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A REVIEW OF COLLECTIVE BARGAINING PROCESSES IN NIGERIAN EDUCATIONAL SYSTEM: A STUDY OF FEDERAL GOVERNMENT OF NIGERIA AND ACADEMIC STAFF UNION OF UNIVERSITIES EXPERIENCE.

E.T. OMOLUABI (Ph.D.)¹ and Dr. Lawrence U. Egbadju²

¹Department of Business Administration, Faculty of Arts, Management and Social Sciences, Edo State University, Uzairue, Iyamho Road, Edo State.

²DEPARTMENT of Accounting, Federal University, Otuoke, Bayelsa State, Nigeria.

ABSTRACT

The paper on the Review of Collective Bargaining processes in Nigerian Educational System: A Study of the Federal Government of Nigeria and Academic Staff Union of Universities Experience, took time to look into the cause of why the parties involved find it difficult to embraced agreement. The paper devoted time to explain the concepts of the major term as it is used on the context of the paper such as various definitions of collective bargaining, collective bargaining processes such as the Union claim, Management proposal, Negotiators, the 3rd parties, and collective agreement. Also discussed on the paper are the machinery to collective bargaining, preparation for the demand, presentation for the demand, preparation for negotiation. Methods of handling issue by issue, package approach style and rap up approach were all explained. The question remained that after all these processes were followed in the process of try to resolve the issue at stake, why is there no agreement till know? The paper explains as follows that when all effort towards resolving the misunderstanding between the Union representative and the Government fail to achieve its goal and objective, the results can have a dramatically negative impact on the institutional employees a case of (Federal Universities Lectures in Nigeria) over the long term. Although, the inability to negotiate can give the rivals the opening they need to gain a competitive edge over the institution (CONUAS). Therefore, the paper highlighted the following as factors that is responsible for the inability of the both parties to embraced agreement as i) lack of adequate preparation on the part of the Government, ii) Ego on the both parties, iii) Fear on the part of the Government, iv) inflexibility or Rigidity and getting emotional on the part of ASUU and v) Lack of integrity on the part of the Federal Government of Nigeria. Conclusively, the paper recommended that the Federal Government of Nigeria should for once be responsible to meet agreement enter into with the Academic Staff Union of University ASUU and that ASUU should learn not to use strike as what they considered as the best option to press in their demand before the government and also, not to be emotional whenever there is crisis in the educational system in Nigeria.



KEYWORDS: Review, Collective, Bargaining, Processes, Educational System.

INTRODUCTION

Regularly, unions or groups of workers work together as a unit to presents and negotiate common issue of interests with an employer. While employees who are organized and united, can be more effective in negotiations than if they stand otherwise as individuals. The term "collective bargaining" can be referring to the process where organizational employees or workers come together to negotiate with their employer about terms and conditions of employment or service. As such the right of labor unions to collectively negotiate is guaranteed by the National Labor Relations Act of 1935, commonly known as the Wagner Act. The Wagner Act sets an outline for the procedure and practice through which representative can be elected as officials from a union to meet with the employers representative and bargain on employment conditions of service. One or more representative is usually allowed per unit of employees as a representative of the union. Also, employers equally have the right to elect her representation. However, the right to collective bargaining is not extended to all employees as the case may be. Allowing that may jeopardized the interest of union. Hence, representative is selected from the congress. On this paper, we shall look at a number of definitions given to the subject of collective bargaining. The Federal Ministry of Labour, Employment and Productivity has defined collective bargaining in the traditional sense as “negotiations about working conditions and the terms of employment between an employer, a group of employers and one of more employer’s organizations, on the one hand, one or more representative worker’s organizations with a view to reaching agreement. This definition is based on that of the international Labor Organization (ILO). In the view of the Nigeria Employers Consultative Association, any definition of collective bargaining that tends to emphasize on the determination of wages and conditions of employment is narrowly conceived and inadequate. In the light of this, the Associations definition stated as follows: Collective bargaining is a process of decision making. Its overriding purpose is the negotiation of an agreed set of rules to govern the substantive and procedural terms of the employment relationship, as well as the relationship between the bargaining parties themselves. Fashoyin, (1985) says “collective bargaining takes place when a group of workers represented by a union enters into negotiation as a bargaining unit with an employer or group of employers with the object of reaching agreement on conditions of employment for the workers concerned”. Whichever definition we intend to adopt; two principal functions have been assigned to collective bargaining. Which are:

a. That collective bargaining is a process of setting terms and conditions of employment, and b) That collective bargaining is the process of rules making. Since the union-management relationship is assured to be continuous. It is to be realized that the major interest of unions is in winning wage concessions from employers through collective action. The effectiveness or otherwise of collective

bargaining will depend on the bargaining power of both parties. In the words of (Professor Dunlop), *“bargaining power is the ability of the two contracting parties to influence wage in terms of those three factors namely taste of workers, employers, market conditions and pure bargaining power especially in terms of the first two”*.

FIGURE 1.1 Showing the processes of collective bargaining



Source:

<https://www.bing.com/images/search?q=Collective%20Bargaining%20Process%20Diagram&form>

(b) Machinery

The objective of collective bargaining is to reach agreement on the terms and conditions of service through a process of negotiations between employers and employees through their respective accredited representatives. Like any other types of bargaining, agreements or disagreement are reached. Such agreements or disagreements reached are recorded. The points over which disagreements were recorded are re-negotiated until agreements are finally reached.



Collective bargaining is built on involuntary principle that is, the two parties to it decide to meet without a third party compelling them to do so. The machinery for collective bargaining can be seen under the following headings as it is often setup by the government and her representative: Preparation of the demand, Presentation of the demands, and Preparation for negotiation.

a. Preparation of the demands.

The unions have to do so home work in getting facts and figures to demands being made. The preparation will take into consideration the present state of affairs regarding the conditions of service of workers, fair and unfair labour practices, standard of living of workers (whether it is worsening), comparative treatment of other workers in various sectors, the state of affairs of the employer (whether they 'are making huge profits or not) and the extent to which previously agreed conditions of service have been implemented by employers. In some cases, it may be required that the unions go into research so as to have the necessary facts to back the demands. On their own part to employers will monitor the preparation being made by the unions so as to be able to defeat some of the points to be presented by the unions.

(b) Presentation of the demands

Good presentation is very crucial as this could make or mar the demands. The composition of the team to represent the union should include some specialists or professionals in relevant areas such as law, personnel, accounting, etc. The caliber of people should also be such that will command respect by the employers. The physical appearance (including dressing) of the representatives of the unions also matters a lot. The delegates should have the mandate of the body being represented. The language of presentation should not be too radical or insulting. The listing of issues or demands should be on the basis of priority. The presentation should be logical, scientific and systematic order of presentation so as to convince management and win issues being presented.

(c) Preparation for negotiation

An effective preparation for negotiation should be able to address the issues of when, who, where, how and what. These will be explained as follows:

Where: This refers to the environment where the negotiation will take place. The environment should be conducive to meaningful dialogue to both parties, that is the union and the employer. The conference room of the organisation is ideal for a round table conference.

WHEN: The timing of the presentation should be appropriate in terms of the prevailing economic political and social conditions. Enough notice should also be given by both parties. Negotiation is better done towards the end of the financial year so that the demands can be reflected in the budget



for the next year, this is often referred to as Bargaining by the budget Negotiations should take place during the official hours of the organisation and preferably in the early hours for instance 9 am to 2pm.

WHO? The negotiators should be duly recognised members of the union in other words accredited representatives with a leader or a spokesman. There could be a legal adviser and observers on both sides, there should be equal number of members from both sides.

WHAT? The items being bargained for must be contained in the list of demands presented to management. The items must be fair according to labour laws. Management can list its own counter items.

HOW? the collective bargaining machinery should not be regarded as a judicial venue. Rather it should be a round table conference, face to face and issues should be based on facts and figures. This aspect will be further discussed under the techniques of collective bargaining. The negotiators could go into a caucus to resolve or confer on issues in the interest of both parties.

Techniques: The practice of collective bargaining and the techniques used could vary from one place to the other. In general, the techniques used could be classified into three namely: Issue by issue approach, Package (All together), Wrap up approach.

i). Issue by issue: As the name implies the issues tabled for bargaining are taken one after another. Issues earlier agreed to may be revisited. For instance, an agreement on promotions with arrears may be changed to without arrears on the basis of new facts or other issues later discussed.

ii. Package Approach: In this approach all items listed for consideration are treated as a package rather than issue by issue.

iii. Wrap up Approach: In this system management considers some of the demands say six out of ten, some are selected for approval while the union is requested to delete the others. Following some development, collective bargaining is now at two levels, the enterprise and the national levels. At the enterprise level, the formal interaction is between the employer and the branch union. The joint consultative committees, which are made up of representatives of management and workers operate at this level. At the national level, there could be two sub-divisions. The first sub-divisions cover the machinery for collective bargaining between each employer's federation and the relevant industrial union. The second sub-division involves dialogue on certain key labour matters between the Nigerian Labour Congress, the government and the Nigeria employers Consultative Association. In accordance with the procedural agreements concluded between employer's federation and industrial unions in 1979, all those things that affect working relationships are grouped into two. The first group, which unions consider more important because it includes wages and other monetary fringe benefits, benefits is negotiated at the national level between the national union and the employer's federation. The second group, which is mainly items peculiar to the particular organization and the bulk of which is welfare in nature, is negotiated at the enterprise level between the individual employer. Matters for negotiation at the national level include: Wages and Salaries, Annual leave, overtime rates, leave

allowance, Hours of work, sick benefits, maternity Leave, Housing allowance out of station allowance. Matters for discussion at the enterprise level could include: Method of production, increased efficiency, safety, welfare, training of workers, disciplinary procedures, Christmas bonus, scholarship awards, long-service awards, medical facilities and death benefits.

Figure 1.2 Showing the needs and wants of the Union and the want and needs of the Government.



Source: www.negotiations.com 751&664.jpeg.

For the sake of industrial harmony in the work place, the both parties need to compromise. That is why looking at above diagram, it clearly explained that both union and government have their needs and want hence there must be collaboration, accommodate each other and avoid whatever will hinder the process of compromise. This has been the major challenges of the Union and the Government representative in Nigeria.

Conclusion and Recommendations:

The paper on the review of collective bargaining processes in Nigeria Educational System try to trace the why Government not be able to fulfil its agreement enter into with the Academic Staff Union of University (ASUU). Haven been exposed to the principles of collective bargaining which should



informed change of attitude of the both parties involved in the negotiation. Therefore, the paper concluded that the Government should shoulder the responsibility of meeting up with her responsibility in the area signing agreement with the striking union. That the principles of collective bargaining should strictly ahead to avoid incessant by the Nigeria Universities lecturers.

Recommendations:

The paper recommended as follows: i. Government should constantly review the condition of service for the University Lectures and that the review should be based on the prevailing economic situation this is in-respect to salary of lecturers ii. That Government should increase the educational budget to enable them meet up with the demand of the sector, iii. That the National University Commission (NUC) the stakeholders in the educational sector and the committee of Vice Chancellors of Nigeria Universities should always develop interest in holding periodic meeting on how to move forward Nigeria Universities forward.

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