of service as being invalid if it was not signed within six months and so on.

Between 1929 and 1959, several progressive legislations were passed which provided a broader legal framework for labor administration. Some of these were the Labor Ordinance (1938), Workmen's Compensation Act (1941), The Trade Disputes (Arbitration and Inquiry) Act of 1941, Labor Code of 1945, Factories Act of 1955, Wages Board 1957, and so on (Fashoyin, 1980; Adebisi, 1999). However, the Trade Union Ordinance of 1938 in particular, could be said to be the bedrock of labor legislation in Nigeria, because it formally gave legal basis for trade unions in Nigeria, which therefore indicated the commencement of the government's interests in industrial relations (Fashoyin, 1980). This and other laws eventually became the platform for the emergence of more trade union groups and consequently, the proliferation, rivalry and competition that followed. Also, the laws placed the trade unions under the surveillance of the colonial masters through the processes of registration and submission of annual financial returns. Later, the colonial leaders formed the Department of Labor (now Federal Ministry of Employment, Labor and Productivity) in 1942 for the implementation of the provisions of the trade union ordinance and to assist the prevailing labor policy. At the same time, several measures were introduced such as the expansion of the Ministry of Labor and other relevant government agencies, the introduction of the National Labor Advisory Council and similar institutions were parts of the measures put in place. Until late 1960, the state policy was to replicate the British style of industrial

relations (Adigun 1986; Akintunde, 2000). All these were measures introduced by the government to strengthen the industrial relations system in the country.

At this time, industrial relations issues were primarily decided by voluntary bargaining between employers and union. In contrast, the existing unions (Nigerian Civil Service Union, Nigerian Union of Teachers, National Union of Railway Workers, among others) were weak, and the employers were not favorably disposed to them. The interests and objectives of the colonial government in labor policy which started in the 1930s continued even till the end of the colonial regime in Nigeria. Scholars have argued that the political and governmental system of the country, foreign relations policies, external trading links, as well as an educational system among others were modeled along the British pattern. Similarly, Nigerian industrial relations were modeled along the British pattern. Therefore, the essential features and patterns of the Colonial Masters' (British) industrial relations system, i.e., the principle of voluntarism, were replicated in the country's industrial relations (Fashoyin, 1980). The legal frameworks for trade unions to operate at this period would promote peace and harmony in the society, and this would have greatly achieved the desired objective but for the nationalists' struggle which the trade unions added to their responsibility.

The implications of the Labor policy during this era were the proliferation of trade unions and consequently, antagonism and rivalry which reduced the strength of the workers. For example, by 1940, 14 trade unions were in existence with a membership strength of 4,629. By 1942, the number had jumped to 80 trade unions with a strength of 26,275 members, and by 1960, the number of trade unions was 347 with a membership strength of 259,072. With the first general strike that occurred in 1945 (relating to Cost-of-Living Allowance COLA aftermath of the Second World War) which led to total disruption of the economy and the consequent granting of substantial salary increase, trade unions began to realize the strength in collectivity, mass action and strikes. Unfortunately, by 1949 with about 140 trade unions, schisms became more pronounced within the ranks and file of the only central labor body, Trade Union Congress (TUC) in attempts to seek recognition, thus the emergence of three other central bodies, namely Labor United Front, Nigerian Workers Council and Independent United Labor Congress, (Adigun 1986; Akintunde, 2000; Okafor & Bode-Okunade, 2005). A major implication of this was the absence of unity which placed the unions in a fragile position during collective bargaining with employers and the government. It was also difficult in knowing which central body was representing which workers' unions both in the private and public sectors. This, therefore, led to disunity and instability in the country's industrial relations system as at that time.

### **Post-Independence Period : The First Republic: 1960-1966**

The government intended to ensure that the country's social and economic policies were in line with practices in other nations of the world, thereby promoting its global acceptability. After the independence of Nigeria on the 1st October 1960, it was fully realized by labor economists and analysts that industrialization and the increasing wage-earning employments called for new procedures in labor administration, and this partly accounted for Nigeria's membership of the International Labor Organisation (ILO) and recognizing as many as 22 ILO conventions previously ratified by the United Kingdom. The conventions are Nos 8, 11, 15, 16, 19, 26, 29, 32, 45, 50, 58, 59, 64, 65, 81, 87, 88, 94, 95, 97, 98, and 105, all of which relate to various aspects of labor unionism, industrial and workplace relations, and the relationships between and among social actors and stakeholders (Adebisi, 1999; Otobo, 2000; Okafor et al. 2005).

Furthermore, though the legislative provisions in the area of labor administration which were in existence at the time of independence continued to remain in force, some others were added to the list to provide the impetus for the government's policy of voluntarism and to encourage all stakeholders including the trade unions to ensure the effective self-government of the nation. The government had firmly held to the policy that labor conditions would be determined by collective bargaining. It, however, accepted the necessity of establishing minimum standards in many fields. To ensure this, the government introduced a machinery of regular consultation between the Federal Ministry of Labor and Productivity and the regional Ministries responsible for labor matters (Adebisi, 1999). It provided a forum for the discussion of issues of common interests and opportunity to provide relevant information to stakeholders on the federal government's intention in labor relations, especially the proposal to ratify international labor instruments which required the concurrence of all the regional governments of the federation.

Nigerian policy on industrial relations was first made known by the then Nigerian Prime Minister, Alhaji Abubakar Tafawa Balewa at an International Labor Conference in 1960. The late Prime Minister said:

Government re-affirmed its confidence in the effectiveness of voluntary negotiations and collective bargaining for the determination of wages. The long-term interest of government, employers and trade unions alike would seem to rest on the process of consultation and discussion, which is the foundation of democracy in industry... (Fashoyin, 1980: 97)

The then Federal Minister of Labor, the late Chief Festus Okotie-Eboh (1960) as cited in Fashoyin (1980: 97), at another forum of the ILO Conference reiterated the government's industrial relations/ labor policy thus:

Can the various types of collective bargaining familiar to other industrial societies thrive in the different

conditions of underdeveloped countries today? This is an important question, which in the view of my government permits only one answer. We have followed the voluntary principles which are so important an element in industrial relations in the United Kingdom. Compulsory methods might occasionally have better economic or political results, but labor-management must, I think, find greater possibilities of mutual harmony where results have been voluntarily arrived at by the free discussion between the two parties. We, in Nigeria at any rate are pinning our faith on voluntary methods. (Fashoyin, 1980: 97)

Also, in the words of Fashoyin, (1980), Otobo (2000) and Nnoyenlu (2011), the industrial relations institution inherited in Nigeria after Independence was characteristically liberal. To them, one could not discuss an outline of industrial relations in contemporary Nigeria without considering the political, historical, and socio-economic development of the country and that during the pre-independence period, the colonial power had limited interest in promoting industrialization in the nation and depended mainly on revenue accruing from the agricultural sector. They argued further that the nation's economy then was relatively weak hence the adoption of the principle referred to as "Laissez Faire" or voluntarism. The economic power at that time was concentrated in the hands of the private sector represented by the various European Trading Companies. Consequently, the state limited its functions only to facilitative and supportive roles in industrial relations. The above two functions indicated a policy of minimum intervention by the state. In the former, the state only performs regulatory and supplementary functions; in the latter, the state gives its support and allows the state gives its support and allows the private enterprise owners control. Theoretically there is nothing wrong with the policy of voluntarism. It was an affirmation of the government's desire for an atmosphere of industrial harmony in the country. Therefore, there is a consensus that free self-determination in industrial relations is part of a broader freedom extended to every individual through all democratic processes and institutions. In other words, when there are democratic principles applied and observed in the nation's industrial relations system, such will positively impact the success of democratic practices in the larger society.

### **The Military Regime: 1966-1979**

The impetus for change from minimum intervention was the total breakdown of a stable government in 1966 and the consequent civil war of 1967 – 1970. This gave the Nigerian State the initial excuse to intervene directly in labor-management relations. This period was remarkable for the number of decrees promulgated and which had a profound effect in many areas of labor administration. Some of these were the Trade Disputes (Emergency Provisions) Decree 1968, Emergency Provision, Amendment Decree

1969), the Trade Disputes Decree 1976 as has been amended, Labor Decree 1974, Trade Unions Decree 1973, The Trade Unions (Central Labor Organization Special Provision) Decree 1976, Trade Unions (Amendment) Decree 1978 among others (Adebisi, 1999). The 1976 Decree repealed the 1968 and 1969 Decrees but incorporated some important provisions. The 1968 decree marked a watershed between the policy of voluntarism of previous governments and the interventionist policy of the military. The purpose was to provide for compulsory negotiation, mediation and conciliation and arbitration together with a timetable for their use in a bid to reduce incidents of strikes and lockouts.

Trade Disputes (Emergency Provisions) Decree 1968 was designed to maintain calm waters in the labor arena. Hence the decree prevented workers from taking independent action to protect or promote their interests. Strikes were banned and a cumbersome procedure was set up for dispute settlement. In addition, state functionaries were empowered to arrest or detain trade union leaders. Rather than being relaxed after the civil war, all these measures provided a springboard for subsequent state intervention and subjection of conflict management procedures in Nigeria to bureaucratic control.

Of equal importance, a new national labor policy of 4<sup>th</sup> December 1975 was announced. The policy provided limited intervention of the Federal Government in some areas of labor administration to enhance industrial peace and cohesion. The importance of the policy does not lie in the fact that Nigeria had no labor policy, for at least the various laws reflected such a policy. It lies in the fact that was the first time that labor policy, as reflected in various laws and public policy in the same field, has been put together in one document.

The insertion of the strategy of minimum intervention in the country's Third National Development Plan is worthy of noting. This policy, stated on page 238, is expressed thus 'the government continues to pursue its policy of the industrial self-government, whereby it encourages employers and workers to try to settle questions of wages and conditions of employment and only intervenes in the last resort or the public interest, as an impartial conciliator or arbiter.'

The government policy in determining and fixing wages was also a minimum intervention. The argument was that while it was an aspect of the nation's social and economic policy to promote reasonable living standard for all the citizens, the government also recognized the fact that, in a mixed economy, decision-making as to what constituted reasonable rates of payment was primarily best left to both actors in industrial relations who are intimately acquainted with the fluctuating circumstances of individual establishments and industries.

However, with progressive economic planning, stifling run-away inflation and the efforts to maintain stability in the society, the government extended the policy of limited

intervention to the policy of guided democracy. The need was felt to define political, economic, and social policies, labor goals in such a manner as to keep pace with the complex necessities of society. In furtherance of the above, the government decided to express the guided democracy in labor issues as follows:

- a) Respect the freedom of association among social partners.
- b) The encouragement of viable, enduring and reliable workers' and employers' organizations.
- c) The formation and growth of a workable legal framework for reducing and quickly resolving industrial disputes.
- d) The encouragement of labor and management cooperation and consultations at appropriate levels between and among stakeholders in the workplace.
- e) The pursuit of the enforcement and implementation of the provisions of labor legislations pertaining to conditions of employment, welfare and safety in the workplace and social security in general.

The general decrees were designed to effect a more controlled and directed industrial relations stability in the country. They were intended to maintain peace and stability, reduce industrial disputes indicated by the high figure of strikes workers engaged in, and man-days lost between 1974/75 (Oribabor, 1987; Otobo, 2000). The aim of the policy of limited intervention and guided democracy was to reduce the direct involvement of the government in the relationship between employers and government and to provide level playing fields for them to operate. Although this principle was not as cogently articulated and published as the principle of voluntarism.

### **The Principle is Expressed in a Number of Ways**

Decree No. 44 of 1976 that is (Trade/General Labor Organization Special Provision) and those of Nos. 21 and 22 of 1978 accentuated the above assertion of "limited Intervention and guided democracy" of the government. Decree No. 44 of 1976 removed the existing four central Labor Organizations which were registered under the TU Decree No. 31, (1973) and it appointed an Administrator of Trade Unions who is an agent of the state to restructure the existing trade union, and it also established a central labor organization. Decrees Nos. 21 and 22 of 1978 re-organized the existing 1000 or more unions into forty-two (42) Industrial Unions, 9 Employers' Association, 4 Professional Unions and 15 Senior Staff unions. The new decrees also established a central labor organization, (Nigerian Labor Congress). Notably, the union had on many occasions endeavored to form a central body without success, the Apena Cemetery Declaration (1974) being the latest. The term Apena Cemetery Declaration was adopted to refer to the consensus reached by leaders of the four existing central bodies when they converged at Apena Cemetery for the funeral to bury a late colleague, J.O. Oduleye, the treasurer of ULCN. The labor leaders

agreed to forget their differences and form a single central organization for the labor movement in the country (Fashoyin, 1980). Following the restructuring of 1978, the NLC emerged as the only recognized central body for trade unions in Nigeria (Uviegara, 2000; Osinbajo & Adeniji, 2012). The purpose was to centralize trade unions, strengthen them and promote the spirit of unity necessary to engender industrial democracy.

The restructuring also allowed a registrar of trade unions to supervise the union's registration, recognition, rules and conduct. To ensure financial self-sufficiency, an automatic check-off system was introduced, and all employers were directed to recognize unions in their establishments. Also, by the 1978 decree, the responsibility to negotiate on behalf of workers was conferred on trade unions. It led to a change towards negotiation and consultation between Employers Association at the National or Industrial level and Industrial Unions (Aturu, 2005). The foregoing is, therefore, a significant indication of the direct intervention of the state in labor-management relations.

Secondly, the state-interventionist approach continued with the Trade Dispute Decree 7 of 1976 and Trade Dispute (Essential Services) Decree No. 23 of 1976, both of which were subsequently amended in 1977. These Decrees spell out procedures to follow by disputants whenever a dispute occurs. The decree requires the parties involved in a dispute to formally inform the Minister of Labor of a trade dispute, the issues involved, and the internal machinery hitherto used to settle it. The Minister is empowered to send such a dispute in the following order to Conciliation, Inquiry, Arbitration, or the National Industrial Court. For example, while the law specifically imposes on the employers and the union the responsibility to inform the Ministry of Labor of a trade dispute, the Ministry may apprehend any dispute and the Commissioner may take such steps as he finds appropriate in settling it. The blooming national economy also provided more access to resources by both employers and labour. These are different ways by which the policy of limited intervention and guided democracy was put into practice (Otobo, 2000; Aturu, 2005). The implication of the prevailing labor policy during this period is that peace and harmony were guaranteed in Nigeria's industrial relations with both workers/unions and management having control over labor issues, and the government serving as an umpire to ensure peace. The tripartite arrangement ensured the full involvement of all stakeholders. The decrees introduced a lot of control over the actions of the stakeholders and enabled the government to concentrate on larger economic matters. Relatively, there was stability in the system.

### **Military Government: 1983-1999**

In the 70s, the nation witnessed tremendous growth and stability of trade unionism resulting in their contributions to the peaceful industrial relations experienced then. Trade unions and employers were seen as social partners that must be involved in introducing and implementing of socio-

economic policies. For example, National Productivity, Prices, and Incomes Board (NPPIB) and National Labor Advisory Council were in existence to support other macroeconomic policies of the government.

From the early 80s, there was a gradual shift from the limited intervention/guided democracy of the government. This period marked the beginning of years of depression for the Nigerian economy thus necessitating concerted efforts to implement reform programs. Several of the reform programs witnessed open rejection and reaction from trade unions; These situations were met with stiff counter-reactions by the government either through the outright ban of the unions, dissolution of the executives and arrest and incarceration of union leaders. Furthermore, during the General Buhari regime, the NPPIB was put aside as a tool of tripartism to manage economic matters, and the government began to make decisions unilaterally, even in industrial relations, and was not willing to adopt consultation and negotiation and the tripartite structure on ground to adjust service conditions for workers (Adebiyi, 1999; Adenugba & Omolawal, 2014). This was a clear case of absolute arrogation of powers in industrial relations matters and an example includes the placing of ban on two medical Associations in 1985, an indication of absolutism and tyranny among others.

The General Babangida regime adopted what Onyeonoru (2015b) refers to as a statist-corporatist strategy, combining cooptation, repression and buying off, which enabled the government to bring the NLC under its control to enhance its capacity to achieve its agenda of economic reforms without a human face. He argued further that most legislations that were enacted were repressive and had negative consequences for people. The popular Structural Adjustment Programme (SAP) was introduced around this time to bring about reform to the economy. To bolster this, Akinnusi (1992) argued that SAP was an environmental change that has promoted many coping and adaptive strategies by organizations, large or small, public, and private. These economic policies impacted major changes in the nation's operating environment and posed challenges to industry stakeholders such as trade unions in their constitutional responsibilities. During this era, various degrees were reeled out to suppress labor: for instance, SAP relief package, the National Economic Recovery Fund of 1985 or the States (Special Development Levies) Decree No. 37, 1986 which authorized the government to impose and deduct money from workers' salaries without any consultation, the Essential Services Decree of 1993 that prohibited strikes in the teaching profession, are examples of such repressive legislation; and all these show Babangida's preference for unilateralism and absolute power. The proscription of ASUU in 1989 and 1992, respectively; The jailing of striking workers of Nigerian Electric Power Authority (NEPA) in 1989; the amendment of the Minimum Wages Act of 1987 which increased the size of the workforce for the mandatory payment of

the minimum wage from 50 to 500 are instances of the absolutist tendencies of that time (Adebisi, 1999). These were all radical departures from the philosophy of limited intervention and guided democracy, and the emergence of dictatorship and absolutism as the focus of the industrial policy of that period.

The era of General Abacha witnessed greater absolutism, dictatorship, and domination in trade union policy. For example, he dissolved the national executive members of NUPENG and PENGASSAN who went on strike in 1994. He also dissolved the national executive body of the NLC and introduced the notorious TU (Amendment) Decree Nos. 4, 26 and 29 of 1996 which removed the authority of the civil courts in labor matters; and banned Nigerian Trade Unions from affiliating with international labor bodies. The government also imposed a 'no strike' clause without a corresponding 'no lockout' clause (Onyeonoru, 2004b). Noting that all these happened under military leaders whose ideology is to suppress or even destroy anybody or anything perceived as opposition, one may not be surprised. The general condemnation of military regimes across the globe indicates their distastes for them especially in their unwillingness to share power and authority (Adenugba & Omolawal, 2014). The above implies that the peace and stability hitherto enjoyed in the nation's industrial relations suddenly ended as labor resorted to concerted efforts not just to protect their members, but also to join civil organizations and other pressure groups to ease out the military junta. Mass protests and strikes became the order of the day with correspondence highhandedness by the government. It was a period of instability for labor and industrial relations in the country.

### **Democratic Dispensation: 1999 to-date**

The democratic rule of Chief Obasanjo (starting in 1999) brought no relief to the central (NLC) body or other partners in the labour market and did not in any way promote cordial state and labour relations. The government adopted neo-liberal economic reform policies such as deregulation, privatization, removal of subsidies and so on, in the name of reviving the dying economy. These policies have both latent and manifest effects, leading to massive loss of jobs, and closure of organizations. The NLC constituted a strong antagonism to the government in its bid to execute these reform programs, and as a consequence, the government acted to review the existing Trade Union Acts and the result was the Trade Union (Amendment) Act 2005 which is now seen as what has limited the political power of the NLC. The provisions in the Act have far-reaching effects on the existence and power of the trade unions and for complete understanding, let us pause at this junction to take a critical look at some of the highlights:

The act outlaws a strike unless two-third majority of members vote in support at a meeting convened for that purpose (Section 30, Sub-section 6 (e)). On the issue of

strike, this is believed to be the most potent and effective weapon used by the union. Nobody likes to strike, but in a society that respects the rule of law, the right to strike must remain an option of last resort. Getting workers to sign a collective agreement that prohibits strikes is tantamount to legislating a form of slave labor. Critics such as Aturu, (2005) and Abiala (2011) have argued that a strike is a legitimate weapon of industrial relations which should not be outlawed. Rather, the focus should be the responsible and reasonable use of the instrument of the strike. Efforts should therefore be directed at procedures for collective bargaining and agreements that will ensure accountable employment of strikes and lockouts as weapons of last resort.

Apart from the strike, another weapon at the disposal of trade unions is picketing which has equally been banned. NLC was using this weapon to fight employers in the private sector involved in the issue of casualization and their action was successful. However, the new act outlaws this, and specifies a six-month jail term for violation. It has accounted for the non or very scanty deployment of this weapon. The new policy has also made check-off payments voluntary, which consequently reducing the money that goes into the union purse. It is worthy of note that unions get their strength from the huge finance that accrues to them through automatic- check-off. With the voluntary nature of payment, the financial base of the union has been affected. When the funding of the central labor body is changed from contracting out to contracting in, the result is a weakened union. Scholars such as Alo, 2004 and Joshua, 2011 have proffered the argument that the labor reforms were informed by the government's attempt to control labor unions due to their opposition to some neo-liberal policies especially the attempts to deregulate the downstream oil sector which labor unions vehemently opposed. Therefore, the government introduced the reform to make unions confine themselves to the issues of the contract of employment relationships and not what is happening in the larger economy.

The general impression conveyed by the amendment of the former labor policy is an ill-considered emotional reaction to the challenge posed by the NLC. The management of conflict is an essential part of governance. Government should not emasculate an organization merely because it is causing some inconvenience. The worrisome thing about the issue lies in the fact that the reform of the trade union which gave it its structure and power was carried out by the Obasanjo military regime in the late 70s; the eventual demolition of the structure and crippling of the Trade Unions were equally done by Obasanjo (democratic regime) in 2005. A lot of arguments exist on the motives for both contradictory actions at different time frames. While the government argued that the amendment was to entrench democratization processes in the labor policy and system in the country, analysts argued otherwise and that it was a deliberate attempt to emasculate trade unions in

the country. Danesi (2007) puts it succinctly thus: "The Act has virtually outlawed industrial actions and thus is unpopular and not in conformity with international best practice. It has therefore attracted national and international condemnation". Carrying out reform programs in the economy is a major responsibility of the government, but such must be done with a human face so that the citizens can continue to enjoy the basic necessities of life. Trade unions exist principally to protect the interests of their members in particular and the nation's citizenry in general; consequently, they should be fully accommodated within conducive legal and social frameworks.

As noted earlier on, trade unions in Nigeria emerged not just to protect their members' interests but also to serve as agents of correction and justice in Nigerian society, where injustice has always existed right from the time of the colonial masters till date. However, NLC as the only organized opposition has been crippled by the provisions of the new labor policy, thus giving rise to fears that Nigeria was heading towards a civilian dictatorship in a one-party state. Thus, it could be concluded that a democratic system of government which the unions in Nigeria fought for, unfortunately, became their enemy, as the much-cherished pluralist tradition which accommodates oppositions including trade unions seemed to have been jettisoned and with unitarist tradition in replacement, ironically in a democratic dispensation.

Moreover, the year 2007 to date is within the context of neo-liberalism and full democracy and industrial relations in this period are marked with tensions and contradictions as espoused by Onyeonuru (2015b). Nigeria under this period was led by two presidents (Umaru Musa Yar'Adua (Late) and Goodluck Ebele Jonathan) without military orientation and the incumbent (General Muhammadu Buhari) who had a military orientation. The TU (Amendment) Act 2005 and Trade Dispute (Amendment) Act 2006 have the over-arching objective of maintaining peaceful industrial relations to be achieved by stemming the tide of industrial disputes and strikes in the country. Following the two amended instruments, two federations of trade unions have emerged: the Trade Union Congress (TUC) and the Nigerian Labor Congress. It is argued that the registration of only two central bodies is a divisive tendency to further weaken the central labor bodies and their affiliates through rivalry and competition, and consequently further exposing Nigerian workers to the vagaries of the market dictates (Olabode, 2017). In the context of the provisions of the reform act, it is reasonable to assert that the two central bodies have lost their biting power considering the unfair labor practices employers including the government have meted out to Nigerian workers. For example, it took the government almost three years to conclude the negotiation of the current minimum wage and worse still, it took them several months to implement it. As at December 2021, as many as nine out of the nation's 36 states were yet to implement the minimum wage that became effective 18

April 2019, a situation which the union federations do not find serious enough to agitate upon. The silence of the central bodies on the new Integrated Payroll and Personnel Information System (IPPIS) is also another case worth mentioning. While IPPIS was adopted to centralize the payment system of the federal government in terms of personnel emoluments to public and civil service workers, the system, in its design, raises a lot of controversial issues and puts more financial constraints on workers. For example, does the IPPIS have the legal power to consolidate existing basic salary and allowances of staff without recourse to existing contracts of employment signed by individuals and the collective agreements duly signed by various unions, and the government on the other hand? The union check-off dues, National Health Insurance Scheme and National Housing Fund are also not excluded from this violation of the existing agreement and acts when one considers their elements of deduction (Olabode, 2017). The consequence is that most unions now take their fate into their hands by fighting their own battles by themselves. The popular union dictum, 'an injury to one is an injury to all' has become popular only locally and less popular at the national level.

A major implication of the trends during this period is betrayal, loss of trust among actors, and the consequent pervading conflicts manifesting in strikes in Nigeria's industrial relations set-up. Industrial relations in general, and collective bargaining, depend on a high level of trust and sincerity. Unfortunately, trade unions in Nigeria have not been able to build that much-needed trust in the government in this dispensation, hence confrontations and instability within the industrial relations system. Governments have not helped the matter by not honouring or reneging on agreements signed with the workers through their representatives (Okafor & Akinwale, 2012; Osinbajo & Adeniji, 2012). For a full understanding of the situations in the industrial relations system within this period, this paper focuses on the four Unions in the educational sector namely the Academic Staff Union of Universities (ASUU), National Association of Academic Technologists (NAAT), Non-Academic Staff Union (NASU), Senior Staff Association of Nigerian Universities (SSANU), and the two Unions in the health sector namely Nigerian Medical Association (NMA) and Joint Health Sector Union (JOHESU). In 2009, the federal government signed a collective agreement with ASUU and memoranda of understanding in 2013, 2019 and 2020 which up till now have not been fully implemented. Also in the same educational sector, unions such as NAAT, NASU and SSANU; and in the health sector, NMA and JOHESU all have a similarly low level of trust in the government as a result of the government's failure to implement the collective agreements signed with them as far back as 2009 and 2013. This action or inaction by the government over unimplemented agreements signed with them has led to a high level of mistrust between both parties. This low level



of trust has implications for peace and harmony in the country's current industrial relations system.

Another observable implication of the distorted democratic labor policy is that Unions and the masses now see a strike as the only language the government understands under this dispensation and a viable survival strategy to achieve their objectives and protect their interests. Foremost in this strategic adoption and utilization of the weapon of the strike is ASUU. Within the last ten years, ASUU has embarked on strike actions one of which lasted for six months (2013). During the 2020 lockdown following the outbreak of the Covid-19 pandemic, ASUU, the union representing public universities' lecturers in the country, lecturers began a nation-wide strike action on 23rd March, which lasted till December 2020 over many issues related to government's failure to honour previous agreements dated back to 2009. As at the second quarter of 2022, all four unions in Nigerian federal universities are on roll-over warning strikes of various duration over the same issue of unimplemented 2009 collective agreements. Also, within the same period and in the same educational sector, the Academic Staff Union of Polytechnics (ASUP) and College of Education Academic Staff Union (COEASU) have given the federal government ultimatum concerning the non-implementation of signed collective agreements, failure of which they will embark on strike actions. In the recent past, ASUP once embarked on a strike action that lasted for over ten months; COEASU has also embarked on strike action several times, over issues relating to the government's failure to honor agreements signed with them.

It is worthy of note that during the 2020 economic lockdown, the NMA (the trade union for medical doctors) and JOHESU (representing other workers in the health sector) also went on strike actions for reasons connected with the government's failure to honor the signed collective agreements. Going outside the education and health sectors, Unions such as the Judiciary Staff Union of Nigeria (JUSUN), NUPENG and PENGASSAN, both in the Oil sector, and so on, have also at various times embarked on strike actions to press home their demands from the government. An emerging trend in all the strike actions is the covert bypass of Section 30 (6) of the 2005 Trade Union (Amendment) Act on the procedures to follow before any strike action. What the unions adopt is to give three days, seven days or fourteen days ultimatum (contrary to the legal requirement of 15 days) and then go on strike. Warning strike according to Onyeonoru (2015b) is another recent introduction into the vocabulary of industrial relations. To him, a strike is a strike and should not be categorized as a warning. When peace is eventually brokered, such strike action is suspended and not called off. The purport of this is to enable unions, hiding under the canopy of legality, to resume their suspended strike action without recourse to the striking procedure. The implication is that the laid down procedures are being jettisoned, thus

defeating the objective of such legal instruments. It suggests another dimension of inconsistency and contradiction in the democratic arrangements designed to engender peace and harmony.

Furthermore, there is inconsistency on the part of the federal government in its engagement with other partners in industrial relations. If the government has the responsibility of providing the labor policy including the legal framework needed to ensure peaceful industrial relations, then it has a moral and legal obligation to play its role in honouring signed collective agreements and memoranda of understanding duly signed with the unions. This has implications for the industrial relations system. Firstly, the inability or unwillingness to do this, amounts to troubling the waters of industrial relations in the country. Secondly, it has encouraged the unions to adopt a survival strategy with the introduction of the Joint Action Congress (JAC) which is alien to the nation's industrial relations. For instance, in the educational sector, the three non-teaching staff unions (SSANU, NASU, and NAAT) have formed an alliance named JAC which has no legal basis, as a single body to compel the university administration and the federal government to accede to their demands. Worse still, university administrations at the branch level and the federal government at the national level have recognized them and have been negotiating with the coalition. This is contrary to Section 34, Sub-section 1 of the 2005 Act which spells out the requirements for the formation and registration of central trade unions. These are some of the inconsistencies observable in the Nigerian industrial system in the current dispensation.

A cursory look at the private sector does not show that the situation is better. The supposed democratization intention enshrined in the Trade Union (Amendment) Act 2005 has made it voluntary for workers to join trade unions; many employers of labor also have introduced yellow dog contracts (disallowing workers from unionizing) in their organizations. With the neo-liberal policies adopted by the government, thousands of workers have lost their jobs to restructuring, while new employment forms such as casualization; temporary and contract employment have emerged. Consequently, the formal sector is fast contracting, reducing the numerical strength of the workforce in the sector. Where unionism is allowed, many managements have wrestled the power and authority from such unions with the threat of redundancy under the camouflage of restructuring which often leaves workers worse off. This is why strike is not a popular instrument in the organized private sector (Olabode, 2017). From the foregoing, stakeholders in the Nigerian industrial relations system (government, employers, and employees/trade unions) are more concerned with their survival, thus necessitating strategies that will guarantee this for them even if it involves jettisoning the laid down rules and policies, hence the confusion, tensions, and contradictions in the industrial relations system in Nigeria, especially in the

current democratic dispensation. The general implication of all these is that unionism is becoming weaker in terms of strength and financial base in the private sector, thus further reducing the strength of collectivity associated with trade unionism. The instrument of collective bargaining has become a weak and less adopted tool. Workers have consequently become the victim with less political power, faced with insecurity, inequality and instability, and this justifies the efficacy of the pluralist theory adopted to analyze the power relations among actors in the industrial relation system in Nigeria.

Trade Unions serve as organizational representatives of the interest of workers within the labor market as well as the interests of the masses in the larger society, and they promote the collective and the common powers of workers. The emergence of trade unions in a country in most cases depends on the historical experience of that country. In a society where workers do not enjoy full citizenship rights and where class rights and interests are greatly emphasized, labor movements are often well politicized to assist in effecting a radical change in the social order, as can be seen in the pattern during the colonial period. During this period, trade unions like the Nigerian Union of Teachers, the Nigerian Railway Workers Union, among others became the springboard for agitation against colonial rule. They did not limit themselves with the economic interests of their members only, but also actively supported the nationalists' struggle for independence. This trend continued during the past regimes and continues, even up till the current dispensation when the NLC, on several occasions, organized and mobilized trade unions, social activists, civil organizations, other professional associations and the entire citizenry to force the government to revert to old prices when the government increased fuel pump prices of petroleum products (Danesi, 2007; Olabode, 2017). The involvement of labor in matters beyond employment relations is, therefore, one of the trends in Nigeria's industrial relations from the colonial period till date.

Another trend over the years is the domination of labor by the government either military or civilian. Labor's involvement in the fight to end colonial domination and in the attempt to resist various economic reform programs to date constitute major reasons why the government was determined to control, subjugate and manipulate trade unions. The rank and files have equally been entangled in rivalry and competition over the years: this is another major trend that has permeated Nigeria's industrial relations from the colonial era to date. Differences in ideologies, poor level of education, government's tactics to polarize them, and selfish interests among others are reasons for proliferation, inter-union rivalries and competition among trade unions and even the central Labor organizations (Otobo, 2000). These trends have negative consequences for the strength and success of trade unions; they have made them vulnerable for governments over the years

to manipulate and exploit, and most importantly have resulted in instability and regular conflicts in Nigeria's industrial relations setup. The fore-going analysis justifies the theoretical framework adopted for this discourse in terms of tensions, survival strategies and strikes in the country's industrial relations.

### **Conclusion**

The paper argues that conflict has been a major and recurrent decimal in the Nigerian industrial relations system and concludes that the relationship between trade unions and the government of Nigeria in the current dispensation is more of tension and contradictions which is neither domination of unions nor guided democracy. With the government's failure to provide the basic infrastructure and services to the citizens, the crippling economy and reduced national income, the Nigerian workers, albeit the entire citizenry, see trade union as a viable alternative to channel their course and ensure better living condition for them. There is a need to see trade unions as important stakeholders in the governance of a complex society such as Nigeria and they should be involved in decision-making processes in national governance. Also, the success of the supervising ministry (Federal Ministry of Labor) as an efficient architect of labor policy and as an effective intermediary would depend on the professionalism of its services and its neutrality. Finally, there is a need to cultivate and maintain a culture of sincerity, honesty of purpose, and trust which are pillars necessary to create and sustain peaceful industrial relations in Nigeria.

### **Declarations**

#### **Ethics Approval and Consent to Participate**

I declare that this research has been conducted ethically.

#### **Consent for Publication**

Not applicable.

#### **Availability of Data and Materials**

The data will be available on request.

#### **Competing Interests**

There is no competing interest with any individual or agency.

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