Trade Union and Conflict Resolution in the Public Sector

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Abstract

This paper discusses the review of literature related to the subject of the role of trade union in conflict resolution. It is embarked upon in order to know the position of experts and the direction of research. The literature review covers areas that include industrial relations, the trade union, conflict and conflict resolution, causes of industrial conflict in the public sector, conflict resolution mechanisms. The paper argues that Industrial conflicts expressed in whatever form pose cost to all industrial relations actors. It recommends that government should engage the union early enough on all issues that may likely affect the workers. The Unions should also engage their members early enough to obtain their mandate, buy-in and understanding. Both parties should work together to resolve issues fairly, effectively and expeditiously. The paper concludes that the quality of labour-management relations in any organisation determine whether the enterprise will harness the positive contributions of labour unions on productivity and by extension, the achievement of the enterprise strategic business plans or whether the enterprise will not benefit from the labour unions.

Introduction

In recent years trade disputes especially those of intra and inert union cases have resulted in litigations in the law court. Some disputes had led to the institutions of more than 30 court cases involving different trade union. It has become the order of the day among trade union leaders to take the intra and inter union, disputes to civil courts rather than use settlement machinery provided from them under the trade disputes act of 1976 (Amendment decree).

In the past ten years the history of industrial relations in the Nigerian public sector is marked by incessant industrial actions. The public sector have experienced as many periods of industrial unrest. Trade disputes are often declared by the trade union in the public sector. the main ones are the trade dispute declared against the government, some of the disputes had been successfully resolved through internal negotiations, while others have been resolved through mediation and conciliation by a third party in an amicable procedures. Damachi (1974) pointed out that, if the assertion that conflict is a sine-qua-non for survival is anything to go by, then one can understand that for management and labour to retain their identities, they must disagree and act on the disagreement.

Iwuji, (1984) in his paper titled "settlement of Trade Disputes" stressed that all

workers are alike in the sense that they desire recognition, satisfaction, fair wages and salaries, security of jobs and good working conditions. The basic principle of a union is that its members have common interest. Meanwhile, the employer who more often than not, has his own interest alone at heart, feels that a worker should be retained only when it is profitable to use labour rather than any other factors of production. It is found often times that employers with this kind of ideology tend to subject their workers to the barest minimum of standard working conditions. The industrial conflict should be managed to be extent that it would be more functional and less dysfunctional and properly managed so as not to lead to disputes.

This paper discusses the review of literature related to the subject of the role of trade union in conflict resolution. It is embarked upon in order to know the position of experts and the direction of research. The literature review covers areas that include industrial relations, the trade union, conflict and conflict resolution, causes of industrial conflict in the public sector, conflict resolution mechanisms.

Statement of Problem

Industrial conflicts expressed in whatever form pose cost to all industrial relations actors. It leads to loss of income and tenure. The effect of industrial conflicts on the union leaders could be serious as they face threats from both employer and employee sides. Management of industrial disputes in the public sector organisation in Nigeria has become a difficult task. Sometimes the stipulation of the trade disputes decree of 1976 on the procedure has been grouted through the arbitrary use of power by government in forcefully resolving the dispute. This usually keeps the lid over the dispute first for a while. Very often negotiations have broken down because of inability of the parties at the dispute to make concessions to each other's demand thereby reaching the compromise which had earlier been suspended resumes because of the inability of the government to meet with the term of settlement earlier reached.

Authorities do not always pay attention to unions when they raise issues, which concern the union members and the society at large. This kind or attitude can only result from a divergent view and conflicting ideas and purposes. They are also an expression of an irregularity between the management and workers, it is this divergent view that leads to conflicting interest, which will not only check conflicts, but will also increase productivity and workers commitment to their work.

The bone of contention in this study is to study issues like wages and wage-related matters like wage rate, allowances and bonus, benefits and so on; conditions of service like hours of work, promotion and job status; industrial relations like anti-unionism, violation of agreement etc. in some cases government policies on general matters also bring about dispute between government and the working population, for example, in June 27, 1986 President Babangida (the then military President) announced a Structural Adjustment Programme (SAP). This programme set government on one side and the working population on the other. Another case was that of 1996 when the Nigerian Labour Congress and The Trade Union Congress embarked on a six months strike during the regime of the late despot Sanni Abacha (the late military President of Nigeria) more than one conflict arises between union and government. The same industrial action had risen not because of disparagement between the government and the trade union members but was a sympathy action in support of members in another institution who are embarking on industrial action against the government. In case it becomes difficult to call back the striking members to work through first consultants in the public sector solidarity and sympathy strikes are difficult to resolve because the legal procedures of mediation and conciliation have always prove abortive. It is often resolved when the real actions in dispute resolve the issues at dispute. Another case was that of 2002 when the NLC and the TUC embarked on a very long strike which almost paralysed the economy during the regime of Chief Olusegun Obasanjo and the

most recent one which lasted for seven days when government removed fuel subsidy.

On the employer, loss of production, loss of executive time, loss of patronage, and loss of output are recorded. Other losses are inability to meet customers' demand, inability to supply customers' orders on schedule, loss of profits, increased personnel costs in terms of hiring, training and employment of strike breakers and loss of goodwill. On the state, social and development plans are disrupted. In closely integrated industries, such as oil, conflict at any stage of production is likely to lead to disruption in the forward – linked states with serious problems to the entire economy. If conflicts are followed with large wage concessions, cost push and excess liquidity inflation in the national economy are fuelled. A strike prone country record low international credit rating and is not likely to attract investment.

Conceptual Explanations of Trade Union and Conflict

Trade Union: There is no best way to define trade unionism other than reviewing the views of authorities on the subject matter. Weber (1970) sees unionism as association of workers who by means of collective bargaining endeavour to improve their working conditions and thus enhance their economic and social positions. A trade union according to Clegg (1976) is a combination of employees for the purpose of regulating the relationship between employees and employers so that the pay and conditions of the employees may improve. Such regulation can be brought about in three main ways: bargaining with employer by the employees collectively; and statutory regulation.

Trade union is simply an organization of workers formed by such group of workers with a view to using it to protect their interests. According to the Trade Union Act (Amended) of 1978, a Trade Union is any combination of workers or employers, whether the combination in question would or would not, apart from the Act, be an unlawful combination by reason of any it's purposes being in restraint of trade, and whether its purpose do or do not include the provision of benefits for its members. Ile (2010) defined trade union as organizations of workers set up to improve the status, pay and conditions of employment of their members. The major activity of trade unions in most countries became collective bargaining over pay and conditions, with trade union officers also acting to resolve any grievances of individual members, or of small groups, within the work place. Collective bargaining defines by Flanders, (1970) as a social process that continually turns disagreements into agreements in an orderly fashion.

Fashoyin (1992) opined that the rationale of trade unionism is joint strength of the workers or employee members in employment regulations, or in making job rules, settling job values and for determining conditions of employment generally. These views of trade unions in regulating relationships in employment include; worker- employer relations, employee relations etc. Fashoyin's view is a demonstration of different types of relationships expected in any organization. Universities are not exception. It serves as a model of emulation. It is a reflection of effective employment relations in any employment situation by the employers/management, the workers organization and a third party. Damachi (1987) described the objectives of trade union to include, representing the job interest of the rank and file members and trade union leaders want to participate in the natural development process.

Conflicts: Conflicts are inevitable part of organizational life since the goals of different, stakeholders such as managers and staffs are often incompatible. Conflict is an unpleasant fact in any organization as long as people compete for jobs, resources, power, recognition and security. Schramm-Nielsen (2002) defines a conflict as a state of serious disagreement and argument about something perceived to be important by at least one of the parties involved while Azamosa (2009), says industrial conflict involves the total range of behaviour and attitudes that is in opposition between individual owners and managers on one hand and working people

on the other. However, there are many sources of organizational conflicts as categorized by Jones and George (2008) with each category having its unique characteristics.

Conflict is not in itself a bad thing. There are many reasons why it is a necessary part of the growth and development of individuals, families, communities, and societies. Conflict can help build community, define and balance people's needs as individuals with their needs as participants in larger systems, and help them face and address in a clear and conscious way the many difficult choices that life brings to them. Working through a conflict can be an important bonding and growth producing experience. The strength of social systems lies in part in how they prevent serious conflicts and, when conflicts do arise, how they address them so as to maintain system integrity and preserve the wellbeing of their members. By facing major conflicts, addressing them, reorganizing as necessary to deal with them, and moving on, social organizations adapt to changes in their environment. Understanding the dynamics of conflict therefore provides conflict resolvers and professionals with a basic tool for addressing the essential forces that shape the development of individuals and social entities.

Theoretical Framework

There are many theories which attempts to explain social relations in an organisation. For the purpose of this study, we shall examine theories of trade unionism and conflict theory.

Theories of Trade Unionism

There are some theories which tend to justify the existence and therefore, the essence of trade unions in any country or an economy. Such theories are espoused below.

The Webbs Theory: The theory is referred to as the Webbs theory for the mere fact that it was propounded .by Sydney and Beatrice Webbs, the founders of the famous London School of Economics, who happened to be husband and wife. The theory postulates that workers are primarily bound together for the purpose of improving and maintaining their working conditions. Therefore, the workers regard it as a way to economically motivate each other. Webbs believe that workers are directly concerned with the wages and all related allowances, compensation packages, and hours of workers. The Webbs argue that workers find themselves in a union because they realize that they are powerless fighting singly; hence the need to present a united front through their union in fighting for their rights and privileges.

Essentially, the Webbs postulate that when workers organize themselves into trade unions, they are interested in creating a potent means through which to pursue and achieve their economic freedom.

Frank Tannerbuam's Theory: Tannerbaum postulated that workers are driven to form unions as a result of the sense of feeling of being alienated from both the job and the society. Therefore, the workers strive to use the union avenue to relief themselves of such alienation. In essence, workers do form unions to create an avenue for collective and mutual relationship among themselves. Tannerbaum believes that this kind of security was provided to workers by the formation of guilds. Hence unions only sprang up to represent the guilds. Tannerbaum contended that workers, therefore, formed unions to recreate and to take place of former guilds and not necessarily for economic gain.

Conflict Theory

Conflict theory is derived from the classical work of Karl Marx. Max postulated that trade union is association of workers in which the workers organize themselves to overthrow the capitalist sector, which has been exploiting their industrial and then compete among themselves for available jobs. According to Max, the only way by which the workers can make their lots better is by forming unions, with which they will overthrow the capitalist, their employers who constitute themselves as the masters. Hence, the workers would be in a good stead to control the means of production and thereby improve their working conditions.

The root of conflict is social inequality in the society. Social conflict emerged as a result of struggle among segments of society over valued resources. Social conflict is the outcome of struggle among social groups.

This study focuses on inter-union conflict in organizations and its implications on industrial harmony. The conflict theory is useful for this study as it reveals causes of conflict among competing groups which industrial unions represents as in the case of this analysis in healthcare institutions. This study hopes to discover how industrial harmony can be enhanced in the face of possible conflict between and among industrial unions which conflict theory may be inadequate. In view of the inadequacy noted above, the study also made use of functional theory in terms of Merton's dynamic equilibrium postulation (Merton, 1968). Health organizations are open-social systems and can be analyzed using the structural functional theory. Hospitals which are health institutions are formal organizations with various parts (Departments and Units, as well as work groups and unions). These parts interact in their daily activities and relate with one another for the hospital to achieve its objectives. These groups are structures within the hospital and can be studied functionally. Merton (1968) considered function as objective consequences of pattern of action or activities on the system in which it takes place. In this regard, inter-union conflict is a pattern of action and industrial harmony is the manifest (expected) function. The theoretical framework in the study consequently involves, a synthesis of conflict and functional theory. Conflict theory guide analysis of inter-union relationship, while functional theory presents the expected consequence of inter-union relation (conflict) on the organization which is industrial harmony.

The Industrial Conflict perspective is based on the pluralistic conception of society. This perspective holds that in modern capitalist societies, political and industrial conflicts have become institutionally separated. Farnham and Pilmot, (1983) opines that "industrial conflict has become less violent because its' existence has been accepted and its' manifestations have been regulated". Yet, it accepts that conflict between managers and their subordinate is an endemic feature of work relations. This theory does not illuminate the realities of industrial conflict in the society. Political and industrial conflict in the society cannot be separated institutionally because to a very large extent, decisions and policies of the state affect what happen in the industry.

The Development of Trade Unionism in Nigeria

The advent of trade unions in Nigeria dates back to the colonial period when in 1912 there emerged the Nigeria Civil Service Union. From the epoch making trail, some other trade unions sprang up in various organizations both in the public sector and the organized private sector of the economy. Empirical evidence has it that over a thousand trade unions were formed between 1912 and 1978 before the military government intervention. In a restructuring exercise carried out by the military government in 1978, the number of trade unions in the country was reduced to 42. The number was further reduced to 29 by another military government in 1996. Since the advent of trade unionism in Nigeria, trade unions have not only protected the interest of workers (their members) but have also played prominent role in shaping the socio-political sphere of the country.

Trade unionism in Nigeria started during the colonial rule, precisely in 1912 at the advent of the formation of the Nigerian Civil Service Union which has membership strength covering all the then workers in the civil service in the country. A sprinter organization called the Nigerian Union of Railway Workers sprang up in 1931 as a result of government policy which spelt a reduction in wages of the workers, the intent of which was to fight inflation. The railway workers under the leadership of Michael Imodu reacted to the wage cut and they subsequently formed the Nigerian Union of Railway Workers. Hence the Nigerian Civil Service Union considered to be docile in fighting for the right of the workers was ditched by the railway workers, which later on became militant towards the colonial masters. The formation of the railway workers' union influenced other government workers to form their unions, notably the birth of the Nigerian Union of Teachers in

1931 as spearheaded by nationalists such as Rev. Kuti and Alvan Ikoku.

Antecedents to Labour and Industrial Conflicts in Nigeria

The genesis of industrial conflicts in Nigeria can be located within the pre and post colonial industrial structures. Artisans' organisations known as the guild systems survived before the advent of colonialism, which opened doors to official recognition of trade unions. The first formal Trade Union, the Southern Nigeria Civil Service Union (SNCSU), was formed in 1912, at a meeting attended by 33 pioneer members including weavers, hunters, potters and blacksmiths (Tokunboh, 2005).

The background factors that triggered the emergence of trade union in Nigeria were the colonial military expedition, the capture of Lagos in 1851 and the Benin Exploration of 1889 as well as the establishment of the Royal Niger Company in 1900. These factors led to modern intensive economic activities and labour administration which produced the institutional foundation in the emergence of formal trade unions in the country. The second formal trade union, the Nigerian Civil Service Union (NCSU) was established in 1914 following the colonial amalgamation of northern and southern protectorates. Then, the pitiable conditions of labour impregnated the conception that unionism is a labour tool of struggle against exploitations. However, in the early stage of trade union development in Nigeria, few industrial conflicts were recorded. For instance, on 9th January 1920, the Nigerian Mechanic Union embarked on the first official strike to resist insufficient wages, long hours of working, stoppage of war bonus, and non-payment of wages for public holidays. With the success of the 1920 strike, the colonial governors introduced trade union laws in their colonies. Thus, it can be deduced that after formal establishments of trade unions in Nigeria industrial conflicts became popular and have been discouraged by governments.

The 1938 Trade Union Ordinance and the 1973 Trade Union Act marked the centrality of state regulations in Trade Union development. In-between these periods serious industrial conflicts (strikes) broke out and were mismanaged but the power of the organised labour gathered momentum. After the Second World War, trade unions became more powerful in Nigeria. The African Civil Service Technical Workers Union (ACSTWU) organised the first general strike on 21 June 1945. The 1945 strike lasted for 45 days with participation of over 32,000 workers. Then, labour demanded for a 50 percent increase in cost of living allowance (Damachi, 1985). The political and ideological environment of collective bargaining became more hostile after the 1945 general strike as the state managed to disorganise the organised labour. Subsequently, Trade Union in Nigeria underwent several restructuring before the emergence of the NLC as the national centre of trade unions in 1976.

Industrial conflicts became unprecedented since the 1980s following the experience of adverse consequences of neoliberal reforms. Labour resisted government policies with the growth of dictatorship by enthusiastically embarking on general strikes in the following years: 1921, 1945, 1981, 1994, 2000, 2002, 2003 and 2004 (Otobo, 2006; Damachi, 1985). The NLC also successfully organised four general strikes between 2000 and 2007 (Komolafe, 2007). The 2003 strike remained the largest general strike in Nigeria. The NLC declared the strike to redress the policy of the Nigerian government, which adopted 54 percent increase in the prices of petroleum products. Since 2003, several industrial actions have occurred in Nigeria as a result of increase in pump price of petroleum products by the federal government in Nigeria. The most recent one is the January 2012 subsidy removal protest by the Labour Unions and Civil society organisations in Nigeria. This action has far reaching effect on the Nigerian economy.

Management of Strike and Industrial Disputes in the Public Sector

When a strike is embarked upon by a industrial union, there arises an industrial or trade dispute arising from some unresolved disagreement between the union and the management of an organization. In most cases, as you know, the disputes are resolved through negotiation or collective bargaining. In the event of failure to reach a compromise

by the two parties, a third party intervention is sought.

Collective Bargaining: This represents an internal mechanism for negotiation normally put in place towards resolving industrial disputes. The representatives of both the management and the workers meet at a round table to collectively discuss and resolve the issues at stake. The process involves representatives of each group coming together with the mandate to work out some solution to the raging dispute collectively.

Akubuiro (2008) observes that this represents a better way of ensuring democratic practice, rather than avoidance or withdrawal, in the workplace to achieve "integrative problem solving", through which people or groups must find ways of cooperating in the same organization on their basis of their own agreed rules and procedures. The third party intervention involves the use of a third party in the settlement of disputes or strikes. Such third party intervention involves a process, which goes some stages. These stages can be classified into distinct phases in a progressive manner as analyzed below.

Mediation: It involves an appointment of some people by both union and management. These people are normally the knowledgeable experts in industrial relations. In Nigeria, the officials of the Federal Ministry of Industrial and Productivity are normally involved in the mediation of disputes between industrial unions and their employers. The essence of mediation, as you are aware, is the need to make the union and management involved in the dispute to reach an agreement towards the resolution of the dispute or strike. As it were, the advice of the mediator is not binding on both parties.

Conciliation: Akpala (2008) described conciliation as a process of peace making and is a human institution that comes into use in all human field of activities including domestic, business, national and international political conflicts. Sometimes he said, conciliation is called mediation or good offices. Not minding, whichever name it is called, it refers to a system of setting differences between disputing parties in which a third party intervenes to promote a voluntary settlement of the disputing parties

to reduce the extent of their own proposed solutions. He observed that mediation, however, does little more than this. It implies a much stronger form of intervention because a mediator is permitted to offer to the parties proposals which they are free to consider towards their settlement. Ofoele (1986) observed that the practice of conciliation in industrial disputes has evolved mainly in connected with disputes arising from the failure of collective bargaining. He described conciliation as an extension of collective bargaining with a third party's assistance. Representatives of the parties in collective bargaining again represent the respective parties at the conciliation proceedings.

The issue of reconciliation comes into play when the mediators cannot resolve the dispute between the union and the employer. Fundamentally, the party that feels not satisfied by the intervention of the mediator will declare a trade dispute. This is an indication that the government should intervene. The government thereupon such declaration, will appoint a reconciliatory whose duty is to ensure the settlement of the dispute between the two parties. The conciliator's award is again not binding on the parties. Differentiate between mediation and conciliation as they relate to management of strikes.

Board of Inquiry: The board of inquiry as a fact-finding body is normally set up by the government to probe into the dispute and give recommendation on the way to resolve the problem. The board is usually constituted with membership drawn from a circle of those people who have expert knowledge in industrial relation. The statutory procedure for the use of the board of inquiry is incorporated in the Trade Dispute Act of 1976 such as follows:

The parties in dispute put it in writing to the Minister of Industrial that they cannot resolve their problem through voluntary means. The Minister of Industrial has the responsibility:

a. to appoint a person to act as a conciliator for the purpose of striking a settlement deal between the parties in dispute.

b. to constitute a board of inquiry where the reconciliation machinery fails to achieve settlement of the dispute.

c. to refer the dispute to the Industrial Arbitration Panel (IAP) when all efforts made fail to resolve the dispute.

d. to take the dispute to the National Industrial Court (NLC) for the settlement of the dispute. The National Industrial Court is the last resort in the event of prolonged dispute between a union and the management of an organization. The (NIC) acts as the final court of appeal for industrial disputes.

Industrial Arbitration Panel: According to Chukwu (2005) Arbitration is semi-judicial means of settling disputes in which both sides agree in advance to be bound by the decision of a neutral arbitrator or a panel of arbitrators. A neutral arbitrator can be anyone acceptable to both the management and union. He could be an attorney, an educator, or some other competent and respected individual. He may be selected in chosen from a list of five (5) to nine (9) potential arbitrators which the employer and the workers union can obtain from the federal mediation and conciliation service, a government agency.

Yesufu (1975) noted that when a panel of arbitrators is used, the union customarily selects one members of the panel and this member, in effect, serves as employers /management advocate. These two then select a third, or neutral member and all the three try the case, with a majority decision being on all parties. If the union and management or university arbitration panel members cannot agree on a third party, the advoc method of selecting a neutral arbitrator is usually followed. Obviously, the selection of a suitable neutral arbitrator is extremely important.

Akpala (2008) remarked that when conciliation fails and internal machineries for settlement have been exhausted, the matter can go to arbitration in between the disputing parties. It is however, different from conciliation in that the parties are not guided to further negotiation, but are requested to support the claims to the arbitrator and support the claims with all the facts and arguments in their command. But they leave the decision to be made by the arbitrator in the form of an award. This means that at the point of going to arbitration, the choice is between resort to, open trial of strength and conflict by strike or lock-out on the one hand, and reference to arbitration on the other. Arbitration thus provides a way out of a deadlock.

The panel as a standing body arbitrates over industrial disputes which are not amenable for resolution through the other means that might have been exhausted by the parties in dispute. The Industrial Arbitration Panel is usually made up of 10 members. Such membership includes a chairman, the Vice Chairman and other members. The Employers Association normally appoints two members and the workers organization appoints two members as well. The Minister of Industrial has the prerogative to appoint the remaining members of the Panel, who are supposed to be expert Assessors in industrial disputes.

The Industrial Arbitration Panel (IAP) is a tripartite agency set up under section 7 of the Trade Disputes Decree of 1969. It comprises a chairman, his deputy and 12 other' members, four of whom are nominated equally by employers and labour. Within seven days of the receipt of a report from the conciliation, the minister must refer unresolved disputes to the IAP, which has 21 days, unless an extension is granted to give its award. At the arbitration hearing, the parties are at liberty to be represented by counsel, although this is not mandatory (Akpala, 2008).

The responsibility of the panel centres on holding meetings to review the cases involved in the disputes and recommend appropriate award. This task must be carried out within a period of forty-two days in the absence of other period allowed by the Minister of Industrial. On the strength of the Panel's recommendation, the Minister is duty bound to publish the details of the Panel's award and gives twenty-one days within which any of the parties in dispute can raise objections to the award of the Panel. In the absence of any objection from both parties to the dispute, the Minister publishes the award of the Panel on the dispute in the government Gazette with the intent of confirming the

award. The dispute, however, goes to the National Industrial Court as may be referred by the Minister of Industrial, if there is any objection to the award of the Industrial Arbitration Panel.

National Industrial Court: The National Industrial Court has the responsibility for the determination of the disputes referred to it by the Minister of Industrial. The court as the last resort in cases of industrial disputes has membership of a president and other four members. The president must have been a judge of the high court and the other members must be reputable assessors, appointed by the Federal Executive Council. The law permits the president of the court, apart from the members as indicated above, to appoint four other persons, out of whom two are suggested by the employers association and two others from the union to assist the court for special opinions. The court has an exclusive jurisdiction to make final awards for the purpose of settling the disputes referred to it; and determine questions regarding the interpretation of any awards made by the Industrial Arbitration Panel and the terms of settlement

The court is to handle only cases which cannot be settled by the Industrial Arbitration Panel. Nevertheless, the Minister of Industrial has the right to refer a case to it without necessary going through Industrial Arbitration Panel especially if the case is essential one. The court is to handle cases within seven days of notice. The court is the final court of appeal in all industrial disputes. Nevertheless any party to a case who feels that his constitutional rights have been violated can appeal to the government, as the constitution takes precedence over the ruling of the court. Legal practitioners are allowed to stand for parties involved in cases in this court. The court can review its order.

Concluding Remarks

The quality of labour-management relations in any organisation determine whether the enterprise will harness the positive contributions of labour unions on productivity and by extension, the achievement of the enterprise strategic business plans or whether the enterprise will not benefit from the labour unions. It is essentially a case of what you sow is what you reap. If management sows a deliberate policy of good labour management relations they will reap the positive benefits of labour unions as the labour unions will partner with the management and ensure that the strategic business plans are achieved. If however management sows the evil seed of adversarial labour-management relations or the counterfeit of good labour-management relations such as passive labour-management relations or the culture of engaging labour unions only when there is crisis, they should hold themselves responsible for the poor business results that will accrue to the enterprise.

Trade Union has important roles to play in industrial relations. They help to maintain the system in some state of equilibrium in the contending pulls of the product market, organization efficiency, an employee security and government regulations. This state of equilibrium is hardly static but rather changes from time to time. Industrial conflicts for the most past, are normal and even necessary, they have both advantages and disadvantages for the organization and the society as a whole.

In this paper, we have implicitly stated what should be done to make for an effective trade union in conflict resolution process in the workplace. However, we wish to emphasize that; trade Unions should be very active in terms of fighting for the welfare of the workers. Workers should be able to feel their impact so that they can increase their level of performance on their job.

Government should decidedly aid collective bargaining by re-examining its current imposition of compulsory arbitration and limiting its use to exceptional cases that defy meaningful collective bargaining exercise. More so, government should, as a matter of necessity, honour the agreements collectively reached with its employees. If it deems it necessary to enter into any negotiation, it should also honour the collective agreement reached. This will make for an effective system.

Management should engage the union early enough on all issues that may likely affect the workers. The Unions should also engage their members early enough to obtain their mandate, buy-in and understanding. Both

parties should work together to resolve issues fairly, effectively and expeditiously. They could seek mediation where necessary as well as establish an effective procedure to resolve grievances. The use of social dialogue needs to be intensified in the management of disputes. Such stakeholders' meeting should be convened at the instance of the Ministry of Employment, Labour and Productivity to deliberate on issues before they escalate into full blown crises. Strategies which promote industrial democracy should be chosen by management as the preferred option in dispute resolution. Such strategies must include tolerance of workers opinions, readiness to engage in open discussions and deliberations on issues in conflict, willingness to deploy agreed internal conflict management strategies and willing to implement agreements reached in the conflict resolution process. Conflict preclusion structures should be put in place to address issues that can produce conflicts before they break open. In a similar vein, conflict situations should be promptly confronted and addressed whenever they occur rather than being avoided.

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