

Industrial Disputes and Negotiation Skills in Local Government Administration in Nigeria

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Abstract

This paper examines industrial disputes and negotiation skills in local government administration in Nigeria. In particular, the paper looks at the concept, nature and dimension of industrial disputes, causes of industrial dispute, and the impact of negotiation skills and dispute resolution in Nigerian local government system. Using historical approach, the paper looked at evolution of industrial dispute in Nigerian local government system with a view to understanding how the present can be appreciated and prepare for the future. The unitary theory of industrial dispute was used to understand the social reality of both employee and employer as it related to workplace ethics. The paper found that negotiation skills is not prominent within the local government system in Nigeria, that most of the negotiations within the local government system is carried out by outsiders indicating a draught of negotiation skills within the local government system. Furthermore, trade unions within the local government system do not have adequate training on how to handle industrial disputes and when the need arise; negotiation skills for speedy resolution of incompatible goals. The paper recommends that regular communication between managers of local government and employees is very important in preventing industrial dispute. Also, regular training will help enhance the skills of local government employees for better performance. Importantly, fair policies, having effective mechanisms for resolving disputes and collaborative dialogue between local governments based unions and management will help in promoting harmonious workplace culture.

Keywords: Industrial Dispute, Negotiation, Local Government, Industrial Harmony, Labour.

Introduction

Industrial disputes and negotiations are an integral part of labour relations in any workplace, including local government administration. These disputes can arise due to a range of issues, from pay and working conditions to job security and workplace safety. Because of this, it is important for local government administrators to have strong negotiation skills so they can deal with these problems and find solutions that are good for everyone. Effective negotiation skills are grounded in active listening, empathy, and the ability to understand and work within the legal and regulatory frameworks that govern labour relations in the public sector (Reychler & Paffenholz, 2001). This requires a deep understanding of the issues at stake as well as a willingness to engage in constructive dialogue and collaboration with employees, management, and elected officials. By working on these skills, local government administrators

can build good relationships with employees and unions, create a productive and peaceful work environment, and, in the end, make sure that their communities get the public services they need.

In the view of Comboh (2014), any disagreement over the employment or non-employment of any person, their terms of employment, or the conditions of their labour, is referred to as "industrial conflict." It can also happen between workers, between employees and employers, or between workers. Every human being (for example, a labourer) has certain requirements or needs, such as economic needs, social needs, and security needs. When these conditions aren't met, the worker and the capitalist or employers have a disagreement.

Industrial disputes (Philip & Adeshola, 2013) happen often because the goals and objectives of staff and management in a company (like a local government) are often different. For example, employees often want

better health and safety, while management may want more people to leave and do better work. A trade dispute could happen if both the employee and the employer are always trying to reach individual or group goals. Because of this, the Trade Dispute Act of 1976 and the International Labour Organization (ILO) were made to help solve industrial disputes in any organized society where there have been improvements in government, business, and communication.

According to Anyim et al. (2012), industrial disputes have been on the increase in Nigeria. Recent and ongoing industrial disputes between the Academic Staff Union of Universities (ASUU), the Academic Staff Union of Polytechnics (ASUP), the Nigerian Labour Congress (NLC) on minimum wage, and the Joint Health Sector Union (JOHESU), to name a few, show that the government's recent white paper (October 2018) to stop industrial disputes with the "No Work, No Pay" clause has not worked; the associated cosmos is especially interesting and important. It's clear that long-lasting labour disputes have been dangerous for workers, organizations, and the country as a whole (Uma et al., 2013). From the past, it's clear that employment and other problems that have nothing to do with work are the main causes of industrial disputes in Nigeria.

Local government is a type of public administration that, in most cases is the lowest level of government in a given state (Chukwuemeka et al., 2014). The term, local government is used to contrast with offices at the state level, which are referred to as the central government, national government, or (where appropriate) federal government, and also with government at the supranational level, which deals with governing institutions between states (Hooghe & Marks, 2010). Most of the time, local governments only do things that are allowed by laws or orders from higher levels of government.

In an empirical study of industrial conflict and management in the Nigerian local government system in Enugu state, Chukwuemeka et al. (2012) observed that one of the most fundamental issues continually destabilizing the survival of the Nigerian local government system is the issue of labour conflict and management, and in particular, a poor organizational framework for managing

conflict resulting from an ineffective leadership style as opposed to a democratic leadership style. Ezema (2007) also says that local government workers in Nigeria are often restless and confrontational when it comes to issues that affect them as a group, like when the government doesn't keep some of the agreements it made with the workers about their jobs. The government perceives the workers as being lazy, uncooperative individuals who always hold labour meetings and plan drastic actions against them. This situation usually results in industrial disputes between the local government and its employees. This paper therefore seeks to explore requisite negotiation skills needed for amicable resolution of industrial disputes in Nigerian local government system for optimal performance.

Conceptualization Industrial Dispute

Human societies have been characterised by disputes/conflicts and in particular industrial societies. It is because goals and means to attain goals are incompatible, conflict because unavoidable and thus require resolutions through negotiation with stakeholders especially in a country like Nigeria where industrial disputes/conflicts have become prevalent (Ogunbameru & Oribabor, 2000). In industrial societies, the failure of the parties to an employment relationship (employers and employees represented by their unions or groups) to come to a consensus on any matter pertaining to the subject of employer-employee interactions is known as industrial conflict (Ebong & Ndum, 2020).

Abolade (2022) perceived industrial dispute is a disagreement or conflict about work-related issues such as pay, working conditions, hours of work, benefits, job security, and other employment-related concerns between employers and employees or between groups of employees. These disagreements may result from varying expectations or interests, miscommunications, or divergent views on how to handle problems at work. Strikes, lockouts, work stoppages, picketing, and other kinds of protest or disruption are only a few of the many possible forms that industrial disputes might take. The breakdown of amicable connection between labour and management could also be

considered as the cause of industrial conflicts. Hence, the unpleasant, unbalanced, and adversarial contact and relationship between and among the parties involved in industrial interactions is what leads to industrial conflict (Kaufman, 2004). Interpretatively, industrial dispute denotes a deteriorating relationship between and among parties tied by industrial relations. Industrial dispute could be between labour and management or between labour and labour parties.

Wokoma (2011) observed that most of the literature on industrial dispute refers to strike as the most obvious type of industrial dispute. Strike signifies temporary cessation of work in order to pursue a complaint or demand Fajana (2000). Strikes have become a prominent method of voicing workplace complaints especially in a capitalist society like Nigeria where the elite display wealth in the face of the masses who are living in poverty.

Negotiation

The term negotiation originated from the Latin word “negociacion” or negotiationem” and it emerged in early 15th century, years down the line, the term developed to being the act of dealing with other persons or groups and now as we know it today as dialogue or discussion between two or more people for the sole purpose of voluntarily reaching a settlement over conflicting issues (Moschou, 2020). Cohen (1982) sees negotiation as an area of knowledge and endeavour that focuses on winning the favour of individuals from whom we want things. Thompson (1990) observed that negotiation is a process of communication and decision-making between two or more parties who seek to reach a mutually acceptable agreement or resolution to a conflict or issue.

Negotiation typically involves a give-and-take exchange of proposals, offers, and concessions, with each party seeking to achieve their desired outcomes while also taking the other party's interests into account. Two broad strands of negotiations are prominent in literature, these are synergistic and strategic approaches to negotiation. Synergistic negotiating procedure comprises the phases of preparation, relationship building, information exchange, negotiation, progression, and agreement; while strategic negotiation is about

communication process between two or more parties to come up with an agreement that will be a win-win for all parties (Jang et al., 2018). Apparently, most definitions of negotiation see it as a process the only difference lies in the explanation of the process.

Theoretical Framing

Theoretically, the unitary theory is used in this paper. A number of social thinkers, including economist like Milton Friedman and management expert Frederick Winslow Taylor, contributed to the development of unitary theory. It is challenging to identify the theory's originator or school of thought, but in the context of labour relations, Jackson (2001) opined that unitary theory has been particularly influential in the United Kingdom, where it was developed in the 1980s by a group of management scholars known as the "new management thinkers", who were swayed by the thoughts of scholars like Peter Drucker and William Edwards Deming, as well as by the work of Japanese management theorists such as Kaoru Ishikawa and Akio Morita.

Charles Handy, Tom Peters, and John Seddon are also prominent members of the new management thinking movement. These intellectuals argued for a more participative and cooperative management style, highlighting the value of employee empowerment, ongoing innovation, and client happiness. They also called for more flexibility and adaptation and critiqued the traditional hierarchical systems found in many corporations. These scholars argued that industrial relations could be improved by adopting a more collaborative and participatory approach to management, and by minimizing the role of unions in the workplace (Deery et al., 1999).

In social and political science, unitary theory refers to the hypothesis that all aspects of social, economic, and political phenomena may be explained by a single, dominant force (Glynos & Howarth, 2007). In the view of unitary theorist, this one element can explain social reality completely and that all other factors are auxiliary or derivative (Da Costa & French, 2003). The unitary theory identifies an organisation as comprising of groups of individuals who have and share same goals, and work as members of one team.

The perspective of this theory is that industrial organisation as an entity unified by one aim, and that is success. In unitarism, as articulated by Rajendra (2014), the organisation is viewed as a seamless, harmonious whole. The theory's fundamental premise is that all members of the organization, management, employees, and customers share the same goals. The ideology also demands that all workers be loyal, and views trade unions as superfluous, and views dispute as disruptive.

When the unitary theory is viewed from the perspective of the employee, the working principles are supposed to be flexible, and employees should be business driven, highly skilled, and ready to address any challenge that is required of them (Edwards, 2003). On the existence of trade unions, they should only serve the purpose of communication between employer and employee. A critical look at the unitary theory in the context of labour relations, reveals that employers and employees have a single, unified interest and that disputes only occur when this interest is improperly understood or expressed. They support a more cooperative and amicable relationship between management and employees and see unions as superfluous and destructive. Ultimately, the appropriate approach to resolving industrial disputes will depend on negotiation skills management and local government employees have, as well as circumstances and the interests of the parties involved.

Historicity of Industrial Disputes in Nigerian Local Government System

The Nigerian system of local governance has a history of industrial disputes dating back to the colonial era Chima & Abdulhamid (2015). The modern local government system began with the reforms of 1976 which was aimed at bringing governance closer to the people. However, the system has been plagued with various challenges, including industrial disputes. Berger (2009) observed that during the colonial era, industrial disputes in the Nigerian local government system were mainly focused on wages, working conditions, and colonial administration policies. Some examples include; The Aba Women's Riot of 1929 which was a significant protest against the colonial administration's policies in south eastern

Nigeria. Women, who were the main participants, protested against the imposition of taxes, the use of local courts to collect debts, and the appointment of Warrant Chiefs (indigenous rulers) who collaborated with the colonial administration.

Another example is the Enugu Coal Miners' Strike of 1949, which was a significant industrial dispute that occurred in eastern Nigeria. The workers went on strike to demand better wages, working conditions, and an end to racial discrimination. The strike lasted for several months and resulted in the deaths of several workers (Brown, 1988; Akpala, (1965)). The Nigerian Railway Strike (1953) is another significant industrial dispute that occurred in western Nigeria's colonial era. In a review by Ayoola & Yusuf (2021) they noted that the railway workers went on strike which lasted for several weeks, to demand better wages and working conditions. The strike resulted in a national crisis, with goods and people unable to move across the country. Furthermore, the UAC Workers Strike of 1964 is also a significant industrial dispute that occurred in Lagos, Nigeria. Oyemakinde (1974) observed that workers at the United Africa Company (UAC) went on strike to demand better wages and working conditions. The strike lasted for several weeks and resulted in the disruption of the company's operations.

Scholars like Akume & Abdullahi (2013) and Shah and Thompson (2004) are of the view that in recent years, industrial disputes within the local government system in Nigeria have remain prominent. Some of the examples are; Non-payment of 16 months salaries to local government staff in Oyo State in 2016 as reported by (Oluwagbemi, 2017), the local government workers embarked on a strike to demand the payment of their salaries, which were several months in arrears. The strike lasted for several weeks and disrupted local government operations throughout the state.

In 2019, local government workers in Kaduna State embarked on a strike to protest the alleged arbitrary dismissal of over 4,000 staff members and the non-payment of entitlements to retired staff. The workers also demanded a stop to the alleged irregular recruitment and promotion of staff in the state (Daily Trust, 2021). So also in 2020, the local government

workers in Osun State embarked on a strike to demand better welfare and working conditions. The workers accused the state government of neglecting their welfare and failing to provide basic amenities such as electricity and water in their workplaces.

Historically, one of the major causes of industrial disputes in the local government system in Nigeria is the non-payment of salaries and allowances. This has been a recurrent problem over the years, with local government workers often going on strike to demand the payment of their salaries. Another cause of industrial disputes in the local government system is the non-implementation of collective bargaining agreements. Unions representing local government workers have often accused local government authorities of failing to implement collective bargaining agreements reached during negotiations.

Furthermore, there have been disputes over the issue of staff recruitment and promotion. Unions have accused local government authorities of nepotism and favouritism in the recruitment and promotion of staff, leading to tensions and strikes. In addition, there have been disputes over the issue of welfare and working conditions. Local government workers have complained about poor working conditions and the lack of basic amenities in their workplaces, leading to strikes and protests.

Overall, the history of industrial disputes in the Nigerian local government system reflects a systemic failure in governance and management. While there have been efforts to address the root causes of these disputes, including reforms and negotiations, the problem persists, and it remains a major challenge for the local government system in Nigeria.

Negotiation and Dispute Resolution in Local Government System

Negotiation and industrial disputes are common occurrences in local government systems worldwide. These disputes often arise when employees or labour unions perceive that their interests are not being adequately represented or when their rights are being violated. Local governments must handle these disputes effectively to maintain a harmonious relationship with their employees and to ensure the smooth functioning of the government

(Agranoff & McGuire (2003).

Eldridge (2013) noted that in Africa, negotiation and industrial disputes in local government systems are also common occurrences. These disputes are often related to issues such as inadequate pay, poor working conditions, job security, and lack of benefits. Additionally, corruption and political interference can exacerbate labour conflicts and hinder effective resolution of disputes. In some African countries, labour unions have been successful in advocating for workers' rights and improving working conditions. However, in many cases, local governments have been slow to respond to labour demands, resulting in prolonged industrial action.

To address these issues, some African countries have adopted policies and strategies aimed at improving labour relations and resolving disputes. For instance, the African Union adopted the African Social Charter, which outlines basic labour rights and standards for workers in member states. Additionally, some African countries have established independent labour courts or tribunals to adjudicate labour disputes. However, Reddy et al. (2005) observed that there are still challenges in implementing labour policies and ensuring effective labour relations in local government systems in Africa. Some of these challenges include weak legal frameworks, inadequate resources for labour inspection and enforcement, and limited access to justice for workers. Some prominent examples are in South Africa, Kenya, Ghana, Nigeria and Uganda.

In 2018, municipal workers in South Africa went on strike to demand better wages and working conditions. The strike lasted for several days and affected waste collection, water supply, and other municipal services. To address the dispute, the government and labour unions negotiated a new wage agreement, which included a 7% salary increase and other benefits. In 2020, Kenya's healthcare workers in Nairobi County went on strike to demand protective gear and better working conditions in the midst of the COVID-19 pandemic. To resolve the dispute, the county government and healthcare workers' union negotiated an agreement that included the provision of protective gear, the hiring of additional staff,

and improved working conditions.

Also, in 2019, workers in the Ghanaian local government sector went on strike to demand better pay and working conditions. To address the dispute, the government and labour unions negotiated a new wage agreement, which included a 10% salary increase and other benefits. In 2018, local government workers in Nigeria went on strike to demand the payment of salary arrears and improved working conditions. To address the dispute, the government negotiated with labour unions and agreed to pay the salary arrears and improve working conditions. Lastly, in 2021, teachers in the Ugandan local government sector went on strike to demand better pay and working conditions.

In Nigeria in particular, there have been several disputes in the Nigerian local government system, and different approaches to resolution have been used. Here are some examples of disputes and how they were resolved:

In 2014, there was a dispute over the traditional rulership of the Ikere-Ekiti community in Ekiti State. The dispute arose when two individuals claimed to be the rightful monarch of the community, and the community was divided over the issue. The state government intervened and set up a committee to investigate the matter. The committee conducted hearings and consultations with the parties involved and eventually recommended a candidate for the throne. The state government accepted the recommendation, and the candidate was installed as the traditional ruler, thereby resolving the dispute.

In 2019, there was another dispute between the local government areas in Delta State and the state government over revenue allocation. The local government areas claimed that the state government was withholding their share of the revenue allocation, while the state government maintained that it was due to the poor financial management of the local government areas. The dispute was eventually resolved through mediation, with the intervention of the state governor and other stakeholders. The parties involved reached an agreement on revenue allocation, and the dispute was resolved. In 2020, there was also a dispute over land ownership between two

communities in Ogun State. The dispute arose when one community claimed ownership of a piece of land that the other community had been using for farming for many years. The matter was taken to court, and after several months of litigation, the court ruled in favor of the community that had been using the land for farming. The community that claimed ownership of the land appealed the ruling, but the appellate court upheld the lower court's decision, and the dispute was finally resolved.

In summary, disputes in the Nigerian local government system can be resolved through various approaches, including mediation, arbitration, negotiation, and litigation, depending on the nature and complexity of the dispute. Historically therefore, Industrial dispute in local government system in Nigeria is categorised into three strands: industrial dispute between Labour Unions and Local government administrators, dispute between two or more local governments, and dispute between state governments and local governments.

Impact of Negotiation on the Functioning of Local Government System in Nigeria

Negotiation plays a critical role in the functioning of the local government system in Nigeria (Tunde, 2011). Negotiation can be an effective tool for resolving conflicts and disputes in the local government system. In the view of Shamir (2016), by bringing together conflicting parties to discuss their issues and find a mutually acceptable solution, negotiation can help to prevent disputes from escalating and disrupting the functioning of the local government system.

Negotiation can also help to improve decision-making in the local government system by facilitating communication and collaboration among stakeholders (Osee, 2019). Through negotiation, local government administrators can work with employees, community leaders, and other stakeholders to develop policies and initiatives that are fair and effective (Booher, 2004). Negotiation further promotes employee engagement in the local government system (Elgoibar et al., 2016). Elgoibar (2016) further observed that by involving employees in decision-making and problem-solving, negotiation can help to create a more positive workplace culture and improve

employee morale and job satisfaction. Negotiation also promote greater accountability in the local government system by involving stakeholders in decision-making and problem-solving, negotiation can help to ensure that decisions are transparent and accountable to the public (Pandeya, 2015). Finally, negotiation can help to improve service delivery in the local government system by fostering communication and collaboration among stakeholders, negotiation can help to identify and address issues that may be hindering the delivery of services to the community (Hilvert & Swindell, 2013).

In summary, negotiation can have a significant impact on the functioning of the local government system in Nigeria by promoting conflict resolution, improving decision-making, engaging employees, enhancing accountability, and improving service delivery.

Conclusion/Recommendations

Since the days of colonialism, Nigerian local governments have had trouble dealing with labour disputes. Unfortunately, Nigeria has not fully exploited the potential solutions available to industrial disputes at various levels. The observed situation in the management of industrial disputes in Nigeria can be attributed to several factors, such as corruption, favoritism, a lack of training in negotiation skills among local government managers, and bias.

Nigeria's local governments have had their fair share of labour disputes caused by employees who didn't like their working conditions, policies, pay, or the way the organization handled things. This paper is therefore of the opinion that the use of effective negotiation skills is a viable instrument available for resolving industrial disputes in Local government administration. To this end, this paper suggests that both employers and representatives of workers should at all times embrace the tenets of negotiation as a means for resolving industrial disputes in local governments.

Here are some recommendations for addressing and preventing industrial disputes in local government administration:

1. Local governments should be open and

ensure regular communicate between management and employees. Managers should inquire about how their employees are coping. This can help to prevent misunderstandings and conflicts from escalating into disputes.

2. It is necessary to ensuring that policies guiding work ethics and procedures that are followed are fair and transparent. There should be no ambiguity so that employees will understand what they are expected to do and not do. This will help to prevent disputes over policies and changes to policies.
3. Providing employees with training and development opportunities can help to improve their skills and knowledge, which can lead to improved job satisfaction and reduced disputes.
4. Having clear and effective mechanisms for resolving disputes and grievances can help to prevent conflicts from escalating and becoming more serious. Lastly, encouraging collaboration and dialogue between union representatives and management can help to promote a more collaborative and harmonious workplace culture.

By following these suggestions, local government managers can try to avoid labour disputes and create a positive, productive work environment that is good for both employees and the organization as a whole.

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