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## Democratic Governance and Industrial Relations in Nigeria

**Social Sciences Research**

Nnamdi Azikiwe University, Awka Nigeria

**UDEOBASI, O. C. & UZOH, B. C.**

Department of Sociology & Anthropology  
Nnamdi Azikiwe University, Awka

### Abstract

The aim of industrial relations is to espouse the spirit of peaceful relations between labour and management. Beyond that the existing political climate is fundamental to the development of a less adversarial industrial relations system. While the popular notion is that conflict is inevitable in work organizations, this paper argues that if the methods of conflict resolution are systematically deployed and stakeholders in the industrial relations system of the country adhere strictly to collective agreements, then the incidences of industrial disputes will be reduced to the barest minimum. This paper therefore x-rays the industrial relations climate in the country under the current democratic dispensation against the high incidence of industrial conflicts in the country. The paper contends that unless collective bargaining becomes entrenched in Nigeria's industrial relations system and the collective agreements emanating from them frequently honoured by all parties concerned, industrial peace will continue to be difficult to come by. The paper thus recommends that parties to collective agreements, especially the government should always endeavor to honour the agreements in order to maintain industrial peace and harmony.

**Keywords:** Collective agreement, collective bargaining, democracy, industrial conflict, industrial relations, work organizations.

### Introduction

Nigeria's industrial relations since May, 29 1999 when it returned to the democratic political system, have been characterized by a plethora of industrial conflicts, crises, and unrest in its entirety rather than peaceful industrial relations. The Nigeria

government despite state privatization program and the corresponding downsizing policy in accordance with the neo-liberal policy of structural Adjustment Program (SAP) is still the largest employer of labour. Hence, the relationship between the government and its public administration has been that of “cat and mouse”. In recent times, the country has witnessed a litany of indefinite strikes embarked upon by health workers, civil servants, oil workers with innocent Nigerians paying dearly for the inability of the federal government to implement the agreements that necessitated these strike actions. The spate of strikes across the sectors especially in health and education sectors largely because of the refusal or inability of government to honor agreements it entered into voluntarily with the unions, led to avoidable disruption of services with consequences for students and vulnerable Nigerians with whom government has made its pact. The wage structure in the Nigerian public sector and by extension the living conditions are low. Salaries and entitlements are not only poor, but the pattern of payment can be quite irregular. When this is viewed against the backdrop of ostentatious living among political elites and managers of the public sector, conflict becomes inevitable. Akume and Abdullahi (2013) posit that poor workers’ welfare and the recalcitrant attitude of the management to create the right arena for open discussion with aggrieved parties as early as notice of labour discontent has been served the management or government offer some explanations for causes of conflicts especially in a situation where the machinery and process of collective bargaining is not given firm footing. According to Aremu (2015) this is a real threat to the democratization process as the desperation of workers in the face of falling purchasing power and attendant poverty will make them less tolerant and less democratic. They are susceptible to worse forms of corruption and Nigeria cannot fight corruption with miserable low paid and certainly with unpaid workers. The objective of this paper therefore is to examine why Nigeria’s industrial relations system has continued to be replete with industrial disputes that most times end up

in strike actions even under democratic dispensation and governance where collective bargaining and dialogue should be used to nip these problems in the bud.

### **Conceptual Literature Review**

In the early employment relationship, the work place was characterized by deplorable conditions, enormous injustice, frustrations and human sufferings. Subsequently, the workplace became a contested terrain between unorganized workers, self-conscious and aggrieved, and the owners of capital. The conflicts climaxed into what is known as labour problem and created the need to provide a pathway of accommodation (Nnonyelu, 2012). This provided the rationale for the emergence of industrial relations. According to Fajana (2006) industrial relations are concerned with the systematic fostering of employer-employees relationship. It is centered on intensive issues that affect the relationship between employees and employers. Okaka and Eriaguna (2011) refer to it as the pattern of interaction or relationship between employers and managements on the one hand, and employees and trade unions on the other, including the activities of government in supervising and controlling the industrial relations system. They elaborated that industrial relations are patterns of relationships that are directly related to such issues as productivity, discipline, employment, conditions of service, wage, security, safety and other issues such as labour grievances, trade disputes and their resolution within the frame work of rules and regulations, mutually agreed to by employers and employees. Fajana (2006) surmised that industrial relations emerged to manage the constant conflicts between employers of labour and their workers. Thus, it is established to pave way for an operational understanding through utilizing the mechanism of dialogue, compromise and collective bargaining. In terms of outcomes, industrial relation is not just concerned with improvements in organizational efficiency; it is also marked by a focus on the implications for

workers, notably the extent to which they experience fair and equitable treatment at work and the degree to which they can influence decision-making in organizations (Heery & Simms, 2008). From the foregoing, industrial relation is therefore a complex of relationships in which many individuals, organizations and other variables or elements, have a role to play and the role of any one party or organization is affected by the role of the other. However, it is generally believed that an industrial relations system is derived from a particular political, economic and legal context within which it exists. These contextual influences play prominent role in shaping the direction of industrial relations (Anyim, 2010).

Nigeria returned to the democratic political system in May, 29 1999 after a long period of military rule. The implication is that Nigeria has returned to a form of government that is characterized by the participation of the citizens, under whatever form that may be. Like many other concepts, democracy has been defined in various ways by a number of scholars. However, significant to these definitions is the participation of the people upon whom the fulcrum of democracy lies. According to Smith, (2009) Democracy is that system of governance in which the people retain the supreme power. Dahl, et al, (2003) opined that Democracy is a system of government by which political sovereignty is retained by the people and either exercised directly by citizens or through their elected representatives. It suffices to describe democracy as a system that allows people to decide when, where and how to choose their leaders. Such decisions are not an end in themselves, but they are based on the need for the leadership to perform well, be ready to subject themselves to free and fair elections as and when necessary and be willing to accept the outcome in good faith (Chidi, 2008).

Sociologically, democracy in industry begins with the formation of legitimate workers' interest groups otherwise known as trade unions that represent the

workers in contract negotiations with the employers (both the state and individuals). Trade unions are formed to champion as well as protect the interests of workers or suppliers of labour (Fajana, 2006). Similarly, Ootobo, (2005) states that trade unions thrive where democratic culture operates. However, for a long period in history, Nigeria governments and labour have been at loggerheads in the pursuit of diametrically opposing goals. There have been ongoing unresolved industrial disputes and this has fueled the increase in disputes and has as well exacerbated the nature of labour disputes (Ubeku, 1983). Despite different reforms that have been implemented to ensure industrial democracy; the country is yet to make any appreciable progress in the management of industrial conflicts. Nnoyelu (2002) surmised that the increase in industrial conflict in Nigeria seems to suggest that either the parties in conflict are not utilizing the benefits of grievance machinery or it has collapsed.

### **Theoretical Literature Review**

This paper is theoretically hinged on the industrial relations radical perspective rooted in the ideas and works of Karl Marx (1818-1883). It concentrates on the nature and character of the society in which an organization is located. It assumes and emphasizes that organizations exist within a capitalist society where products system is privately owned and profit is the key influence in company policy. Conflicts arise from uneven distribution of wealth and income in capitalist society. The susceptibility of conflicts between the employers and employees prompts workers to form unions which have the right to challenge the organizational management body and distribution of national production. The conflict that takes place in industrial relations between employer and employee is seen as a permanent power feature of capitalism which merely reflects the predominant power base of the bourgeois and class relations. Hence the actions of labour, employers, and

government in industrial relations in Nigeria, can be understood in terms of their power and class position in the larger social system.

### **Issues in Nigeria's Industrial Relations**

As the largest employer of labour, government involvement in industrial relations in Nigeria is very pervasive. Ubeku (1985) noted that to carry out development plans in the interest of the society, it has become necessary for government to participate actively in the industrial relations system and thus ensure that the employers and union are associated with the development of the country. However, despite the high hopes and expectation generated by democratic governance elsewhere, the dividend in Nigeria, twenty-two years on, has been rather slow and negligible on the fortunes of labour relations. Otobo (1983) posits that the anti-democratic tendency of military regimes had over the years done significant damage to the attainment of a harmonious relationship between labour and government. Hence, the establishment of a genuine and durable process of collective bargaining, as experienced by the organized labour in Nigeria, has not been encouraging as attested to by the frequency of strikes and industrial conflict in the country.

Onyeonoru (2005) defined industrial conflict as all expressions of dissatisfaction within the employment relationship especially those pertaining to the employment contract and collective bargaining. He further explained that it includes formal expressions of conflict, organized along the lines of trade unions and employers' associations as well as the informal conflict that lack systematic organization such as covert grievances that may be expressed in the form of industrial sabotage, absenteeism, or lateness. Agwu (2013) observed that though conflict is generally perceived as something devastating, abnormal, dysfunctional and detestable, yet it



could be a precursor of positive change if constructively handled. Nigeria has not been without its fair share of conflict. Over the years Nigeria labour history has experienced several industrial disputes dating back from the colonial period to independence and to the post- independence era. To underscore the increasing trends in the phenomenon of industrial conflict in Nigeria's industrial relations arena, (Cohen, 1974: 174, Ubeku 1986:167, Wogu 1969, Irefin, 2013.) chronicled the list of strike action that has occurred in Nigeria labour relations.

In 1929, an attempt to introduce direct taxation in eastern Nigeria sparked off the Aba women's riot, in 1941 the Civil Service in collaboration with the Nigeria Union of Railway began agitation for cost of living allowance; a general strike ensued in 1945 due to the unwillingness of the regime in power to honor its pledges. In 1949, striking coal miners at Iva Valley Enugu who were agitating for an improved working condition were brutally shot killing and wounding some. In 1959, the Airways Workers Union organized a strike over wage claim and improved conditions of employment. In 1964, there was a general strike by United Labour Union over the non-implementation of the revised salary structure. In 1994 and 2002, Academic Staff Union of Universities (ASUU) went on strike over poor working conditions. In 2007, Nigeria Labour Congress (NLC) embarked on strike demanding for a revised salary structure and better working conditions. In 2010, South Eastern state branch of ASUU embarked on strike over non - implementation of 2009 Federal Government- ASUU agreement. In the same year medical practitioners embarked on strike over poor salary and working conditions. In 2011, NLC embarked on strike over non- implementation of the new minimum wage by federal government. The year 2012 ushered in a general strike themed "occupy Nigeria" in response to the fuel subsidy removal by the government. In 2013, Academic Staff Union of Polytechnics (ASUP) went on strike over segregation against graduates of the system and stunted growth in their carrier. ASUU in the same year went on strike over

implementation of the 2009 FG/ASUU agreement and funding for the revitalization of Public Universities in Nigeria. In 2014, ASUP, Nigerian Union of Petroleum and Natural Gas Workers (NUPENG), Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), as well as Nigeria Medical Association (NMA) went on strike over poor wages and working conditions. In 2015, National Association of Resident Doctors (NARD) in Ido-Ekiti, went on strike over payment of its members entitlements, the Judiciary Staff Union over non-implementation of judiciary financing autonomy, also about eighteen (18) states in the federation threatened to go on strike over delay in payment of salaries.

Considering the litany of strikes in Nigeria's industrial relations system, one may conclude that industrial conflict is a dominant factor in Nigeria labour relations. It would also seem that Nigerian government has become notorious in its penchant for "promise and fail" attitude that has to do with dishonoring agreements voluntarily entered into with various labour unions. Okonkwo (2014) noted that most of the time, the *raison d'etre* of workers strikes borders on welfare and other pecuniary issues. Sayles (1957) postulates that industrial conflict has its causes rooted in the dissatisfaction of workers about salaries and wages. Damachi (1986:19) declares that there are many causes of conflict but wage is in fact the major cause or source of conflict. Recent surveys on trade disputes by (Mgbekem, 2004, cited in Agwu, 2013) in the contemporary Nigerian society agree that wages, salaries and allowances are the bone of contention. Nwagbara (2011) posits that lack of fair policies and perceived inequality as a result of a blockade has been beneath most of the overt factors that motivate strike action among organized labour in the public sector of Nigerian industrial relations. In a similar view Krinsky (1980) asserts that the breakdown of collective bargaining modalities in the hands of the lawmakers and government officials have been responsible for industrial grievances and strike. He believes that workers in the public sector are not comfortable breaking the law by

embarking on strike action. But they feel compelled to do so in order to change what they perceive as unjust conditions such as deprivation of the right to organize and bargain. However, Nnoli (2012:8) surmised that the dynamics of colonial and neo-colonial Nigerian politics is governed by the overwhelming projection of state power by those who control it. This power projection, (Nnoli, 2012:8) has continued to be expressed in the form of “coercive unilateralism or policy making and implementation without consulting those directly concerned or affected. In other words, the state gave itself sweeping powers to decide who takes what, when, how, and even sought to abridge fundamental rights. The effects of this have made industrial relations in Nigeria crisis prone (Nnonyelu, 2012).

### **Democracy and Industrial Relation in Nigeria.**

Fashoyin (2009) noted that political developments in Nigeria historically, have influenced the formulation and implementation of industrial relations policies at a degree that sometimes betrays the poor state of the political culture. (Yesufu 2009) argued that Nigeria’s history is replete with contrasting political climate, lending credence to the statement, that there is a linkage between existing political climate and the extent to which industrial relations aims can be achieved. A liberal political system would allow for virile industrial relations leading to workers emancipation and overall improvement in the lives of the working-class people. On the other hand, a harsh political environment would provide little opportunity for cordial industrial relations climate to thrive. Under colonial rule, political consideration played a considerable role in evolving the voluntary policy which was so often breached to the dictates of the ruling elite (Yesufu 1984, Ubeku 1986). The colonial government’s reaction was in the form of intimidation, detention of union officials while preventing the formation of a central labour organization (Yesufu 2009). After independence, the country was under military dictatorship for twenty-nine years.

The dictatorial climate was characterized by radical changes which amongst other things include grouping and regrouping of labour unions, promulgation of laws, especially those affecting labour, arrest and detention of labour leaders. It was during this period that series of draconian labour laws were enacted and collective bargaining, the voluntary and statutory approaches to negotiations were severely limited and almost supplanted by state intervention through various prescriptive and proscriptive laws, decreed by various ruling juntas (Yesufu 2009).

Democratic government in contrast to the military provides quite a different political environment for industrial relations. Though succeeding post-colonial administration inherited its fear, suspicion and hatred for labour as exemplified by the enacting of anti labour legislation- the labour bill of 2005 which seeks to decentralize and weaken the labour union in the country (Yesufu 2009). However, the prevailing democratic atmosphere has enabled unions to pursue its goal of improving the working lives of members through struggle for wage increase. To this end, according to Alalade (2004:201) in his piece, "Trade Unions and Democratic Option in Nigeria", stated that: "trade unions do mobilize workers without the fear of being molested, much unlike the situation during preceding military era. From the time democracy was restored, hardly has union leaders been arrested as a result of strikes or industrial disputes. Political leaders have in fact been careful in handling labour crises". The above substantiates how well central trade unions have been performing in terms of consolidating democracy as well as enhancing better relations between the government and workers. Besley, (1997) noted that collective bargaining under a democratic dispensation as is currently being experienced in Nigeria can boost the morale and increase the confidence of workers in the principles of industrial relations. The workers will have a sense of belonging and involvement which significantly reduces the chances of conflict and industrial action (Besley, 1997).

## **Collective bargaining in Conflict Resolution**

The aim of industrial relations is to promote the spirit of peaceful relations between labour and management. McCain and Galbriath, (1981) noted that managing conflict is critical for sustaining organizational efficiency and effectiveness. Uji (2005: 759) argued that “conflict management is not an ad-hoc arrangement, neither is it a punitive measure that satisfies a short-term emotional demand...it involves openness, good communications, rational temperament, respect for each other and clear perception of issues”. Chidi (2008) opines that the use of ad-hoc commissions in addressing workers’ demands such as wage determination and other terms and conditions is unilateral and undemocratic as it negates good industrial democratic principles. Thus, it is antithetical to democratic values. Social dialogue or conversation should be vigorously pursued and embraced by all stakeholders to manage conflict at all times (Chidi, 2010). Hence, quick and amiable resolution of conflict is an essential element for better human relationship. It is the means to change, the means by which social values of welfare, security, justice, opportunities for personal development can be achieved (Burton 1972: 137).

This goal is achieved through the instrumentality of collective bargaining which avails the employees and their union, employers and their association, government and their agencies, the opportunity for interest adjustment and compromise under an atmosphere devoid of imposition and anxiety. Bratton and Gold (1999:354) defined collective bargaining as an institutional system of negotiation in which the making, interpretation and administration of rules and the application of statutory controls affecting the employment relationship are decided within union management negotiating committees. Collective bargaining gives employees the ability to voice their views and concerns and to generally participate in the self-government of the workplace (Smith, 2009). Nonyelu, (2002) posits that collective

bargaining provides the basis upon which labour and employer relation is established. Onah (2008) posits that collective bargaining process is the foundation of industrial democracy. He observed that the primary aim of workers engaging in collective bargaining has been expressed thus: By bargaining collectively with management, organized labour seeks to give effect to its legitimate expectations that wages and other conditions of work should be such as to guarantee a stable and adequate form of existence and as to be compatible with the physical integrity and moral dignity of the individual, and also that jobs should be reasonably secure (Onah, 2008). The democratic nature of collective bargaining is that people in work relations are left to manage their own affairs, provided no damage is done to important general interest while doing so. In the process, employee job productivity and organizational goal attainment is ensured (Okpalibekwe, *et al*, 2015). Consequently, unsuccessful bargaining or failure to adhere to agreed terms naturally leads to industrial action and dislocation of industrial peace.

In Nigeria today, industrial conflicts can be resolved either through Voluntary Procedure Process of internal machineries or statutory procedures (as contained in the Trade Disputes Act of 1976) i.e. external machineries. The voluntary Procedure Process is to ensure that voluntary collective bargaining process between the parties lead to the resolution of any dispute between them while the statutory procedures, for disputes settlement involve a number stages, sequel to the failure of voluntary procedures for disputes settlement. These stages include; mediation, conciliation, arbitration, inquiry, and the National Industrial court (Ibietan 2013). These procedures emphasize the freedom of the employer and unions to choose the means they prefer to settle their dispute. The loophole however, remains the ineffectiveness of the legislations in stemming the incidences of strike and other forms of industrial action arising from a culture of impunity by the unions, and the employers (Fashoyin 1999).

## Conclusion

It is apparent that industrial relations in Nigeria is not suffering from a lack of legislation or lack of wide institutional frame work, but rather the will to implement agreements reached is obviously in short supply. Although we affirm that collective bargaining holds the greatest promise for industrial peace, this is only if government will abide by collective agreements. The tendency on the part of government to scamper agreements reached during negotiations is the major reason why industrial peace is a mirage in Nigeria. However, with the democratization process, Nigeria's industrial relations system represents hope for the improvement of workers' lives.

## Recommendations

Based on the issues raised in this paper, the following recommendations have been made. Collective Bargaining should be used to resolve every issue pertaining to the employment relationship. Parties to collective agreements including the Government should always endeavor to honour those agreements to the letter in order to consistently enhance industrial peace and harmony. Nigeria's labour laws need to be reviewed to be in tune with the contemporary issues within the industrial relations system. There needs to be a deliberate effort on the part of Government to ensure that the frequency of industrial unrest in Nigeria, especially in the public sector where it is the only employer of labour is reduced to the barest minimum.

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