

## **COLLECTIVE BARGAINING AS A TOOL FOR HEALTHY LABOUR RELATIONS IN NIGERIA**

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### **Abstract**

*The success of every organisation rests on the effective and peaceful labour relations. With the present economic situation, demands by unions or employees for improved salaries and better conditions will dominate labour relations scene and as such industrial conflicts may become a constant phenomenon. Such conflicts may be avoided if labour relations principles and programmes are put into practice. This paper examines collective bargaining as a tool for healthy labour relations in Nigeria. In order to create an enabling environment for the practice of peaceful labour relations amongst actors in the various industries, there is need to maintain dignity and sanctity of collective agreement. Doing this may require a lot of tact, skills, "give and take" from the various groups. If this is done, it will keep the industrial climate reasonably healthy. It is believed that government (federal, states, and local) are the largest employer of labour as well as entrepreneur who has responsibility to care for the welfare of workers which by implication is the promotion of socio-economic welfare of the nation.*

**Keywords: Collective Bargaining, Labour Relations, Economic Recession, Conflict, Dialogue.**

### **Introduction**

An understanding of the relationship between employers and employees is very important in order to guarantee industrial peace and harmony in the workplace. Otitoju (2005) said that the maintenance of cooperation in order to foster good working atmosphere and enhanced productivity includes: formulation and implementation of workable/functional employment policy, recognition of trade unions, remuneration policy, promotion and advancement of staff, organisational methods, industrial relations through encouragement and the

use of dialogue for the attainment of peaceful industrial relations atmosphere in the industry. He also called for enforcement of effective communication between the employer and employee, and participatory democracy, through employers/workers participation of board of companies. It is on this premise that the topic labour relations and collective bargaining is being examined in order to find ways in which the efficiency of employees can be enhanced and effectively utilised through a peaceful and harmonious working relationships with the employers.

- The objective of this paper is to: -
- i. examine the concepts of labour relations and collective bargaining.
  - ii. identify the roles of labour relations as it relates to managers and government in labour relation,
  - iii. explain the factors affecting labour relations and organisational effectiveness,
  - iv. describe collective bargaining process
  - v. examine the forms, processes functions breakdown, impasses and hints on collective bargaining and
  - vi. make possible recommendations as to how formidable labour relations and collective bargaining can result to improved workers welfare and productivity.

In this paper, historical and descriptive method was used to describe labour relations and collective bargaining as a means of ensuring industrial harmony in Nigeria.

#### **Labour Relations Defined**

To Karl Marx, labour relation is all about the process of conflict of interest in working relations between employers and employees. Even though they depend on one another to achieve their objectives, their relationship is frequently characterized by bitterness, hostility and mutual antagonism rather than by cooperation. Like true enemies, either may be willing to please itself in peril to deprive the other of victory. Legally each group is actually powerful in terms of influencing outcomes and therefore neither can impose its will unilaterally on the other because it is mutually dangerous. Though there can never be a balance of interest in the relationship that exists between labour and management. However, their interest can be harmonised to reduce conflicts through the acquisition of appropriate and adequate management techniques.

Be that as it may, labour relations in any business organisation are meant to be symbiotic in nature. While the union members build itself into a coherent economic pressure, moral and political force, the management in turn builds itself into a veritable management institution that sees to the accomplishment of business goals/objectives such as productivity, profitability, cost minimisation, employee welfare, customer satisfaction, market share, growth, survival, innovations, corporate social responsibility, reputation, research and development etc.

Labour relations constitute an important aspect of personal administration. It deals with the promotion of industrial harmony at work through the use of machinery such as collective bargaining, grievance procedure, joint consultation and statutory channels. The need for industrial harmony in the face of the growth of well enlightened work force, hard economic conditions and technological breakthrough cannot be over emphasized. Labour relations ensure that such harmony is sustained. It monitors the state of labour management relations and advises the organisation and the government.

In Encyclopaedia of Industrial Relations (2014), labour relations is defined "the practice or study of a relationship with and between workers, working groups and their organisation". The definition is all inclusive in that it covers all aspects of the employment relationship, its associated institutions, social and economic environments.

Glueck (2002) defines labour relations as a continuous relationship between a defined group of employees (represented by a union or association) and an employer. The relationship includes the negotiation of a written contract concerning pay, hour, and other conditions of employment and the interpretation and administration of this contract over the

period of coverage. Labour relations is an emotionally charged personal activity. It denotes a specialist area of organisational management and study which is concerned with a particular set of phenomena associated with regulating the human activity of employment.

Clegg (2004) says that labour relations is not only concerned with the rules but also the people and the organisation that formulate and administer these rules and methods they use. The rule can be of two kinds: (i) procedural which deals with such matters as the methods to be used and the rules to be followed in dispute settlements, to regulate the behaviour of the parties to the agreement. (ii) Substantive which refers to working hour or to other job terms and conditions in the area of employment covered by the agreement. These rules regulate the behaviour of employers and employees as parties to individual contracts of employment.

Armstrong (2014) viewed labour relations as "the intertwining activities of trade unions, employers and the state" labour relations is concerned with the formal and informal relationships which exist between employers and trade unions and their members. It involves:- the development, negotiation and application of formal systems, rules and procedures for collective bargaining, handling disputes and regulating other conditions of employment in the interest of employees and their employers and the informal as well as formal processes which take the form of continuous interactions between everyone in the organisation.

Thus, labour relations is the regulation of employment relations in any employment situation by the employer/management or their organisation, the worker's organisations and a third party. Private and or government acting as an umpire or controller, the purpose of which is joint decision and for cooperation of management and human resources for the

attainment of the organisational objectives of the enterprise and those of the trade union of course.

Dunlop (1958) only listed the actors of labour relations as:

- a) Hierarchy of managers and their representatives,
- b) hierarchy of worker-non managers and their spokesmen
- c) specialised government agencies-private agencies.

Yesufu (2000) said that employment contract constitute the hub around which the web of labour relations is spun. The type of relations between management and workers with the dire economic implication that may result or lead to increased productivity and efficiency. Labour relations go a long way to improve productivity in the country beyond attitudinal changes. These include changes in human, technology, environmental, managerial and other factors which also determine labour productivity. The human factors include health care, nutrition, housing, transport and educational (formal and informal) productivity in as much as they considered in labour relations. The environment of productive activities in Nigeria has a lot to do with what obtains in the work place as affected by the society and government.

A study of labour relations therefore embraces national, economic and industrial perspectives, as well as the relations between the single firm and its employees.

#### **Scope of Labour Relations**

The scope of labour relations thus embraces relations and interactions between the employers or management and employees either as individuals or as groups, between the supervisor and the worker (s) and between the worker and his trade union.

Labour relations is concerned with labour problems in all ramification such as employment problems and security: work conditions (hour of work, shifts, holidays



etc) remuneration, labour and employer grievances and disputes, levels of production and efficiency, safety, health and welfare at work, social security, and employee development.

#### **Preconditions for Good Labour Relations**

A vital precondition for attaining good industrial relations is the establishment and utilisation of machineries for consultation, location and settlement of grievance and disputes and for participation by all concerned in all the major decision making processes which affect the labour force.

#### **Labour Relations Managers**

The personnel and operating managers are involved in labour relations. Personnel managers or specialists are of necessity technical experts on labour relations who and advise operating managers on the contract provisions. They also bargain with the union on the contract and serve as a step in the grievance process. But operating managers are the persons who make the contract work. They advise personnel on problem areas in the contract so they can try to improve them during the next negotiations, and they face grievances first. Top managers' attitudes toward unions strongly influence the attitudes of personnel and operating managers and help determine whether union-management relations will be amiable or combative. Top managers also strongly influence the negotiating process. The bargaining philosophy and strategy they assume at the time of negotiations will help determine whether a contract will be signed, and how soon, or whether impasses such as strikes, lockouts, and arbitration will occur. (Glueck 2002).

#### **Roles of Government in Labour Relations**

The principal roles of government in labour relations include:

1. Creation of legal environment for negotiations

2. Adjudicates legal differences between employers and employees
3. Settlement of disputes through the appointed mediators and conciliators.
4. To supervise representative elections and certify unions as bargaining agents.
5. To hear appeals of alleged violations of the laws.
6. Leadership responsibility of state in economic development and improvement in the standards of living of the people: its position the major employer of labour and as a guardian of the social conscience, all place a government in a particular position to provide leadership in labour relations as in all major fields of economic and social endeavours.
7. Provides education and training on labour matters at the nation's Institute of Labour Studies.
8. Investigatory and advisory role.
9. Enforcement of the provision of existing labour legislations prescribing minimum conditions and processes of collective bargaining.
10. Safeguarding the interest of workers and employers so as to ensure orderly social conduct since labour matters affect the social economic and political goals of the government.

#### **Factors Affecting Labour Relations and Organisational Effectiveness**

Labour relations are emotionally charged personnel activity because whoever has the power to fire an employee has power over whether that employee and his or her family can survive.

#### **Factors affecting labour relations are as follows:**

1. Nature of employee in relations to his or her abilities, attitude and

- preferences, past work experiences, cultural influences and the society
2. Nature of the task to be performed.
  3. Work group, the relationship between superior, peers, and subordinates, in the work environment.
  4. Leader's style and experience.
  5. Goals of controlling interests
  6. Environment of the organisation in relation to the organisation style, economic conditions, nature of competition, nature of labour market, union requirements and governments' requirements.

It should be noted therefore that the attitudes of employees toward unions influence whether they will join or not. Managerial attitudes towards unions in general and the union officials they deal with in particular will also affect labour relations. Thus, a good union and managerial attitudes toward each other is a sine qua non to peace and effectiveness in labour management relations. Moreso, the goal of controlling influences managerial attitudes and behaviour toward labour relations.

#### **Collective Bargaining Defined**

Labour relations system is regulated by the process of collective bargaining. Collective bargaining as defined by Flanders (2004) is a social process that continually turns disagreements into agreements in an orderly fashion.

Collective bargaining is defined by the International Labour Organisation (ILO) as "negotiation about working conditions and terms of employment between an employee, a group of employers or one or more employers organisations, on the one hand, and one or more representative workers' organisations on the other with a view to reaching an agreement"

According to the National Labour Relation Act, collective bargaining is the performance of mutual obligation of the employer and the representative of the

employees to meet at reasonable times and confer in good faith with respect to wages, hours, and terms and conditions of employment, or the negotiation of an agreement or any question arising there under, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

Collective bargaining aims is to establish by negotiation and discussion agreed rules and decisions in matters of mutual concern to employers and unions as well as methods of regulating the condition governing employment. It therefore provides a framework within which the views of management and unions about disputed matters that lead to industrial disorder can be considered with the aim of eliminating the causes of disorder.

The Labour Decree No 21 of 1974 as amended in 1978 defines collective bargaining as 'the process of writing or attempting to arrive at a collective agreement. This decree goes further to interpreted collective agreement as "an agreement in writing regarding working conditions and terms of employment concluded between:

- A) An organisation of workers or an organisation representing workers or an association of such organisation, on the one part; and
- B) An organisation of employers or an organisation representing employers (or an association of such organisation on the other parts)"

Musselman (1997) view collective bargaining as the method by which the management of a firm and the union come to agreement on a contract through negotiation. Collective bargaining has developed over a period of time as a method of using democratic procedures in employer-employee relationships, procedures such as determining working conditions practices to be used in

promotions and lay-offs, and penalties for violation of the work rules as established.

Iyanda and Bello (1998) defined collective bargaining as a machinery for the determination of wages and conditions of employment by unions and employers. It takes place when a union, as representative of a group of workers enter into negotiation with an employer or a group of employers on conditions of employment.

Flippo (2004) defines collective bargaining as a "process in which representatives of two groups meet and attempt to negotiate an agreement which specifies the natures of relationship between the two groups".

The term collective bargaining according to Ubeku (1983) refers to the negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more representative workers' organisation on the other, with a view to reaching agreement. Collective bargaining therefore, presupposes the willingness of employers to settle terms and conditions of employment by negotiation with trade unions.

Adeirumi (1988) defines collective bargaining as a procedure by which employers and employees negotiate for wages and other conditions of service. Yesufu (1984) defines collective bargaining to include all methods by which groups of workers and the relevant employers come together to attempt to reach an agreement in matters under discussion by a process of negotiation. Stoner et al (1989) defines collective bargaining as the process of negotiating and administering agreement between labour and management concerning wages, working conditions, and other aspect of the work environment. Dessler (2006) defines collective agreement as the process through which representative of

management and the union meet to negotiate a labour agreement.

Collective bargaining has become an important mechanism for setting the procedures for the settlement of industrial disputes and also for resolving disputes when they inevitably occur. It involves the meeting of two or more sides with diverse interests. Through negotiation, the gaps are bridged and common interests emerge. Therefore collective bargaining requires skilful negotiation as well as supportive discussion and understanding on sides. The objective of collective bargaining process is to avert industrial conflict and this is achieved through principled negotiation and the end product is collective agreement. It should be noted therefore, that, the success of collective bargaining in any sector or industry is a function of the respect both parties accord the spirit and the letters of subject.

Collective bargaining can also be regarded as a joint regulating process, dealing with the regulation of management in its relationships with work people as well as the regulation of conditions of employment. It is a political as well as an economic basis-both sides are interested in the distribution of power between them as well as distribution of income.

Collective bargaining is usually a session of offer and counter offers, and proposal and counter proposal. The concept of collective bargaining involves the process of interaction, entering into dialogues, negotiations, conflict reconciliation before a collective agreement is reached between employers and employees.

#### **Nature of Collective Bargaining**

The term collective bargaining was first used by the Webbs. Webb described collective bargaining as an economic institution, with trade unionism acting as a [Labour cartel by controlling entry into the trade collective bargaining is primarily a political rather than an economic process and that the value of a union to its members lies in its economic]



achievements than in its capacity to protect their dignity.

Marxists on the other hand, contend that collective bargaining is merely a means of social control within industry and an institutionalized expression of the class struggle between capital and labour in capitalist societies. By this view, and increasing power struggle is therefore a central feature of industrial relations.

Here the concern is not about the controversies, because firstly the various school of thoughts are not necessarily mutually exclusive but are fact compatible with one another, and secondly, to consider the conditions which are necessary for collective bargaining to exist as a viable institution.

For the purpose of this paper therefore collective bargaining can be viewed from at least three perspectives none of which is necessarily in conflict with the others and each of which could well represent different stages in the development of the collective bargaining process.

- i. A means of contracting for the sale of labour
- ii. A form of industrial government, and
- iii. A system of industrial relations.

These three viewpoints have been described as the marketing concept of collective bargaining, the governmental concept, and the industrial relations or managerial concepts respectively.

The marketing concept view of collective bargaining is a process by which labour is bought and sold in the market place. There, collective bargaining is perceived as an economic and exchange relationship. In other words, it is that method of conducting industrial relations which determines the standard terms and conditions of employment by which labour is supplied to an employer either by its present employees or by its newly hired workers. This concept of collective agreement, on the pay, hours of work, and

fringe benefits, trade union representatives on their members.

The governmental concept of collective bargaining on the other hand, views the institution as a constitutional system or rule-making process which determines relations between management and trade union representatives. In this case collective bargaining is seen to be a political and a power relationship. Trade unions in other words are regarded as sharing industrial sovereignty with management and, as the representatives of employees collectively, they continually use that power to advance their members' aspirations and employment interacts at work. This view of collective bargaining stresses both the continuity of the management-union relationship and the continuous process of rule making which takes place between the parties to negotiation. In this way, the negotiation of substantive agreements on pay and conditions of employment, for instance does not become an end in itself.

The industrial relations concept of collective bargaining views it as a system of industrial governance as trade unions join with employers in reaching decisions on matters of vital interest to both parties. Underlying the concept of collective bargaining as a process of industrial governance, then, is the principle that those who are integral to the running of an enterprise should have some voice or participatory role in determining the decisions of most concern of them. This principle of mutuality correlates with the concept of political democracy, so that collective bargaining becomes a means for establishing its equivalent-industrial democracy at the work place.

All three aspects of collective bargaining can this be simultaneously maintained, but each provides a different emphasis, stresses a different guiding principle; and can influence the nature of the actions taken by the parties.

Clearly, the essence of the collective bargaining process is its representative

nature, its power basis, its adaptability and its flexuosity to particular circumstances

#### **Forms of Collective Bargaining**

Collective bargaining takes two basic forms, as identified by Chamberlain and Kuhn (1999)

1. Conjunctive bargaining, which arises from the absolute requirement that some agreement-any agreement-may be reached so that the operations on which both are dependent may continue; and results in which a working relationship in which each party agrees, explicitly or implicitly, to provide certain requisite services to recognize certain seats of authority, and to accept certain responsibilities in respect of each other.
2. Cooperative bargaining, in which it is recognized that each party is dependent on the other and can achieve its objectives more effectively if it wins the support of the other.

Walton and Mckersie (1965) made similar distinction by referring their own forms of collective bargaining as:

1. Distributive bargaining as the complex system of activities instrumental to the attainment of one party's goals when they are in basic conflict with those of the other party' and.
2. Integrative bargaining the system of activities which are not in fundamental conflict with those of the other party and which therefore can be integrated to some degree. Such objectives are said to define an area of common concern, a purpose.

Both forms of collective bargaining emphasize that in industrial relations the parties cannot withdraw, or not for long, they are dependent upon each other for performance of specialist functions and for their survival.

Conjunctive or distributive bargaining is a recognition of this mutual interdependence, but it is limited and negative cooperative or integrative bargaining is based on both the mutual interdependence of management and employees and their recognition that they can achieve more for themselves by adopting this approach.

#### **Conditions Necessary for Collective Bargaining**

The conditions necessary for collective bargaining according to Yesufu (1984) are as follow:

- i. An unqualified acceptance by all concerned of the principle of industrial relations
- ii. The parties to the process must be sufficiently organized. This means in effort, that freedom for association and of organisation amongst employees into independent trade unions are indispensable condition for the establishment of a viable collective bargaining.
- iii. The establishment and recognition of clear procedures for prompt settlement of issues not resolved through collective bargaining.
- iv. The determination to make machinery and institutions work, including self-discipline on the part of each of the parties and mutual respect for each other as "equal"

There are two methods by which the conditions necessary for effective collective bargaining can develop namely 1) by legal means and 2) voluntary

#### **Bargaining Items**

Labour law sets out categories of items that are subject to bargaining. These are mandatory voluntary and illegal items.

- 1 According to Carrell and Heavrin (2008) voluntary (permissible) bargaining items are items in collective bargaining over which bargaining is



neither illegal nor mandatory-neither party can be compelled against its wishes to negotiate over those items. Such items includes, management rights as union affairs scope of the bargaining unit, use of union label, membership of bargaining team, employment of strike breakers, settlement of unfair labour changes, pension benefits of returned employees etc

- 2 Illegal bargaining items are forbidden by law. The clause agreeing to hire union members exclusively would be illegal in a right-to-work state, such items are discriminatory treatment, separation of employees based on race etc and
- 3 Mandatory bargaining items are items in collective bargaining that a party must bargain over if they are introduced by the other party. They include wages, hours, rest periods, layoffs, transfers, benefits, and severance pay, Holidays, rate of pay, discipline, shift differentials, vocations, pensions, insurance benefits, profit-sharing plans, bemuses, management, etc.

#### Levels of Collective Bargaining

Collective bargaining takes place at the following levels:

- a) National-same issues are discussed at national level between representations of employer for the industry and national trade union officials
- b) Company level- The negotiation is done by in-house representative of union (shop steward) and management of local level-this may be at the branch level or factory level.

#### Process of Collective Bargaining

Flippo (2004) highlighted five stages in the collective bargaining process as follows: the pre-negotiation phase, the negotiator the strategy of

bargaining, the tactics of bargaining and the contract.

- (1) The pre-negotiation phase commences after management and workers have concluded a contract for a specified period of time. This means that at the conclusion of a contract for a period of time, the pre-negotiation stage for the next period commences.
- (2) The negotiation: The personalities of persons to participate in the negotiations matter a lot it is important to know their ideologies and beliefs. Some would be negotiators could be socialist or capitalist in outlook. Negotiators representing management could include lawyers or seasoned administrators, chief Executives of organisations are not usually included among the negotiators. Workers are usually represented by the presents and secretaries of the local union. Sometimes, the president of the worker's national union may be in attendance if the matter is industry-based.
- (3) The strategy of bargaining: Before the commencement of negotiations, management usually arm itself with the "maximum concession" it is willing to give to the employee union because the worker's union would have sent their requests or demands to the management ahead of the bargaining sessions.
- (4) The tactics of bargaining: the bargaining exercise something gets into a deadlock, in which case both parties did not reach a consensus on the issue being negotiated. When this happens, various tactics can be used. In extreme cases, workers may go on strike while management may

sack key actors of the union to press home their demands.

- (5) The contract: the conclusion of negotiations and agreement between the two parties culminate in the formation of a formal contract for a period of two or three years. The contents of the contract may cover any of the following subject matter; union security, grievance procedures including steps time limit and provisions for arbitration, promotion, transfer and lay-off.

#### Functions of Collective Bargaining

Chamberlain and Kuhn (1999) suggested the functions of collective bargaining as:

1. A governmental function in which collective bargaining may be regarded principally as a political process based on the mutual dependency of the parties and the power of each to vote the acts of the other.
2. Market or economic function: it determines here what terms labour will continue to be supplied to a company by its present employees or will be supplied in the future by newly hired workers. The process is concerned with determining the substantive terms on which people are to be employed.
3. Decision making function: this allows workers through their union representatives to participate in the determination of the policies which guide and rule their working lives. This is based on the recognition of the fact that authority over men requires consent and involves defining areas of joint concern within which decisions must be sought by agreement. This is dependent on a) desires of employees and unions to be involved in such decision making

b) the degree of power union has to ensure employer's acceptance of such joint decision making c) the degree to which management is willing to accept that its decisions must be subject to agreement with employees before they may be implemented.

#### Breakdown of Collective Bargaining

Some negotiations are protracted over week's agreements being settled only at the last minute. There are many reasons for the disputes that arise during negotiations.

1. When management and union come to the negotiation table, through physically present and class, but they are mentally far away from each other. The union's demands many appear so much out of proportion with what the management can offer that it will be difficult to reconcile the position of the management and that of the union.
2. Each side may be slow to change its position and to make its offer of settlement more attractive. There is always the suspicion as to what terms the other side is likely to accept, consequently there is no point in accepting an offer if an improved one is likely to be forthcoming in the negotiations. It there is no certain way of knowing the best offer which the other side will actually make, such side tries to play for time.

#### Hints on Bargaining

Selekman (1949) contends that nine types of bargaining strategies can be used. These include:

1. Racketeering, corrupt union leaders have relationships with "cooperating" managements
2. Ideological. The bargaining process is viewed as part of a class struggle to reach ends other

- than just short-run improvement in working conditions.
3. Collusion. Management and labour combine to get an advantage over the public or competitors by illegal or quasi-illegal means.
  4. Deal. Management and labour negotiate secretly, with little involvement of employees. The above mentioned bargaining strategies are rarely used. The five most frequently used strategies are.
  5. Containment-aggression. The union aggressively tries to take over management rights and management aggressively tries to keep the union down.
  6. Conflict. The employer tries hard to get rid of a union, and the union resists.
  7. Power. Union and management try to get all possible advantages from each other.
  8. Accommodation. Both sides live and let live.
  9. Cooperation. Both sides are concerned about the total work environment and try hard to improve bargaining and the work environment.

The predominant strategy in union negotiations in any country appears to be the power strategy. Typically, power bargaining follows several stages of development.

1. The two parties present their demands.
2. Each side. Reduced their demands through trades off. Pressure is received from the public, customers, union members and others regarding the bargaining terms.
3. Formation of joint subcommittees which try to work out reasonable alternatives.
4. Reference groups revisited to settle informally the management team

brief back top management as to acceptance of terms, and union leaders take soundings of the memberships to see their reaction. If management is agreeable, the process develops into the formal settlement stage.

5. Reverse collective bargaining or renegotiations. Henle (2000)

#### **Impasses in Collective Bargaining**

In collective bargaining, an impasse occurs when the parties are not able to move freely/smoothly toward settlement in their contract negotiation. An impasse usually occurs because one party is demanding more than the other will offer. Babcock and Olson (2002). Three things can happen when an impasse develops.

Calling of third party (i) Conciliator or mediation

(ii) Arbitration

(iii) a) Strike, (b) Lockout

(i) Mediation or conciliation is the process by which a professional, neutral third party is invited

(ii) Arbitration is the process by which two parties to a dispute agree to settle the dispute by accepting the decision of an independent quasi-judge called an arbitrator.

(iii) Strike is the refusal by employees to work. A strike is a withdrawal of labour and there are four main types of strike.

a. An economic strike results from a failure to agree on the terms of a contract.

b. Unfair labour practice strike are aimed at protesting illegal conduct by the employers.

c. Sympathy strike occurs when one union strikes in support of the strike of another.

d. A wild cat strike is an unauthorised strike occurring during the term of a contract.

Lock-out is a refusal by management to allow employees to work which may be shutting down of plant, contract out work during the period of strike, continue operations using



supervisors and other non-striking workers and hiring of replacement for the strikers.

#### **Conclusion and Recommendations**

Collective bargaining has been acknowledged as a major component of any labour relations system. In modern economy, labour has become a commodity to be bought and sold at a price determined by the law of demand and supply under the principle of laissez faire labour market. The state of labour relations today is due to government apathy to respect the principle of collective bargaining which is an effective tool for the promotion of industrial harmony that is based on volunteerism and mutual respect.

Successful labour relations negotiations depends on a good deal and thorough preparations. Richardson (1985) recommends these procedures to make negotiation effective; be sure that you have set clear objectives on every bargaining item and understand the content upon which the objectives are established; keep your real objectives confidential; don't hurry; when in doubt, caucus with your associates; be flexible and remember bargaining is by nature compromise; be well prepared with the firm data to support your position. Try to understand why the other side is taking its position; respect their need for face-saving, be a good listener; build a reputation of firm but fair negotiation, find out the motivation for what the other party wants, don't get begged down; build the momentum for agreement; control your emotions; don't panic; use emotion as a tool not an obstacle; be sure as you make each bargaining move that you know its relationship to all other moves; measure each moves against your objectives; pay close attention to the wording of each clause negotiated as words and phrases are often a source of grievance; remember that collective bargaining negotiations are, by nature part of compromise process; there is no such thing as having all the pie; learn to understand people and their personalities;

and consider the impact of present negotiations on those in future years.

Negotiators must have trust among themselves with readiness to cooperate and not to exploit; show willingness to trust, check understanding of the other negotiator; reinforce the other party's willingness to trust and indicate the adverse consequences of a failure to respond.

In view of the disastrous consequences, the abandonment of labour relations and collective bargaining have often brought to the national economy employers and the government should pay attention to the following recommendations:

1. Employee must be adequately motivated, the quality of work environment improved while safety devices and other protective clothing should be put in place and their usage enforced.
2. For improved productivity, there should be adequate investment on human capital development i.e. qualitative training and retraining of workers. In that era of confrontation, use of vulgar language and violence to attain goals should go while dialogue should be embraced.
3. Actors (trade union/workers and employers) in the industry should embrace dialogue, cooperation, accommodation to realise organisational and personal goals and objectives.
4. Trade union should exist to correct imbalance between the powers of an employer and an individual worker and to improve productivity and working conditions. The trade union should achieve their objectives through collective bargaining.
5. There should be avoidance of unethical and unprofessional practices.

6. Government should discontinue the policy of decentralising wages determination based on geographical location, Federal and State government dichotomy, ability to pay etc.
7. Government should always involve the workers union and the employer association in the determination of wages, salaries and other fringe benefits. The present economic problems in the country (fuel price hike, distressed financial institutions, inflation, kidnapping, terrorism, political instability, mass looting of federal treasury, unemployment, strikes, etc.) make this need very compelling to achieve cooperation and understanding between government, employers and workers on matters of common concern.
8. Government should review its labour relations and collective bargaining activities quite often with a view to attain industrial harmony.
9. Finally, government should fund labour relations matters more effectively and efficiently, particularly by paying attention to the training of labour officers who will play active role in the labour relations process.

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