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THE CONTINUED RELEVANCE OF STRIKE AS A FORM OF INDUSTRIAL ACTION IN NIGERIA

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Introduction

In many companies, the single biggest problem facing the Human Resources Department is that of industrial relations. The size of the task obviously depends on how good or bad these relations are and some companies may even have a main board of directors responsible purely for industrial relations. This would involve setting up a good communication system between management and the representatives of organised labour. It is the human resources manager's responsibility to recommend and create good communication systems between management and representatives of organized labour. Although for example at 'shop floor level' supervisors and managers will normally attempt to settle problems with union representatives, the personnel department will be available for advice. Should disputes reach higher levels, then the personnel manager will represent the company in negotiations with chief stewards or other senior union officials. In some instances, periodic, usually annual, negotiations between union officials and the company regarding wage and salary levels and other forms of employee compensation, might be delegated by the general manager to the personnel manager. The personnel manager will also negotiate with union officials from outside the company (i.e from union head office) when circumstances so require. To avoid turning industrial relations into a permanent fire-fighting operation according to study text in banking (1983), the personnel manager and his staff must communicate in depth with representatives of organized labour. The union representatives have to be encouraged to bring their recommendations concerning changes in conditions of employment to the attention of the personnel manager.

Despite all the above, misunderstanding does occur between management and labour unions leading to strike action by employees. The matters arising from strikes raise a lot of issues, which are of profound economic, political and social importance in a country. The 1988 and 2000 strikes according to Aremu (2001) were visible and perceived as threats to the state. The dimension of the strikes was also officially acknowledged to be significant and remarkable. According to the Central Bank of Nigeria (CBN) Annual Report and Statement of Accounts (1988:45), the "relative peace in industrial relations which exist in 1987 was disturbed in 1988". Among other factors responsible for the 'turbulent industrial unrest', the increase in the price of petroleum products was singled out in that year. The man-day losses due to the strike were reportedly on the increase. Also, the Lagos Chamber of Commerce and Industry (LCCI) according to Aremu (2001), estimated that the economy lost some N40 billion to the one-week strike of 2000. The LCCI in view of Aremu (2001) described the strikes as "the most paralysing... ever witnessed in the country". The significance of the workers' strikes also lies in the scale of the strike.

It is in the light of all these that industrial relations will be examined in this paper. We shall argue a case for the continued relevance of strike the action to industrial relations in Nigeria.

However, in the discussion, we will first tackle the meaning of industrial relations, its environmental context in Nigeria, understanding the concept of strike as a form of industrial action and then give reasons for embarking on strikes. The paper is concluded with recommendations.

Meaning of Industrial Relations

The field of industrial relations, according to Appleby (1987), among other things, covers prevention and settlement of trade dispute; helping to form and maintain machinery of joint consultation; keeping in close touch with the state of employer-employee relations and advising the firm or the government on industrial relations problems.

Disputes may be settled by negotiation, conciliation, arbitration, investigation and formal enquiry. Each trade or industry's union regulations in view of Appleby citation must be known by the personnel officer. That is personnel managers need to have a thorough knowledge of procedures of consultation and negotiation and the function of consultative bodies. Loss of output through industrial disputes seems to increase yearly and the proportion of strikes which occur without union support has also increased.

In the view of Salawu (1995), the subject matter of industrial relations covers a wide range of approaches. He went further to state that as a system it has been concerned with structural and formal relationships between employees and managers which is otherwise called labour management relations. To him therefore, this definition implies that there is no clear cut distinction between industrial relations and what is now called labour management relations. This view is sustainable considering the fact that historical precedence has shown that labour management relations is rooted in wage employment during the industrial revolution-a subject from which industrial relations as a discipline is derived.

From the meanings of industrial relations so far it will be seen that it involves dealing between employers and employees to achieve peaceful or mutual co-existence in the work place for the maximum attainment of the objective of the organisation. That is, one can see either industrial relations or labour management relations as the behaviours and interaction of work groups aimed at securing co-operation between the management and the trade unions at the work place to obtain efficient method of production. The logic of industrial relations is to make management see labour not as a machine to be turned on and off at pleasure. It must likewise try to make employees see that their jobs and welfare are closely related to the prosperity of the business. The business cannot long exist if it does not yield some returns to those who have put in the capital to run the business or achieve the objective or aim for which the organisation is established. The state also plays an important role in regulating the practice of industrial action even though it is itself an employer.

Environmental Context of Industrial Relations in Nigeria

The crucial elements of the Nigerian system of industrial relations in the view of Fashoyin (1992) include the environment, which influence the actors as well as their goals, ideology and power, or inputs. These in turn influence the behaviour of the actors, especially in the process of rule making, both procedural and substantive, on the whole gamut of industrial relations. What emerges then is the output, in the form of rules and their administration. Both behaviour and output are emerging responses of the actors.

In the Nigerian society the behavioural expectations of both the worker and the management, personnel' as well as those of government officials are naturally different. Often, the actors expect a pattern of behaviour, which is not necessarily consistent, or in conformity with practices in modern industrial management. By and large, the employer is seen, as in the traditional system as a father or elder and for this reason, usually does not accept the worker as his equal. To take a very simple illustration, it unthinkable that a clerk in an office will address his superior officer by the latter's first name. This pattern of relationships tends to indicate that the actors' perception of leadership, seniority and authority differ markedly from that of western industrial societies. The Africans system of social relations is strongly rooted in paternalism, and this is taken to the workplace where organisation of work, largely based on western values is different.

Unfortunately, the reaction of the expatriate or Nigerian manager very often does not fit this pattern of social expectation in work place. That is, if the expatriate manager who is often ignorant of the cultural values of his or her subordinates, fails to appreciate this cultural imperative his or her supervisory ability is automatically called to question. In the same vein, the Nigerian manager who is often enticed by western ideas and value and thus rejects or dismisses the cultural under tone of human relations within this system is equally likely to experience the same fate as the expatriate. In both cases, the manager may conclude erroneously of course, that workers' protest whether individually or collectively, have been masterminded with the aim of sabotaging the organisation or undermining his or her leadership position. What the worker expects is certainly different from what western management principles offer. He wants a manager who recognizes him while he concedes to the manager's seniority or leadership.

Furthermore, in Nigeria, industrial relations according to Ubeku (1983) appear to have shifted from the concern for the establishment of voluntary system to guide the trade unions and the employer's organization to that of compulsory collective bargaining and government scrutiny and regulation of agreement reached by the labour and management. In other words, there is now government intervention, which has been justified for a number of reasons.

For example, Yesufu (1984) argued that the bargaining position of labour is weaker than that of the state so much that the workers' liberty of contract held so sacred by the laissez-faire philosophy seldom materializes. This situation usually results in the degradation of labour and exploitation of workers compelling the government to intervene and mitigate the harsh facts of labour exploitation. Yesufu (1984) insisted that the desire to maintain a reasonable and acceptable standard of living, social welfare, improve the national per-capita income especially in developing

countries, the urgent need for increasing economic diversification and industrialisation, and the maintenance of political and social stability, all go a long way to reinforcing the logic of state intervention in economic and social relations. So, as the guardian of social conscience and welfare in any nation, he argued that the issue is not whether the state as represented by the government should intervene in labour-management matters as in other economic and social relations, but rather the extent and form which such intervention should take.

Understanding the Concept of Strike as a form of Industrial Action

Strike, according to Flippo (1982) is a concerted and temporary withholding of employee services from the employer for the purpose of exacting greater concessions in the employment relationship than the employer is willing to grant at the bargaining table.

To Fashoyin (1992), strike indicates a breakdown of cordial relationship between labour and management and is usually the one aspect of industrial relations that invites the most negative commentary.

The summary of the definitions of strike given above is that it is an organised stopping of work by employees because of a disagreement over pay or conditions of work between employees and management of an organisation. The possibility of a strike is the ultimate economic force that the employees can bring to bear upon the employers.

Many types of strike have been embarked upon by employees of varied backgrounds and professions, the prominent ones include:

Recognition Strikes: This is a strike to force the employer to recognize and deal with the union. This occurs if the employer deliberately frustrates the formation of workers union or if the union exists at all, the employer pretends as if such union does not exist.

Economic Strike: This is the typical strike, based on a demand for better wages, hours and working conditions than the employer is willing to grant.

Jurisdictional Strike: When two unions argue about which has jurisdiction over a type of work and attempt to exert pressure upon the employer to allocate it to one or the other, jurisdictional strike may ensue. For example both carpenters and metal workers wish to handle metal doors. If either group strikes to force the employer to grant the work to its members, this is a jurisdictional strike. The employer is caught in the middle between two warring unions.

Wildcat Strike: Wildcat strikes are the quick, sudden and unauthorized types of work stoppages. Such strikes are not approved by union leadership and are contrary to the labour agreement. They are sometimes viewed as a form of "fractional bargaining" by a subgroup of employees who have not achieved satisfaction through regular grievance processing or collective bargaining procedures.

Sit-down Strike: When the employees strike but remain at their jobs in the plant, this is termed a "sit-down strike". Such strikes are illegal since they constitute an invasion of private property. Employees are free to strike for certain objectives, but they must physically withdraw

from the company's premises.

Sympathy Strikes: If other unions who are not party to the original strike consent to strike in sympathy with the original union, this is termed a "sympathy strike". It is an attempt to exert an indirect pressure upon the employer.

Reasons for Embarking on Strike

A complex of different factors contribute to the causal chains that lead to unofficial strikes. Korpi (1981) has disclosed that the dispute register at union headquarters of selected industries contains information on the reasons given for strikes but because of incompleteness and ambiguities in the information available, a classification of the reasons given for the strikes is rather unreliable. Nevertheless, this dispute register according to Korpi can yield valuable clues to the causes of the strikes. He then grouped the reasons given for the strikes into the following seven categories. We are adopting this grouping because it appears to have captured common reasons that usually lead to strikes.

Health Hazards: Some strikes have occurred in situations where continued work has been considered to involve health hazards. It may be due primarily to low temperatures at place of work, drought, smoke, bad ventilation, etc. Here, the employees would have been complaining to the management without positive response. If the condition complained about now aggravates, workers will have no choice than to proceed on strike.

Wages and Earnings: This appears to account for close to half of all strikes. That is in connection with the settings of piece-rates, unpaid wages, low wages due to technical failure or new work methods, allowances and prolonged wage negotiations. In Nigeria, a critical review of strikes will reveal that most bothered on wages and earnings. Whenever workers go on strike it always has to do with earnings. The June 2001 strike of medical doctors was mainly on better earnings. The April-June 2001 Academic Staff Union of Universities (ASUU) strike also partly falls under this category.

Managerial Authority: At times strikes concern the extent of managerial authority, including managements' limitation on workers rights (e.g. through rules and regulations) as well as the exercise of managerial authority (e.g. through discipline actions against workers). This refers to management approach to bargaining relations with the union. For instance, where management develops a negative policy toward unions, disputes and strikes are inevitable. Even where a positive policy is evolved, management approach to bargaining and the implementation of agreements may be a source of conflict and strikes. Indeed, non-implementation of collective agreement is a continuing source of conflict in Nigeria. A recent example is the strike embarked upon by ASUU, April-June 2001, as a result of the Federal Government refusal to sign the earlier agreement of 18 December 2000 between it and ASUU.

Protest Against Disciplinary Measures: Another common reason for strikes has been protests against disciplinary measures. That is strikes embarked upon as a support for workers subjected to disciplinary measures by management. Some of the specific grievance include

disciplinary measures against workers, unjust treatment, harassment and right of organisations.

Improper personal behaviour of management representative in wage negotiations:

Another relatively frequent type of reason for strikes has been related to the execution of management representatives during wage negotiation.

Improper personal behaviour of management representative in other situations: Here, we may have issues relating to protest primarily against work and time. For example, the improper ways sturdy men and supervisors treat workers can be a major factor in this regard.

Protests against workers Disloyalty to collectivity: Strike may be embarked upon as a protest against some workers refusing to join union, or working too hard.

An Assessment of Strike as a Form of Industrial Action

Since the late 1960s according to Korpi (1981), industrial conflict has tended to increase in many countries. In most countries according to Korpi, relatively small and short work stoppages (strike) appear to be the most common form of industrial disputes. The work stoppage can be seen as an expression of the conflicts of interest between management and workers, capital and labour.

Now we will attempt to argue for work stoppage (strike action) as an industrial relation tool in Nigeria. In Nigeria, experience has shown that the only language understood by employers when workers are pressing for demands is strike. That is, strike is a very important means of ensuring favourable employment conditions.

The procedure for the settlement of trade disputes in Nigeria is essentially the same for both the public and private sectors and is regulated by the Trade Disputes Act.

The argument against the right to strike in the public sector in Nigeria rests more on the impact of the strike on the economy, public health and safety, than on the sovereignty doctrine. If however the right to strike is denied, then there ought to be an effective and mutually satisfactory method of regulating employment conditions in the public sector. Yet, collective bargaining in this sector is subsidiary to other methods of employment regulation. These other methods i.e civil service rules and wage commissions, are by and large, unilateral determination since they preclude real participation of employees.

Given the inequities that are usually associated with unilateral decision-making and the unwillingness of the public employer to use the bargaining machinery, the role of strike as a means of ensuring favourable employment conditions in the public sector as earlier mentioned becomes crucially important. In other words, without effective collective bargaining, the strike is the main avenue for giving potency to negotiation. It is therefore an effective means of conducting industrial relations in the public sector. Available evidence clearly supports this assertion.

In 1980, a demand by the Nigeria Labour Congress (NLC) for a national minimum wage was ignored by government, and only a 2-day nation-wide strike induced management to negotiate which ultimately led to the enactment of the Minimum Wage Act of 1981.

In 1982, after more than one year of futile attempt by the Civil Service Technical Workers

Union of Nigeria (CSTWUN) to negotiate with management over the 10-15 percent increase in salary allowed under incomes policy guidelines, the union embarked on a 3-day strike. The strike induced the management (official) side to negotiate the union demand.

In 1992, the Babangida regime announced a national minimum wage for civil service. Civil Servants had to embark on strikes in many states before it was implemented.

Also, the Abdulsalami Abubakar regime that ushered in the present civil administration approved a national minimum wage in 1998. Again, civil servants in most states of the Federation had to embark on strike before the various state governments implemented the minimum wage.

Also in June 2000 the Nigeria Labour congress (NLC) had to call out workers for strike in order to force the Federal Government to shelve its idea of increasing the pump price of oil from N20 to N30. The Federal Government was then forced by the strike to settle at N22.

The Nigeria Medical Association (NMA) after much threat have to go on strike for eighteen (18) days beginning from 28th May 2001 before the government acceded to their demand.

The latest of such strike as a weapon is the April 2001 FGN/ASUU face-up on the agreement earlier on concluded on December 18, 2000, which the Federal Government refused to sign. The Academic staff Union of Universities (ASUU). National Executive Council (NEC) had to direct all its members throughout the Federation to proceed on an indefinite and total strike with effect from 2nd April 2001. After three months of strike, the Federal Government of Nigeria eventually signed the agreement, though with modifications.

Conclusion

In a nutshell, one will see that there are three sides in any industrial conflict. At one time, it was thought best to ignore this fact, and it was said that only in those firms where management and unions were united would there be any really good human relations. Now industrial sociologists have clearly stated that conflict in itself is no bad thing. Where it is dangerous is where conflict is destructive but it is possible to use conflict in such a way that from it constructive solutions can be forthcoming.

Furthermore, it is clear that in Nigeria the only language understood by employers and government (as the largest employers of labour) is strike. That is the only weapon which serves as a last resort when workers are demanding for one thing or the other. From our discussion it will be seen in most cases that not until workers embark on strike will employers or government yield to their demands. So given the contemporary situation in industrial relations in Nigeria, strike action, as an industrial relation tool will continue to be relevant.

Recommendations

At this stage we proceed to proffer some recommendations that would be of immense help in tackling strike-related issues. The leadership of union calling for strike should not have a different agenda from the generality of the members. That is the leadership should not be selfish

and opportunistic in their approaches to union matters. The leadership should not appeal to members' sentiment to raise dust in an attempt to destabilise the system. It should be remembered that the union exists because the system is functioning. The employees should desist from selfish, unpopular and diversionary goals, such can only destroy the system and its culture and structure.

Strike should always be used as a threat. It should be used only after all legitimate avenues for dialogue have been shut. That is by encouraging every motion toward achieving peace in work environment through dialogue. There is the need to discourage the adoption of any chaotic strategies and tactics to enforce any disagreement in any system, moreover when we are no more under military regime. We should also be made to separate striking issues from non-striking issues. That is not all issues necessitate a strike. Matters of discipline of erring members should be separated from welfare-oriented issues. It must be noted that while welfare oriented issues can be backed up by strike action when persuasion fails, matters of discipline of erring members however requires an appeal.

Furthermore, if it becomes necessary to go on strike, in the process of prosecuting the strike, the executors of the strike should not resort to a vindictive, personality warfare against key persons in management, that is, people with whom negotiation or dialogue is anticipated for an eventual resolution of the crisis.

Again during any type of strike, the employer or management should have a well thought out plan for functioning during the work stoppage. For instance in a factory, it must be made sure that the plant is left in good physical condition; explaining the employer's side of the issue to the employees and notifying suppliers and customers are few steps in the right direction.

Employers should also do all in their power, short of violating law and public policy, to win the strike. Yet they must be aware of the fact that they have to live and work with these striking employees when the work stoppage is over. It should not be a way of making permanent enemies of any large group personnel.

All machinery should be put in place to avoid strike. That is if harmony and cooperation are the sole objectives, the employer should have given up if the demands could be accommodated before the strike stage was ever reached.

If strike therefore become inevitable, efforts should be made to make it brief to avoid complications. That is a situation whereby some members will break the strike since they cannot withstand long period without receiving pay. They cannot afford unnecessary hunger for themselves and their family. This becomes more critical especially if the union has no strike fund from where it can pay the salaries of its members.

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