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EFFECTIVENESS OF MEDIATION AS THIRD-PARTY CONFLICT RESOLUTION MECHANISMS ON INDUSTRIAL HARMONY IN TEACHING HOSPITALS IN NIGERIA.

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Abstract

This study examined the effectiveness of third-party conflict resolution through mediation mechanism on industrial harmony in teaching hospitals in Nigeria. The selected hospitals are Federal Teaching Hospital Ido-Ekiti (3371), Obafemi Awolowo University Teaching Hospital Complex (OAUTHC), Ile-Ife (4175), University College Hospital (UCH), Ibadan (4546), Ondo State University Medical Sciences Teaching Hospital Akure (2820), and Lagos University Teaching Hospital, Idi-Araba (3518). In all, there are 20,475 union members in the study area representing the study population in the selected hospitals. This study combined different sampling techniques to select respondents for the survey. A total of 400 respondents were selected among the thirty-six (36) union bodies in the study area. Additionally, 2 key informants (two union leaders/executives) were purposively selected in each of the hospitals based on their assumed in-depth knowledge of informal conflict resolution mechanisms in settling disputes, giving a total of 12 Key Informant Interviewee (KII). Findings showed that perception respondents regarding mediation mechanism in settling dispute was indicated that 42.3% (165) of the respondents showed high effectiveness, 55.6% (217) showed moderate effectiveness while 2.1% (8) showed low effectiveness. The use of mediation mechanism will first help to achieve peaceful relationship between government and staff ($x = 3.59 \pm 1.174$). Secondly, use help in achieving the fulfillment of government agreement made to hospital staff ($x = 3.58 \pm 1.141$) and thirdly help to achieve to favourable employment policy ($x = 3.57 \pm 1.075$). Regression analysis in Table 4 shows that mediation mechanism significantly contributed to fulfillment of government agreement of workers in teaching hospitals ($R^2 = 0.427$, $F = 30.240$, $p < 0.01$). On the whole, mediation predicted 42.7% dispute resolutions in achieving peaceful relationship between government and staff; fulfillment of government agreement and favourable employment policy in teaching hospitals. This study concluded that third party resolution by mediation mechanism can be used to ensure the fulfillment of government agreement to staff to avoid disputes between hospital staff and employer (government) and thus, significantly promote industrial harmony in teaching hospitals in Nigeria.

Introduction

Conflict often results in a waste of valuable time and resources but it is inevitable in any organization (Akpapere et al., 2021). A crucial component of organizational existence is conflict and this is because conflict brings about industrial harmony including cooperation, consensus, friendship, amicability, tranquility, understanding, conformity, compatibility, goodwill, unity as well as peaceful relationship between the employees and the employer (Pembi et al., 2023).

Conflict resolution involves a process where the result is achieved through collaboration between conflicting parties to define the conflict and their relationship (Ezekiel & Abdulraheem, 2022). It is a non-coercive approach that aims to address the underlying reasons behind the disagreement and build a non-power-based relationship once it has ended. The goal is to ensure mutually, enduring satisfying outcomes that fulfill the needs of both parties without one party gaining at the expense of the other.

One of the formal mechanisms often used for resolving conflicts in many organizations is collective bargaining (Ebong & Ndom, 2020). The formal recognition and widespread use of collective bargaining is a method of resolving disputes in both the private and public sectors have been driven by its perceived ability to control arbitrary behavior in the industrial sector, provide equitable representation for all parties, and enhance the rapport between employers and employees, and allow for the periodic enhancement of workers' working conditions to higher standards (Ebong & Ndom, 2020).

Mediation is an informal use of intermediary where the trade union (employees) does not engage directly with the opponent

(employer). Thus, the employees need to identify someone with whom the employer is willing to communicate indirectly and who can act as a mediator (Zamroni, 2021). This person may be someone educated and respected in society, such as a priest, lawyer, teacher, client, or Oba/Emirs. Alternatively, the person may be an influential individual with authority and power who would be difficult to reject as a mediator. It might also be an organization with significant influence. Since this process is voluntary, the employer must agree to the mediation or to communicating through an intermediary (Munduate et al., 2022). The benefits of mediation include its affordability and efficiency, as mediators are available to help parties resolve a dispute. Mediation schedules are flexible and can be easily arranged to accommodate the parties' convenience. The procedure for mediation is relatively straightforward compared to courtroom proceedings. Parties have the opportunity to modify and refine the scope of their conflict during mediation. Mediation allows for adaptable and customized solutions. The available remedies typically involve monetary compensation, and the settlements reached through mediation are generally more acceptable to the parties involved than court judgments (Dike, Toby & Elekima, 2020).

Once again in 2021, the National Association of Resident Doctors (NARD) went on strike. Prior to the strike, an agreement was reached between NARD and the Nigerian government on 31 March, with amendments made on 9 April, 2021. This agreement aimed to address the concerns of the doctors regarding alleged mishandling of interns' postings and compensation, non-payment of COVID-19 allowances, non-payment of resident doctors' training fees, and delays or non-payment of salaries in certain states. However, NARD later claimed that the government had failed to implement the

terms of the agreement, leading to the initiation of the strike on 2nd August, which concluded on 22nd August, 2021 (Nyango & Mutihir, 2021).

The formal procedures for managing conflicts have not been able to adequately address industrial conflicts which are necessary for achieving industrial harmony. One of the identifiable drawbacks of formal mechanisms is the failure of one of the parties to fulfil its part of the agreements (Fajana and Elegbede, 2021). For instance, the lackadaisical attitudes of employer (government) to often fulfil their part of agreement emanating from collective bargaining is that in Nigeria, the courts cannot enforce collective agreements because they are not included in employees' contracts of employment (Opute & Mahmoud, 2022). In a study conducted by Iwunze (2013), the author's stance is that the existing legal environment concerning the legal standing of collective agreements in Nigerian law could disrupt industrial peace and harmony, leading to significant hardship for employees. The author argues that Nigerian courts have consistently upheld the common law principle by not enforcing collective agreements in court due to the lack of privity.

The main objective of the study is to examine the effects of third party conflict resolution through mediation on industrial harmony in teaching hospitals between government and hospital staff in South-West Nigeria. Specifically, the study:

- i. examine the effect of mediation conflict resolution mechanism on the fulfilment of government agreement to staff;
- ii. investigate the effect of mechanism conflict resolution

- mechanism on favourable employment policies; and
- iii. investigate the effect of mechanism conflict resolution mechanism peaceful relationship between government and staff of teaching hospitals.

Methodology

This research was conducted in the South-west geopolitical areas of Nigeria, which encompass six states: Ekiti, Lagos, Ogun, Ondo, Osun, and Oyo. The South-west geopolitical zone has nine (10) public (Federal and State owned) teaching hospitals. The population of this study comprised all members of the six (6) trade unions including Association of Resident Doctors (ARD); Medical and Health Workers Union (MHWUN); National Association of Nurses and Midwives (NANNM); National Union of Health Professionals (NUHP); Non-Academic Staff Union of Educational and Associated Institutions (NASU); Medical Consultants Association of Nigeria (MDCAN) in teaching hospitals in South-West, Nigeria.

Name of selected hospitals are Federal Teaching Hospital Ido-Ekiti (3371), Obafemi Awolowo University Teaching Hospital Complex (OAUTHC), Ile-Ife (4175), University College Hospital (UCH), Ibadan (4546), Ondo State University Medical Sciences Teaching Hospital Akure (2820), and Lagos University Teaching Hospital, Idi-Araba (3518). In all, there are 20,475 union members in the study are representing the study population in the selected hospitals

A descriptive survey approach was adopted for this research. This decision was made because it enabled the gathering of insights from a representative group within the intended population (Siedlecki, 2020). The research employed both questionnaires and

key informant interviews (KIIs) as the primary methods for collecting data. It was concluded that relying on a single method was not sufficient to ensure the research outcomes were both comprehensive and precise. The combination of mixed-methods enhanced the reliability of the research results, as it allowed for the creation of strong data through the integration of both quantitative and qualitative information. This approach was chosen because each method has its limitations, but these shortcomings are offset by the strengths of the other.

This study combined different sampling techniques to select respondents for the survey. The first stage involves the selection of one public teaching hospital per state using simple random technique. At this stage, six teaching hospitals were selected. Afterwards, in each of the six teaching hospitals, the extant six union bodies were purposively selected. Lastly, using a proportional sampling technique, four hundred (400) respondents were selected among the thirty-six (36) union bodies in the study area. Additionally, 2 key informants (two union leaders/executives) were purposively selected in each of the hospitals based on their assumed in-depth knowledge of informal conflict resolution mechanisms in settling disputes, giving a total of 12 Key Informant Interviewee (KII).

Descriptive and inferential methods of analysis were employed to analysis quantitative data collected using Statistical Package for Social Sciences (SPSS) version 23. Specific objective was analysed with descriptive tools including frequency count, percentages, mean and standard deviation while multiple linear regression analysis was used to determine the predictor variable in the independent variable. Accordingly, acceptance of null hypotheses was determined at $p \leq 0.05$. Ordinary least square regression is a method for estimating the

unknown parameters in a linear regression model. As for the qualitative analytical method, content analysis was used to analyse the qualitative data from the Key Informant Interview. Important expressions and quotations by the respondents were reported verbatim to enrich and buttress the quantitative data from the survey.

Results and Discussion

Perception of Respondents on the Effectiveness of Mediation Procedure in Resolving Conflicts between Government (Employer) and Hospital Staff

The ranking order of respondents' perception on the effectiveness of mediation procedure in resolving conflicts between government and hospital staff are presented in Table 1 while Table 2 grouped the respondents by level of effectiveness on mediation procedure.

Table 1: Perception of respondents on the effectiveness of mediation procedure in resolving conflicts between government (employer) and hospital staff (employees).

Media tion	SA	A	U	D	SA	Mean ±SD	Ra nk
The mediator was preferred for mediation	138(35.4)	143(36.7)	47(12.1)	60(15.4)	2(0.5)	3.91±1.063	1 st
The mediator helped to explore different options to resolve dispute	120(30.8)	181(46.4)	26(6.7)	59(15.1)	4(1.0)	3.91±1.032	2 nd
Every staff is fairly treated and respected throughout the mediation process	122(31.3)	116(29.7)	44(11.3)	106(27.2)	2(0.5)	3.64±1.197	3 rd
Mediation process is clearly explained to all staff	54(13.8)	157(40.3)	69(17.7)	103(26.4)	7(1.8)	3.38±1.073	4 th
Mediation is impartial and all parties are treated equally	83(21.3)	130(33.3)	30(7.7)	142(36.4)	5(1.3)	3.37±1.211	5 th

According to Table 1, respondents agreed that: mediator was preferred for mediation ($x = 3.91 \pm 1.063$) which ranked first, mediator helped to explore different options to resolve dispute ($x = 3.91 \pm 1.032$) ranked second position, every staff is fairly treated and respected throughout the mediation process ($x = 3.64 \pm 1.197$) was ranked third position, mediation process is clearly explained to all staff ($x = 3.38 \pm 1.073$) was ranked fourth position and mediation is impartial and all parties are treated equally ($x = 3.37 \pm 1.211$) was ranked fifth position as the least mediation attributes indicated by respondents. Findings show that the top mediator attributes that make it an effective mechanism for resolving disputes were its preference among staff, exploration of different options to resolve dispute, every staff is fairly treated and respected throughout the mediation process. Consequently, mediation can be considered effective in teaching hospitals if staff prefer the choice of using it probably for some specific dispute that can be best handle by mediator, when other dispute resolution mechanism are in place to support mediator, and when the mediation process is conducted in fair and respected atmosphere for both parties involved.

Table 2: Level of Effectiveness of Mediation Mechanism

Level	Obtained score	Frequency	Percentage	Mean ± SD	SA	Mean ± SD	Rank
High	19 – 25	165	42.3		2(0.5)	3.91±1.063	1st
Moderate	12 – 18	217	55.6	18.21 ± 3.85	4(1.0)	3.91±1.032	2nd
Low	5 – 11	8	2.1		2(0.5)	3.64±1.197	3rd

Minimum to maximum possible score = 5 – 25.

Source: Field Survey (2023)

Individual respondents were grouped in Table 2 based on the total score obtained on the perception regarding mediation mechanism in settling conflicts as presented in Table 2. The table show that 42.3% (165) of the respondents showed high effectiveness, 55.6% (217) showed moderate effectiveness while 2.1% (8) showed low effectiveness.

Findings imply that staff of teaching hospitals relatively agreed that mediation mechanism is moderately effective in resolving conflicts between hospital staff and employer. The conditions for considering mediation as effective mechanism were situation where staff prefer the choice of using it probably for some specific dispute that can be best handle by mediator, when other dispute resolution mechanism are in place to support mediator, and when the mediation process is conducted in fair and respected atmosphere for both parties involved. In support of this finding, a respondent stated that:

In resolving conflict between government and teaching hospital staff, the role of the third party is vital and inevitable. The effectiveness of the third party is hinged on their truthfulness and forthrightness in speaking both to the government and the employees. The third party mechanism has worked so effectively here in our organization. For instance, there was a time when staff had issue with conversion and upgrading despite additional or advanced certificates generating agitations by the staff, but an influential figure was contacted and by his mediation, the issue was effectively resolved averting disaffection and industrial action. Similarly, on the payment of teaching allowance, a mediator was consulted who did a wonderful

job and by virtue of his effort, today, the payment of teaching allowance has come to stay sustaining harmony within the system... (KII, non-medical staff, 15/11/2023, Ondo State University Medical Sciences Teaching Hospital (UNIMEDTH), Akure).

In agreement with the findings of this study, several studies have similarly found that mediation mechanism is effective to resolve disputes involving medical staff in China (Wang et al., 2020),

Malaysia (Khan et al., 2020), Indonesia (Widjaja, 2020), and Switzerland (Schaad et al., 2019). The mediation process is anticipated to be reasonably effective because it has demonstrated its effectiveness as a valuable method for resolving conflicts and promoting efficiency, fairness, and the expression of opinions in labor relations. Initially, it creates an environment where the involved parties can communicate openly. Additionally, in terms of efficiency, mediation is a swifter, less expensive, and less harmful process for the parties involved, and it is more inclined to produce a satisfactory outcome compared to adversarial, win/lose formal procedures. Finally, fairness has traditionally been assessed in relation to the concept of justice and the fundamental assessments of procedural fairness made by the participants (Garcia et al., 2019).

Industrial Harmony to Achieve by Third Party (mediation) Conflict Resolution Mechanisms

This section of the study is concerned with the analysis of the perception of respondents on the industrial harmony that could be achieved through the use of third party resolution mechanisms (mediation). Details of the results of analysis are displayed in Table 3.

Table 3: Industrial harmony to achieve by third party conflict (mediation) resolution mechanisms

Industrial harmony	Very High	High	Low	Very low	Never	Mean±SD	Rank
Peaceful relationship between government and Staff	108(27.7)	102(26.2)	119(30.5)	35(9.0)	26(6.7)	3.59±1.174	1 st
Fulfillment of government agreement	109(27.9)	91(23.3)	125(32.1)	49(12.6)	16(4.1)	3.58±1.141	2 nd
Favourable employment policy	99(25.4)	103(26.4)	112(28.7)	75(19.2)	1(0.3)	3.57±1.075	3 rd

Based on perception of respondents on industrial harmony to achieve in Table 3, use of mediation mechanisms will first help to achieve peaceful relationship between government and staff ($x = 3.59 \pm 1.174$). Secondly, use of mediation resolution mechanism is expected to help in achieving the fulfillment of government agreement made to hospital staff ($x = 3.58 \pm 1.141$). The third achievement to expected happen is favourable employment policy ($x = 3.57 \pm 1.075$). The study therefore suggests that mediation should be a supplement to collective bargaining. A respondent from Ondo State University Medical Sciences Teaching Hospital (UNIMEDTH), Akure in agreement with this claim stated that:

I think the third party conflict resolution mechanism is a good intermediary tool between the government and the employees as on some occasions the labour unions may not have fruitful engagements with government on issues concerning the employees. However, with the help of influential figures like the traditional rulers, political leaders and the likes for whom the government have soft spot, success could be better achieved. The third party medium could be an effective tool in resolving conflicts and ensuring industrial harmony when the right personalities are involved. This should be people that are close to the grassroots and as well connected to the government (KII, Federal teaching Hospital Ido-Ekiti, non-medical staff, 20/11/2023, Ido-Ekiti).

Test Significant Relationship between Third Party Conflict Resolution Mechanisms and Industrial Harmony

Ho: Mediation does not significant influence industrial harmony (peaceful relationship between government and staff; fulfillment of government agreement and favourable employment policy).

Table 4: predictive linear regression showing third party conflict resolution mechanisms to achieve industrial harmony.

Industrial harmony	B	Std. Error	Beta	T	P	Lower Bound	Upper Bound
Peaceful relationship between government and staff	0.023	0.018	0.075	1.26	0.209	-0.013	0.058
Fulfillment of government agreement	0.071**	0.018	0.238	3.887	0.000	0.035	0.106
Favourable employment policy	0.011	0.015	0.04	0.732	0.465	-0.019	0.041

Dependent variable: mediation process to solve conflict in teaching hospitals

R-square = 0.427, Adjusted R square = 0.416, Std Error = 1.073, F-stat.=30.240, Sig.=0.000, **implies significance at $p \leq 0.01$

Source: Field Survey (2023)

The result from regression analysis in Table 4 shows that mediation mechanism significantly contributed to fulfillment of government agreement of workers in teaching hospitals ($R^2 = 0.427$, $F = 30.240$, $p < 0.01$). On the whole, mediation predicted 42.7% dispute resolutions in achieving peaceful relationship between government and staff; fulfillment of government agreement and favourable employment policy in teaching hospitals.

The coefficient of fulfillment of government agreement ($\beta = 0.071$, $p < 0.01$) was positive and significantly achieved through mediation procedure. In the case of fulfillment of government agreement, the null hypothesis is rejected while the alternative is accepted. This implies that mediation can possibly be employed to significantly ensure the fulfillment of

government agreement to staff in order to achieve industrial harmony hospitals. Mediation is a fair process to effectively maintain industrial harmony. This finding is closely attributed to the primary goal of mediation process in resolving conflicts. Firstly, mediation, as described by Ewulum et al. (2017), is an approach to resolving conflicts that involves a neutral third party working to assist conflicting parties in finding a solution they can both agree on without being legally bound to it. The aim of mediation is to ensure that each party feels they have been listened to and treated justly during the proceedings. The concept of fairness is regarded as a key cornerstone of the mediation process. As Shapira (2012) noted, fairness is a key consideration within the mediation community. Impartial and unbiased conduct is essential for a mediator to act fairly, ensuring evenhandedness and lack of discrimination. It is important for the mediator to acknowledge and address the varying differences and power imbalances of the parties involved. A fair mediator demonstrates respect and dignity towards the parties, takes their views and concerns into consideration, and refrains from pressuring or coercing them into reaching a settlement (Saundry et al., 2018). In order to ensure fairness, literature revealed that mediation sessions must involve the presence of all parties, with the parties having control over the process and an opportunity to express their views. Additionally, party decisions within the process should be voluntary, informed, and based on adequate information, with access to independent legal advice. It's important for a fair mediation to be free from significant power imbalances between the parties, with both parties treating each other with dignity and respect while avoiding intimidation and abusive behavior (Elgoibar et al., 2019).

Conclusion

This study has shown that third party resolution by mediation mechanism can be used to ensure the fulfillment of government agreement to staff to avoid disputes between hospital staff and employer (government) and thus, significantly promote industrial harmony in teaching hospitals in Nigeria. Suggested conditions to apply mediation as effective mechanism in settling disputes between hospital staff and government (employers) are situation where staff prefer the choice of using it probably for some specific dispute that can be best handle by mediator, when other dispute resolution mechanism are in place to support mediator, and when the mediation process is conducted in fair and respected atmosphere for both parties involved.

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