

The Role of National Industrial Court in the Settlement of Labour Disputes in Nigeria

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Abstract

In the field of industrial relations, a trade or labor dispute refers to a disagreement between an employer and an employee over the terms of their working relationship. There can be no doubt that labor disputes severely hamper the development and steadiness of any nation's economy. The unique legal considerations accorded to it in different parts of the world likely reflected this. Established in 1976, the Nigerian Industrial and Commerce Court (NICN) is charged with resolving commercial and labor issues throughout the country. Prior to the formation of the NICN, the ordinary courts, which were already overburdened with other responsibilities, were the ones in charge of mediating labor conflicts. This created insurmountable difficulties for workers who brought lawsuits against their employers, as getting a fair trial was significantly slowed down. Another problem was that traditional court procedures were too lengthy and complicated for a country that aspired to rapid industrialization and social and economic progress. Since it wasn't a superior court of record when it was established, the NICN had trouble getting its rulings enforced. Although the National Industrial Court of Nigeria (NICN) was formed by the National Industrial Act of 2016, which ostensibly recognized the NICN as a superior court of record, this did not remedy the situation because the NICN's legitimacy as a superior court of record had not been codified in the constitution at the time. On March 4, 2011, a new day had dawned for the NICN as President Goodluck Jonathan of Nigeria signed the country's new constitution into law (third alteration). The change allowed the NICN to better fulfill its mission of preserving industrial harmony and equilibrium. The extent to which the NICN has been able to alter critical issues stemming from the employer-employee relationship, such as wrongful dismissal, remedy of reinstatement, and unfair labor practices, is a subject the researcher endeavors to discuss. The researcher uses a methodology based on the deductive reasoning of statutes, case laws, scholarly publications, textbooks, and online resources. At the end of the study, the researcher came to the conclusion that the lack of essential labor provisions, the inability to ratify relevant ILO conventions, and some amount of positivism in labour judiciary have significantly hindered the efficiency of the NICN in positively effecting the relationship between employers and employees. The study concludes that changes should be made to our labor regulations to bring them in line with ILO standards, and that the government should

move quickly to ratify all ILO agreements that have a favorable effect on the relationship between employers and employees

Keywords: Disputes, Labour, National Industrial Court of Nigeria (NICN), Settlement.

1.0 Introduction

The "wear and tear" experienced by Nigerian courts as they perform their judicial functions in recent years is understandable. Judiciary in Nigeria has been weakened by resentment, animosity, strife, and fear (Ajayi, 2013). Unfortunately, the branch responsible for ensuring that the general public receives a fair and accurate interpretation of the law has been going through some rough patches. On time, disputes between workers and non-workers in Nigeria filtered into the country's court system over matters of superiority, autonomy, checks and balances, compensation schemes, and other terms of employment.

According to Nigeria's constitution, the country's judicial system is a transparent, multi-professional body that works together to keep the peace. The widespread misunderstanding of their function in the Nigerian society is a major impediment to the country's progress in all areas, but particularly the legal system. In other words, disagreements between attorneys and judges in the court system are compared to malignant wounds that are slow to mend. The disagreements have escalated without ceremony and are now seriously impeding the Judiciary's ability to do its job. As Mullins (2005) suggested, disputes still happen even though companies have taken great care to try to avoid it because they are an unavoidable form of human contact. Conflicts that were not properly addressed led to work stoppages. To this end, litigants have taken to the courts to air their concerns and settle legal issues. In addition to disrupting the apparently peaceful scenario in government, these distortions have had negative effects on the legal system, other parts of government, and society at large.

There has been continuous hostility and antagonism between different factions of labour in Nigeria, despite the government's efforts to pacify and maintain harmony, peaceful, and smooth operation of its many labour groups. Harmony in the labour force has been interrupted on numerous occasions by strikes on issues such as pay, job security, and who gets to be in charge. Because of this, it goes without saying that maintaining peace and unity in the industrial sector is crucial to the success of the Nigerian economy as a whole. Thus, the function of the National industrial court in settling labour disputes remain as a "superlative choice scenarios" when the aggrieved parties have opted to make the workplace a War zone, and the need to maintain an idyllic working environment in various sectors of the Nigerian economy. Therefore, it is necessary to address concerns that could spark disagreements and set the tone for hostility among the many professional communities operating in this field. Consequently, it is encouraging that Nigeria has established the National Industrial Court (NIC) as the highest appellant court to promote and maintain peace in the workplace.

When workers in any field in Nigeria get along, it helps keep everyone employed there healthy. As a result, the National Industrial Court (NIC) has been granted constitutional and judicial authority to mediate and adjudicate workplace disputes. As a result, the Federal Industrial Court in Ondo has relied on the National Industrial Court, among

others, to perform both an advisory and an adjudicative role over the years to keep the peace among the various professions. Through accurate understanding of status, awards, and rulings, NIC has also contributed to organizational harmony. As a result, this research paper looks at how the National Industrial Court of Nigeria handles labour issues. It will also look at the Federal Industrial Court, the overall Nigerian judicial system, and other sectors in Nigeria to see what role the National Industrial Court has played in the past, and what role it can play in the future, to bring about the desired industrial harmony.

2.0 Contract of Employment

A contract of employment is defined in section 91 of the Labour Act as any arrangement, oral or written, express or implied, wherein one person agrees to engage another as a worker and that other agrees to serve the employer as a worker. It should be noted that while the Labor Act does provide an oral contract of work, there are exceptions where a written contract is required, such as an apprenticeship agreement.

The law of contracts applies generally to employment contracts since they are contracts. Therefore, a contract of employment requires an offer, acceptance, consideration, a desire to create legal relations, the requisite capability, and the showing of these elements. Employment agreement terms could be written or verbal. The only exceptions to this rule are when the contract is for the employment of seafarers or for an apprenticeship, in which case it must be in writing. No one under the age of sixteen should be allowed to sign a contract of work, with the exception of apprenticeship agreements. However, contracts for necessities might hold a minor responsible even if they are too young to understand them. Determining an employment contract means the two parties have mutually agreed to stop their contractual relationship. There are two primary approaches that can be taken when deciding the terms of an employment contract. Examples of these are a company deciding to end an employee's contract early or a manager deciding to fire someone. While both termination of appointment and dismissal are negative for the employee, dismissal entails a stigma and denies the worker any benefits. A company's termination of a worker's contract need not be justified, but a dismissal without cause must be explained. Consequently, if an employee is terminated from his position, he is not entitled to notice or pay in lieu of notice, but the termination must have a valid basis.

The employer is not required to provide a cause for terminating the employment contract when giving notice or paying the employee in lieu of notice. In this regard, some experts have argued that the distinction as to notice should be eliminated, and that proper notice must be given to the other party whenever the employment is sought to be determined by either side. It is possible for it to be illegal or wrong to terminate an employment contract. When a method required by law or regulation is not followed, the act in question is illegal. A wrongful determination is an act that is inherently incorrect, such as breaking an agreement or an implicit agreement. Accordingly, contracts that enjoy legislative favour are more likely to be terminated or dismissed unlawfully, while typical master-servant relationships are more likely to be terminated or dismissed wrongfully.

Employer and Employee: According to Section 91 of the Labour Act, an employer is "any person who has entered into a contract of employment to employ any other person

as a worker either for himself or for the service of any other person," which includes an employer's agent, manager, or factor, as well as the personal representatives of a deceased employer. Workers are defined in the same section as anyone who has agreed to perform services for another party, whether as an employee or independent contractor, and regardless of whether the agreement is stated, implied, oral, or written. It is important to keep in mind that other legislation may have different definitions of employer and employee, and a claim may not be brought under such a statute unless the employer and/or employee in question fits under that term. It follows that a given individual can be considered an employee under the Employees compensation Act but not the Labour Act.

Conflict: When people, organizations, or states are at odds with one another due to competition for scarce resources, imbalances of power, or fundamentally divergent goals in any number of other spheres, we call this "conflict" (Akinyokun, 2018). We cannot escape conflict since our very survival depends on our relationships inside and across communities. While it's true that parties will inevitably have to contact with one another, which can lead to conflict, it's vital that any disagreements be settled peacefully. Goodhand and Hulme (2018) argue that conflicts become problematic when members of contending societies are unable to express, manage, or reconcile their differences in a reconcilable manner, hence promoting a degenerative or destructive cycle of physical violence.

Conflict has its roots in man's historical development. Throughout history, people and communities have fought and competed with one another over access to and control of limited resources, land, money, political power, and ideology. Conflicts have broken out between people and communities over the control of resources and commodities, with some resorting to extreme measures such as war and genocide (Ogeh, 2018). In addition, when multiple groups are competing for the same limited resources, conflict is inevitable (Peggey, 2015). It presents itself in any and all human interactions and social contexts. In light of people's obvious potential and innate differences, a lack of conflict indicates a one-sided relationship and the absence of genuine exchange. According to McNamara (2015), hostility can never be judged in a vacuum. Accordingly, its potential for good or ill depends on how energy is channeled. Additionally, disagreements can emerge when two or more people hold opposing beliefs, viewpoints, or opinions. Feelings of insecurity and dissatisfaction stemming from uncertainty and conflict feed the cycle.

Conflicts are incredibly common throughout all spheres of human endeavor and are a complex process characterized by a number of distinct characteristics. Galtung's Conflict Triangle model, which identifies conflict elements as structures, attitudes, and behaviors, is one approach to conceptualize the interplay between these factors. This framework for studying conflict was first proposed by Galtung. Structures, according to a later analysis by Gurr, (2012), are the political procedures, processes, and institutions that affect the fulfillment of requirements for safety, social acceptance, and individual acknowledgment and attribution of responsibility. Attitudes are the good or negative beliefs that each party holds about themselves and the other. But in violent conflicts, people on both sides tend to increase their proportion of attitudes that fuel conflict, like negative preconceptions about the other side and a strong sense of group identity inside their own.

Fear, rage, bitterness, and hatred are all emotions that have the potential to shape one's outlook. The term "behavior" was coined by Galtung (2015) to describe the actions taken by one side of a conflict to persuade the other to give up or alter their goals. Behaviors such as threatening others, using compulsion, and attacking others destructively are all indicative of violent conflict. Structures, attitudes, and behaviors all change and have an effect on one another throughout the course of a conflict. When two or more people's interests are in direct opposition to one another, or when the nature of their relationship becomes abusive, conflict is inevitable. At this point, hostility and opposing actions emerge on both sides. The potential for the conflict to expand in scope, intensity, and breadth is increased when the conflict formation begins to grow and develop. The work of resolving the fundamental dispute becomes more difficult as a result. Ultimately, the conflict will need to be resolved through a series of dynamic, interdependent changes, including de-escalation of conflict behavior, shifts in perspective, and adjustments to underlying relationships or structures.

Depending on its severity and presentation, conflict can be divided into two broad categories. There are two types of conflict: direct and indirect. Among the several types of conflict, direct conflict is the most obvious and recognizable. A "direct physical encounter" refers to a battle between two or more people. Wars between governments or groups with competing agendas are another possibility. On the other hand, structural violence, also known as indirect conflict, is a type of social conflict that is hard to see or pin down. The political, economic, and social systems all play a role in perpetuating this type of violence. Structures that systematically deny people the rights to a voice in public life, a fair share of economic benefits, and a fair chance for personal advancement. It's severely limiting and annoying. It's all about the deeply rooted forms of discrimination, exclusion, oppression, and exploitation that plague many civilizations. Almost all of the world's population will fall into poverty as a direct result of these trends, causing untold human suffering and sorrow (Jeong, 2015). Disputes between workers are categorized here. Therefore, all forms of conflict must be swiftly and amicably managed and ended to prevent the devastating devastation of human life. If handled correctly, conflict has the potential to be a positive force in human development.

Trade Union: Understanding trade unionism requires looking at how different experts define it. According to Weber (2012), unions are made up of workers who band together to negotiate better wages, benefits, and working conditions for everyone. Clegg (2016) defines a trade union as "a group of workers who have come together to regulate the interaction between workers and employers in order to enhance workers' wages and working conditions." Collective bargaining by employees with the company; legislative regulation; and the courts are the three major avenues for achieving this sort of regulation. A trade union is a collection of employees who have joined together to advocate for one another and their working conditions. Any association of workers or employers that, but for the Act, would be unlawful because of any of its aims being in restraint of trade and that does or does not involve the distribution of benefits for its members is defined as a trade union under the Trade Union Act (Amended) of 1978.

Trade unions, as described by Ile (2010), are "organizations of workers established to improve the status, remuneration, and conditions of employment of its members." Collective bargaining over wages and working conditions became the primary focus of trade unions in most nations, with union officers also settling the concerns of individual members and smaller groups of employees. According to Flanders (2017), collective bargaining is "a social process that continually resolves differences into agreements in a continuous, orderly, and systematic method." According to Fashoyin (2012), trade unionism is justified by the fact that its members have more clout when it comes to enforcing employment laws, drafting policies, negotiating wages, and establishing other aspects of their working environment. Trade unions' perspectives on how to govern worker-employer, employee-employer, and other workplace interactions. Fashoyin's perspective illustrates the various kinds of interactions that should be present in every given business. Governmental bodies are no different. It can be used as inspiration and as a guide for future actions. Effective employment relations are a reflection of cooperation between management, employees, and an outside party in any type of work setting. Damachi (2017) outlined the goals of a trade union, which include supporting the interests of rank-and-file members in the workplace and the desire of union officials to take part in the union's organic growth.

Industrial Disputes: Dispute in the marketplace and the workplace often begin with tensions inside the organized labor market. This framework is significantly influenced by the government's monetary and economic policies. The remainder of the structure is usually supplied by labor-related activities, pension concerns, and working conditions (Araga, 2017). Important to these connections is the part played by Trade Unions in mediating disagreements between companies and their employees. Disagreements arise when the negotiation process breaks down, leading to defensive posture. In the field of labor law, strike activities continue to be the most easily organized form of relationship disruption. Consequences of strikes are well-known to have negative results. Difficulties in meeting demand for services within the time frame are exacerbated by the loss of productive man hours. Strikes are notorious for causing a breakdown in communication, law and order, and posing serious dangers to economic growth.

Agomo says that (2012). The social and economic stability of countries is jeopardized by the ineffective management of industrial disputes. Therefore, the method for simpler resolution of these issues is typically identified in industrialized economies. According to Agomo (2012), "it is probably to duplicate worldwide best practices and build a contemporary conflict resolution mechanism that gave impetus to the founding, in its former and current versions, of the National industrial court of Nigeria." All disputes resulting from a deterioration of industrial relations or the labor market should be resolved by the court. And as was to be expected, the path to accomplishing this goal has been fraught with challenges, yet very essential.

Disputes are not the same as discipline or the nature of complaints when it comes to workplace tension. It might cater to the needs of groups or individuals. To qualify as an industrial dispute, in other contexts, the issue must affect the interests of the vast majority of workers. Since this is the case, several experts (Oyearu 2015, Teriell 2018, Wilder 2018,

Easin 2018, Weir 2018) argue that a class action lawsuit cannot be filed unless the interests of a sizable group of workers are at stake (as a class). These collectivist academics are likewise of the opinion that the industrial union or a sizable number of workers should take up the cause of the conflict, and that the grievance should evolve from a personal one into a more systemic one. Although no other worker or trade union of workers raises or is a party to the issue, their viewpoint does not address a worker or individual labor challenge over raising an industrial dispute concerning termination, discharge, dismissal, or retrenchment from service.

Nigeria is a country where capitalism is both the norm and the normative. So, the economy is made up of businesses and government organizations of all stripes, as well as the people who work in and for them. On the one hand, it's common knowledge that capitalists have access to and control over the means of production, while on the other, it's accepted that labor sells services that can't be physically stored (Fashoyin., 2018). While the latter group advocates for improved working conditions and pay, Bendix (2016) contends that businesses take advantage of their employees' lack of leverage in negotiations and deny them their rights. In addition, the business world is demanding greater output from its workers. Therefore, industrial conflicts develop when these two competing interests collide.

According to Swanepoel et al., (2012), "there are a number of causes for industrial disputes which can be classified into four (4) categories as follows: (a) Economics Causes: The most common causes of industrial disputes are economic reasons and they include: Wages, dearness allowances and bonuses, working condition and working hours, modernization and automation of plant and machinery, demand for other facilities (b) Managerial Causes of Industrial Disputes: In this category the causes include autocratic managerial attitude and defective labor policies. They manifest in the following avenues: denial of recognition to trade unions defective recruitment policies, irregular lay-off and Retrenchment, defiance of Agreements and codes defective leadership. (c) Government Machinery: This occur where government measures for the prevention and settlement of disputes are not much effective such as where enactments are ineffective, little confidence over settlement machinery. (d) Wages boards: wages and allowances are premium issues in industrial disputes. In recent time wages issues has been the main causes of industrial dispute in Nigeria. To illustrate this in the punch Newspaper, June 3, 2019, "Minimum wage' labour rejects flies proposal to negotiate the consequential adjustment arising from N30,000 new minimum wages has rejected what the government is offering "Olufemi Aloyebi, Abuja to avoid that Government issuing standing orders". This represents a stand taken by Government in order to avoid frictions between employer and his workmen over terms of employment."

3.0 National Industrial Court of Nigeria

The Trade Disputes Decree, which later became the Trade Dispute Act, created the National Industrial Court of Nigeria (NICN) in 1976. The TDA specifies that the court's membership consists of a president and four other members (called "ordinary members"), all of whom must be "persons of good standing" and familiar with employment conditions

in Nigeria to the satisfaction of the Minister of Labor. At least one of the members must also have a "competent knowledge of economics, industry, and trade" to the satisfaction of the Minister. All five members of the court, or the president and two ordinary members, were needed to rule on any case brought before it. This means that the court's president must be present and preside over all sessions. Under the Trade Disputes Act of 1976 (TDA 1976), the courts could only issue awards for the purpose of settling trade disputes and answering issues about the meaning of a collective bargaining agreement or an arbitration award issued under TDA 1976.

According to the Act's definition, a labor dispute is "any dispute between employers and workers or workers and workers that is related with the employment or non-employment or the terms of employment and physical conditions of work of any individual." This definition applies to any conflict that arises between workers and their employers (Trade Dispute Act, 1976). Therefore, only collective employment conflicts that met the TDA's definition of a "trade dispute" could be heard by the NICN. In a slew of cases, including *Kalango v. Dokubo*, the court ruled that the NICN's jurisdiction could only be invoked in matters meeting the strict definition of "trade disputes" under the TDA. This meant that intra- and inter-union disputes, as well as strike actions undertaken to challenge political or other non-employment decisions of the government, were not within the NICN's purview.

Decree No. 7 of 1976 was written with the goal that the NICN would be a superior court, at par with the High Courts. However, the NICN was not included in the constitution's list of superior courts of record when it was ratified in 1979. In 1992, when Decree No.47 of that year constituted the NICN a Superior Court of Record, the issue was finally settled. There was no question as to the validity of Decree No.47 of 1992 due to the military dispensation, which rendered decrees superior to the constitution. This progress, however, was cut short because the court was not recognized as a higher court of record under the Constitution of 1999. In addition to this issue, the TDA 1990, which authorized the NICN, has several flaws. Inadequacies include the following: Except for invoking the court's interpretation jurisdiction, plaintiffs could not independently contact the NICN to air their grievances unless referred to the court by the minister of labor.

The necessity of reference in all cases other than interpretation conflicts worked in such a way that it prevented the court from hearing matters immediately even when other courts sent cases to the NICN. In a few instances, the Federal High Court referred cases to the NICN, but the NICN rejected original jurisdiction on the grounds that the dispute settlement methods outlined in Part 1 of the TDA 1990 had to be exhausted first. The TDA of 1990 specifies that the presiding judge at each court session must be the president of the court. If the president of the court is absent or unable to preside for whatever reason, the court is effectively not in session. The worst possible result of this was the death of the court's president in 2002 from sickness. This court was unable to meet for close to a year since there was no apparent candidate for the presidency. When it came to appointing judges to hear cases, the NICN was the only court that used a two-tiered approach. Members of the court were appointed by the president on the proposal of the labor minister, while the president himself was appointed by the president based on the

recommendation of the Federal Judicial Service Commission. The result of this was that the National Judicial Council and the Ministry of Labor appeared to share authority over the court.

The Supreme Court's decision in *Western Steel Works Ltd v Iron & Steel Workers Union of Nigeria* severely constrained the court's judicial powers in handling cases before it by holding that the NICN lacked power to make declaratory orders or issue injunctions, stemming from its non-recognition as a superior court of record. The Supreme Court in *Oloruntoba-Oju v. Abdul-Raheem*, upheld the lower court's verdict and stripped the NICN of one of its most significant functions as a superior court of record.

The NICN lacked authority to adjudicate criminal charges connected to trade disputes. Even in the narrow realm of trade dispute cases, there remained ambiguity regarding the NICN's authority. Some of the cases upheld the court's exclusive jurisdiction, while others used section 272 of the 1999 constitution, which grants broad powers to State High Courts, to dispute the court's authority.

The National Industrial Court Act was passed in 2006 to rectify these flaws by re-establishing the NICN as a Superior Court of Record. When the NICN was established under the NIC Act, it was no longer under the TDA. The NICN president and other judges are now only appointed with the approval of the National Judicial Council. Notably, the requirement that certain disputes be subjected to arbitration and conciliation before being brought to the NICN, as prescribed in part 1 of the TDA, remained in effect despite the NIC Act expanding the NICN's jurisdiction and removing the need for compliance with the dispute resolution process under the TDA. According to subsection 7 (3) of the NIC Act, "Notwithstanding anything to the contrary in this Act or any other enactment or law, the National Assembly may by an Act prescribe that any matter under subsection (1) (a) of this section may go through the process of conciliation or arbitration before such is heard in the court," so conciliation and arbitration are permitted before a case is brought before a judge. That doesn't mean the court's authority has been revoked, though; rather, it means that other avenues must be explored before the court may step in.

Some of the innovations introduced by the NIC Act include the following: (a) A single legally qualified judge could competently sit to hear and determine interlocutory applications or a preliminary matter in any proceedings brought before or pending in the court. (b) The NICN can now grant injunctive and declarative reliefs in line with sections 16-19 of the NIC Act. "Even though the Minister still has the authority to submit issues to the NICN, that is not the only trigger for the NICN to assume jurisdiction over a case. To allow individuals to more easily contact the NICN with complaints, the TDA eliminated the distinction between individual and group employment conflicts. Section 7 (I) (a)(i) of the NICA allows for the filing of claims at the NICN by organizations that are not recognized as labor unions but have standing to sue and be sued.

Despite the NIC Act's reforms, the NICN was still limited by the fact that the court was not recognized as a superior court of record under the constitution. The Supreme Court made it clear that the NICN is subordinate to the High Court in *National Union of Electricity Employees and Anor v. Bureau of Public Enterprises*, and it ruled that only a constitutional amendment may restore the NICN's superior status that it enjoyed under

Decree. To counteract this Supreme Court ruling, the National Assembly stepped up and drafted the Constitutional Reform and Federalism Act of 1999 (CFRN). This led to amendments to the Constitution, including Section 6, making the NICN a Superior Court of Record. The NICN was written into the Constitution in brand new provisions (254A-254F). This change gave the NICN exclusive jurisdiction over all labor disputes in Nigeria and gave it criminal authority over any cause or issue over which it has been given jurisdiction by the constitution, any other Act of the National Assembly, or any law.

3.1 Jurisdiction of the National Industrial Court of Nigeria

The Constitution of the Federal Republic of Nigeria, which was ratified in 1999, gave the NICN one of the widest jurisdictions of any court in Nigeria. The NICN's jurisdiction will be explored in terms of its original and appellate jurisdiction, as well as its civil and criminal jurisdiction.

Civil and Criminal Jurisdiction: For a comprehensive list of cases that come under the NICN's civil jurisdiction, see section 254C (1) of the CFRN. It is important to emphasize that this jurisdiction will supersede any other court with similar subject matter. However, this does not give the NICN carte blanche to step into the territory of other courts. Notably, clause 254C (I) (iii) of the constitution grants the National Assembly the authority to provide the NICN side jurisdiction over matters beyond those already granted by section 254C. A major flaw with this clause is that it implicitly gives the National Assembly the authority to pass laws expanding the NICN's jurisdiction beyond the areas of labor and employment covered under section 254C. Since the NICN is a court with restricted jurisdiction in terms of subject matter, Amucheazi and Abba (2016) argue that the competence of the National Assembly to confer further jurisdiction on the NICN should be considered to be limited to topics directly related to labor and employment matters.

The NICN also has civil jurisdiction over all matters "related to, incidental thereto, or associated with any labor or employment dispute," which is an interesting inclusion. This paragraph makes it clear that the NICN has exclusive jurisdiction over all matters connected to, arising out of, or in any way related to the subjects over which jurisdiction is bestowed in section 254C. Unfortunately, in *Akinyemi v. Crawford University*, the NICN sided against the plaintiffs. In his suit for wrongful termination, the plaintiff accused his former employer of spreading false information about him. Therefore, he sued his former employer in court for wrongful termination and defamation of character. Since the NICN only has authority to hear cases involving employment and labor conflicts, it threw out the defamation claim. Many people have voiced their disagreement with this choice. The jurisdiction of the NICN is founded on the nature of the dispute and the set of facts giving rise to it, and not on the nature of the relief sought by the party, so the court should not have dismissed the suit but should have transferred it to a court with appropriate jurisdiction in accordance with section 24 (2) of the NIC Act, or should have struck out the suit (since an order or dismissal is only made where the clamant has failed to prove his case). Therefore, regardless of the reliefs sought by the claimant or the technical name given to the tort sought to be redressed, the provision of section 254 C (I) (a) of the Constitution applies in its entirety if the factual situation between the parties includes

matters originating from the workplace. Also, the NICN cannot take a middle ground stance by ignoring the defamation claim and considering solely the employment allegation. This is due to the principle of "principal" and "ancillary" reliefs, which states that if a court has jurisdiction to consider the primary issues arising from a matter, then that jurisdiction would extend to any ancillary claims emerging therefrom, even if they do not typically belong within the court's jurisdiction but the court is not specifically excluded from accepting such claims by any legislation or applicable law.

Section 254C (5) of the CFRN, in contrast to the previous position, grants the NICN criminal jurisdiction over any cause or issue over which the NICN has been granted jurisdiction by the Constitution, any other Act of the National Assembly, or any law. In criminal matters, the NICN's jurisdiction is not exclusive and it is exercised in conjunction with other courts.

Original and Appellate Jurisdiction Black's Law Dictionary defines "original jurisdiction" as "the power of a court to hear and decide a matter before any other court can review the matter," while "appellate jurisdiction" refers to the ability of a higher court to review and modify the decision of a lower court. The NICN's original jurisdiction extends to all subjects listed in Section 254C (I) (a)-(k), (2), and (4) of the 1999 constitution. Section 254C (2) covers anything related to the implementation of an international labor or employment treaty or protocol that Nigeria has ratified, and Section 254C (4) covers applications to enforce the award, decision, or ruling of an arbitrary tribunal or commission, administrative body, Board of Inquiry relating to, connected with, or arising out of labor or employment or industrial relations. It is important to remember that the NICN does not have to follow the method outlined in section 1 of the TDA in order to rule on such cases.

The NICN has been given the authority to hear and rule on appeals from the following bodies' rulings or awards: (a) Industrial arbitration panel (IAP) (b) Registrar of trade unions; (c) Decisions or recommendations of any administrative body or commission of inquiry, arising from or connected with employment, labour, trade unions or industrial relations".

3.2 Judicial Powers of the NICN

The term "judicial powers" refers to the authority given to courts and judges to hear and rule on matters, as well as the authority to interpret and apply the law when disputes emerge about what has or has not been done (Shomolu, 2018). Only in cases where it has authority will a court take action. The NICN has the inherent powers and punishments of a court of law because it is one of the higher courts of record authorized by the constitution. By virtue of Article 254D (1) of the Constitution of 1999 (as amended), the NICN shall have all the powers of a High Court for the purposes of exercising any jurisdiction conferred upon it by the Constitution or as may be conferred by an Act of the National Assembly. To further facilitate the NICN's ability to effectively exercise its jurisdiction, the National Assembly may, by law, enact provision granting on the NICN additional powers beyond those provided by the constitution. The NICN's capabilities include, among other things: (a) To confirm or vary a judgment, an award or order made by the court, tribunal or body

mentioned in the matter before it. (b) To order a rehearing and determination on such terms as it thinks just. (c) To order judgment to be entered for any party. (d) To make an order of mandamus, or prohibition or certiorari as the case may be. (e) To make a declaratory order. (f) To grant urgent interim reliefs. (g) To make appropriate order for an award of compensation or damages in any circumstance contemplated by the NIC Act or any Act of the National Assembly dealing with any matter that the court has jurisdiction to hear; etc"

3.3 The National Industrial Court, Alternative Dispute Resolution Centre and Industrial Arbitration Panel

The NICN ADR Centre's legal foundations are in Section 1 (2) (a) and Section 20 of the NIC Act, which give the president of the court broad authority to run the court and promote and apply ADR in the court to settle commercial disputes. The mission of the NICN ADR Centre is to reduce, mitigate, and ultimately eliminate the stress, cost, and delays associated with the delivery of justice by facilitating the prompt, efficient, and equitable resolution of specific employment, labor, and industrial relations disputes that fall under the purview of the court. To do this, it employs conciliation and/or mediation.

Contrary to the traditional court system, which uses a series of subjective thresholds to determine which cases to hear, ADR uses a set of objective criteria to determine which cases are appropriate for the process. To be considered under Art. 4 (4) (c)(5) of the Instrument, a dispute must first be within the court's jurisdiction. The substance of the case need not involve questions of law or challenges to the court's authority; instead, it may focus on monetary claims. All criminal cases are completely off the table. Specifically, the Instrument adopted the same matters over which the Court has exclusive jurisdiction as set forth in sections 254C (1) (a) (c) (g) (k) of the 1999 CFRN and sections 7 (1) (a) & (b) of the NIC Act, all of which pertain to employment, labor, industrial relations, the environment and conditions of work, the health, safety, and welfare of workers.

Walk-in cases are not accepted at the NICN ADR Centre unless a formal court case has already been filed. Together, Article 4(4)(a) of the Instrument and Order3 Rule2 of the Rules establish that matters can only be brought to the center by the parties or by referral at the discretion of the president of the court or the Judge presiding over the matter. Further, upon filing an action in court, either party may request that the dispute be referred to alternative dispute resolution (ADR) by submitting a written request to the president of the court; if both parties to a dispute make this request, the judge of the court with jurisdiction over the case shall refer the case to the ADR center.

Important to note is that only mediation and/or conciliation are offered as alternative dispute resolution processes in the center. To rephrase, the hub does not support arbitration. Unlike at other ADR centers and the Multi Door Court House System, the NICN's president decided to leave arbitration out of the ADR procedure. It's true that the goals of mediation and conciliation are to salvage a working partnership and restore the parties' former equilibrium of power. On the flip side, arbitration is a crucial tool in alternative dispute resolution. To refer a disagreement or difference between at least two parties to a person or persons other than a court of competent jurisdiction for a judicial

determination after having both parties in attendance is what is meant by arbitration, according to the case *MISR Nig Ltd v Oyedele*.

Some have speculated that the NICN's decision to bar arbitration from its ADR center was made so that the IAP's arbitration awards might be enforced or contested in court. But it is argued that the aforementioned justification is not valid. This is due to the fact that the proposed arbitration under the ADR is different from the IAP. In cases where the mechanisms outlined in Part 1 of the TDA apply, and if those processes have not been exhausted pursuant to Section 7(3) of the NIC Act, the NICN must first turn to the Industrial Arbitration panel for resolution. When a dispute is presented directly to the NICN and the parties or the court agree that the matter should be handled in the ADR Centre, only then will arbitration under the NICN ADR Centre be initiated. Arbitration's possible exclusion from the ADR Centre may also have been motivated by a desire to avoid its semi-formal, semi-adversarial nature. However, given the extended jurisdiction of the NICN under the current regime, arbitration helps lighten the NICN's caseload and makes it easier to dispose of cases before it. In essence, if arbitration is part of the NICN ADR Centre (which should be on par with the IAP in terms of force and powers), its conclusion shall, where the parties do not object to it, be binding on them without the need for an official endorsement of the settlement conditions by the NICN as its judgment. Even if the parties object, the NICN can still learn something from the arbitration process that will help it find a way to end the conflict. In the event that mediation and/or conciliation fail, the time spent on mediation and conciliation would be wasted, but the NICN will just have to analyze the arguments and evidence offered by the parties from the judgment of the arbitrators.

Arbitration is recognized as a valid means of resolving workplace disputes in a number of legal systems. For somewhat more than a century, Australia's Industrial Relations system has relied on conciliation and arbitration to head off and settle workplace disputes. Both Japan and South Africa recognize the validity of arbitration as a legal process. It is therefore proposed that the NICN should follow the trend in these nations by adding arbitration in its ADR Centre to assist the functioning of the NICN.

4.0 Methods used by the National Industrial Court in the settlement of labour dispute in Nigeria

According to the results, the National Industrial Court uses mediation, conciliation, industrial arbitration panels, adjudication, and negotiation to resolve conflicts. What's more, courts around the world have accepted and implemented these techniques as valid means of resolving disputes. Third-party intervention techniques for the resolution of commercial disputes include the use of several conflict resolution mechanisms. These results are consistent with those found in Agomo, (2012) on the link between ineffective management of industrial conflicts and the societal and economic health of nations.

4.1 Prospects of industrial relations through the operations of National Industrial Court in Nigeria

According to the research, the study found that the National Industrial Court in Nigeria has the potential to improve labor relations. One such argument is in favor of elevating the

court to Superior Court status rather than maintaining its current status. Most respondents also stressed the importance of modernizing labor, employment, and industrial relations legislation and practice. The findings highlighted several areas where the National Industrial Court could improve its future prospects, including advocacy on the Court's operations, ensuring that judges have a solid grasp of international labor law/practice, and establishing a Labour Appeal Court to hear appeals of the NICN's decisions. Comparable conclusions were reached by Nwocha (2017), who evaluated the legal framework for adjudication of industrial disputes in Nigeria in light of ongoing conflicts between workers and their bosses, especially in the public sector.

5.0 Summary

This research paper set out to examine the role of Nigeria's National Industrial Court in resolving labor disputes, the Court's strategies for doing so, the efficacy of the procedures it uses to do so, and the future of industrial relations in Nigeria as a result of the Court's activities. This research confirmed that the National Industrial Court plays a significant role in settling trade dispute across Nigeria. The Court employs a wide range of dispute resolution processes, including mediation, arbitration, conciliation, and adjudication, in order to resolve trade issues. Improvements to the Court's efficiency can be achieved by reevaluating the applicable legislation, having the Minister of Labor intervene where necessary, taking steps to reduce judicial corruption, and enforcing adequate civil procedure standards. The research concludes that there is hope for better labor relations due to the Court's efficiency.

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