
**THE ROLE OF TRADE UNIONS AND COLLECTIVE BARGAINING IN NIGERIA (A
CASE STUDY OF NIGERIAN LABOUR CONGRESS KANO)”**

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ABSTRACT:

In Nigeria, the federal government, as the largest single employer of labour, plays a dual role in the industrial relations practice in the country. This study adopts qualitative method of data collection using tools such as interviews to find out the roles of trade union on collective bargaining in Kano state. The result showed that, there are contending labour problems and issues from teachers and the government in Kano State, the current tendency to demonstrate union power through general strikes has not produced any serious bargaining results, lack of implementation of agreed bargain etc. The study recommends that That collective bargaining and trade unionism in Kano State should be strengthened in all sectors of the economy, there should be a Tripartite committee of government, National Industrial Court and the NLC to constantly recommend the review of the existing national minimum wage, labour laws and the practice of industrial relations, the NLC should ensure that, institutions in the public sector which mandate impact on the terms and conditions of employment to include representatives of trade union.

Keywords; Trade unions, Bargaining, Labour, Teachers, industrial actions.

Introduction

Globalization has impacted on workers and their organizations in developing countries. Recent decades have witnessed a shift away from inward-looking industrialization strategies, a break from paternalistic industrial relations, and a significant rise in labour militancy. The build-up of competitive pressure in both domestic and external markets led to the adoption of liberal economic policies which were reflected in a move away from inward-looking industrialization and protectionism towards export-oriented industries and free trade policies. The State progressively withdrew from production and invited private capital to enter spheres traditionally reserved for the public sector. The earliest manifestations of this shift were among the newly industrializing countries of East and Southeast Asia.

Among those countries, notably in the Republic of Korea, Malaysia and Singapore, the State assumed the role of guiding the course of economic development and adopting industrialization strategies geared to export markets and foreign direct investment (Chang, 1994). Policy measures were designed to insulate these strategies from wage pressures and strikes. Legislation and executive action was preferred to collective bargaining. Official guidelines restrained the movement of wages, while transfers, promotions, lay-offs, retrenchment and job assignments were deemed to lie outside the scope of collective bargaining (Kuruwilla, 1996). Enterprise unionism, a role model from the developed countries, was encouraged as an appropriate forum for representing the interests of workers (Song, 1999).

Generally, a trade union is an organization of workers who are banded together to achieve common goals such as better working conditions. Trade unions according to Ekanem and Iyoha, (2014) are “associations of workers who seek to attain some acceptable balance of increased wage employment, improved conditions of service and efforts to curb government hostile decisions”. It does this through collective bargaining and strike or threat to strike. It is apparent that, the influence and power of the Nigeria Trade Unions for good or ill should not be underestimated (Ekekwe, 2010), since their activities are capable of holding the economy (socio-economic stability) to ransom. In the words of Yesufu (2011),

“Trade Union through its leadership, bargains with the employer on behalf of union members (rank and file members) and negotiates labour contracts (collective bargaining) with employers”. This may include, the negotiation of wages, work rules, compliant procedures, rules governing hiring, firing and promotion of workers, benefits, workplace safety and policies.

Another important issue in the public sector is the co-existence of collective bargaining with specific procedures established to regulate the relationship between the state and its appointed officials. In Nigeria for example, the teaching service and most parastatals use the machinery of collective bargaining, while the civil servants rely on the National Council on Establishments (N.C.E). Ojeli D.C. (2011:5) opined that, “whatever roles the Nigeria Trade Unions should play, one thing is certain, and that is, that their primary function is to regulate and thus improve the worker's salaries/wages and conditions of employment. All other activities trade unions have undertaken and all other purposes which they have acquired should be regarded as a bi-product and auxiliary to their major purpose and activity”. Friendland P.C. (2010:20) recorded president Julius Nyerere's argument in these words that, “while it was one of the purposes of trade unions to ensure for workers fair share of the profit of their labour, this “fair” share must be fair in relation to the whole society, but if it was greater than

the country could afford, then it was not a fair share". Roseberg (2011) holds the view of African unions as that: "African unions must perform a substantially varied role from their western counterparts which perform exclusively "consumptionists" function". That is, they bear a major responsibility for increasing the economic output while accepting conditions of austerity and (SAP) so that, the entire society may benefit.

Statement of the Problem

In Nigeria, Yusuf (2017) posit that numerous industrial actions had been embarked on by the union to compel the government to meet the needs of public universities lecturers and schools especially in the areas of wages, allowances and infrastructural facilities in tertiary institutions. During such industrial actions, schools were to shut down for months; academic activities have paralyzed, and students and parents were frustrated. It should, however, be stressed that some of the numerous actions of the ASUU were intended to improve the welfare of the public university, lecturers, students and society at large. For instance, the union has actively involved in the struggles against the military regime during the 1980s.

Trade Unionism presents the unavoidable necessity of collective bargaining in all public sectors because; it lubricates the different structures of workers in the process of modernization. There is the problem of the inevitability of trade dispute at certain stages of development in Nigeria and the contribution of the practice in the process of modernization (Nwankwo 2000). Derbyshire and Patterson (2001:149) view trade unionism as a "complex organization problem which emerges from the efforts and or as a result of the efforts of workers to seek an improvement of existing conditions through collective action". These conditions may relate to wages, hours of work and other conditions of employment. The focus given to the phrase-the influence of Trade Unions in Nigeria, is in the growing support for democracy in the country as regards civil and political rights. In these austere times, it is clear that Trade Unions do influence the development in Nigeria as regards economic growth. From the foregoing, this study will examine and determine answers to the following questions.

Research Questions

- i) What are the achievements made by Trade Unions in improving the welfare of workers in Kano State?
- ii) What are the contending issues facing trade unions and their bargaining effort in Kano State?
- iii) What are the strategies and processes of collective bargaining among trade union in Kano State?

Objectives of the Study

The aim of this study is to investigate the role Trade Unions and collective bargaining in Nigerian Labour Congress chapter of Kano State on how they have struggled, suffered and sometimes succeeded, in resolving labour problems in the state. Thus the specific objectives of this research work are:

- i) To examine the achievements made by Trade Unions in improving the welfare of workers in Kano State.
- ii) To evaluate the contending issues facing trade unions and their bargaining effort in Kano State.
- iii) To investigate the strategies and processes of collective bargaining among trade union in Kano State.

Literature Review

Concept of Trade Unions

According to Comrade Nyambi, (2007), "Trade Unions are professional organizations encompassing all serving public servants both at local government, state and even federal levels". Answering questions on what, "Trade Union is" Umunakwe, (2005), a Public Relation Officer of National Union of Local Government Employees (NULGE) in his book "Nigerian Trade Unionism", opined that, "A trade union is neither a legislative nor an executive things, protect the welfare scheme, dialogue and as last resort, declare a trade dispute with the government".

Termly Magazine of December (2009:16), asserts that, "Trade Unions as registered associations can influence government policies on its members". However, there is always a popular saying that, "there is no devout without a motive, or that, there is no smoke without fire". By and large, there appears to be differences in people's view about, what Trade Union actually is. This disagreement on the meaning of this concept arises from the fact that trying to define a Trade Union, people tend to bring-in what they perceive to be a Trade Union functions as it affects them and the society they live in.

Richardson, (2014:5), sees trade union as: "A continuous association of manual or non-manual workers, including professional formed to achieve such objectives as the

safeguard and improving of the working condition of workers, raising the status of individual members, promotion of their vocational interest, and not quite often, changing the economic and political institution of the country for better". It is evident that, the Richardson explanation of the concept-Trade Union appears more embracing than the Ojeli (2013) definition. For instance, Richardson (20145) injects one of the most essential ingredients for verile trade unionism into the definition, which is "continuity" and "permanence". This means that for an association of workers to be called a trade union, it must be permanent and not just an ad-hoc conglomeration of the workers of a plant or an industry for the achievement of a particular objective. It could be inferred also that, if Trade Unions are to be integrated into the development process of a country, it should not be just workers pressing for bread and butter issues, but rather in the words of Richardson they should also work towards changing (positively), the country's political, Economic and educational institutions.

Concept of Trade Union Disputes

According to Trade Union Decree of 1973, a trade dispute between employers and workers or, between workers and workers which is connected with the employment or non-employment, or terms of employment or conditions of work of any person. By the provisions of this Decree, a dispute may be regarded as a trade dispute if it is a dispute between workers and employers or between workers and workers. When a trade union acts on behalf of its members, there is a trade dispute with in statutory definition. The dispute must be connected with the:

- i) Labour union staffs or
- ii) Union members Terms of employment, or
- iii) Conditions of work. DISCUSS THESE POINTS IN PARAGRAPH

Where negotiations between union and the management breakdown, the only weapon available to the union in furtherance of its trade dispute is the strike. This action is normally used as a last resort, and government also has introduced a number of legislative measures to prevent unions from embarking on strike actions. The union itself in its constitutional provisions ensures that strike actions are sparingly used.

Trade Union in Nigeria

The organized Trade Union movement in Nigeria dates back to 1912 when the workers in the civil service under the then colonial administration organized themselves into workers representatives. This then became known as the Nigerian Civil Service Union. This became a pivot with which workers in other sectors began the agitation for the formation of Trade Unions before and after independence in 1960. It is generally accepted by scholars that, the development of trade unions was a very slow process. This was attributed to the problem of the hostile and autocratic attitudes of colonial administrators during the embryonic stage of trade unionism in the year before and early part of the twentieth century.

Empirical Review of the Study

A lot of literature has been written on the concept – Trade Unions and collective bargaining in Nigeria. Notable among them is, Omar (2004). Osanyintolu, (2013), in his book, “the role of workers in collective bargaining” defined collective bargaining as a “process of decision making, which seeks to regulate economic behaviour in the labour market”. He maintained that, publications on collective bargaining in industrialized market economies, shows that, collective bargaining is often regarded as most effective method of controlling industrial conflicts. Many employers have learned through experience that collective bargaining tends to strengthen the forces making for stable and predictable behaviour on the top floor.

Fashoyin, (2014) in his book, “industrial relations in Nigeria” noted that, “Government, labour and management, all accept collective bargaining and have at one time or the other, expressed their belief in it as the most appropriate method for determining wages and conditions of employment”. This keeps in line with the international labour organization convention to which Nigeria is a party and has to examine however, whether collective bargaining limits itself to salaries, conditions of service and employment. Not all issues are in the workers interest particularly in decision making process. However, tripartite method is generally used in collective bargaining, (i.e workers, employers, and government).

Adewole, (2015) asserted that frequent eruption of Mis-agreement between

employers and employees in general can be effectively managed through collective negotiation and consultation with the workers' representatives. Collective bargaining has been noted to help promote cooperation and mutual understanding between workers and management by providing a framework for dealing with industrial relations issues without resort to strike and lockouts. Therefore, fair and legal process will result in successful collective bargaining, hence maintenance of industrial discipline and vice-versa (Gomez, 2013).

A study by Trif, (2015) revealed that, collective bargaining takes place between a negotiation team consisting of top managers and company trade union representatives. The study points out that on the employer side, respondents reported that shop stewards initially have meetings with members to discuss their demands. Subsequently, union representatives gather to decide the collective bargaining proposal and the negotiation team. Thus, evidence suggests that unions make an effort to find out members demands, but the procedure used to decide the negotiation teams on both sides is generally top-down.

Previous Collective Bargaining Mechanism in Nigeria

Article 23 of the universal Declaration of Human Rights identifies collective bargaining as "A process between employers and employees to reach an agreement regarding the rights and duties of people at work". Collective bargaining aims to reach a collective agreement which usually sets out issues such as employees pay, working hours, training, health and safety, and rights to participate in workplace or company affairs. Emmanuel R. Aiyede (2002: 4) noted that, there has been a recurring battle between the various levels of Nigerian governments on the one hand, and between these governments and organized labour on the other, over the determination of public sector wages. Although this conflict became egregious with the adoption of decentralized collective bargaining by the National government in 2001, it reflects a critical industrial relations problem: the failure to institutionalize collective bargaining in the public sector.

The machineries set up for collective bargaining in the public sector, such as the National Civil Service Negotiating Councils and the State Civil Service Negotiating

Councils, were never allowed to work. Public sector wages have been set through government fiat or quasi-political wages commission or tribunals largely set up by the government. The implementation of agreements on wages, reached through the machinery of nationwide negotiations that has predominated in the public sector, has often been chaotic, attended by controversy, agitations, and widespread strikes costing the country enormous resources in terms of man-days lost. The crisis has been unleashed by the bloated nature of the public service, which is responsible for the huge expenditure on salaries by the government. Such expenditures became unsustainable during the economic crisis that began in the early 2000s. The government had taken centralization to its logical conclusion by unilaterally making the structure of wages and salaries uniform across all tiers of government in the 1970s when the country enjoyed an enormous in-flow of petro-dollars.

Otobo, V. U. (2012: 126-127) opined that, the process of the establishment of the colonial administration largely determined the wages structure in the colonial era in Nigeria. Because different areas were conquered at different times and administered separately, there was no uniform system of wage rates across the country. The division of the country into district administrative units circumscribed the application of most wage rates and other conditions of employment for a while. What emerged was the co-existence of district, urban, and regional wage rates, with criteria for fixing rates remaining largely arbitrary and subject to the whims of employers (Ananaba, 2013:136).

Generally, union seeks to attain some acceptable balance of increased wage employment, improved conditions of services of its workers and curbing hostile decisions, it does this through collective bargaining and strike or threat to strike. Ekekwe, (1986) observed that, whenever union embark on the above activities, it is at the expense of socio-economic stability of the nation. Thus, public frustration grows; more voices are being raised in favour of some compulsory settlement of labour-employer disputes. But when the price is compared with the costs of compulsory settlement, it does not look nearly so high (Ekanem and Iyoha, 1999). It is apparent that, the influence and power of the Nigeria Trade Union for good or ill should not be underestimated, Nkero, (2004), since their activities are capable of holding the

economy (socio-economic stability) to ransom.

Also, the debate surrounding the impact of union wage increase on inflation will probably continue for as long as unions exist. Aidt, and Tzannatos, (2002) disagreed with the ideas of some countries in trying to weaken the activities of trade unions and collective bargaining through liberalization and adjustment by focusing on allocative efficiency in markets. This strategy, they observed has no doubt in undermining the role, that those labour institutions are able to play in facilitating more equitable development and more successful integration. The assumption that, labour institutions automatically impede economic development and cause rigidities and barriers to adjustment is flawed. Hayter, 2002, submitted that, labour institutions play an important role in facilitating more equitable and socially sustainable integration. The outcome depends on the broader configuration of institutions and incentives in product and labour markets. Decision makers need take these factors into account when designing policy.

Methodology

Data were generated from primary and secondary sources. The secondary sources were obtained through books, interviews, journals, newspapers, magazines, official publications and the enormous resources available in the internet while the primary data was my position as Ex-officio member of the Nigerian Union of Teacher (NUT) Kano State a Civil Servant. The study was carried out in Kano State which has 44 Local Government Areas. Three major Trade Unions are prevalent in Kano State. They are: The Nigerian Union of Teachers, The Judiciary Staff Union of Nigeria and the National Union of Local Government Employees, all state branches of the Union. Kano State is popularly called, The Centre of Commerce State because of the abundant Commercial activities that take place in the state with abundant resources discovered in Kano during the colonial era. The population of the study includes those members of unions in Kano state. Kano State has three (3) major Trade Unions which are spread across the 44 Local Government Areas of the state with their local Executives and offices. The population of study consisted of all the major Trade Unions in the state. There are over about 30,000 workers Labour publication Bulletin (2006) in the state and many participating Trade Union officers in Kano State. In addition, the

researcher used focus group discussion and interview schedule as instrument for data presentation. The focus group discussion guide was a measure to moderate the discussions with the two groups. The FGD was also adopted as interview schedule during the interviews.

Interpretation of Data/Discussions

This paper draws on empirical evidence from three trade unions in Enugu State to assess the current role of trade unions and collective bargaining processes in the state. The trade unions surveyed cover Nigerian Union of Teachers (NUT), Nigerian Bar Association (NBA) and the National Union of Local Government Employees (NULGE). Their operations span across the established three geo-political zones of the state (Kano), and have developed alongside the political, industrial and socio-economic challenges that Nigeria has experienced.

My interpretation of this research work was based on the sample approach. This approach was adopted because it provided current and primary data of the research problem, which is more appropriate in an evolving political and socio-economic situation in the state. In effect, a mixed technique of both qualitative and quantitative analysis of data obtained through interviews was used. The interview was designed to provide detailed input, cutting across various perspectives such as job classification, seniority and preferences and administered across a range of strategic trade union officials. Furthermore, the open ended and structured interviews conducted with a variety of trade union practitioners are useful in supplementing and illustrating data obtained from the surveyed participants.

It was also discovered in this research work that, collective bargaining has become an accepted mechanism for determining wage levels and the conditions of work in Nigeria, but is nevertheless in a state of flux. In particular, the trade unions have increasingly assumed an active role in determining the outcomes of collective bargaining. A specific issue is the locus of bargaining; the tension between employers and employees. The evolving nature of the Nigerian economy appears to favour the centralization of collective bargaining at the national level. However, this research also demonstrated that in the Nigerian context, consideration of non-monetary items

for enterprise collective bargaining appears more pragmatic and attractive. The Nigerian economy, polity and society have been locked in a protracted crisis. The crisis poses a number of development challenges, which are pressing and urgent. The characteristics of this crisis are mass unemployment, low living standards, poor state of infrastructure, poor industrial base, and political instability, weakness of institutions of democratic governance, resurgence of ethnic chauvinism, religious bigotry, violence and collapse of public institutions in health, education, water electricity and agriculture.

During the interview, the following contending labour problems were explored from the workers in Kano State

The major labour issues and problems in Kano State were listed below as follows.

- i) Enhanced unified salary structure for workers in the state to be in parity with their counterparts in other states of the federation.
- ii) Establishment of the Workers' Pension Board for retiring workers after thirty five years of meritorious service or sixty years of age.
- iii) Establishment of joint negotiating council for all workers in the state.
- iv) Full implementation of the new National Minimum Wage as approved by the federal government from N27, 000 and N30, 000 for state and federal workers respectively.
- v) Improvement on the work environment for civil servants in the state to enhance productivity and service.
- vi) Payment of check-off Dues to officials of Trade Unions in the state including their Local Branches.

Continued Involvement of Workers in Matters Concerning Them in the State

Succinctly put, we sincerely urge the state government to always see Trade Unions as partner in progress in advancing the course of civil service in this state. Trade Unions Joint Action Committee (JACT) will continue to support all the laudable programmes of the State Government as earlier promised, by making our inputs and suggestions

readily available and by attending to meetings when called up as well as mobilizing our members to support such programmes in the state.

In addition, during the interview suggest series of strategies and processes of Collective Bargaining in Kano State

The struggle for the Teachers' Salary Structure (TSS) in Kano State will be used as case study for collective bargaining in the state. In another exclusive interview with the assistant administrative secretary of NUT, Comrade Ahmad Danguguwa, he enumerated as follows:

In terms of struggle for TSS focus and determination, the union hierarchy demonstrated sacrificial leadership. The union was so focused in its strategy, such that no room was left for the employers to wriggle out through bargaining strategy of conceding minor to deny major demands as witnessed in the past. Fully armed with supportive documents, the union restricted the State Government and its agencies to the defensive arsenal while the union's artillery combined both offensive and defensive. No doubt, the strike was one the State Government would not be in a hurry to forget. Convinced that the teachers struggle was just, fair and equitable, the National Assembly was patriotically proactive. The Education committees of both the senate and House of Representatives threatened to join teachers' strike to put the government on its toes. The public opinion remained one prodigious support for the course of teachers. It is no surprise, that, the government employed a decoy to escape what could have resulted in humiliation. It made a plea to the Nigerian Governors' Forum and the Nigerian Labour Congress for a face-saving mission.

Conclusion and Recommendation

From the study, there are contending labour problems and issues in Kano State and the consequent second hypotheses on the strategies and processes of collective bargaining have been proved to be true in this research work. Workers in Kano State are bedeviled by a long array of problems and issues bordering on their welfare. It was also proved that, the only sure way to the solution of these problems is through effective collective bargaining processes.

For sure, no social system is fully democratic when it concerns itself solely with the

mechanism that allows for free competitions and elections without having at its core, the advancement of the material interests of the working people and the deprived segment of the population. What has emerged in the present democratic dispensation is that, government has realized the need to shape and define labour objectives in such a way as to keep pace with the increasingly complex requirements of the people of Nigeria. Government is also trying to ensure that, the inevitable social, political and economic changes are directed towards the fulfillment of Nigerians for a better life. Trade unions play a crucial role in this development. It is therefore, manifest that, Trade Unions and government are partners in the development of every nation.

Recommendations

With all the problems of trade unions and collective bargaining processes in Nigeria, Kano State wing in view, the following recommendations could be proper for restoring sanity in the economy. “Workers participation in management”, Observed that, the enactment of the 2005 new Trade Union Amendment Act was politically motivated by the Federal Government and therefore, must be abrogated. This was because, the Act considered the Nigeria Labour congress as constituting itself into an opposition party that must be crushed since there was no provision for that in the 1999 constitution. There should also be a stop to frequent declaration of strike by trade unions whenever there is increase in the prices of fuel without full invitation to federal government for dialogue. This is because strike is often very disastrous to our nation's economy. Bye and large, this research work has recommended as follows:

- i. That collective bargaining and trade unionism in kano State should be strengthened in all sectors of the economy.
- ii. There should be a Tripartite committee of government, National Industrial Court and the NLC to constantly recommend the review of the existing national minimum wage, labour laws and the practice of industrial relations.
- iii. The NLC should ensure that, institutions in the public sector which mandate impact on the terms and conditions of employment to include representatives of trade union.

Limitations of the Study

From the above study various challenges were experiences which has limited the way and manner information can be sources, most especially getting information from the Nigerian Labour Congressed has been a challenge due to information secrecy kept by the organization. Other limitation that has limited the study are time frame to undertake the study, financial challenges for transportation in other to get more vital information etc.

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