

Dynamics of Collective Bargaining in Resolving Conflict in Employment Relations

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This study investigates the dynamics of collective bargaining in resolving conflict on education with Academic Staff Union of Universities (ASUU) and the Federal Government of Nigeria. It examines the relevance of collective bargaining and how it has evolved in today's employment relations in Nigeria. The study, primarily examines the disposition of the Federal Government of Nigeria towards the agreement reached with Academic Staff Union of Universities (ASUU) in 2009. Primary sources of data were taken from the interviews of representatives of ASUU University of Lagos Chapter and Federal Ministry of Labor and Employment, Lagos. Secondary information includes FG/ASUU 2009 Agreement and Global Competitiveness Report of 2013-

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Introduction

The evolution of collective bargaining as an important concept of employment relations has been a significant phenomenon ever since the term was coined by Beatrice Webb in 1891 (Otobo, 2006: 155), in “dealing with resolving conflict and reaching agreement between labor market actors in both the public and private sectors” (Fashoyin, 2008: vii). Thus, its dynamics in contemporary global employment relationship has become an important development in resolving issues relating to the changing nature of employment relations in work environment. At the same time, it “serves as an effective tool for industrial democracy and social justice” (Fashoyin, 2008: vii). In fact, to be specific “collective bargaining served as a cornerstone institution for democracy, a mechanism for increasing workers’ incomes, improving working conditions and reducing inequality, a means for ensuring fair employment relations and a source of workplace innovation” (Hayter, Fashoyin & Kochan, 2015: 226).

Events in labor markets in both developed and developing countries over

the years in periods either of economic boom or recession have not underplayed the importance of collective bargaining process (Akinwale, 2011: 7). Although, Saundary and Wibberly (2012: 6) argues that the “recent events have been dominated by a drive to find more effective means of resolving individual employment disputes”. No wonder, UK government’s current review of workplace dispute resolution concludes that “more needs to be done to support and encourage parties to resolve disputes earlier where possible, in the workplace in order to maintain employment relationships, reduce costs to the employer and ultimately increase economic efficiency and growth” (Saundary & Wibberly, 2012: 6).

The same reason prompted Nigeria Government to review its labor law in 2005, as Akinwale (2011:7) posits that “the 2005 labor Act seeks to promote industrial democracy and collective bargaining as crucial mechanisms in the determination of wages and other terms and conditions of employment in compliance with the ILO requirements” of ensuring peaceful workplace relations and encourage parties to resolve disputes without necessary result to industrial action in the form of stoppages at work (Hale, Barrett & Bryce, 2012: 8). Collective bargaining has become necessary more than ever before, as countries have made frantic

efforts at de-escalating conflict and dispute at work place by bringing it to the barest minimum in order to ensure productive, equitable and a well-functioning labor market environment. This is critical to realizing sustainable and inclusive economic development and growth (Saundary & Wibberly, 2012: 6).

Although no two countries have exactly the same labor-management challenges, according to Nel (2002: 22), every country’s employment relations system is shaped by its history and diverse socio-political, economic and technological forces both within and outside the country. However, in an attempt to defuse conflict and guarantee peaceful work environment most societies have developed rules, institutions and procedures for the regulation of conflict. This is in line with the ILO Convention C 098, Right to Organise and Collective Bargaining of 1949, and promoting collective bargaining Convention No. 154 of 1981.

Therefore, while some rules are prescribed by the state in various labor laws, other rules have been developed through agreements between employers and unions. It is against this background that “collective bargaining forms one of the most important gradients of the ILO strategic objective of promoting and strengthening social dialogue, reducing conflict through the resolution of labor disputes, promoting workplace democracy, and ensuring the recognition and protection of the workers’ rights” (Fashoyin, 2008: vii). The current study intends to examine the effect of collective bargaining in resolving conflict and guaranteeing indus-

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trial peace and harmony in employment relations with reference to the Academic Staff Union of Universities (ASUU) and the Federal Government of Nigeria.

Literature Review

There are diverse views on collective bargaining which have been useful in employment relations over the years. The ILO Right to Organize and Collective Bargaining Convention (No. 98) of 1949 describes collective bargaining as: “Voluntary negotiation between employers or employers’ organizations and workers’ organizations, with a view to the regulation of terms and conditions of employment by collective agreements”. DeNisi and Griffin (2005: 454) argues that ‘collective bargaining involves two sides: management representing the employing organization and labor union representing its employees. Aidt and Tzannatos (2008: 259) emphasize that “the consequences of collective bargaining depend on many factors, including the share of the labor market covered by collective agreements as opposed to individual contracts and the degree of bargaining coordination.

Otobo (2006: 154) posits that it serves as a central feature of industrial relations system, being regarded as a method or process of conducting negotiations on wages and working conditions and other terms of employment. Khabo (2008: 4) defines it as “a means of regulating relations between management and employees and for settling disputes between them”. Akhaukwa and Maru (2013: 276) assert that it helps to pro-

mote cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resort to strike and lockouts, hence “meant to balance the power of labor against capital” (Betcherman, 2013:32).

Davey (1972) cited by Chidi, Badejo and Ogunyomi (2011: 4) views it as “a continuing institutional relationship between an employer entity (government or private) and labor organization (union or association) representing exclusively a defined group of employees of said employer (appropriate bargaining unit) concerned with the negotiation, administration, interpretation and enforcement of written agreements covering joint understanding as to wages/salaries, rates of pay, hours of work and other conditions of employment”. TUAC (2015: 10) argues that it serves as a cornerstone institution for democracy, a mechanism for increasing workers’ incomes, improving working conditions and reducing inequality, a means of ensuring fair employment relations and a source of workplace innovation.

Hale, Barrett and Bryce (2012: 8) posits it as a process by which employees organize themselves as a collective unit (typically through a trade union) to negotiate with their employer on changes to working conditions such as wage settlements, working hours, or redundancy. Hayter and Stoevska (2011: 3) define it as the process through which the social partners arrive at an agreement that regulates both terms and conditions of employment and labor re-

lations. Ian (2010: 12) asserts that collective bargaining has an obvious impact on the structure, level and conditions of employment that provides a forum for negotiations on the form and content of social security.

Bargaining for an employment agreement can cover a range of issues that can include the coverage of the agreement, either by the work performed or the workers involved, and the terms of the agreement (Otobo, 2006: 156; MBIE, 2013: 10). The essence of this is to prevent a breakdown in communication that normally result in conflict and strike between employer representative and employee representative (union), which has been a common occurrence between FGN and ASUU in the last 20 years (Fajana, 2006; Okene, 2008: 99; Chidi, 2010: 53).

Effect of Collective Bargaining

Collective bargaining is applicable to the employment relationship in both public and private sectors but the degree of usage and honoring of the agreement reached differ in both sectors. This justifies the position of Fashoyin (2010: 1), who stresses that undoubtedly the foremost effect of public policy on bipartite relations at the enterprise or sectoral level is the collective bargaining process, by which employers and workers jointly determine the terms and conditions of employment. Lardy (1999: 7) also maintains that collective bargaining in the public sector differs in some way from the private sector and the meaning applied in that setting.

Although, Etukudo (1995: 13) maintains that “there has been no real collective bargaining in the public service in the way and manner it occurred in the private sector”. Fashoyin (2010: 30) asserts further that collective bargaining may start from either of the two approaches, or start on the basis of the initial offer and/or counter-offer upon which the negotiations may lead to an agreement. The attitude of the Nigeria governments and the private sector in resolving issues through collective bargaining is not yet fully developed as it is in the UK and South Africa, as Hale, Barrett and Bryce (2012: 8), claim “there has been a steady decline in the number of industrial disputes in the UK since the 1970s, stabilizing at historically low levels in the 2000s.

In Nigeria, most wages and salaries of the public sector are determined and regulated by administrative decisions of government and wage commissions with little or no input from the union over the years (Chidi, 2010: 53, Anyim, Elegbede & Gbajuma-Sheriff 2011: 64; Aminu, 2011: 6). Parties to employment disputes still prefer to have them resolved by either conventional courts or National Industrial Court rather than exploring the channel of collective conciliation like the UK’s *Advisory, Conciliation and Arbitration Service* (ACAS) which has been offering free collective conciliation services in resolving employment disputes between employers, trade unions and other representative bodies since its creation as an independent body in 1974 (Hale, Barrett & Bryce, 2012: 8).

With the FGN (Federal Government of Nigeria) and ASUU (Academic Staff Union

of Universities) realizing the critical issues affecting educational growth and development regarding conditions of service, funding, autonomy, academic freedom as well as other matters both cannot afford not to dialogue on how to improve the standard of higher education, on how to make it attractive and globally competitive. It was against this background that the principle of free voluntary collective bargaining was pursued that helped the parties to douse the tension that existed before the agreement was reached. This noble and understanding act justifies the essence of collective bargaining in employment relations which is meant to provide the opportunity for early intervention before a dispute escalates (Khabo, 2008; Saundary & Wibberly, 2012).

With both parties acting as gladiators when their interest is at stake, trying to maintain independence with ability to protect their sectional interests as Otobo

(2006: 157) through the view of Flanders (1975) claims that “unions exist to promote sectional interests”. ASUU has strengthened and equipped itself with an array of trade union strategies to boost its capacity to bargain effectively with the government not only on its sectional interests of remuneration and other conditions of service but also on issues that have considerable effect on correction of educational deficiencies (FGN/ASUU Agreement, 2009: 2).

As ASUU’s position has to do with national interest, it is necessary in order to correct the higher education and training imbalance between Nigeria and other emerging economies of the world as shown by the Global Competitiveness Report of 2013-2014, in a ranking out of 148 countries. Among the emerging countries compared in the report, Nigeria had the least investment in higher education and training (Table 1).

Table 1 Global Competitiveness Report of 2013-2014

PILARS						
Higher Education and Training						
Country	Nigeria	S/Africa	India	Singapore	Indonesia	Brazil
Rank	120	89	91	2	64	7
Score	3.02	3.94	3.88	5.91	4.30	4.22

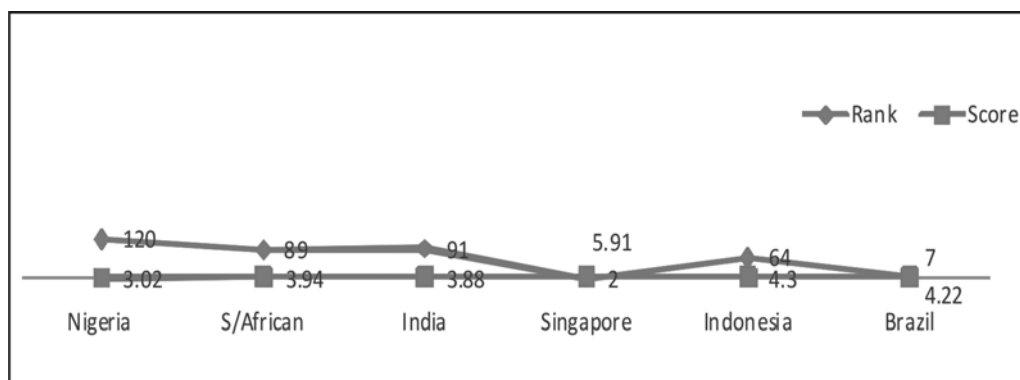
The information from fig.1 shows that Nigeria government has a lot to do in the improvement of higher education and manpower development. Sever (2012: 653) argues that education is important for modern societies, as it serves as a link between social structure and the economy. Stiglitz (2009: 350) posits that we cannot imagine a modern economy without infrastructure, roads, airports,

which are the main areas in which the government plays an important role.

Disposition of the Government

The response and disposition of government towards collective bargaining on educational development in Nigeria has been relatively sluggish and this can be attributed to the conflicting roles of gov-

Fig.1 The Global Competitiveness Report, 2013-2014 on Higher Education and Training



Source: Data extracted from the Global Competitiveness Report, 2013-2014.

ernment as both employer of ASUU members and regulator of the sector (Okolie, 2010: 145). No wonder, Fajana (2006: 119) maintains that the increasing involvement of government in industrial relations in Nigeria has induced both employers and labor to seek a common platform either to influence government labor policy or to guard against discrimination against any of its members.

Increasing involvement of government in industrial relations in Nigeria has induced both employers and labor to seek a common platform.

The implication for government performing dual actor role makes it possible to exercise overbearing influence on ASUU position. This position corroborates Xu and Meyer's (2005: 4) view that "governments and government-related entities are not only setting the rules, but are active players in the economy". Hence, the need to survive makes the employer (FGN) enjoy higher bargaining

position over employees (ASUU) since employee needs work more than the employer needs the services of employees (Otobo, 2006:168; Fajana, 2006: 49; Khabo, 2008: 4).

Apparently, imbalance of power necessitates ASUU to approach collective bargaining on educational development with a more rigid stance. Attempts by employers to undermine collective bargaining, make union to need counter-strategies that go beyond purely defensive in order to defend its gains (Coleman, 2013:63). It becomes necessary for ASUU to prove to the government (employer) that they can sustain a struggle to any length, if the fundamental issues on how to improve educational development are not addressed properly, and if agreement reached earlier are not honored (Okene, 2008: 52, Coleman, 2013: 63). The inconsistency of policy on education and lack of political will from the government towards investing in educational sector, with incessant breach of collective agreements has resulted in the prevalence of labor strikes (Okene, 2008:88, Chidi, 2010: 53).

Non-compliance with the collective bargaining agreements reached with labor by Nigeria Government is not synonymous with today's events, as Lakemfa (2014: 45) claims that the Northern Region Government made a nonsense of the Morgan Commission Agreements of June 1964 by unilaterally reviewing the Commission's wage zones. It collapsed the four wage zones in the region from four to two, neutralized labor power and increased the agreed wage increases by a further 10 per cent for its workers". This prompted "Morgan Commission member, T.M. Yesufu to write that the Northern Region Government's unilateral action "...destroyed both the elements of officialism and bargaining, as well as the moral force to implement the rates" (Lakemfa, 2014: 45).

Sometimes a long history of acrimonious relationships between management and labor makes it difficult for the two sides to negotiate in good faith.

This kind of a position undermines the spirit and concept of an effective collective bargaining process, since collective bargaining triumphs on trust and utmost good faith between parties to an agreement reached (Fajana, 2006: 283; Code of Good Faith for Collective Bargaining, 2008: 3). Although, DeNisi and Griffin (2005: 457) claim that 'sometimes a long history of acrimonious relationships between management and labor makes it difficult for the two sides to negotiate in good faith'. As it was the case with FG/ASUU Agreement 2009, which converses

the position of ASUU that the agreement is meant to reposition the university system to become internationally competitive, promote the development of human capital that can make the nation become one of the leading emerging economies of the world (FGN/ASUU Agreement, 2009).

ASUU's stance led to bargaining agreement between FG and ASUU on funding of Universities, where "it was agreed that all regular Federal Universities shall require the sum of one trillion, five hundred and eighteen billion, three hundred and thirty-one million, five hundred and forty-five thousand, three hundred and four naira (-N-1,518,331,545,304) only for the period 2009- 2011 as given in Table 2.

Table 2 Table showing FG /ASUU Agreement on Funding of University

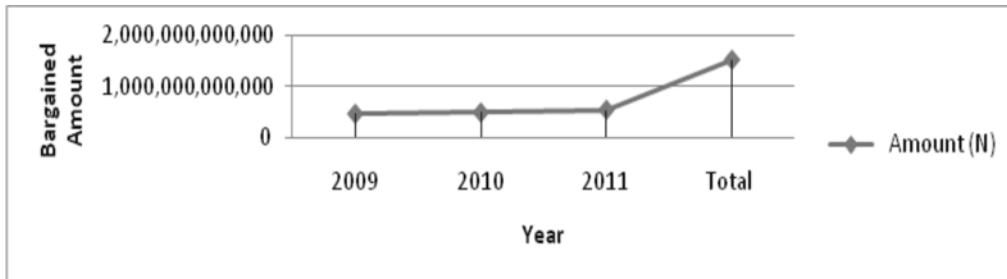
Year	Amount (Naira ₦)
2009	472,031,575,919
2010	497,531,778,701
2011	548,768,190,681
Total	1,518,331,545,304

Source: Federal Government of Nigeria (FGN)/ Academic Staff Union of Universities (ASUU) (2009)

Meanwhile, it was also agreed that "each State University shall require three million, six hundred and eighty thousand and eighteen Naira (N3,680,018) per student for the period 2009 – 2011 as given in Table 3.

These amounts include recurrent and capital grants, and are based mainly on the disaggregated returns from the universities.

Fig.2 Graph showing FG /ASUU Agreement on Funding of University



Source: Federal Government of Nigeria (FGN)/Academic Staff Union of Universities (ASUU) (2009)

Prior to 1999, higher education in Nigeria was a public sector driven, before the monopoly was broken and private universities were licensed to operate. This act, broken the monopoly of public-owned institutions as Nelson,

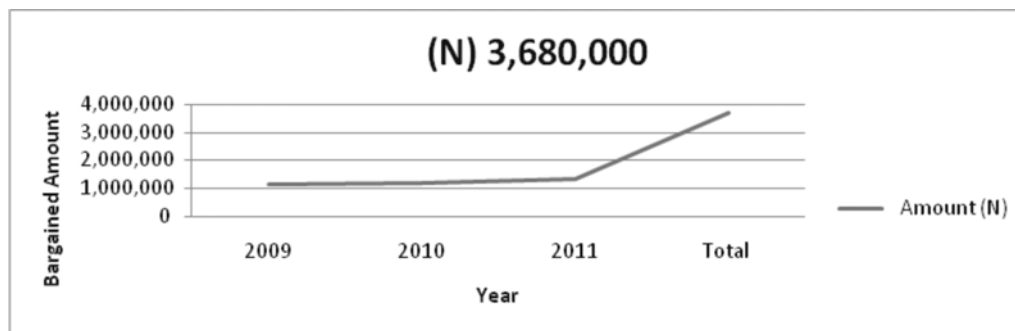
Rosen and Powell (1996: 6), who maintain that “the war on public education and unionized teachers is based on the viewthat educational improvements can only be achieved by breaking up the public school monopoly and the monopoly

Table 3 Recommended Funding for State Universities per student for the period 2009 – 2011

Year	Amount per student per year (Naira ₦)
2009	1,144,075
2010	1,205,880
2011	1,330,063
Total (approximated)	3,680,000

Source: Federal Government of Nigeria (FGN)/Academic Staff Union of Universities (ASUU) (2009)

Fig.3 Recommended Funding for State Universities per student for the period 2009 – 2011



Source: Federal Government of Nigeria (FGN)/Academic Staff Union of Universities (ASUU) (2009)

of teachers' union, privatizing education and creating a deregulated education market-place".

Nigerian Government succumbed to this argument in 1999 while approving private universities. This marks the beginning of dichotomy in standards in higher education system. Whereas the privately owned institutions have been continuously improving their facilities and offer better pay packages, thereby attracting high-grade staff, there has been a retrogressive decline in the funding of the public sector, leading to a multiple set of academic standards (Omojimito, 2011: 184; Okene, 2008: 99). Although, Noon and Blyton (2007: 119) claim that private education generally provides the populace with better facilities, smaller class size and a more intensive learning environ-

ment, such education is available only to the minority whose parents can afford it. Whereas access to education supposed to be the rights of all citizens and provided for in a cost-effective and sustainable manner that can guarantee even development and inspiring change. Unfortunately, according to Okene (2008: 99), "the allocation of budget to the public sector has been erratic over the years" and fall below UNESCO recommendation of 26% of national budget as shown in Table 4

The allocation of budget to the public sector has been erratic over the years and fall below UNESCO recommendation of 26% of national budget.

Table 4 Nigeria Budget for Education Sector 2010- 2016

S/N	Years	Total Budget (Naira ₦)	Education Sector (Naira ₦)	%
1	2010	4,040,000,000,000	97, 021,000,000	2.40
2	2011	4,020,000,000,000	306, 030,000,000	7.61
3	2012	4,749,000,000,000	400,015,000,000	8.42
4	2013	4,090,000,000,000	423,000,000,000	10.34
5	2014	4,060,000,000,000	493,000,000,000	10.70
6	2015	4,358,000,000,000	492,034,000,000	11.29
7	2016	6,080, 000,000,000	368,900,000,000	6.07

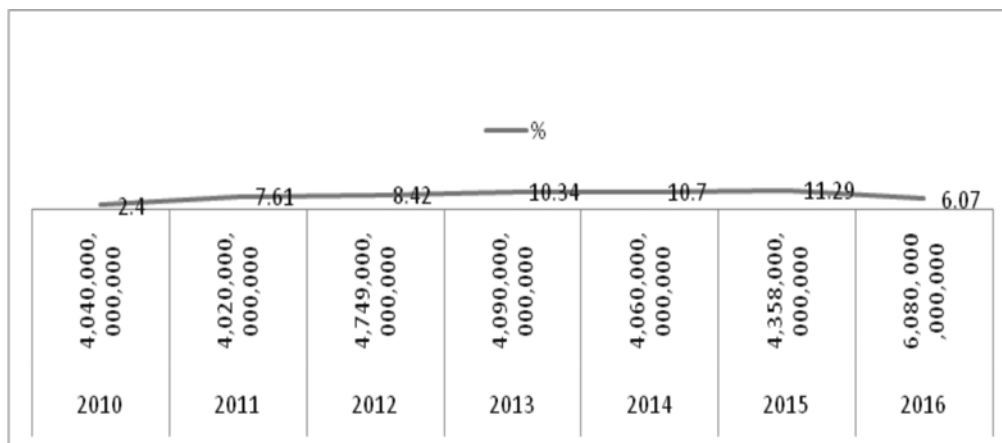
Sources: Compilation from various National Bureau of Statistics (NBS) and Central Bank of Nigeria between 2011 and 2016

The budgeted allocation to education trends from 2010 are far from what ASUU bargained for in 2009, for the purpose of improvement of standard of education that has the tenacity to shape the growth and development of human capital for nation. Thus, a low commitment, poor funding and inconsistent policy negate functionalism theory at-

tributed to Emile Durkheim, which seeks to explain the survival of societies as better served through the standard of education (Sever, 2012: 652; Blackedge & Hunt, 1985: 10).

In fact, "despite the fact that Nigeria economy grew strongly at an average annual growth rate in excess of

Fig.4: Nigeria Budget for Education sector between 2010 and 2016



Sources: Compilation from various National Bureau of Statistics (NBS) and Central Bank of Nigeria between 2011 and 2016

6.6%, making the country the 5th fastest growing economy in the World in 2010 at 7.87% real growth rate” (BGL, 2012: 1), coupled with billions of naira the nation makes in selling crude oil above projected prices, the paradox is what education and research institutions receives from the Government. This is what makes conflicts to occur as ASUU cannot just continue watching standards of education diminishing and causing irrational economic and structural disequilibrium in the area of manpower development for the Nigerian state.

Reneged on Collective Bargaining Agreement

The findings here are based on interviews with the both parties, i.e. FG and ASUU, on why there was a breach of the collective bargaining agreement reached in 2009 that subsequently resulted in a six-month strike action. Both representatives of the parties were in-

terviewed through direct contacts, with almost the same questions posed for their opinion. The views of Federal Ministry of Employment and Labor Relations in Victoria Island, Lagos were sought as a first party, while the views of ASUU Chapter of the University of Lagos were sought as a second party. The outcome of the interviews is given in Table 5.

Conclusion

At any point in time, collective bargaining remains at the centre of employment relations and it can only “function effectively if it is conducted genuinely by all the parties to the bargaining process” (Khabo, 2008: 7). This means that embracing collective bargaining process and honoring agreement reached goes a long way in ensuring effective employment relations among the actors of labor. Again, it was also discovered from the research interviews that bargaining process between FG and ASUU lacks ut-

Table 5 Response of the Interviewed from the Federal Ministry of Employment and Labour Relations and ASUU Chapter of the University of Lagos

S/N	Questions	FG Response	ASUU Response
1	Why did government renege on collective bargaining agreement reached with ASUU in 2009?	Because FG negotiated with ASUU at that time under duress	Government has never been serious in honoring most of the collective bargaining agreements reached with ASUU.
2	Has government exhibited enough sincerity in dealing with ASUU?	Negotiation under duress will not bring any sincerity in implementation	No, because governance is done in secrecy in Nigeria. They care less about accountability and being a servant to the people.
3	In theory, trade unions pursue sectional interest of their members, does this apply to ASUU position?	In fairness to ASUU, they are concerned not only about their members but about the larger society in Nigeria.	ASUU is the only union in Nigeria that pursues a broad-based agenda that cuts across the spectrum of the society.
4	Has government utilized effective communication in letting ASUU know the area it has difficulties in the implementation of the agreement?	The people sometime mislead government, and sometimes government does take to advice	No, because the only communication they understand is strike, no wonder they went to sleep once the agreement was signed
5	Who is to be blamed for the inability of government to honor the reached agreement?	Both parties because issues are not meant to be discussed in the pages of the newspaper	Both the system and personnel because of the character of the ruling class who are pathological politicians, are political investors, are corrupt
6	Has government done enough at sensitizing the public towards collective bargaining as dispute resolution ?	Government has done enough most especially with industrial court, Trade unions and NECA, But in comparison to other emerging economies, no	No, because government has not carried the union and the public along in most policy formulation and implementation.
7	With level of investment in education, can Nigeria achieve sufficiency in human capital development and technological breakthrough as with other emerging economies such as India, Brazil and South Africa?	No, because there has never been judicious usage of government budgeted funds for educational development	No because there has never been any investment as government not fulfill the implementation of the agreement, billions of Naira are being owed as salaries and others for services rendered.

Source: Author interviews with FGN and ASUU, 2016

most good faith and the disposition of Federal Government of Nigeria towards honoring bargained agreement is subject of doubt, as so many factors influence the decision of FGN before and after bargaining agreement is reached.

Recommendations

Based on the literature review, findings and conclusions of this study, the following recommendations are suggested to the FGN/ ASUU and those who may wish to carry out further research in this area:

- i. There is a need for FGN/ASUU to embrace more effective collective bargaining mechanism as an intervention to revitalize, restore and reposition the educational institutions in Nigeria in order to develop a knowledge-based society in the twenty-first century.
- ii. There is a need for FGN to implement the collective bargaining agreement with ASUU in order to guide against incessant strike in educational sector.
- iii. There is a need for FGN to implement the collective bargaining agreement with ASUU without prejudice to the principle of due process.
- iv. There is a need to make the collective bargaining as an important component of educational capacity development in Nigeria as a means to improve the understanding and promote industrial harmony between FGN and ASUU.
- v. There is a need to put in place a successful change management strategy that can cater for educational development interest based on the government change mantra.

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