

COLLECTIVE BARGAINING AND LABOUR ISSUES IN TERTIARY INSTITUTIONS IN NIGERIA

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ABSTRACT

From hospitality management to sociology, you name it, labour relations determine the performance and ultimately the success or failure of any organization or sector. The paper examines the critical issues in collective bargaining and labour relations in a tertiary institution as a case study. It utilizes secondary sources of data in a conceptual approach to examine the said concepts. The qualitative methodology means that already existing data from other scholars would be reference for the academic exercise. In conclusion, the paper identified the need for a better understanding of the ideals of collective bargaining towards an improved industrial harmony and progress.

***Keywrds:** Bargaining, Labour Institutions, Issues, Tertiary, Nigeria.*

Introduction:

Employee relations or industrial relations serve as links that are present amongst employers and employees, the latter not as lone individuals but rather as collectivities identified as Labour Unions or trade unions. This paper is concerned with these unions, especially at the tertiary institution level and scrutinizes what they are; how they are shaped, and how they function.

Labour unions and trade unions refer to similar things and the two standings are used interchangeably.

According to Flippo(1984):

A labor union or trade union is an association of workers formed to

promote, protect, and improve, through collective action, the social, economic, and political interests of its members.

Flippo complements that the leading concern with which the union is worried is economic and that in this part wishes and demands for better wages, hours, and working environments are primary. It could also be any blend of employees or employers, whether provisional or permanent, the drive of which is to control the positions and circumstances of employment of the workers. From the definition two significant criteria for defining a labour union - (1) combination must be of employees or employers, and (2) it must have appropriate purpose- of regulating the terms and circumstances of the engagement of workers.

Trade Unions in Nigeria

There is no proof that labour unionism as it is celebrated today was in any part of contemporary Nigeria prior to 1912, when the Nigerian Civil Service Union was fashioned. Many trade associations preceded the Nigerian Civil Service Union, such as societies of hunters, blacksmiths etc.

Nigerian Union of Teachers (NUT) was the best-run, well planned and it had the following goals, amongst others- (i) to study, encourage and advance conditions touching teaching profession in Nigeria (ii) to submit to government the views of teachers on issues directly or indirectly touching teaching profession in Nigeria. (iii) Cooperate using Education Department and several missionary organizations on issues concerning to education. This was the beginning of modern trade union.

Types of Trade Unions

Flippo (1984) records that at hand are two brands of labour unions, the industrial and the craft. And that they are often discussed as the vertical and horizontal respectively. Flippo articulates that the industrial union is vertical in the logic that it contains all employees in a certain company or industry irrespective of profession. Giving instances of such unions he refers to the United Automobile Employees and the United Steel Employees (USA). Nigerian instances will consist of the United Textile Employees and Nigerian Civil Service Union. To Flippo, the horizontal or craft union is a body that cuts through numerous companies and businesses. Its followers belong to one craft or to a carefully related cluster of occupations. Cases of such are the Union of Typists,

the Nigerian Union of Teachers, including Nigerian Union of Journalist. Speaking about kinds of trade union we would like to conclude it with the progress and presence of central labour organizations in Nigeria.

By 1942 when the first central labour body came into being there were previously over 50 (fifty) unions. The history of the development and growth of labour hubs in Nigerian trade union movement displays, more than everything else, is the conflict and utter disorder which have overwhelmed the movement shortly after what may be viewed as a strong start. He refers to as the real difficulties of the movement, the failure to style for themselves a functioning man's principle; and that it was the story of continuous accusations of greediness and materialism, deceit and corruption, ineffectiveness and indifference of a management circle and of an indifferent and sluggish rank and file. These were the difficulties which steered in 1941 to agents of some unions like the Railway Workers' Union, Nigerian Marine African Workers' Union, the Public Works Department Workers' Union - meeting and founding the African Civil Servants Technical Workers' Union which was the basis of the paramount central labour organization in Nigeria.

In 1942 it transformed into the Federated Trades Union of Nigeria. The first ever truly central labour body in Nigeria and the following year, it developed into the Trade Union Congress (TUC) having the resulting aims, amongst others; (i) to unite all trade unions into one structured body (ii) to deal with common labour problems affecting labour force in the state (iii) to safeguard the legal standing of and rights of trade union groups (iv) to assist with the appropriate organization of trade unions. Like the T.U.C troubled by political desires got divided into three different organizations - Nigerian National Federation of Labour, Federation of Government and Municipal Non-clerical Workers' Union, as well as the fragments of the T.U.C. It is these 3 that in the arguments of Uvieghara, in April, 1950 floated their identities into the new Nigeria Labour Congress (NLC) as we now know it today.

Collective Bargaining

One will realize here that the traditional approaches to undertaking business with one's employees in the organization in which management chooses what to do and simply tells their workers, is now out-of-date. Dealing with the issue of collective bargaining, Edwin B. Flippo records that National Labor Relations Act (USA) stipulates that it is a partial labor practice for the owner to refuse to

bargain together with selected agents of a certified labour body. In the same vein, Labor Management Relations Act requires that it is an imbalanced practice for the agents of a labour organization to decline to bargain in good faith with management or employer. This is now the mandatory nature of collective bargaining.

To Edwin B. Flippo, collective bargaining is seen as a process by which agents of two clusters meet and try to negotiate a contract that stipulates the nature of impending relationships amongst the two. Flippo stresses this meaning by saying that matters where bargaining is necessary by law, the boss is no longer free to decide and enforce unilateral decisions. While on issues not so legally directed, the owner is swayed by such risks as strikes, go-slow, and suppression of cooperative efforts.

Discussions between unions and employers culminate in contracts and such contracts are effective for definite periods only. Flippo notes, the signing of a specific contract motions the start of the groundwork for the next. This is the period to initiate and assemble data such as facts and figures on salaries, hours, pensions, etc. for usage in the negotiation of the next contract.

On the flank of the company, it is common to have a group or a committee. This widens the base of membership. It is also customary to require a legal representative. To create room for reflections on argument on issues, the chief executive of the business is ordinarily not incorporated in the negotiating group. On the side of union, the group typically comprises local officers of the union, some workers of the organization and agents of the international union. Most union bargainers are full time consultants in the art of negotiating and selling with various organizations.

Tertiary Institutions Union Bargaining Pressures

labour unions have tactics and strategies which they engage in taking out greater concessions from the organization. The tactics used by management are also used by the unions. In addition, certain stronger forms of pressures open to the unions. They are strikes, picketing and boycotts, as discussed below:

Strikes

Flippo describes a strike as the concerted and provisional withholding of member of staff services from the employer for the reason of exacting better concessions in the service relationship than the company is willing to allow at the bargaining

arena. He further implies that the prospect of a strike is the last economic power the union can use on the employer. Without the option of a strike on the table, there could be no proper collective bargaining. There are several forms of strikes. The most important here are listed and described below as given by Flippo: 1. Recognition strike - is a strike to compel the employer to be aware of and deal with the union. 2. Economic strike - is a typical strike, built on the demand for improved wages, hours, and working conditions than what the owner is ready to give. 3. Wildcat strike - are the speedy, abrupt and unsanctioned type of work stoppages. These strikes are not sanctioned by the union leadership and are conflicting with the labour agreement. They are occasionally regarded as a method of fractional bargaining by a smaller group of personnel who have not attained fulfillment through regular complaint process or collective bargaining procedures. 4. Sit- down strike - is when the personnel strike but continues their work in the organization. Such strikes are unlawful since they constitute an attack of private property. Employees can strike for certain purposes but they must physically pull out from the establishment's grounds.

Picketing

Picketing is patrolling of strikers by the entrance of an establishment's grounds in order to ensure complete work strike. When the employer allows the strike and shut down the organization, then the picketing will be peaceful and routine. But, if the employer tries to use workers not participating in the strike or any other to keep the organization in operations the picketing could turn violent as strikers try to stop work at the organization. Picketing is legal, its' only illegal when it becomes violent. Steps should be taken by the employer and the union to prevent this.

Boycotts

Flippo argues boycotts under the banner secondary boycotts. Possibly, for their objectives, this is about the lone mode it makes sense to categorize them. According to him secondary boycott happens when a union, seeking a concession from an employer A, puts pressure on employer B to impact employer A to give the concession. This might involve the union trying to brand employer B and any other whose enterprise has businesses with A rejecting to deal with employer A up until it grants the ultimatum of its union.

Conclusion

This paper has assessed the idea of collective bargaining. A better conceptualization of it and provided us the means of collective bargaining. It specified the groundwork needed on the portion of the management and union in tertiary institutions that could lead to fruitful bargaining which is underlined by a manner of give and take. The pressures accessible to be represented by unions which provide the necessary push to bargaining principally, strikes were examined in their many presentations. With these, we should be able to appreciate collective bargaining on either side (management or labour).

Recommendation

A paper of this magnitude requires certain communiqués on the way forward. Below are the recommendations:

Appropriate rules and guides for day to day office relations must be reviewed to reflect the changing times.

These rules and guides must not only be captured on paper but also enforced adequately.

The frequent and better communications between the actors in industrial relations; occasioned by sincere dealings.

The idea of collecting bargaining is one of meeting half-way in terms of the demands and concessions by the respective parties. Hence, there must be give and take.

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