AN EVALUATION OF INDUSTRIAL RELATIONS MECHANISM IN EFFECTIVE TRADE DISPUTE SETTLEMENT IN AHMADU BELLO UNIVERSITY, ZARIA (1999-2008).

BY

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BEING A THESIS SUBMITTED TO THE POSTGRADUATE SCHOOL, AHMADU BELLO UNIVERSITY, ZARIA IN PARTIAL FULFILMENT FOR THE REQUIREMENTS OF THE AWARD OF MASTER OF SCIENCE (M.Sc) IN PUBLIC ADMINISTRATION.

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DECLARATION

I, OTOHINOYI, SAMUEL hereby declare that this thesis has not been accepted in substance for any other degree and is not being submitted concurrently but the result of my independent research under the Supervision of Dr. S.M. Ngu of the Department of Public Administration, Ahmadu Bello University, Zaria. I also declare that articles consulted in the course of this thesis were acknowledged accordingly.

_____ _____

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CERTIFICATION

This thesis titled " An Evaluation of Industrial Relations Mechanism in effective trade dispute settlement in Ahmadu Bello University, Zaria" by Otohinoyi, Samuel meets the regulations governing the award of the Degree of Master of science (M.Sc) Public Administration of Ahmadu Bello University, Zaria and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This thesis is dedicated to the Holy Trinity

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Abstract

Dispute is a basic characteristic of every society. There is no society that exists without conflicts. In the same vein trade unions encounter conflicts in their work environment which is referred to as trade disputes. Nigerian laws have provided legal, institutional and administrative mechanisms for the resolution of trade disputes. The Trade Disputes Act for example, provides processes for settlement of trade disputes in Nigeria. The study investigated reasons why disputes keep recurring despites the available mechanisms in resolving trade dispute. The study was aimed at assessing the effectiveness of Industrial Relations Mechanisms in trade dispute settlement. This study also determined the extent to which the parties in dispute (ASUU and Management) abide by the process of trade dispute settlement and their level of compliance with collective agreement reached in Ahmadu Bello University (ABU), Zaria. Data for the study were generated from primary and secondary sources. The instrument of primary data utilized includes questionnaires and interview methods; secondary sources include published and unpublished materials. The instruments of primary data were utilized on the respondents to test the two hypotheses formulated, qualitative and quantitative methods of data analyses were also used in the study with more emphasis on the quantitative method using the highest means score statistical tool to test the hypotheses. The study reveals that industrial relations mechanism process promotes industrial harmony in ABU, Zaria. Besides, the study reveals that breach of collective agreement leads to trade disputes in ABU, Zaria. The study recommended that industrial relations mechanism process as stipulated in Trade Dispute Act should be strictly adhered to as it promote industrial harmony. Also, collective agreement reached by the actors during their roundtable discussion or collective bargaining process should be comply with by all the parties involved as it was the outcome of their round table discussion which both parties actively participated on.

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CHAPTER ONE

1.1 Background to the Study

Industrial relations has become one of the most delicate and complex problems of modern industrial society. With advancement in communication and information technology, the way work is organized and performed in organizations has really improved. Advancement in technology has also changed the relationship that had earlier existed between the employers and the employees. In the modern and competitive organization, there is neither total monopoly of power by employers nor with the employees. However, social divide, which had favoured owner or employer at the expense of the employees, domination and difference in interest and values, are still sources of conflicts in all organizations (Dauda, 2007:26).

It is imperative to note that the central issue of industrial relations is how to attain and maintain maximum or optimum levels of productive efficiency and how to share the economic returns. There are basic divergences in the objectives and roles of the parties involved in the production process, that is, the employers and employees. While employers seek to maximize their profits, the employers strike through their trade unions to set equitable share in the profits which their labours have helped to generate. As a result of these differences and conflicting interests which are at play in the industries, problems are bound to arise.

In Nigeria, every worker has a right to form and belong to any trade union of his choice. This is because this right is guaranteed to every Nigerian by virtue of section 40 of the Constitution of the Federal Republic of Nigeria, 1999 which provides that "Every person shall be entitled to assemble freely and associate with other persons and

in particular he may form or belong to any political party or trade union or any other association for the protection of his interest".

This provision is one of the fundamental human rights provisions in the constitution which can only be amended by special legislative processes to ensure that no person or party in power can easily take away these rights by legislation.

Although, trade unionism in Nigeria predates independence, it started to grow in the period when the various governments in the country realized that combination of workers was not necessarily conspiratorial but could be a vehicle for social benefits. Also, the enactment of social legislation to foster and promote such organizations has become an important part of labour policy and administration. In Nigeria, the need to introduce this special legislation to govern the organization of persons engaged in industry for the purpose of collective relations was first pointed out by Lord Missfield, a secretary of state for the colonies. In his dispatch of September 17, 1930, addressed also to other colonial governors, he expressed the view that social and industrial progress in colonial territories had become such that union were to be expected as a national and legitimate development. He suggested the passing of simple trade union legislations which would provide the basis for such development on the lines of the United Kingdom Union Act of 1871. So, when the first trade union was born in 1912, it enjoyed, like others after it, the protection of the U.K Trade Union Act of 1871. Therefore, the Trade Union Act of 1871 constitutes the cradle of Nigeria Trade Union Laws (Udabah & George, 2002)

As workers desire recognition, satisfaction, fair wages and salaries, security of jobs, redress of wrongs and good working conditions in like manner, the employers

seek to secure labour at the price that would allow a reasonable margin for investment and further expect an uninterrupted production and distribution of goods and supply of services which is planned on a calculated cost and risk, (Audi, 1993:73). Government on its own part desires a well regulated relationship between and among the industrial relation actors for a virile economy. Consumers do also expect from the manufacturers not only a fair price of goods and services, but also the quality of such goods or services (as the case may be). The processes that have been used particularly in Western developed counties, for the attainment of these goals and aspirations of all the parties involved are through collective bargaining. In Nigeria, like in most developing world, if collective bargaining fails, due to the inability of the actors in reaching consensus, other statutory methods followed that is mediation, conciliation and so on. Despite these methods been adopted, most often the employer(s) and the workers still find themselves in sharp disagreement; not only on the aforementioned interests, but also on how they (actors) interpret the meaning of what constitutes the collective bargaining and on how it should be applied. Such frictions or disagreements give rise to trade disputes, namely, any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment, or the terms of employment and physical conditions of work of any person.

It is usually the belief of most entrepreneurs and managers that improved workers salary and working condition will reduce organization profits and owner's fortunes. The demand for equitable share of organization fortunes, employer and manager interest to get the largest proportion of organizational returns at workers expense or to get more than their own fair share places them in constant disputes with

the workers. This diametrically opposed interest of the workers and the employers is the source of conflict in most, if not all organizations and it is seen as one major cause of trade disputes. Workers feel threatened and oppressed when employers increase their own share of the organization returns or profit at their expense. Values and goal difference, authority and responsibility issues, misunderstanding and differences over method were also considered by Likert and Likert, to be the major causes of industrial conflicts. In all nations and organizations, conflict is endemic. It is part of national and organizational life and its effective management is a necessity for organizational and national survival.

In order to manage conflict such that it will not be an agent of disequilibrium, disruption and destruction, rules and regulations are made by organizations, laws and policies by nations. These are to create enabling environment for settlement of disputes to forestall the breakdown of negotiation and stoppage of work by the workers or closure by the management. Responsive and responsible governments always take all necessary precaution to avert national strike because of its adverse effects on the economy and society at large. In line with this, we have in Nigeria, the Trade Disputes Act and recently National Industrial Court (NIC) Act which have set out the mechanism for the settlement and resolution of trade disputes in Nigeria.

This research work evaluates the Nigerian industrial relations mechanisms and using Academic Staff Union of Universities, Ahmadu Bello University Chapter as its case study.

1.2 Statement of the Problem

There is no doubt that good industrial relations are the basis of advancement or progress and sustainability of any organization. Organization progress is impossible without co-operation of labour and management. As such, every organization is concerned with achieving a harmonious working relationship. This arises from the fact that good industrial relations are necessary impetus for industrial peace, stability and growth. Mary Parker Follett as quoted in (Ngu, 2010:51) believes that conflict is inevitable phenomenon in all organizations. She advanced that "conflict is just an exhibition of differences in ideas or opinions on given situations. It could arise as a result of different approaches to issues, or different approaches to existing conflict resolutions". It is then the responsibilities of organizations to provide adequate procedures for dealing with discontentment and improve relations between management and employees through negotiation and consultations.

Sound education is the basis for meaningful national socio-economic development. The developed countries (e.g. USA, United Kingdom and Germany, to mention a few) have been able to achieve that mainly because governments in those countries have ensured stability in their educational system at all levels. In Nigeria, the reverse is the case. For the past two decades, the rate of industrial disputes in our educational sector for example is so alarming i.e. in 992, 1996,2001,2004 and so on, the Academic Staff Union of Universities (ASUU) embarked on series of industrial actions which has negative effects on the qualities of students graduating from our universities as a result of these frequent strikes. Also, these industrial actions embarked by the union (ASUU) have made the universities to lose some of their prominent lecturers through either voluntary resignation or forceful disengagement by the management.

Despites the efforts of the stakeholders to proffer solutions to this menace affecting the dissemination of knowledge and qualitative research work in our universities, but their efforts almost yielded nothing even with the existing mechanism been put in place to foster unity among these actors involving in our educational sector i.e. collective bargaining and Alternative Dispute Resolution (ADR).

The problem is, despite the mechanisms put in place to maintain unity and cordial relations in order to achieve set objectives in the Nigerian university system, why is it that for the past two decades conflicts keep recurring in Ahmadu Bello University (ABU),Zaria among these actors?

The research questions which the study addresses are:

i. Are the industrial relations mechanisms effective in trade disputes settlement between the Managements and ASUU in Ahmadu Bello University, Zaria?
ii. Are there breaches of disputes settlement process by ASUU or Managements in Ahmadu Bello University, Zaria?
iii. Are agreements reached and signed by disputed parties implemented in ABU, Zaria?
iv. What are the effects of non-implementation or compliance with collective agreement in ABU, Zaria?

1.3 Objectives of the Research

The central objective of this research work is to evaluate the industrial relations mechanisms and reasons responsible for consistent trade disputes in Ahmadu Bello University, Zaria and Bayero University, Kano. However, the specific objectives of this research include:

i. To determine the effectiveness of industrial relations mechanisms in trade disputes settlement in ABU, Zaria.

ii. To find out if there are breaches of disputes settlement process by ASUU or Managements in Ahmadu Bello University, Zaria.

iii. To know whether or not agreements reached and signed by disputed parties are implemented in ABU, Zaria.

iv. To examine the effects of non-implementation or compliance with collective agreement in ABU, Zaria.

1.4 Significance of the Study

The significance of this study cannot be overemphasized. Some scholars like Abubakar, Hamza, Paniman and so on, have conducted researches in industrial relations in Nigeria but this study is unique because it focused on how industrial relation mechanism can be used in achieving/promoting industrial harmony in our tertiary institutions i.e. university. It is believed that if the problem militating against industrial peace and harmony in our tertiary institutions i.e. universities are unveiled and the way to tackle them are advanced, the efforts by these actors and stakeholders to have conducive environment of learning will be attained.

Again, apart from the study adding to knowledge in trade disputes settlement in our educational sector, it will also serve the purpose of enlightening the actors in other sectors on how effective trade disputes can be settled through industrial relations mechanisms.

The study is also expected to further encourage researchers to develop interest in

finding other alternative methods of handling industrial disputes in educational sector that requires stability for improved learning process that will lead the nation towards sustainable growth and development.

1.5 Hypotheses

In order to achieve the objectives stated above, the following hypotheses have been formulated:

H0 = that, industrial relations process does not promote industrial harmony in Ahmadu Bello University, Zaria.

H1 = that, industrial relations process promote industrial harmony in Ahmadu Bello University, Zaria.

H0 = that, breach of collective agreement does not lead to trade disputes in Ahmadu Bello University, Zaria.

H1= that, breach of collective agreement leads to trade disputes in Ahmadu Bello University, Zaria.

1.6 Scope and Limitations of the Study

Industrial relation is concerned with relationship between employer and employees in an organization in order to foster unity and progress in achieving the set objectives of the industry. Our focus in this research is to consider how industrial relations mechanisms i.e. collective bargaining and Alternative Dispute Resolution (ADR) can be used to foster cordial labour-management relationships between the university administration and Academic Staff Union of Universities (ASUU) in Ahmadu Bello University (ABU), Zaria. There are many in-house unions existing in this university but our scope in this study is confined to the Academic Staff Union of Universities

(ASUU) which is one of the vibrant unions in the country. The period covered by the study is 1999 -2009. The justification for the choice of this period is that, it is during the period under review that Nigeria returned to democracy, in which people's expectations on government are becoming high and there is expectation of compliance with constitutional provisions and respect for human right by both individuals and government. But despite that, there were still noticeable serious industrial disputes between ASUU and management in ABU, Zaria.

The limitation of this research entails time and financial constraint, and also, unwillingness of members of staff (ASUU and Management Staff) of academic institution under study to reveal some information that is of great importance to the researcher especially on issues that has to do with compliance to collective agreement.

1.7 Research Methodology

For the purpose of this research, the researcher adopts the survey and documentary methods.

"Survey research has to do with a systematic collection of data from population or samples of population through interview or questionnaire techniques. It deals with study of fractions or parts of large or widely spread groups of people" (Ngu, 2009:93).

In this research work, the researcher is interested in the accurate assessment of the characteristics of the whole population of ASUU members and management staff of Ahmadu Bello University, Zaria. Nevertheless, our attention focused on the sample drawn from the populations. From these samples, the researcher infers the characteristics of the defined population or universe because of the difficulties of attempting to study whole populations. The choice of Survey method is made because

of the versatile and practical nature of the method especially for the researcher in that they identify present conditions and point to present needs of the research. It is good to note that this method adopted can provide us with information on which to base sound decisions in accordance with the research findings. The Survey method does more than merely uncover data but it also interprets, syntheses, and integrates these data and point to implications and inter-relationship.

In a nutshell, the survey method is relevant to this study in the sense that it is realistic because it investigates phenomena in their natural setting. This is a great strength in the early stages of the investigation of a problem in that it affords flexibility and versatility especially in researches that have to do with delicate scenarios like settlement of trade disputes in all organization and especially between ASUU and the Management of Ahmadu Bello University, Zaria.

1.7.1 Method of Data Collection

The collection of data is the most crucial operation in the execution of a research because such information and data are necessary for arriving at the solution to the problem under investigation. The collection of appropriate data and information in any research activity involves deliberate and planned efforts. To undertake research of this nature it requires the use of both primary and secondary sources of data in order to make the work more reliable.

Primary data refers to the material which the researcher collects at first hand in response to specific questions. Its characteristics are that it is obtained directly for the purpose of the survey which is being undertaken, and is, as yet, unanalyzed.

This research work employs the questionnaire method of data collection. This is

informed by the fact that opinions vary depending on individual perception on a particular issue and there is a need to assess these varying responses and opinions in the light of the hypotheses formulated. The researcher administered questionnaires to principal officers and ASUU members in ABU, Zaria for the purpose of ascertaining the true responses of the respondents in pursuance of the objectives of the study. The responses are subsequently matched with the tentative statements in order to aid the researcher draw inferences for eventual test of hypotheses.

The researcher also made use of the interview method in gathering data for analysis. The principal actors (the management and ASUU executives) in ABU, Zaria were interviewed in order to gather information relevant to the topic under consideration.

Also, the researcher made use of secondary sources of data to ensure that the work gives adequate and more reliable facts. The secondary data refers to information readily available for the reader/researcher by scholars who have studied the variables and came up with established facts and usually documented.

The secondary sources of data which the researcher made use of entails the use of textbooks, internet, journals, and other published and unpublished materials.

1.7.2 Method of Data Analysis

Data for this study are analyzed qualitatively and quantitatively with more emphasis on the quantitative method using the highest mean score statistical tool to test the hypotheses.

1.7.3 Sampling Techniques

The population size of the research work covers all the ASUU members and management staff of Ahmadu Bello University, Zaria. The entire population of study covered one thousand, six hundred and ninety five (1695) of management and academic staff of ABU, Zaria (office of the Registrar of ABU, 2009).

In selecting our sample size, a stratified sampling technique was used by the researcher. This technique is considered best for this study because the researcher is dealing with two subgroups that is, ASUU members and the management staff, which may have different views or opinions about the variables under study.

Sample population is drawn using the Steely Yamane (1967) as expressed by Israel (1993) popularly known as YAMANE'S formula denoted by

$$n = \frac{N}{1 + N(e)^2}$$

Where n is = sample size

N = population

e = significance level of (0.07)

$$n = \frac{1695}{1 + 1695(0.07)^2}$$

$$= \frac{1695}{1 + 1695 \ x \ 0.0049}$$

$$= \frac{1695}{1 + 8.3055}$$

$$= \frac{1695}{9.3055}$$

$$n = 182$$

Based on the Yamane's formula computed above, the sample size for this study

is one hundred and eighty two (182). Questionnaires were administered using stratified sampling techniques to both management and ASUU members in ABU, Zaria.

1.8 Conceptual Definition of Terms

Industrial Relation

According to Akpala (1982) in Onah (2008) industrial relations is seen as relationships which exist between the workers and the employers in an organization. He added that the role of government in the industrial relations as a third party ought to be limited to playing the role of an umpire and arbiter in providing laws and regulations which ensure that the two parties directly involved play the game according to the rules and when either parties runs part of the rules of the game, it intervenes to ensure that chaos does not result, except the instance when government is the employer of labour itself. In effect, the role of the government in its position as the arbiter between employers and workers in an industrial setting is that of providing the legal frame work within which industrial relation must operate and ensuring that parties directly involved act within this frame work in their relationship with themselves.

Trade Union

Sydney and Beatrice Webb defined trade union as a continuous association of wage – earners for the purpose of maintaining or improving the conditions of their working lives (Wikipedia, 2010).

Collective Bargaining

Davey (1951) in Fashoyin (2007) defines collective bargaining as "those formal and informal processes of accommodation through which an employer, or a group of

employers and their organized workers attempt to establish a mutual set of relationships which will allow them to achieve their respective goals. It involves the formulation of labour agreements (contracts), the application of those agreements to the production processes involved, and the solution to inevitable differences which arise over their interpretation and application.

Alternative Dispute Resolution (ADR)

Sander and Rogors in Ladan (2006) define Alternative Disputes Resolution as a term which is associated with a variety of specific dispute resolution options such as mediation conciliation, arbitration and a lot of other hybrid mechanisms.

CHAPTER TWO

LITERATURE REVIEW AND THEORETHCAL FRAMEWORK

2.1 Literature Review.

2.1.1. Introduction

A review of related literature involves re-examination of the extent to which previous studies have been carried out in the field of study which the researcher is conducting a research work. This helps the researcher to familiarize himself thoroughly with existing body of works already carried out in the field of his study.

In a research of this nature, it is very imperative to review relevant past literature on industrial relations, trade disputes and various mechanisms used in trade disputes settlement in organizations.

2.1.2 The concept of Industrial Relations

The term 'industrial relations' comprises of two terms 'industry' and 'relation'. Industry has been defined in section 2 (j) of the Industrial Disputes Act 1947 as "any business, trade, undertaking, manufacture or calling of employers and include any calling, service, employment, handicraft, or industrial occupation or a vocation of work men". The term industry also refers to "any productive activity in which an individual(s) is (are) engaged". By 'relation' we mean "the relationship that exists within the industry between the employer and his employees or workmen".

Ngu (2010) views industrial relations as the sum total of labour-management activities ranging from unilateral determination of workers rewards or compensation by the state or employer to tripartite approach, involving state, employers of various organizations, and the workers or their representatives who are usually trade union

officials. He opined that the major concern of industrial relations is workers compensation or rewards for their labour. He admonished that workers compensation or rewards should not be limited to monetary or economic benefits only but the concept should also be interpreted to include both physiological and psychological values. In other words, worker's compensation should be seen to include both monetary rewards and conditions under which workers perform their duties.

2.1.3. Importance of Industrial Relations

Good industrial relations facilitate optimum production with minimum cost and higher profits. It results also in efficiency of workers. The importance of industrial relations as opined in The Wikipedia, 2010 is discussed under the following sub-headings:-

i. Uninterrupted production
ii. Reduction in industrial disputes
iii. High morale
iv. Mental revolution
v. Reduced wastage

i. Uninterrupted Production

The most important benefit of industrial relations is that it ensures continuity of production. This means, continuous employment for all from manager to workers. The resources are fully utilized, resulting in the maximum possible production. There is uninterrupted flow of income for all. Smooth running of an industry is of vital importance for several other industries, to other industries if the products, are intermediaries or input, to exporters if these are export goods; to consumer, and workers

if these are goods of mass consumption.

ii. Reduction in Industrial Disputes

Good industrial relations reduce the industrial disputes. Disputes are reflections of the failure of basic human urges or motivations to secure adequate satisfaction or expression which are fully cured by good industrial relations. Strikes, lockouts, go – slow tactics and grievances are some of the reflections of industrial unrest which do not spring up in an atmosphere of industrial peace. It helps in promoting cooperation and increasing production.

iii. High Morale

Good industrial relation improves the moral of the employees. Employees work with great zeal with the feeling in mind that the interest of employer and employers is one and the same, i.e. to increase production. Every worker feels that he is a co-owner of the gains of industry. The employer in his turn must realize that the gains of industry are not for him alone but they should be shared equally and generously with his workers. In other words, complete unity of thought and action is the main achievement of industrial peace. It increases the place of workers in the society and their ego is satisfied. It naturally affects production because mighty cooperative effort alone can produce great result.

iv. Mental Revolution

The main object of industrial relation is a complete mental revolution of workers and employees. The industrial peace lies ultimately in a transformed outlook on the part of both .It is the business of leadership in the ranks of workers, employees and government to work out a new relationship in consonance with a spirit of true

democracy. Both should think themselves as partners of the industry and the role of workers in such a partnership should be recognized. On the other hand, workers must recognize employer's authority. It will naturally have impact on production because they recognize the interest of each other.

v. Reduced Wastage

Good industrial relations are maintained on the basis of co-operation and recognition of each other. It will help increase production. Wastage of man, material and machines are reduced to the minimum and thus natural interest is protected.

2.1.4 Concept of Trade Dispute

Trade dispute has been defined by section 55 of the Trade Unions Decree 1973 as "any dispute between employers and workers, or between workers and workers, which is connected with employment or non-employment or terms of employment or conditions of work of any person". From the above definition, it means that a trade dispute is between two great social powers of an industry, labour and management.

Under the NIC Act, "trade disputes means any dispute between employers and employees, including disputes between their respective organizations and federation which is connected with the employment or non-employment of any person, term of employment and physical conditions of work of any person, the conclusion or variation of a collective agreement and an alleged dispute".

The above definition of trade dispute is wider in scope than that under Trade Disputes Acts on two different grounds namely:

While disputes between employer and employer or between employers and employers is conspicuously absent in the definition of Trade Disputes Act, it is not so in NIC Act.

Also, the subject matter of trade disputes under NIC Act is extended to "the conclusion or variable of a collective agreement, and an alleged dispute". Besides, the use of the phrase "and an alleged dispute" has even made endless the types of trade disputes conceivable under that definition provided it be between their respective organizations and federation.

2.1.5 Legislations on Trade Dispute in Nigerian

The first legislative attempt to control trade dispute through collective bargaining in Nigeria was made in 1941. This 1941 ordinance was further amended by 1944 ordinance. The law provided that if there are existing in any trade or industry any arrangements for settlement by conciliation or arbitration of disputes in such trade or industry or any branch thereof, made in pursuance of an agreement between organizations of employers and organization, of workmen representative respectively of substantial proportions of the employers and workmen engaged in that trade or industry, the Governor-General shall not, unless with the consent of both parties to the dispute and unless and until there has seen a failure to obtain a settlement before a conciliator, arbitration tribunal or board of Inquiry. The forgoing law did not stand the test of time as it did not provide for the required cost of behaviour for the attainment of industrial peace and harmony. The law was further amended in 1957 as Trade Disputes (Arbitration and Inquiry) (Federation Application).

In the 1960s, Labour enactment, following the civil war shows clearly the role government played in Nigerian's industrial relation, for example, the Trade Disputes (Emergency Provision) Decree of 1968 suspended the existing ordinance which was based mainly on collective bargaining. In 1969, another Decree came up. This Decree was meant to be of a temporary measure to curtail trade disputes in an attempt to adjust the economic conditions brought by the civil war. It introduced compulsion for the first time as it required copies of agreement reached to be deposited with the commissioner of labour and the award made through arbitration was to be regarded as binding. There was another amendment to the 1969 Decree in 1973.

Then in 1976, a new Trade Dispute, Decree was promulgated which gave birth to the National Industrial Court as a special Court with exclusive jurisdiction to adjudicate trade disputes in Nigeria. The kind of National Industrial Court established under part II of this Trade Disputes Act can be compared with a "toothless bulldog" as it did not, *inter alia,* have the power to enforce its judgment. Hence, the National Industrial Court Act, 2006. The NIC Act repealed part II of the Trade Disputes Act and further provides that if any provision of the trade Disputes Act is inconsistent with the provision of the NIC Act, the provisions of the NIC Act shall prevail.

2.1.6 Mechanisms of Settlement of Disputes

According to Folayan (1998),Fajana,(2000),and Onah(2008),the 1976 Trade Disputes Decree has two features. The first part encourages free collective bargaining, which is the normal process of settling trade disputes. The second part makes provision for alternative processes which is compulsory in nature where the normal process fails, namely mediation, arbitration and adjudication. Under the first part, which is collective

bargaining, the parties are given the chance to reach an agreement on their own under sections 2, 3, and 6. Where collective bargaining process (voluntary) fails, and then begins the compulsory statutory methods. Under section 7 of the Act, the minister is to refer the dispute to an arbitration panel within 14 days. Section 9 (2) of the Act also gave the minister the power to refer disputes to the National Industrial Court where notice of objection has been served within the stipulated time from the award for the Arbitration Panel.

In summary, according to Folayan (1998),Fajana,(2000),and Onah(2008),the mechanisms of settlement of trade disputes entail any of the following:

(A) collective bargaining, which is a voluntary process, and

(B) the statutory procedure embodied in the Trade Dispute Acts of 1976,now Cap.T8, Laws of the Federation of Nigeria,2004 . This is compulsory in case the collective bargaining fails.

(A) **Collective Bargaining**

i. Concepts of Collective Bargaining

The concept of collective bargaining is a combination of two broad words namely "collective" and "bargaining". It is called "collective" because both the employer and the employee act as a group rather than as individuals. It is known as "bargaining" because the method of reaching an agreement involves proposals and counter proposals, offers and other negotiation (Wikipedia, 2010).

"Collective bargaining" is a phrase coined by Beatrice Webb to describe those negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers association on the one hand, and one or

more representatives' workers organizations on the other. It covers all arrangements in which employer do not negotiate individually but do so collectively through their representatives.

According to Jadeyi (undated) "collective bargaining is the process whereby employers (represented by management) and the employees (represented by the union) negotiate and reach agreement on issues of divergent interest such as wages and salaries, allowances, hour of work and other conditions of employment".

From the above definition, there are two important concepts namely negotiation and agreement. It takes the two to have a complete collective bargaining. Any collective bargaining that stops at the level of negotiation is definitely incomplete. Therefore, it takes an agreement jointly signed by both parties (employers and employees) to have a perfect collective bargaining.

II. Methods use for Collective Bargaining.

Audi (1993) identified two methods used for collective bargaining namely Contractual method (Static), and Institutional method (dynamic).

Contractual method enables the employer and the representatives of the workers meet for negotiation for the purpose of settling trade disputes. They bargain and if they succeed, they conclude a "collective agreement" which is a "social treaty".

It becomes "static" because after conclusion of the agreement, it remains the only agreement that binds the parties. It remains static even when situation or circumstances surrounding the agreement changes.

Institutional method provides avenue for labour and management to join together to set up an institution and a constitution. The body consists of an equal number of representations while passing a resolution; the bilateral agreement is open to interpretation or modification, hence it is an open ended agreement. Also, a time limit usually not fixed for its operation. This agreement is not enforceable under the law of contract.

III. Actor(s) that Commences Collective Bargaining Negotiations.

It is good to note here that, there is no inflexible rule as to who should open the negotiations. However, it is not unreasonable for the management to claim that if the union has initiated the negotiations, it should first outline its rationale and justification for doing so. Nevertheless, the management should make it clear at the outset that agreement on any particular issue is subject to an overall settlement including its own expectations from the union.

Iv. Some Basic Rules in Collective Bargaining Negotiations

A negotiator should view negotiations as an exercise with both sides walking towards each other, rather than away from each other. This will enable the negotiator to keep in mind that the final objective is a satisfactory agreement. It will also lead to a search for, or identification of, common ground while also addressing the differences.

A negotiator should be good at listening carefully to the other party/parties who will, otherwise, feel that disagreement with his position is due to lack of understanding. This is also necessary to encourage the other party to listen to him. Some indication should be given to suggest that the party has understood the other's position. Body language often communicates a party's reactions.

A party should build his case in a logical sequence and, as far as possible, try to obtain agreement at each stage of the process. This will narrow the areas of disagreement and facilitate focusing on those aspects.

Counter proposals and conditions attached to concessions should be indicated as early as possible, so that the basis on which a party is prepared to agree or compromise is understood.

Whenever possible, invite the other party/parties to look at the problem from the opposite perspective e.g. a wage increase has an additional cost which, due to competitive pressures, requires management to find ways to absorb it. It is sometimes useful to ask the union for suggestions on how it can cooperate to facilitate absorption of the increase.

It is usually preferable to avoid taking up at the outset the position of a particular item if not negotiable. It is more productive to request from a party his claim, and then point out why that claim is unreasonable. Taking up a non-negotiable position can lead to the perception that the position has nothing to do with the merits and that the party is not willing to listen.

Skillful questioning is an effective way of compelling the other party to justify his claim on the merits, and even shorting the other party to a different point of view.

(B) The Statutory Procedure

Another important industrial relations mechanism has to do with statutory procedure embodied in the Trade Disputes Act of 1976. Statutorily, section 3[1]of the Trade Disputes Act stipulates that any dispute arising in industry must first be settled under internal machinery, and only when this fails can the statutory procedure be

retorted to.

In case the internal machinery of each organization fails, the law requires the parties to resort to the following formal statutory institutions. Mediation, Conciliation, Arbitration, Board of inquiry and finally, the NIC Act provide adjudication at the National Industrial Court as the final point of call of trade dispute resolution except of an appeal from the National Industrial Court to the court of appeal in question involving fundamental right as contained in chapter iv in the Constitution of the Federal Republic of Nigeria 1999.

1. Mediation

Under the Trade Dispute, if the attempt to settle the trade dispute through collective bargaining first or if no such agreed means of settlement exists, the parties shall within seven (7) days of the date on which the dispute parties or is first apprehended meet together either by themselves or through their representatives under the presidency of a mediator mutually agreed upon and appointed by or on behalf of the parties, with a view to amicable settlement of the dispute. This notwithstanding, where a trade dispute is apprehended by the minister, he may in writing inform the parties of his apprehension and the steps he intends to take in order to resolve the dispute. Any of such steps could be by by-passing the process of mediations to refer the dispute for conciliation or arbitration or to board of inquiry.

However, if the dispute remained for mediation and within seven (7) days of the date on which a mediator is appointed, the dispute is not settled, the dispute shall be reported to the minister by or on behalf of either or the parties within three days of the end of the seven days. The report to the minister shall be in writing and shall record the

points on which the parties disagree and describe the steps already taken by the parties to reach a settlement. The use of mediation in the settlement of trade disputes depends on the discretion of the minister as he may, as earlier noted decided to by-pass this method. This has rendered mediation as a means of settlement of trade dispute, a mere statutory provision.

2. Conciliation

The Minister of Labour shall if not satisfied that the requirements for mediation have been substantially complied with, issue to the parties a notice specifying those requirements and may specify in the notice the time within which any such steps must be taken. If the time given on the notice expires or if no period is given, after the expiration of fourteen days, the dispute remains unsettled and the minister is satisfied that the steps specified in the notice have been taken or that either party is refusing to comply, he shall appoint a fit person to act as a conciliator for the purpose of settlement of the dispute. The conciliator is expected to inquire into the causes and circumstance of the dispute and effect its settlement within seven days. After settlement, the conciliator shall report to the minister and forward to him the memorandum of the terms of settlement signed by the representatives of the parties. Such a memorandum shall be binding on the employers and worker to whom it relates from the date it was signed or such other date as many be specified therein.

The Trade Disputes Act did not define who may be a fit person to act as a conciliator and did not give any room for the parties to participate in choosing such a fit person. The appointment of a fit person to act as a conciliator is solely within the whims and caprices of the minister of Labour. The minister too may even wish to by-

pass the conciliation method to refer the matter for arbitration. If settlement is not reached by the conciliator within seven days of his appointment, he shall forthwith report the matter to the minister.

3. Arbitration

The Trade Disputes Act established the industrial arbitration panel which shall consist of a chairman, a vice-chairman and not less than ten other members all of whom shall be appointed by the minister. A trade dispute may be referred to the arbitration tribunal under sections 5, 7, and 9 of the Trade Disputes Act. It is the duty of the Chairman of the industrial arbitration tribunal to constitute the arbitration tribunal. The arbitration tribunal shall make its award within twenty-one days of its constitution or such longer period as the minister may in any particular case allow. The arbitration tribunal shall not communicate its award to the effected parties but shall make a copy available to the minister who may consider it desirable to refer the award back to the tribunal. This put, a question mark on the credibility of the award as the minister may continue referring the matter to the tribunal until the award reflects his expectation. However, the idea of referring back the award to the tribunal is only possible if the matter has not been referred to the National Industrial Court for adjudication. In the case of ***Academic Staff Union of Universities V. Federal Government of Nigeria***, the court held that the minister of labour had an absolute discretion to refer an award back to the industrial arbitration panel for reconsideration, provided he had not referred the matter to the National Industrial Court for adjudication (unreported suit No.FHC/ABJ/M/563/2004).

The industrial arbitration panel has power to enforce its award and may commit

for contempt any person or a representative of a trade union or association who does any act or omission which in the opinion of the panel constitutes contempt of the panel. However, such power of committal is incomplete as the chairman of the industrial arbitration panel is expected to commit such a person for trial in the high court. The Minister of Labour is expected upon receipt of a copy of the award of then arbitration tribunal to immediately cause to be given to the parties or their representatives within a stipulation that within not more than seven days, either party to the dispute may object to the award. If there is no objection within the seven days given, the minister may then confirm the award by publishing in the Federal Gazette a notice to that effect. It could therefore be noted that the award is binding on the parties only when it has been confirmed by the parties.

An interesting case in this respect is the case of ***National Headquarters of Nigeria UNION of Civil Typist, Stenographic and Allied Staff V. Federal Branch of Nigeria Union of Civil Typist, Stenographic and Allied Staff*** where the appellant had objected to an industrial arbitration panel award for which the minister of labour referred the matter to the national industrial court (unreported suit No. NIC 8/2005). The act of objecting to the award meant that the award could not be confirmed by the minister of labour. At the hearing of the matter, the appellant applied to withdraw the matter from court. The application was not opposed by counsel to the respondent and so it was granted. It later downed on the respondent's counsel that the effect of the withdrawal of the appeal is to have a non-binding award since it was neither confirmed by the minister of labour nor sanctioned by the court. It was then that the respondent has to apply for a consequential order of the court or order the minister of labour to

confirm it given that the appeal in respect of it has been withdrawn.

4. Board of Inquiry

Another mechanism for resolving trade disputes is the power of the minister of labour to constitute a board of inquiry. This system is rarely used most probably because of the statutory limitation implicit in its constitution. For instance, under section 33(1) of the Trade Disputes Act, the board of inquiry set up by the minister is statutory expected to only inquire into the causes and circumstance of the trade dispute in question and report thereon to the minister. The statute is silent as to what may be made of the report by either the minister or any other authority. It therefore, means that if such a report is simply filed away, this will be perfectly lawful and valid.

5. National Industrial Court

Before June, 2006, the resolution of trade disputes by the National Industrial Court was regulated by part 11 of the Trade Disputes Act. The said part II provided for the establishment, constitution, composition, structure, powers, etc of the National Industrial Court. This part II has been repealed by the National Industrial Court Act, 2006. Under the National Industrial Court Act, 2006, National Industrial Court has been restructured and repositioned towards a smooth and effective settlement of labour disputes in Nigeria. However, other relevant provisions of the NIC Act apart from part II of the Trade Disputes Act are still applicable to the National Industrial Court but to the extent that they are consistent with the provisions of the NIC Act.

2.1.7 Overview of Trade Unionism in Nigeria

The existence of trade unions could be traced from the eighteenth century when the rapid expansion of industrial society was to draw women, children, rural workers and immigrants to the work force in large numbers and in new roles. This pool of unskilled and semi-skilled labour spontaneously organized in fits and starts throughout its beginnings, and would later be an important arena for the development of trade unions.

Trade unions have sometimes been seen as successors to the guilds of medieval Europe, though the relationship between the two is disputed. Medieval guilds existed to protect and enhance their members' livelihoods through controlling the instructional capital of artisanship and the progression of members from apprentice to craftsman, journeymen, and eventually to master and grandmaster of their craft.

At the beginning of the nineteenth century, trade unions were regarded by the law as illegal criminal organizations. It was revealed that the early unions swore members to secrecy. During those periods, the French revolution was fresh in the minds of the ruling classes, who were therefore terrified of secret groups; the unlawful oaths Act 1797 imposed criminal penalties on any secret society which required its members to take an oath – the offence for which the Tolpuddle Marty's were transported in 1834. Besides, the combination Acts 1799 -1800 criminalized all agreements with the purpose of raising wages.

The combination Acts 1824 – 25 reformed the law so that unions were not illegal in themselves, although most of their activities beyond the purely "friendly society" purposes of collecting and administering funds against misfortune were likely to be

criminal. A strike was a criminal "molestation" of the employer, and if it involve of breach of the contract of employment, then that was a criminal offence on the part of the employee (although breach of contract by an employer was only a civil wrong). While no longer criminal organizations, unions were unlawful at civil law because their objects were in restraint of trade.

Following the extension of the franchise to a much wider class of working men in 1868, the liberal Government accepted union lobbying and in 1871 passed the trade union Act and the criminal law Amendment Act, which removed unions from the ambit of the law of criminal conspiracy and provided that trade union purposes were not to be considered as in restraint of trade a provision still necessary today and to be found in TULRA, S.II. In 1875 the conspiracy and protection of property Act defined an area of lawful industrial action. Thus unions had at last become fully recognized as lawful organizations; but the fact that they had to struggle so long without this recognition contributed to that general suspicion of the law which is still deeply entrenched in British trade unionism. Also, the fact that unions had been organizing themselves without the law for so long led to an antipathy to any sort of legal regulation of their internal affairs.

Despite the advances made in legislation, the courts remained hostile to trade unions. Throughout the nineteenth and twentieth century's there is a discernible pattern, legislative protection is granted to unions by statute; it is out flanked by common law developments in the courts, this is followed by new legislation to reinforce the advance – and so on. After 1875, the law of tort was extended in order to render union activities unlawful. However, this was subject to an important limitation.

The law recognizes two categories and two categories only, of legal persons: natural persons (human beings) and corporations. Trade union grew up as unincorporated associations – inevitably, given their history. That means that is law a trade union had no existence of its own - the phrase "trade union" was simply shorthand way of referring to all the members of the union. Legal opinion at the end of the nineteenth century considered that the technical difficulties in suing all the members in one action effectively precluded any action against the union in its own name. The practice developed of suing the principal officers of the union instead, and in general if any injunction was granted against an officer, the union accepted its terms too. However, this state of affairs meant that trade union funds were safe from damages awards (Udabah & George, 2002, Wikipedia, 2010).

Conceptualization of a Trade Union in Nigeria

Section 1 (1) of the Trade Unions Act 1973 defines a Trade Union as: "any combination of workers or employer, whether temporary or permanent the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for members". From the foregoing definition, it means that for an association to qualify as a trade union, it must fulfill the following conditions.

a) The combination must be of workers or employers and

b) It must have the proper purpose; that is for the purpose of regulating the terms and conditions of employment of workers.

Section 28 of Trade Union and Labour Relation Act 1974 (TULRA) defines Trade Union as "organization-whether temporary or permanent-which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers...and employer or employers' association".

Sydney and Beatrice Webb defined trade union as a continuous association of wage – earners for the purpose of maintaining or improving the conditions of their working lives (Wikipedia, 2010).

Trade Union is an organization of workers who have banded together to achieve common goals in key areas such as wages, hour and working conditions, forming a carter of labour. The trade union, through its leadership, bargains with the employer on behalf of union members (rank and file members) and negotiates labour contracts with employers. This may include the negotiation of wages, work rules, complaint procedures, rules governing hiring, firing and promotion of workers, benefits, work place safety and policies. The agreements, negotiated by the union leaders are binding on the rank and file members and the employer and in some cases on others non-member workers. The most common purpose of trade union is "maintaining or improving the conditions of their employment".

In Nigeria, trade unionism began in 1912 through the formation of a trade union by some workers of the colonial civil service. The color discrimination in the colonial civil service, low wages and poor condition of service were the main reasons for the formation of the civil service association, the predecessor of the present Nigeria civil service union. In those early days of colonialism, no Nigeria, however qualified could rise to a senior service position in the colonial administration. Even those who

qualified in medicine with their white counterparts in the same universities could rise only to the post of Assistant Medical Officers.

It was due to the pioneer Nigerian trade unionists of that time that some improvements in the conditions of service were effected. Trade unionism in Nigeria was borne out of struggle of workers to improve their conditions of service, stop exploitation, and to be treated with respect and dignity. Individual workers, no matter how strong or intelligent cannot successfully win against employers but when they come together as a union, they can attain their aspiration due to their numerical strength.

After independence from British Colonial rule, the role of trade unions was now to educate, promote, and protect the interests of their members in the independent Nigerian nation. In 1942, a government order, the General Defense regulations outlawed strikes and lockouts. Workers considered this an affront and an attempt to suppress their new and fragile organizations. They embarked on a campaign to form a trade union congress through which they could demonstrate the strength of labour. In collaboration with the Nationalist leaders of the time, this gave birth to the first central labour unions in Nigeria, Trade union congress of Nigeria (TUCN).

The TUCN was soon engulfed in crises and as a result, in 1949 a faction emerged known as the National Federation of labour (NFL). It can be said that a combination of ethnic, political and ideological factors was responsible for the endless splits which have become a characteristic feature of central trade unionism in Nigeria.

In 1950 as an aftermath of the killing of defenseless striking coal miners in Enugu by the police, the two centres's set up a caretaker committee to work out the modalities for merger, which eventually led to the birth of the Nigerian labour congress (NLC) in May 1950. Unhappy with the continued labour disunity and in an attempt to arrest this ugly trend in 1953; the All Nigerian Trade Union Federation (ANTUF) was inaugurated. After some time this attempt was also unsuccessful because the central body was riddled by crises and many labour centres's thus emerged – i.e. the Nigerian Association of University Teacher (NAUT). In order to sterm this trend, there was direct government intervention between 1975 and 1978 to restructure the union. This restructuring led to the emergence of a single labour centre, the Nigerian Labour Congress (NLC), 42 industrial unions, 15 senior staff Associations and 4 professional unions.

The new structure introduced considerable sanity into the labour movement and significantly minimized the chaos, which pervaded the system in the previous years (Folayan, 1998 and Onah, 2008).

History and Struggles of ASUU

The Academic Staff Union of Universities (ASUU) grew out of the Nigerian Association of University Teacher (NAUT). The NAUT was formed in 1965 covering academic staff in the University of Ibadan, university of Nigeria, Nsuka, Ahmadu Bello University, Zaria, university of Ife and university of Lagos. The NAUT orientation was mainly for improvement in the condition of service, the socio-economic and political well being of the country.

According to Atahiru Jega, NAUT hardly even took any note worthy position on national issues. Ideologically, it seemed to be a middle class fraternity with viewpoints not too divergent from those of the post colonial state. On the few occasions that it issued public statements, they tend to be conservative and sympathetic to the regime.

The NAUT become unsuitable for the advancement of the university system in Nigeria because the development of the university system was a function of the move of the socio-political and economic direction of the country. Toyo rightly stated when he placed the genesis of ASUU predicaments and struggles or challenges in the character of the society itself and the bad faith of primitive bureaucracy and crude militarism.

ASUU was established in 1978. This was the period the country began to experience decline in the oil boom. At this era, the country was facing the consequences of the failure by its leaders to use the oil wealth to generate production and a social welfare system. The military leaders had affected negatively the basic freedoms in the society. Academic freedom and university autonomy were part of the calamities of military dictatorship. The funding of the education especially that of the universities became poorer. The factors required a changed orientation of the union of academics from 1980.

ASUUs orientation became radical, more concerned with broad national issues, and stood firmly against oppressive undemocratic policies of the country. Right from the early years of ASUU it has been engaged in several struggles in which she has won quit some and loose some. Throughout the 1980s it was the subject of resistance by ASUU for academic freedom. This practice carried over not the military regimes

through Babangida and Abacha. In 1980, ASUU declared a trade dispute and made the issue of autonomy and issue in dispute. In December 1980, President Shehu Shagari directed the council of the University of Lagos to remove six senior members of the academic staff from their jobs, following Justice Belonwus visitation panel report. ASUU protected and continued to press for their reinstatement. In 1986, the Supreme Court's Judgment was given in favour of the UNILAG academics, vindicating ASUU position.

The issue of funding, salaries, autonomy and academic freedom, the brain drain and the survival of the Nigerian university system were the contending issue between ASUU and Shagari Government from 1980-1981. ASUU worked in collaboration with other separate industrial union and NLC State chapters.

The structural Adjustment Programs (SAP) of the Babangida administration made a lot of impact on the Nigeria economy as many sector were not properly funded to the required objectives of their various organ, the educational sector is one of the worst hit area. The universities were faced with a lot of crises raged from dilapidated structure to poor payment of wages to the staff. These economic and other social factors led to ASUU proposals and demand in the following aspects:

- Adequate funding of all universities in Nigeria
- Up review of payment of salaries and other allowances to meet up the economic reality of the time and better condition of service for academic staff
- Universities autonomy as regards the appointment of Vice-Chancellor and academic freedom
- Federal government contribution of a significant percentage of the approved

recurrent and capital expenditure of ALL STATE UNIVERSITIES

The National Executive officers of ASSU under the leadership of Dr. A. Jega submitted a Memorandum to the Federal Government through the Minister, Ministry of Education, containing the union demands as stated above. The Memorandum was submitted in paramount importance.

Conciliatory Procedure Followed by the Parties

After the submission of the Memorandum, series of meetings were held with the Ministry of Education by the ASUU officials aimed at agreeing for the necessity for negotiation as well as recommended in the industrial field. In the course of the meeting, the leadership of ASUU made some comparison analysis of payment of teaching staff in some other African Universities with the pay package in the Nigerian Universities and the issue of "Brain Drain", where there was mass exodus of old university teaching staff to other continent like Europe, America, and even within Africa was put across.

There were other conciliatory moves carried by ASUU in the spirit of peaceful industrial relationship, as the union proposal is always followed by the union officials pressing further the possibility of negotiating. Consequently, in the union bid to revive the Nigerian universities the National Executive Council (NEC) of the union meet at Ibadan.

In the union communiqué issued at the end of its emergency meeting of the University of Ibadan on 18th January, 1992, a review and analysis of the progress report was done and the union observed a deplorable state of the universities and the conspicuous absence of concern on the part of the Government. NEC resolve to declare an "Industrial Dispute" with Government after the expiration of the 16th-31th December

1991, date to government for negotiation failed.

ASUU submission of proposal to the Federal Government is in conformity with sections 3 and 4 which allow parties to apply their mode in settling their dispute themselves. One would have expected the Minster of Labour in compliance with section to appoint a conciliator since there was an amicable settlement between the parties. This absence of the Minister's power can be attributed to the nature of the set up of the Ministry of Labour in Nigeria as an agent of the government.

The Federal Government stand that the Longe Commission Report be the focal point of negotiation was a unilateral decision and this negated the spirit of settlement of trade dispute through collective Bargaining. It was until February 13, 1992, ASUU and government both signed an agreement that the Longe Commission Report was not to be a central point of reference in the negotiations. This was because the parties mutually felt at last the right to collective bargaining is 'Independent' of that report. It shows here the equal free negotiating rights as envisage in the Trade Union Act.

To this effect, ASUU submitted to government written memorandum in which it highlighted the crises area and its table of demands for negotiation. The Federal Government did not responded to ASUU's Memorandum notifying the union on its intention and willingness to either address the problem or ready for negotiating the aspect contained in the memorandum. This reveals that one party i.e. (Government's) unwillingness for negotiation through collective bargaining is shown here.

By the 13th May, 1992, the parties stalled the negotiation and it was glaring that the parties have reached a deadlock. The Minister of Labour, Employment and

Productivity although party to the government negotiating team exercised his power under section 7 of the trade Dispute Act 1976 referred the matter to the industrial arbitration panel. The background of the deadlock was that the government was only ready to give the ASUU members 'Relief Package' and not a negotiation for upward review of the salaries and other condition spelt out in the memorandum for negotiation.

At this point, both negotiating team i.e. the government representative and the ASUU leaders, under Dr. A. Jega, had to give feed-back to various parent body. For ASUU there was an executive committee (NEC) meeting at Ibadan and in the meeting briefing of all the progress report was done and NEC recognized the legal provision that prohibit strike wherein the parties involved are simultaneously before the IAP. To this effect hit was resolved that the strike should be called off for 21 days in order to allow the IAP to arbitrate.

The IAP intervention is a third party position which is more or less a mediator mechanism. And both parties are to respect the position of the Law here just as the ASUU has done by calling off the strike. But the Federal Government, while the dispute was still pending before IAP, announced through the then Vice President Augusts Aikhomu to the nation with authoritative finality that government has offered the university a "A Relief Package". This was the same offer made to ASUU, rejected by ASUU, and became subject of the dispute refereed to the IAP. Legally this violation of the IAP regulation and it is viewed as content of the IAP and the penalty for such is covered by section 9(4) and punished as follows:

a. In case of an individual to a fine of N2,000.00 or imprisonment for six months; and

b. In case of a corporate body to a fine of N2,000.00

It appears organ of implementing the proscribed penalty is not strict in nature as the above provision did not mention the organ for the enforcement of the penalty. In the government furtherance contempt of IAP, the Nigerian University Commission (NUC) through it secretary Professor Abdulkadir Idris issued a directive in which university administrators are called upon to "Implement Government's Offer". By this furtherance offer by the government, it is obvious that there is a complete disrespect for the IAP and the other party before it i.e. ASUU as the 'Offer' was a unilateral package from the government which is also against the spirit of collective bargaining. But since the IAP is part of the government agency nothing was said of this contempt by the Federal Government.

The then Minister announced the contempt committee by ASUU president Dr. Jega for non-attendance to the IAP session even though counsel for ASUU was then in attendance. The contempt was announced on the Nigeria Television Authority (NTA) on 30th May 1992 and that ASUU would be punished, but since the Minister did not elaborate on the kind of punishment and the penalty involved.

There was no award by IAP on the dispute between the parties, and on July 6, 1992, government's team made it clear to ASUU officials that further negotiations were foreclosed, especially because the Vice President had announced Government's final position. ASUU in its sharp reaction declared a nation-wide strike on July 20, 1992 to press home their demand for improved condition of service and adequate funding of the universities following a breakdown of negotiation with Federal Government.

Federal Government Ban on ASUU

Two days after the July 20 strike, the Babangida administration rolled out a new decree proscribing the Academic Staff Union of Universities with effect from the date of the decree, 22nd July 1992. And in addition, orders ejecting the teaching staff who are members of the union from their residential quarters were also issued.

The threat of ejection of the proscribed ASUU members did not go down well with Dr. Attahiru Jega, as he headed for court to restrain the Federal Government from carrying out its threat. The case was filed in a Lagos High Court before Justice Dolapo Akinsayan who granted the injunction pending the determination of the substantive suit. Therefore, the academic staff remained in their various residential houses.

With the proscription order, for proper coordination and continuation of the strike action, a new association emerged as "Universities Teachers Association" (UTA) under the leadership of the same leaders of the proscribes ASUU i.e. Dr. Jega. The Union solidarity and struggle grew stronger under the new banner as the strike continues.

A.B.U ASUU Chapter Position on the 1992 ASUU Strike

When the Academic staff of the universities, resumed strike action to protest what they perceived as unsatisfactory Government response to their aggregate demand. Academic programmes in A.B.U came to a halt as the branch chairman (Dr. T. Abubaka issued a circular on 23rd July, 1992 calling members to withdraw their services and to remain calm, united and exhibit more solidarity for the effective success at A.B.U level until the Federal Government entered negotiation with ASUU or UTA for amicable settlement and subsequent final agreement.

On the 29th July 1992, the Vice-Chancellor, Professor D.I Saror made a

passionate appeal to the striking academic staff to call off their staff while noting the genuine of their demands pointed out that the strike raises moral and humanitarian issues which needs to be carefully reappraised. He noted further that the academic staff return to work does not mean the abandonment of negotiation with government but the creation of a healthier atmosphere for negotiations.

The ejection order caused a lot of mixed feeling among the university community, but unlike as in other universities the Vice-Chancellor did not embark on the draconian steps of ejecting the lecturer out instead he gave the association some support which was acknowledge in July 26th 1992, "STRIKE BULLETIN 5".

Negotiation and Agreement between Government and ASUU (1992)

The ASUU negotiation team made it clear that they could not commit the government on any outcome or agreement which was expected. On this aspect of committing the government, caused some delay as the then Minister, Professor Babs Fanfunwa take ASUU team of his ministry and the Federal Government team limited power and scope on the proposed negotiation.

ASUU was not ready to go into negotiation until and when the team is assured of the aspect of committing the government on the catalogue of demands. This government stand caused more delay and prolonged the strike and the nation's universities remained shut.

It was not until government brought a new team under Chief G.O. Chikelu, the then Minister of Establishment and Management Services, that progress was recorded or made the negotiation possible. At the negotiation table both teams were empowered to commit and agreed on the issues raised, with the assurance by the government team,

ASUU then soften pedals and the negotiation began. ASUU team was headed by the Union's President, Dr. Attahiru Jega.

The negotiation began on Thursday, 20 August 1992, that is seven weeks into the ASUU strike, through their acknowledged representatives. The negotiations covered three broad issues viz:-

- Funding Universities
- Conditions of Services
- University autonomy and academic freedom

After two weeks of negotiations, many agreements were reached on these three issues but there were also some issues over which both parties only agreed to state their disagreements.

The position of the parties here was to the spirit of Collective Bargaining which is negotiations in respect to making variations or recessions of procedural agreement, or with respect of any matter to which a procedural agreement may relate.

The method of collective bargaining here is the "Contractual Method'" which is static and any agreement reached here is expected to be a "collective agreement" and remain binding between the parties. It remains static even when situation or circumstances surrounding the agreement changes, like the position of minister that lead the government team or even the entire government may be change.

On Thursday, 3 September 1992, representatives of the Academic Staff of Nigeria Universities signed an agreement with the Federal Government. With the signing of agreement the leader of the proscribed ASUU, Dr. Jega, issued out a press statement after consultation with member of the National Executive Council, suspend

the strike of 20 July 1992. And accordingly, call upon all academic staff of Nigerian Universities to return to work on Monday, 7 September 1992.

The Dr. Jega press statement added that, the suspension of the strike was not out of weakness or for any lack of will to continue the union just cause and struggle. Rather, their action is a gesture of goodwill in response to the massive support they received throughout from students, parents, the press and concerned individuals. In response to the suspended strike, life and academic normality return back to the Nigerian Universities all over the country.

The Federal Government on its part released fund by mid-September to various universities for the implementation of the agreement on salaried and non –salaries conditions. While the state governments were to implement the agreement as it's affects state universities. There was problem of implementation in various universities by the Vice Chancellors and Bursars; there was evidence in the communiqué issued at the end of the ASUU of University of Jos, on 24 October 1992.

Implementation of the Agreement in A.B.U, ZARIA

The local chapter of the Academic Staff Union of ABU, in a letter dated 24 September 1992, for non-implementation of the September 3, 1992 agreement to the Vice Chancellor and the Bursar and the requested for University Council's approval on the negotiation of some local problems within the university community. The union leadership under Dr. Tanimu Abubakar, Chairman ABU, ASUU gave a seven days ultimatum on the council on the 13 October 1992. The Vice Chancellor had an internal meeting which led to the formation of an in-house management team. The negotiation commenced on 25th October and after several meeting agreement was

reached between the parties which were forwarded to the University Council.

The local branch on this note withdrew the first ultimatum but later re-visited it and reissued on 15 December1992 and to expire on 18 December 1992 for a local strike which the academic staff actually did embark upon the expiration. The ABU management alleged the local academic staff of a "rushed", "irrational" and "anarchistic" action unfair. In labour relation the days of the ultimatum appear short and it was not in conformity with Industrial relations law on the issue of given notice to embark on strike. From the vice chancellors desk it was clear that the matter in dispute and discussion of the joint team had already been tabled before the council on the 8th December 1992 and it was then the council observation that a 57 page document could not be dealt with instantly and members were advised to take a study of the document for the next council meeting by the February of 1993. There was a regular meeting of congregation on the 16th December 1992, which the Vice Chancellor briefed members on the level of implementation of the agreement between Government and staff, but this did not make any change to the academic staff, as the payment of rent and other allowances has to be done in accordance with the terms of the September agreement and other terms like:-

- That staff in University quarters be paid 56 percent of salary as rent allowance
- Appointment of Vice Chancellors, Deputy Vice Chancellors and Directors
- Furniture loan and car loan to staff

Some of this demands the Vice Chancellor and Chief Executive of ABU viewed them as either new demand outside the September agreement with the

Federal Government or required an amendment to University Law and some contradicts Government policy.

These prolong strikes in ABU is being observed as due to mix-up of the local problems in the Federal government September 1992 agreement issues. It would have been better to sort local issues differently from the September agreement.

All through the period of military government, ASUU based the reasons for its struggle on the following notion

i) The survival of the university system with the three components; the conditions of service (salary and non-salary), funding and university autonomy/academic freedom, the defense of the right to education.

ii) Broad national issues such as anti-military struggles, the struggle against military rule, the struggle against privatization, against the Structural Adjustment Programme (SAP), and the world bank's attempt to take over the universities, for example the world bank 120 million dollars (US) loan under Babangida's military rule and the Nigerian Universities Innovation Project (NUSIP). Following the murder of ABU students in 1986 by mobile police (kill and go) ASUU joined the NLC and NANS in protest. Babangida's regime accused the NLC, NANS and ASUU of attempting to topple the regime. The Abisoye panel recommended the flushing out of some lecturers in ABU who were teaching what they were not supposed to teach. The Mustapha Akambi panel was set up to among other things determine the role of lecturers in promoting the crisis. The Akambi panel's regime never saw the light of day. The military government did not get what it wanted.

In 2001 what eventually assumed the toga of a national crisis started within the domain of University of Ilorin in January 2001. Those involved are ASUU-Unilorin branch activists who were battling the then vice-chancellor, Professor S. Oba Abdulraheem and the institution's authority over delay in the payment of salaries, allowances and other sundry welfare issues. They were so vociferous in their demands that the authorities considered them as a cog in the wheel of its plans for the institution. In such conservative environment, the university authority considered such radical demand for rights a taboo.

The allegations against the institution's authorities were still on when the parent ASUU commenced a national strike in April 2001. The nationwide university strike was embarked upon against the backdrop of the general rot in universities across the country. Problems of poor infrastructure, poor funding, university autonomy, conditions of service for academic staff and academic freedom budgetary allocation were among the demands of ASUU.

As usual with successive administrations, attempts were made to break the strike. In most of the universities attendance registers were opened for lecturers who came to work to sign. This sent jitters down the spines of most of the lecturers who for fear of losing their jobs rushed to the institution on a daily basis to sign the registers. Those of them who believed strongly in the cause of the struggle shunned the register daring the institution's authority threat to sack those lecturers who defied its order.

At the end of the day and consequent upon series of negotiation between the

Federal Government and the ASUU leadership, the strike was called off not without an agreement to be implemented by both parties. ASUU reportedly ensured the insertion of a "no victimisation clause" into the agreement. The essence of this was to guarantee that none of its members who partook in the strike would be persecuted because of their involvement. However, the University of Nigeria, (UNN), Nsukka and University of Ilorin terminated the appointment of some lecturers perceived to have played prominent roles in ensuring the success of the strike by ASUU. UNN authorities after public hues and cries reinstated its sacked lecturers. But in Unilorin, its authorities that refused to reverse itself. 103 lecturers were given sack letters that did not state the reasons behind the decision.

The breakdown of these figures is: 15 professors, two associate professors. 15 senior lecturers, 18 lecturers: 40 doctors and 12 medical school lecturers out which 11 were consultants. Consequent upon this sack, the Banjo-committee was set up to look into the crisis. The committee report did not find any of the UNILORIN 49 guilty. While several others were pardoned and re-absorbed into the system, the institution's authorities did not see any wisdom in recalling the UNILORIN 49 lecturers out of the whole 103 that were sacked. After all, they were seen as a minute fraction of about 700 lecturers in the university. Some who could not immediately get alternative accommodation were forcefully ejected from their staff quarters.

When university of Ilorin Authorities remained recalcitrant in its resolve not to re-absorb the Unilorin 49 lecturers, several external bodies acting as pressure groups intervened sometimes, pleading with the institution's authorities to reconsider its

position. Traditional rulers, Yoruba Council of Elders, National Assembly and Nigeria Inter-religious Council (NIREC), all tried to no avail to bring back peace to Unilorin and the entire universities. Since Professor Oba Shuaib Abdul-Raheem, the Vice Chancellor, University of Ilorin, sacked 49 academic staff of unilorin, it has been negotiation from one table to the other for re-instatement of those academic staff by ASUU. Until the present administration of Yar'adua, that ASUU was given a listening ear concerning the sacked lecturers. Just to mention a few, these and others have been the various struggle ASUU has been engaged in for its members.

The Ahmadu Bello University (ABU), Zaria had hardly settled down for normal academic work after a long prostrated ASUU national strike over re-instatement of 49 unilorin lecturers and other demands of the union that the ABU authorities on October 13, 2003 on the order of the vice-chancellor, profession Abdulahi Mahdi, asked the student to proceed on another round of indefinite holidays. The development however, had followed a peaceful demonstration by the students asking the university to yield to the demands of the lectures. ASUU, ABU chapter had earlier given an ultimatum warning that if the authorities failed to listen, the union would not submit the question papers for the semester examinations, which was to commence on October 6, 2003. Essentially, ASUU has a four-point financial demand including four months salaries which the union said the university withheld, a fallout off the earlier nationwide ASUU strike, two salary steps which the unions said were arbitrarily cut as well as what it described as high rate of taxation, "which makes the take-home pay of the average lecturer at ABU, the lowest among Nigerian universities". In what may as well be

described as muscle flexing, the university management called the bluff of the lecturers who in turn withheld the examination question papers. Again, like a cancerous infection, the problem persisted, gnawing menacingly at the foundation for the university.

About eight weeks into the strike on December 11, 2003, to be precise, the ABU governing council had met and declared that the demands of ASUU are outside the competence and responsibility of the university, even as it constituted committee to embark on a "comprehensive" review of the ABU staffing profile. Specifically, the council had made the following points, among others;

i) "Council notes that one of the four demands made by the local chapter of ASUU is a matter of law while two are being treated by the appropriate authorities at the national level. Consequently, these three issues are outside the competence of the Ahmadu Bello University.

ii) Council further notes that the demand on appropriate level of taxation falls within the responsibilities and powers of the federal joint tax board (JTB) and the government of Kaduna State. However, council observes that even here, considerable efforts have been made to arrive at a negotiated settlement as a result of which the Kaduna State government has reduced the tax payable by the university's staff by 50 percent and waived all outstanding areas.

iii) Council re-affirms that any form of work stoppage or withdrawal of strive as in the current situation and including the so-called no pay no work, active non

cooperation and so on, is a strike in accordance with the university law and the Trade Dispute Act, and it shall be treated as such.

iv) Council directs that those staff that are found responsible for perpetuating the recurrent crisis in the university will be dealt with in accordance with the university law and the conditions governing their employment".

It should be noted that within these period of negotiations, the university has served letters of suspension on no fewer than 100 of the lecturers and going by ASUU's claims the affected lecturers were soon going to receive their letters of dismissal from the school.

Letters from ASUU were served the then governor of Kaduna State Makarfi and other prominent citizens of the state and groups including the emir of Zazzau, Dr. Shehu Idris, and the senate president, Adolphus Wabara to mediate on the crisis.

Efforts of the various people and groups only yielded a short-lived peace as ASUU at its congress of January 23, 2004 passed a resolution suspending the industrial action and notifying the university of the readiness of its members to return to the classroom. The union noted then that, "we now look forward to the immediate reopening of ABU by the vice-chancellor through the senate of the university so that students can write their examination". But instead ABU authorities reportedly began issuing fresh letters of suspension to the lecturers, in spite of a court order restraining the school from acting on the earlier letters of suspension. In his ruling, the hon. Justice A.M. Liman of the federal high court, Kaduna described the action of ABU as insolence' and ruled against

the issuance of the letters of suspension or query.

In the words of ASUU president ABU chapter doubt if they will re-open the university at the end of the month (i.e. Feb. 2004) because the crisis they have deliberately generated will be so huge that the conditions for opening the university will not exist. There will be serious crisis. This is a university administration where about six or seven people violate the laws of two courts, a state high court and a federal high court. They are going to sack over 100 lecturers of ABU, including four professors, 36 PhD holders and there rank and file; hardworking, intelligent and dedicated staff who are respected by all. It will not be possible to re-open the university after such level of destruction.

The strike lasted for about five (5) months and was called off after much negotiation as mediators intervene and eventually the 100 suspended lecturers were re-instated back into the system. Both parties learnt their lessons hence led to more effective labour management relations.

Objectives of Trade Unions

Trade unions are formed to protect and promote the interests of their members. Their primary function is to protect the interest of workers against discrimination and unfair labour practices. Other objectives which trade unions are formed to achieve are as follows:

Representation: Trade unions represent individual workers when they have a problem at work. If an employee feds he is being unfairly treated, he can ask the union

representative to help sort out the difficulty with the manager or employer. Unions also offer their members legal representative. Normally this is to help people set financial compensation for work related injuries or to assist people who have to take their employer to court.

Negotiation: Negotiation is where union representatives, discuss with management, the issues which affect people working in an organization. There may be a difference of opinion between management and union members. Trade unions negotiate with the employers to find out a solution to these differences. Pay, working hours, holidays and changes to working practices are the sorts of issues that are negotiated. In many work places there is a formal agreement between the union and organization which states that the union has the right to negotiate with the employer. In these organizations, unions are said to be recognized for collective bargaining purposes.

Voice in decisions affecting workers: The economic security of employees is determines not only by the level of wages and duration of their employment but also by the management's personal policies which include selection of employees for layoffs, retrenchment, and transfer. These policies directly affect workers. The evaluation criteria for such decisions may not be fair. So, the intervention of unions in such decision making is a way through which workers can have their say in the decision making to safeguard their internets.

Member services: During the last few years, trade unions have increased the range of services they offer to their members. These include;

i) Education and training-Most unions run training courses for their members on

employment rights, health and safety and other issues.

ii) Legal assistance-As well as offering legal advice on employment issues, some unions give help with personal matters, like housing, wills and debt.

iii) Financial discount-People can get discounts on mortgages, insurance and loans from unions.

iv) Welfare benefits-one of the earliest functions of trade unions was to look after members who hit hard times. Some unions offer financial help to their members when they are sick or unemployed.

In conclusion, we have reviewed some developments in the Nigerian Trade Unions with special reference to Academic Staff Union of Universities (ASUU).

It is obvious that the basic relationship between employers and employees in Nigeria and elsewhere is founded on a divorce between the "ownership of a product" and the "ownership of the labour producing it". Apart from the conflicting interests and attitudes inherent in the relationship, the pressures from the changing environment affect the workers and their unions. Trade Unions constitute one of the means which the workers have to facilitate desirable achievement. There is therefore need to understand the unions as they endeavour to relate meaningfully to their environment.

Whatever the environment in which unions operate, there is need to understand the objectives which they seek. These objectives are reflected in the constitution of the unions as well as negotiated agreement. These objectives are essentially human and they are not static.

The trade union is human organization. Although it has reached a high degree of universality, it has not reached a high degree of maturity everywhere. In this country,

there may be need to re-define the role of the Unions or to insist on the higher standard in carrying out their activities or to curb real excesses. However, there can be no doubt that trade unions represent the hope of working men and women for self-government, self- reliance, self-defense and for a new and better social order in industrial. Also, the existing of trade unions in many countries today is a sufficient proof that workers will not willingly allow them to die.

2.1.8 Review of Past Empirical Studies

The issue of industrial relations is of great concern to scholars in the field of administration and law. Various studies have been undertaking to determine the contributions of industrial relations to the sustainability and advancement of organization. Some of these studies are reviewed in this section.

Ajibua, Funmilayo (1998) in his study entitled "*Management of trade disputes and collective bargaining in the federal civil services*" investigated reasons for workers embarking on industrial strike actions in spites the mechanism available for peaceful settlement. His study has the objective of finding out the effectiveness of this mechanism (collective bargaining) in disputes revolutions in the Nigerian civil service.

The sample size of his study was 500 which were drawn from various federal ministries with the office of Head of service of the federation, officials of the Industrial Arbitration Panel (IAP) and officials of the National Industrial Court inclusive. To him, both the junior and senior staff was proportionally represented in his sample size.

Ajibua, F. adopted pluralist approach as his theoretical framework. He elucidate that pluralist system sees trade disputes as an expression of the fundamental conflict in the employment relationship which could be triggered of by various government

policies, management incompetence, increase in the cost of living, the paradox of affluence, shows of solidarity with other workers and non- implementation of collective agreement.

Ajibua, F. study reveals that dispute settlement mechanism in the federal civil service is ineffective. He recommended that government should promote the use of collective bargaining in resolving disputes rather than waiting until workers feel they have been pushed to the wall, thereby reacting in the manner they consider appropriate which always result in the government taking draconian measure to deal with the situation.

As we have thus seen above, Ajibua F. gives details account on how the internal mechanism (collective bargaining) can be use in enhancing organizational harmony. Unfortunately however, he did not justify rational behind the ineffectiveness of the dispute settlement mechanism. Also, he could not expatiate on how the pluralist approach can be use to promote industrial harmony.

With this general caveat in mind, we shall see on this study how our theoretical framework can be adopted in promoting industrial harmony between the management and Academic Staff Union of Universities (ASUU) in our universities.

Suleiman, Auwalu (2007) in his study "*Labour union- management relations*, a study of Non- Academic Staff Union (NASU) of Nasarawa State University". The trust of his study is to determine the extent to which trade unionism promotes industrial harmony in Nasarawa state university. The central hypothesis tested in that inability of management of Nasarawa state university towards recognizing NASU grievances for

effective negotiations generates industrial disharmony. The space scope of his study is 2003-2006. He employed both primary and secondary sources as means for data collection. He selected 50% of the entire population as a sample size totaling 86 respondents.

Suleiman adopted Abraham Maslow theory of needs as the theoretical framework for his study. The study reveals that there is harmonious relationship between the management and NASU in Nasarawa state university. Besides, the study reveals that disagreement between management and NASU rarely happen in the university.

Suleiman recommended that collective bargaining as against confrontations should be maintain in the university for resolving differences. He also recommended that state government and management of Nasarawa state university should always be committed to the need and aspiration of NASU. To him, that will help in retaining the cordial relationship that is already established among them.

The study could not elucidate empirically whether or not trade union promotes industrial harmony. The space scope of his work was three (3) years which is not enough to assess whether or not trade union (NASU) enhances industrial harmony in Nasarawa state university. He chose 50% of the entire population as sample size of his study but failed to tell us the entire population of the study. He also adopted theory of needs as his theoretical framework which he never explain how the theory will enhance cordial relations, if adopted, among these actors in Nasarawa state university.

Sule, Usman (1995) in his study "*ASUU strike and the law*: a study of Ahmadu Bello University" investigated rationale behind the use of strike in achieving the goal

and demands of trade union and its consequences on our educational systems.

Sule stated that the mechanism for resolving trade dispute are both collective bargaining (internal mechanism) and statutory provision as enlisted in the Trade Disputes Act which are mediation, conciliation, arbitration, and national industrial court.

The study reveals that although strike is illegal based on the provision of trade disputes act of 1976 but necessary under the principle of collective bargaining as it is the ultimate sanction against management in securing concession by the union.

The study also reveals that non-implementation of collective agreement leads to series of strike action in our universities. He then added that strikes have contributed a lot of set-back into the nation education system over the years.

Sule tried his best to unveil reasons behind the use of strike by trade unions as tool for meeting their demands but his study lack quantitative analysis to proof his findings. He did not state the sample size of his study. The study also lack theoretical under-pinning to base is argument. We shall among other things provide appropriate theoretical framework for our study.

2.2 Theoretical Framework.

2.2.1 The Component of the Conflict Management theory.

The propounder of the conflict management theory is Mary Parker Follett [1868-1933]. She argued that conflict cannot be eliminated in any organization because it is inevitable phenomenon where two or more people are brought together to achieve a

pre-determined end. To her, conflict is an exhibition of differences in ideas or opinions on given situations. She opines that conflict could be bad or good or neither bad nor good depending on the situation. Conflict could also provide good or bad results or outcome depending on the manner it is interpreted, understood and resolved by the actors that are affected. In an article entitled "Constructive Conflict" She noted three methods of conflict resolution namely domination, compromise and integration.

According to Follett, conflict resolution through domination is not the best option for any organization because, this would entails victory of one actor over the other. It would require the use of force and suppression of the weaker actor by the strong. Using this approach in conflict resolution does not mean victory has gone to the right party or that has marked the end of the conflict.

Mary Parker Follett also recognized compromise as alternative method of conflict resolution in an organization. Under this method, each actor in the conflict situation surrenders certain values or interest in order for peace to reign. She warns that a conflict resolved through this method is not the best because it may suspend the conflict yet a greater magnitude of the problem which is likely to resurface in either the same form or in an entirely different manner.

Integration is the third method of conflict resolution as recommended by Mary Parker Follett. She approved integration method as the best method for conflict resolution in organizations. To resolve a conflict through integration, each actor has to recognize the importance of ex-raying all the various aspects of the conflict to be put forward for discussion, usually in a round table conference.

2.2.2. The Relevance of Conflict Management Theory to the Study.

The relevance of this theory to this study lies on the fact that our Universities consist of people who come together with the intention or purpose of achieving a giving task, as such, conflict is inevitable in such arena. As suggested by Follett, conflict can be resolved through either of the following methods namely domination, compromise and integration.

The Nigerian Universities are made up of actors (Lecturers and Management) which must interact together for the purpose of achieving the system objectives and goal. In the course of interaction, differences in ideas or opinions on given situation may arise which if not properly handled might result to trade dispute. However, the need for the survival and continuity of the Universities mean that conflicts need to be handled in such a way that the actors involved do not necessarily bring about severe and damaging consequences on the system.

Using the domination approach by the management will not bring the expected industrial harmonies to the Nigerian University system. This is because the attitudes to win all for one selves (management) and deny any for the other party (ASUU) will not augur well in trade disputes settlement.

Adopting compromising approach to trade disputes settlement in the Nigerian Universities is far preferable to that of domination. Using this approach shows the readiness of the actors to find a common ground for a solution. That is, a ground that is mutually satisfactory and acceptable to both actors. As a matter of fact, this will entails deliberate and conscious efforts by both actors in ensuring that both lose little or that while one makes substantial gains in his claim, the other does not become totally worse

off because he has lost out totally. In this situation, there will be no total win-lose scenario between actors involved in the dispute, just as there is no complete loss for both. Although neither of the actors will be completely satisfied with the outcome of the settlement because none will realized every need set out to neither gain nor lose out completely.

Although the compromise approach is better in trade dispute settlement, but the best of all is the integration approach. This is because, the divergent interest or demands of these actors are critically analyzed or put forward for discussion in a round table conference with the aim of coming out with lasting solution to the cause(s) of the dispute(s). Conflict resolved in this fashion is constructive because each side is fully satisfied –win-win situation. If the actors in our University system can integrate their demands with the intention of proffering solutions to crises that have characterized our Universities for more than two decades, the industrial harmony that have eluded the system will be restored again. This will create room for progress and sustainability in our educational system.

CHAPTER THREE

INSTITUTIONAL HISTORY STRUCTURE AND OPERATIONAL PATTERN OF AHMDU BELLO UNIVERSITY. ZARIA

> *There shall be in Nigeria a university to be known as the Ahmadu Bello University, the authorities of which are hereby constituted a body corporate which shall have perpetual succession and common seal and may sue and be sued in the name of the said university (The Ahmadu Bello university Law, No. 26 of 1962 (Part II) and the Ahmadu Bello University Decree 22 of 1975 (Part II).*

3.1 Historical Background

The excerpt cited above constitutes the legal foundation upon which the Ahmadu Bello University has been built and expanding. In addition, the Ahmadu Bello University, whose law was enacted on 14 October 1962, has its origin in the defunct Nigeria College of Arts, Science and Technology, Zaria, founded in 1955; the Clerical Training Centre, Kongo founded in 1957; the Samaru Agriculture Research Station established in 1924; and the Shika Stock Farm, started in 1928.

A month before independence in October 1950, the Ashby Commission on post-school certificate and higher education appointed by the Federal Government in 1959 recommended that a university should be created in Zaria to serve the then Northern Region of Nigeria. Consequently, the Northern Region's Government requested the British Secretary of State for Commonwealth Relations, to send a delegation, headed by Sir Alexander Carr-Saunders, arrived in April 1961 and in the same month issued its

recommendations on the scope and activities of the university.

In April 1961, a law establishing a provisional council of the university of Northern Nigeria was passed by the legislature of Northern Nigeria, and the provisional council established in November 1961 under the chairmanship of the Hon. Shettima Kashira. CBE, now Sir Kashim Ibrahim Koma, CBE (a member of the Ashby Commission who later becomes Governor of Northern Nigeria and visitor to the university). Sir Norman Stanley Alexander, a New Zealander, and professor of physics at the then College University. Ibadan was appointed the first principal (later vice-chancellor) in July 1961 and assumed office in November.

The university was named after Sir Ahmadu Bello (1901-1966), the Sardauna of Sokoto and premier of Northern Nigeria, who, as the first chancellor performed the opening ceremony on October 4, 1962. .

The university opened with just four faculties - Agriculture, Engineering, Law and Science - fifteen departments and 426 students. Under the successive vice-chancellorship of Professor Nurman Alexander (1961-1966), Professor Ishaya Audu (1965-1975), Professor lya Abubakar (1975-1978), Professor Oladipo Akinkugbe (1978-1979), Professor Ango Abdullahi (1979-1986), Professor Nayaya Mohammed (1986-1991), Professor Daniel Saror (1991-1995), Sole Administrator Major General Mamman Kontagoro (rtd) (1995-1998), Professor Abdullahi Mahdi (1998-2005),and Professor Shehu Usman Abdullahi (2005-todate) the Ahmadu Bello University increased in size, scope and the depth of academic work. By a Decree (the Ah[64] Bello University - transitional provisions

decree 1975) the university was taken over by the then Federal Military Government and now enjoys the status of a federal university.

In 1987, the year in which the university celebrated its 25th Anniversary, ABU has turned out to be the largest and most extensive of all universities in sub-Saharan Africa. It covers a land area of about 7000 hectares and embraces twelve faculties, a postgraduate school and 75 departments. There are also five institutes, eight specialised centres, a Division of Agriculture Colleges, a school of Basic Studies (now school of General and Remedial Studies), a Demonstration Secondary School, staff primary schools and three organised extension and consultancy services which provide a variety of complementary roles to the academic faculties. The total student population pursuing degree and sub-degree programmes number about 35,000 drawn from every state of the federation and abroad. There are about 1700 academic and research staff and 9,000 other support staff.

The university has also nurtured two university college - The Abdullahi Bayero University, Kano) and Abubakar Tafawa Balewa College (now Abubakar Tarawa Balewa University of Technology, Bauchi), and has *27* other colleges of education, polytechnics and schools of basic or preliminary studies affiliated to it.

However, the tremendous growth in studies' population, especially since 1990 was not accompanied by a commensurate physical and structural expansion. Added to this was the chronic under-funding of the university and the general downturn of the economy affected the university adversely. Consequently, the university became

increasingly unable to fulfil the mandate for which it was established, coupled with low morale and social conflicts, the university's inability to achieve the objective for which it was set invariably manifested itself in series of invidious crises, culminating in its closure in November 1995, and the appointment of a Sole Administrator in 1995.

As a result of the appointment of Major General Mamman Kontagora (rtd) as the Sole Administrator, the Ahmadu Bello University has been undergoing a fundamental reorganisation. The reorganisation permeates all aspects of the university's existence and will take sometimes to accomplish. However, from what has been done, it is evident that the Ahmadu Bello University will most certainly outgrow its crippling crises and become as it was before, an embodiment of excellence.

The Faculty

Most of the faculties of the Ahmadu Bello University developed out of the departments of the defunct Nigeria College of Arts, Science and Technology and the Institute of Administration, the Abdullahi Bayero College and the Institute for Agricultural Research, which were incorporated at the foundation of the university.

The Faculty of Administration has developed out of the former department of administration which was established at the Institute of Administration in 1962 where in-service training courses had been made available since 1957. Teaching for the B.A. Hons. Degree and Diploma in Administration began in October 1962, and arrangements for the courses were under the supervision of a Board of Studies, appointed by Senate, which had the functions of a Faculty Board. In November 1966,

university council approved the establishment of the Faculty of Administration which has since been functioning. The Faculty then came directly under the Senate and a Faculty Board was established in place of the Board of Studies. In the 1968/69 session the Faculty began offering separate courses for B.Sc (Accounting) and B.Sc. (Business Administration) in addition to B.A. (Administration).

The Faculty of Agriculture began in October 1962 and accepted its first students at that time. It was (and still is) closely co-ordinated with the Institute for Agricultural Research. New Departments of Plant Science, Animal Science, Soil Science and Agricultural Economics and Rural Sociology were opened in 1965, the Department of Crop Protection in October 1968 and the Department of Agronomy in 1970.

The Faculty of Arts and Islamic Studies (formerly know as the Faculty of Arabic and Islamic Studies until November 1966) is located at the Abdullahi Bayero College (previously called Ahmadu Bello College), Kano. Preliminary courses were transferred from the School of Arabic Studies which, founded in 1934, had conducted courses in Higher Islamic Studies, Sharia, Law and teacher training. The faculty accepted its first students in the 1963/64 session during which the structure of the Honours Degree was initiated.

The Faculty of Arts and Social Science came into being in the 1966-67 session after council had in March 1966 approved the establishment of a joint faculty in place of former Faculty of Arts. Teaching for the B.A. (Comb. Honours) Degree commenced in October

1962, in newly established Departments of English, History, and Geography. The Department of Fine Art, which had been training student for a Diploma in Fine Art since 1956, was also included in the Faculty, Senate approval was given for the institution of a B.A. (Fine Art) Honour Degree for which many of the existing students were qualified to enter, and the first degrees in Fine Art were awarded in June 1963. The Faculty has since expanded immensely and with the establishment of the joint Faculty of Arts and Social Science, several departments including those teaching the new social science subjects were created subsequently.

In November 1967 council approved the establishment of the Faculty of Education which came into being in 1968. Previously there was only a department of education in the Faculty of Arts and this was acting in a complementary capacity of the Faculties of Arts and Social Sciences, offering subsidiary courses in education. Today the Faculty of Education while still performing these functions, offers degrees in education, and degree and diploma courses in library science.

Departments of Engineering were founded in the Nigerian College in 1955, and 1957 became the Faculty of Engineering of the University College, Ibadan. Students were then trained for the B/Sc. (Engr.) Degree of the University of London under the scheme of special relation, the first London Degree being awarded in October 1960. The Faculty of Engineering of the Ahmadu Bello University began in October 1962. Student registered thereafter followed courses of study for the honour degree in engineering of the Ahmadu Bello University in one of the three main disciplines of civil, electrical and mechanical engineering. The course of the special relation examination for the

University of London Degree came to an end in June 1965.

Faculty of Environmental Design was born out of the Department of Architecture of the defunct Nigerian College. That department commenced teaching courses for the examinations of the Royal Institute of British Architects (R.l.B.A.) in 1952. The Faculty came into being in 1962 on the main university site and the regulations, approved by Senate shortly afterwards, allowed for the development of B. Arch Honour Degree as well as the continuation of courses leading to the R.l.B.A. Examination. Thus graduation and affiliation to the leading professional body were both possible for students of Architecture. The B. Arch. Degrees were awarded to qualified student in June 1963.

By the end of the 1968-69 session it had become obvious that the then Faculty of Architecture had not been expanding fast enough to satisfy the architectural requirements of this country. Affiliation to R.l.B.A. was therefore discontinued and a closer relation maintained with the Nigerian Institute of Architects. The current syllabus for a two degree structure make it possible for student to obtain the degree B.Sc (Architecture) and B.Sc. (Building) or M.Sc. (Architecture) at the end of the fifth year. The latter will qualify them for registration with the Architects Registration Council of Nigeria. The Faculty took effect from October 1969.

The Faculty of Law of Ahmadu Bello University was established in 1962. It developed out of the former Legal Department of the Institute of Administration, which

had been started as the first Law School in West Africa in 1959 to give in-service courses and to provide courses leading to the Part I of the Bar examinations of Lincoln's Inn in the United Kingdom.

Ahmadu Bello University graduates in law who successfully complete a one-year postgraduate course at the Nigerian Law School Lagos became eligible for membership of the Nigerian Bar Legal training at all levels continues to be provided in the Faculty for training personnel for Local Government Authority Courts and Ministry of Justice in the Northern States of Nigeria.

In 1961 the Federal Government, in a white paper, decided that by 1970 there would be a 'full fledged Faculty of Medicine" at Ahmadu Bello University. The National Universities Commission in its report in 1963 fully supported this intention of the Federal Government, and the government in accepting the report agreed to honour this commitment.

Through the co-operation of the Ministry of health of the old Northern Nigeria Government, with which was planned as a joint venture, a number of key personnel began to arrive in Kaduna, within the normal establishments of the Ministry, in order to undertake a feasibility study, curriculum planning, etc. The university council approved the establishment of the Faculty to start operating in the 1967-68 session.

The following departments have since been established and are functioning: Anaesthesia, Anatomy, Community Medicine, Medicine, Microbiology, Obstetrics

and Gynaecology, Paediatrics, Pathology, Pharmacy and Pharmacology, Physiology, Radiology, and Surgery. The university turned out its first set of medical graduates in June 1972.

Courses leading to the combined honours degree of B/Sc. were commenced in October 1962 on the establishment of the Faculty of Science from the nucleus of Nigerian College Departments of Biology, Chemistry, Mathematics and Physics. The new Department of Botany and Zoology, which were opened to replace the Department of Biology were later merged in 1968 as the Department of Biological Sciences. Some degree courses were shared with the Faculty of Arts and some Departments also provided some of the courses for the degrees in Agriculture, Architecture, Engineering and Veterinary medicine. In June 1965 the first'set of science graduates were awarded the combined honours degree in science, and in 1967 some were awarded single honours degree in their various fields of specialization. At present the Faculty not only shares the Department of Microbiology and Pharmacology with the Faculty of Medicine but continues to share certain degree courses with the Faculty of Arts and Social Science and the Faculty of Education, and also continues to provide some of the courses taken by students in the Faculties of Agriculture, Engineering and veterinary medicine. Geology which had been taught for two sessions was formally constituted a department in 1969/70 sessions, and offers certain courses for students of Civil Engineering. In October 1970 also courses for the B.Sc. (Pharmacy) degree commenced, developed from the diploma course taught at the Ahmadu Bello University School of Pharmacy.

For the first two years of the university when Agriculture and Veterinary Medicine formed together one Faculty, initial planning for teaching in terinary medicine was undertaken by the Faculty as a whole, but this responsibility was taken over by the new and separate faculty of veterinary medicine established in 1965, council having given approval for its development in December 1964 pre-veterinary course were commenced in 1962 in Association with the then university college, Ibadan; the first batch of students who completed the first part of their training at Ibadan began work at Ahmadu Bello University in 1965.

The current situation on institutional structure of Faculties in Ahmadu Bello University, as affected by then Sole Administrator, shows that the University now harbours the following Faculties: Administration, Agriculture, Arts, Education, Engineering, Environmental Design, Law, Social Science, Science, Medicine, Veterinary Medicine and Pharmaceutical Sciences. This thus brings the total number of Faculties to Twelve (12) in operational existences.

The Institutes, Colleges and other Units

A feature of the constitution of the university is the inclusion of two previously existing Northern Nigeria Governments institutions in the university as semi-autonomous institutes. These are the Institute of Administration, Zaria and the Research and Specialist Service Division of the Northern Nigeria Ministry of Agriculture (now the Institute for Agricultural Research and s[72] services) at Samaru. Both were set up to serve particular needs of Northern Nigeria, and although under the aegis of the

university their influence will expand more and more into the national and international fields, through student exchange and increasing through postgraduate and post-doctoral research, the particular needs of Northern Nigeria (the present six northern states) will be their main concern. It is for this reason, to ensure that their programmes are in accordance with Nigerian and particularly northern state needs, that they have been given a degree of autonomy. While completely university institutes under the control of the university council, they are not, as the faculties are, directly under the Senate except as regards course leading to degrees or diplomas of the university. The progammes of extension work in the Institute of Administration, and the programme of agricultural research in the Institute for Agricultural Research are considered by Boards of Governors which have substantial government representation.

Two other institutions have since been established. The Institute of Education and the Institute of health. The institute of education was established by law *as* part of the university in 1965. The institute acts in an advisory and consultative capacity to the Ministries of Education of the six northern state in matters pertaining to education. It is concerned with the training and post-graduate programmes of the university; with the programme of in-service training of primary and post-primary teachers; with providing correspondence courses and arranging other courses, workshops and conferences. The Advanced Teachers' Colleges in Kano and Zaria were taken over by the Institute in 1969-70. However, they are now autonomous institutions and named: Federal College of Education in their respective areas of operation.

The Institute of Health was established by law in 1967 as part of the university and

its provides services similar to those performed by the other institutes. On its establishment it took over the General Hospitals in Kaduna and Zaria, the Orthopaedic Hospital, Kano, and some other medical/nursing institutions which used to be run by the Government of Northern Nigeria, and in 1968 opened another hospital at Malumfashi.

The Ahmadu Bello College, founded in 1960, was incorporated in the university in 1962 under the name of Abdullahi Bayero College. In 1964 the college moved into the old Airport Hotel which had been converted to student hostels, lecture rooms and library, and teaching to the first batch of degree students was commenced. Further developments include the rapid growth in student and staff strength and the establishment of permanent site and building. In 1969 a centre for Hausa studies, later changed to the Centre for the study of Nigerian Languages, was established.

In order to fulfil the basic purpose c: the university 'to secure the diffusion of knowledge throughout northern Nigeria" and to implement the Federal Government policy of balance education throughout the federation, the university opened the School of Basic Studies in January 1970 on the Main Campus in Samaru.

The Extension and Research Liaison Section, set up by the Northern Nigeria Government in 1963 handed over to the university in 1968 and has since been included within the Institute for Agricultural Research. The School of

Agriculture at Kabba and Samaru were also taken over by the university in 1968, and the livestock service training centre Kaduna in 1969. These were administered within the Institute for Agricultural Research until June 1971, when they were reconstituted by law as the Division of Agricultural and Livestock Service Training. The activities of the Faculties of Agriculture and Veterinary Medicine, the Institute of Agricultural Research and the Division of Agricultural and Livestock Servicing Training are coordinated under the board control of the provost for agricultural and veterinary medicine in the office of the Vice-Chancellor.

The university since its establishment has also grown in size, population and has also established more courses and research centres and institutes. Some of the centres and institutes are:

Institute for Agricultural Research

This institute was established in accordance with Statute 14, in October, 1962 when the Research and Specialist Division of the former Northern Nigeria a Ministry of Agriculture was transferred to the Ahmadu Bello University. The institute however started in 1924 as Samaru Agricultural Research Station and has been the bedrock of 2015 crop research and improvement in the Savannah region of Nigeria. All the cotton varieties grown in the northern state have been bred at IAR. There are two subsidiary research stations: Agricultural Research Station, Kano and Irrigation Research Station Kano.

Centre for Islamic Legal Studies

The centre was established in 1971, undertakes considerable in-service training for Area Courts personnel of northern states. In conjunction with the Faculty of Law the Centre runs Diploma Courses in Civil Law, Judicial Courses for Alkali and staff of Area Courts and courses in Islamic Legal System (Sharia).

Centre for Adult Education and Extension Service

The Centre was formally established in 1971. It functions and constitution follow lines suggested in a consultant's report on university and community. Its university of the air programme has become well-known and its other training activities include evening classes, seminars, workshops and adult literacy classes. This has, however, been scrapped by the Sole Administrator - seen a duplication of work with Institute of Education.

Centre for Nigerian Cultural Studies

The centre was established in 1972 to promote inter-disciplinary cooperation in the study of Nigerian cultural heritage. It was temporarily located in Kano until in 1974 when it was transferred to Zaria.

The centre for Nigerian cultural studies will first and foremost be a research centre and but will also have training and entertaining community service programme. The Centre has also been closed down by the then University Sole Administrator, as part of his institutional restructuring programme of A.B.U.

Arewa House

This is a centre for research and historical documentation unit and was established in 1972 to undertake and promote historical research in the evolution of political culture, languages and art of government in Nigeria in general and the Northern state in particular.

lya Abubakar Computer Centre

The centre was established in 1973 by detachment from the Department of Mathematics under which a unit which provides computer service was organised since 1967. The centre provides a full central computing service to all staff, research workers and students. The centre mainframe system consists of dual CYBER 920 computer - other micro computers are available for a variety of purpose including teaching, software research, management information and intensive simulation studies. Staff and student receive some programming instruction at the centre as required by the new educational policy on the computer literacy.

Centre for Social and Economic Research

The centre came into existence in 1974 as an integral part of the university. It aims to conduct research that is both scholarly and of practical significance, both on projects generated from within and on project requested by the State Governments and others. It produces research reports, papers and other publications intended to improve the quality of village life in a rapidly changing society. This Centre has also been shut down.

Centre for Energy Research and Training

The centre which started as a nuclear energy programme in 1977 was established in 1982. The centre operates a 14-Mev neutron generator and other analytical equipment and provides facilities for training at all levels of nuclear technology.

Post-Graduate School

The concept of a post-graduate school for Ahmadu Bello University was first mooted in 1976 to cater for a comprehensive postgraduate studies programme and increase postgraduate enrolment to a level of 25% of total enrolment for degree programmes. But the school was finally established in 1980 and it coordinates all the postgraduate programmes of the university at the Master, Doctorate, and post-graduate Diploma levels. Other schools are school of General Studies which was stopped effectively from 1995/96 session and the staff school (Demonstration Secondary School).

3.2 Functions of Ahmadu Bello University

The function of the university shall be:

a. To provide regular and liberal courses of instruction in the humanities, the science and other sphere of learning of a standard required and expected of a university of the highest standing.

b. To promote research and the advancement of science and learning.

c. To secure the diffusion of knowledge throughout Northern Nigeria.

d. To acquire and take over the property, right, trust and liabilities of the provisional council established by law, 1961, including all the property of the Nigerian College of Art, Science and Technology vested in the provisional council by the provision of the Nigerian College of Arts, Science and Technology (Transfer) Act, 1962.

3.3 Organisational Structure of A.B.U.

The structural based of an organization shows its power relationship between the various officialdom or administrative set-up within it. The structure indicates the positions of functionaries in the organisation, their power and operational pattern; it guide power (authority and responsibility) relations; shows unity of command and administrative process; and, indeed, ensure a smooth flow of information. Visitor:

When the university was initially established, the law states that "fit person shall be appointed by the Military Governor of the Benue-Plateau, Kano, Kwara, North-Central, North-Eastera and North-Western state of Nigeria to be visitors of the university and he may

in addition to the powers conferred upon him by other provisions of the law, from time to time and in such manner as he thinks fits, direct a visitation to the university for the purpose of ensuring the effective fulfilment of its objects as set out in the law". However, when the Federal Government took over the management of the institution, it became the sole responsibility of Head of State and so is acclaimed "The Visitor" to A.B.U. and all federal universities in Nigeria.

Chancellor

The Chancellor shall be the Head of the university and shall be appointed by the visitor on the recommendation of the council. The chancellor shall hold office for five years from the date of his appointment or until his resignation, whichever be the shorter, and shall be eligible for reappointment.

The Chancellor when present shall preside at the ceremonial and other assemblies of the university, and in addition to his other function provided for in the law, shall be entitled to call for information in regard to any matter relating to the welfare of the University from the Vice-chancellor and the Chairman of the Council whose duty it shall be to provide the same.

Pro-Chancellor

The law establishing ABU states that there shall be one or more pro-chancellor who shall be appointed in accordance with statute and who shall act as deputies to the Chancellor in such manner and to such extent as shall be prescribed by statute. The

prevailing situation is such that there is one person politically appointed by the Visitor to the university, and he/she heads the university council- the highest decision-making body.

Vice-Chancellor

There shall be a vice-chancellor who shall be the chief executive and academic officer of the university and who shall be the ex-officio chairman of the Senate. He has capacity to initiate meetings and discussion with the university principal officers and staff substance on issues affecting the university management. He thus can arbitrate in conflicts within the university (between management and staff, management and students, staff and students, etc.). His functions and operational pattern has significant consequences to the survival and growth of the university - as he/she manages the day-to-day affairs of the university; implement policy decisions and is indirect contact with the entire human elements in the university (staff, students and public in general). His fundamental role to effective university management and efficient operation cannot be over-emphasized. This can more appreciated in the number of committees he heads and which he assign his deputies from time-to-time. According to the Udoji Commission Report, 1973, the following summarizes the duties of Vice-Chancellor: "The V.C. ... is both the administrative and academic head of the university ... He is required to provide academic leadership, being ex-official Chairman the Senate and a number *of* main committees as well as being a member of the council. He also has to give guidance on daily problems. He is the principal spokesman for the university in its external

relations. He has to supervise the various administrative departments and, in some instances, he has some sections dealing with planning, public relations or internal audit, under his personal control."

Council

There shall be constituted for the university in accordance with the provisions of this law a council to be called the council of the Ahmadu Bello University. The council shall be the governing body of the university with power to manage all matters not otherwise provided for by or under the law.

Deputy Vice-Chancellor (Administration)

The deputy vice-chancellor (admin.) should be appointed in consultation with the vice-chancellor for the administration of housing and passages, office, legal/industrial relation office, mail and postal service, catering service and Lagos office. The D.V.C. (Admin.) do also act when the Vice-Chancellor is away.

Deputy Vice-Chancellor (Academic)

The deputy vice-chancellor (academic) will over see the work of the Deputy Registrar (Academic) and be responsible for all academic matters.

Senate

There shall be a senate for the university the composition of which shall be determined by statute. Proceedings of the senate shall not be invalidated by reason of any defect in the appointment of any member or by reason of any vacancies among its members.

The senate shall, subject to the provision of this law and the statutes, and subject also to control by the council in all matters affecting the finances of the university, manage the education affair of the university and act for the university in all academic matters, and in particular but without derogation from the generality of the foregoing have the following functions.

a. to direct and regulate the admission of student and teaching and instruction within the university and examination held by the university subject to the power of the council as herein;

b. to promote research within university;

c. to confer degrees, diplomas, certificates, licentiate-ship and other distinctions;

d. to make, after report from the faculties concerned, all regulations for giving effect to the statute and advances of the university relating to course of study and examinations;

e. to report the council on all statute and advance or proposed changes thereof;

f. to exercise and perform such other powers and duties as may be conferred or imposed upon the senate by the state.

Deputy Registrar (Admin.)

The deputy registrar (admin.) should be appointed in consultation with the Vice-Chancellor (Admin.) for the administration of Housing and Passages office, legal/ industrial relation office, mail and postal service, catering service and Lagos Office with other responsibility attached to its duties.

Deputy Registrar (Academic)

The deputy registrar (academic should be appointee in consultation with the Vice-Chancellor. He will be responsible to the Deputy Vice-Chancellor (Academic) for the administration of academic planning unit, academic office, university archives office, information and protocol office and university farm.

Bursar

The bursar should be appointed to hold office for a period of four years and be eligible for reappointment. He should remain the chief financial officer of the university subject to the directions of and responsible to the vice-chancellor.

Deputy Bursar (Finance)

The deputy bursar (finance) should be appointed in consultation with the vice-chancellor. He will be responsible to the Bursar for the control, supervision and co-ordination of the work of the cash office, loans office, bank reconciliation office and central payroll office.

i. **Deputy Bursar** (Accounts)

The deputy bursar (accounts) should be appointed in consultation with the vice-chancellor. He will be responsible to the Bursar for the control supervision and co-ordination of the work of the expenditure control office, final account office, pension and insurance and central purchasing unit.

University Librarian

The librarian should be appointed in consultation with the vice-chancellor and hold office for a period of four years. He should be eligible for reappointment. The librarian will be responsible to the vice-chancellor for the administration of Kashim Ibrahim library and Samaru public library. The other libraries should be managed by the units where they are located.

Director of Maintenance Unit and Water Works, Mechanical and Telecommunications

The director will be responsible to the vice-chancellor for initiating policy matters and executive action arriving from the decisions of the council, senate and such other bodies or as the vice-chancellor may direct.

Auditor General

The auditor general should be appointed in consultation with the vice-chancellor to

hold office for a period of four years, and be eligible for reappointment. As the Chief Internal Auditor and watch-dog of the university, he will be responsible to the vice-chancellor for initiating policy matters and executive action arising from the decision of the council, senate and such other bodies or as the vice-chancellor may direct.

He is also concerned with auditing of payment vouchers alone but widen its scope to include looking into irregularities arising from recruitment, training, promotion and discipline of staff. He is assisted by Deputy Auditor-General.

Chief Security Officer

The appointment of the security coordinator should be on contract basis. He will be under the vice-chancellor, be responsible for initiating policy matters and executive-action arising from the decisions of the council, senate and such other bodies as the statute may prescribe or the vice-chancellor may direct. The security coordinator may liaise with the outside bodies on security matters affecting the university if assign by the Vice-chancellor. He will have no control over the security divisions of the faculties' institutes and centres.

Faculties and Departments

The faculties should be granted autonomy and given power to appoint, train, promote and discipline their staff.

The Deans of these Faculties should be appointed in consultation with the Vice-Chancellor to hold office for a period of two years and eligible for reappointment. They

will report to the Executive Dean/Direct or-General for administrative and academic matters of their faculties, but however maintain certain autonomy. They should be member of the Senate.

The administrative set-up in the unit should be as given below:

1. Chief Executive - Executive Dean
2. Academic Departments - Heads of Departments
3. Administration Division - Director of Personnel and supply.
4. Finance Division - Director of finance and supply.
5. Maintenance and Service - Director of maintenance division and service.
6. Audit Division - Director of audit.
7. Security Division - Chief Security Officer.

The functions of these divisions should be clearly defined and proper schedule of duties drawn. The Heads of the Divisions will be responsible to Executive Dean for the performance of their duties.

3.4 Operational Pattern and Power

University Committees System

While some of Ahmadu Bello University Administrative Committees can be consolidated, generally speaking, their number was not considered a serious problem. All the council and senate committees seem to be well founded and relevant to the responsibilities they were charged. However, the tremendous burden of committee work for administrative and academic staff lay not in the number but composition and nature

of the committees.

The structural formations of these University Committees are administratively structured under three main bodies, viz:

i. The university Council, headed by the Pro-Chancellor

ii. The Senate, headed by the Vice-Chancellor

iii. The Congregation, headed by the Vice-Chancellor. The Committees under University Council are:

a) Finance and General Purpose Committee

b) University's Tender Board

(c) A.B.U. Companies headed by V.C.

- ABU Bookshops
- ABU Press
- ABU Consultancy Services
- Kongo Conference Hotel
- University Farmers.

(d) Honorary Degree - Pro-Chancellor

(e) Appointment and promotion committee - Pro-Chancellor

(f) Senior staff disciplinary committee - External Council Member

the Committees under University Senate

a) University admission committee - V.C

b) Special admission and admission irregularities committee - D.V.C.

c) IJMB - V.C.

d) Senate estimates committee - V.C.

e) Academic planning committee - V.C.

f) University board of research - V.C.

g) Students' disciplinary committee - D.V.C.

Committees under congregation where both academic and senior administrative staff are involved. This allows for larger participation and ensure sense of belonging, recognition and esprit de corps - if evenly and meritoriously distributed:

1. Management monitoring committee - V.C.
2. Committee of deans and director - V.C.
3. University library committee - V.C
4. Physical planning and plan implementation com. - D.V.C.
5. Main campus landscape committee - D.V.C.
6. Maintenance and service comm. - V.C.
7. Minor Works - V.C.
8. Contractors registration -V.C
9. Staff housing loan scheme -D.V.C
10. Staff housing allocation -D.V.C
11. University health services consult. - D.V.C.
12. Junior staff committee - Registrar
13. Junior staff committee disciplinary comm- a Sen. Lecturer

Power

For earning out the function and objective specified in the university law the university shall have power -

a) to institute professorships, readerships, lectureships and other posts and offices and make to appointment thereto;

b) to institute and award fellowships, scholarship, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;

c) to provide for the residence, discipline and welfare of members of the university;

d) to hold examination and grant degrees, diplomas, certificates and other distinctions to person who have pursued a course of study approved by the university and have satisfied such other requirements as the university may lay down;

e) to arrange for the education and welfare of children of members of the staff;

f) to demand and receive from any student or any other person attending the university for the purpose of instruction such fees as the council may from time to time determine;

g) to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situated;

(h) to accept gifts, legacies and donations, but without obligation to accept the

Same for a particular purpose unless it approves the terms and conditions

attaching thereto;

(i) to enter into contracts, establish trusts, act as trustees, solely or jointly with any other, person, and employ and act through agents;

(j) to erect, provide, equip and maintain libraries, laboratories, lecture halls, hall of residence, refectories, sports grounds, playing field and other building or things (Whether in **Nigeria or else** where) **necessary** or suitable or convenient for any of the objective aforesaid.

(k) subject to any limitation or conditions imposed by the statutes, to invest any moneys appertaining to the university by way of endowment and whether for general or special purpose and such other moneys as may not be immediately required for current expenditure or. any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being uninvited with any bank on deposit or current account;

(1) to borrow, whether at interest or not and if need be upon the security of any or all the property movable or immovable of the university, such moneys as the council may from time to time in its discretion find it necessary or expedient to borrow;

(m) to make gifts or any charitable purpose;

(n) to do anything which is authorised or required by the states to do;

(o) to make rules, not inconsistent with the provisions of this law or the statutes, for regulating the administration of the university;

(p) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the university;

(q) to exercise such other function as are set in this law and the statutes.

3.5 Discussion on Vice-Chancellor Leadership Role

From the above university committee system analysis, it can be seen that the Vice-Chancellor and Chief Executive of the university, has enormous responsibility within the system - notwithstanding other extra social activities outside the university. The committee system allow for general participatory of the university community in managing the affairs o: the university. Hcwever, for effective management and efficient realization of corporate objectives, a democratic leadership style will give ample opportunity to all functional groups of the university to participate and collectively solve management problems of the university.

The V.C. pervasive and leadership role in virtually all the university committees underlines his position in effectively addressing or solving staff problems - moreso, when the committees were constituted by few selects and or favourite of the university leadership. Thus where staff are effectively mobilised, integrated and freely participate

in not only decision-making process but also in decision implementation, this will make them to know the fact on ground, appreciate the inherent problems affecting the university and, indeed, proffer solutions to minimized if not eradicate - based, of course, on prevailing realities before them. For, like Bonet (1997), said "creating in them a real sense of participation is the first step towards useful dialogue"; it is the based upon which industrial harmony can be guaranteed and the route towards mutual co-existence, esprit de corps and, indeed, fundamental to job satisfaction, positive attitude and may enhance productivity or performance.

The social and egoistic needs of the academicians can be effectively managed and efficiently realized through the university committees system. For the structural based, operational pattern and the impact of these committees and their constituents (the human characters and representativeness therein) can not only mold the human elements, their behavioural disposition and performance but also can determine the focus, growth and development of the university. When a man feels he is desirable, socially acceptable, love and has capacity for academic freedom, of potentials expression through recognition, praise and respect, and of challenge and responsibility, then he will develop sense of fulfilment and positive job attitudes and consequent high performance. Bryan also noted that work is a group and collective activity, it is not an insular or just doing things, but a pattern of social and interpersonal relationship. That "...the need for recognition, security and sense of belonging is more important hi determining morale and productivity than physical (working) conditions".

Thus, where the university effectively integrate ASUU members and consciously ensure their active participation in management of the institution, the informal (ASUU) group can ensure strong social controls. It can and do have norms to set limits and regulate individual's behaviour within the whole group, and thus group collaboration and cohesion can be facilitated. And, as McGregor also observed, "...studies have demonstrated that the tightly knit, cohesive work group may, under proper conditions, be far more effective $_{t}$ than an equal number of separate individuals in achieving organizational goals".

Where the university management selects and appoints some few of its favourites to man the affairs of important committees and establishments, there is high tendency for grumbling (as most of the ASUU members both active and sympathizers) often feel alienated in university management affairs. This often resort to two parties system, the ruling (management) and opposition (ASUU and other trade unions). And the lack of effective integration, participation recognition and atmosphere for meaningful dialogue often lead to conflict.

Considering the institutional a structural complexity and operational sophistication of ABU vis-a-vis the enemous challenges and task before the V.C., it becomes imperative for him to not only seek able assistants but encourage the spirit of delegation of power and collective participation cum responsibility. As a person whose main duty is to provide academic and administrative leadership, the need to have support in the administration of the university cannot be over-emphasized. Fortunately, he has able personnel that will make delegation of power less problematic and riskless than otherwise.

His supportive and able administrative as well as academic teams include the Deputy Vice-Chancellor. Deans and Directors plus Heads of Departments of various faculties, centres, institutes, departments, principals of colleges, librarian, professors, etc. all constitutes able and reliable people that can bring their wealth of talents and experience to bear on any management problem. Thus, with proper delegation of power, the V.C. can significantly lighten his enormous university administrative and academic burdens.

Furthermore, invaluable talents and contribution from the larger university community cannot be under-rated. This team *is* composed of the academicians and administrative intelligentsia, which the university really needs. This team are prune to criticism and proffer solutions on issues affecting the university. The Registrar role stands out more and is, indeed, vital in maintaining a balance of the managerial machinery of the university- not only in harmonizing academic and administrative functions but also hi ensuring that effective administrative machinery are put in place for conforming with university policy objectives and efficient policy implementation - based on university rules and regulations. As a professionally trained and experienced public administrator, the Registrar's role become crucial and relevant in creating a balance between the demands of academics (which the V.C. is more conversant) and the general administration - which provides necessary logistics support for effective management and efficient realization of policy objectives.

As an institution that trained and provide the manpower requirement necessary to propel the engine of national socio-economic, political and techno-scientific

development, the university thus invariably house able, competent, and experience talents that can deliver the institution goals and operational objectives and ensure its development. It is the leadership style that matters, how it can mobilise, integrate and motivate its members towards corporate objectives. As Richman and Farmer (1976), said "effective leadership must also provide direction, communication, and motivation of people both inside and outside the organisation's goals". That is, the university success depends largely on the V.C. ability to provide purposeful guidance and ensure full harmony between and among the various constituent parts of the institution and its environment. This, according to Bonet can "manifest increased productivity and achievement of set goals and objectives". And herein lies durable solution to incessant conflicts between the university management and the other members of the community (academics, non-academics and students alike. Bonet added that "The goals and objectives of the university cannot be fully attained to without the leadership that creates the spirit of mutual trust, cooperation and achievement orientation among the officers, staff and other functionaries of this institution(ABU)".

Thus, mutual co-existence and effective integration cum collective participation and responsibility in the management of the university affairs is the key to achieving corporate objectives, to ensure efficient performance and, indeed, university development. Moreso, it is observed that the responsibility of the V.C. are not only tasking, complex and multi-dimensional but also sensitive and highly demanding. Therefore, the need for delegation of authority and responsibility becomes imperative. This does not only reduces administrative leadership and managerial burdens but also enhances ability to give

adequate time and attention to more important issues or matters and, indeed, reduces the problem of information flows and prompt decision or action. Furthermore, delegation and collective participation will enhance sense of belonging, social and egoistic needs satisfaction, can increase performance through positive job attitude and ensure university development - ceteris paribus.

CHAPTER FOUR

4.1 Introduction

The main concern of this chapter is to present, classify and analyses the data collected from the questionnaire administered to respondents so that it can be meaningful to both the researcher and any person that reads this work. Before that however, it would be useful to restate the hypotheses postulated in item 1.5

i. That, industrial relations process does not promote industrial harmony in Ahmadu Bello University (ABU), Zaria.

ii. That, breach of collective agreement does not lead to trade disputes in Ahmadu Bello University (ABU), Zaria.

The data collected is presented in simple frequency tables analysed in line with the hypotheses formulated. Therefore, the problem investigated in this research work was to examine why trade disputes keep recurring in our universities despites the industrial relations mechanisms put in place to curtail the menace. To achieve this purpose, the data collected were subject to statistical analysis and the results are presented therein.

The total number of hundred and eighty-two (182) questionnaires based on the sample size selected were administered to both management staff and ASUU members in Ahmadu Bello University (ABU), Zaria in order to obtain relevant information with regard to how effective industrial relations mechanisms are in trade dispute settlement in the Nigerian universities with particular reference to ABU, Zaria. Out of these 182 questionnaires administered, 115 representing 63% were filled and returned while 67 of the questionnaires representing 37% were not returned.

This is presented as follows in table 4.1.1 below

Table 4.1.1 Questionnaire Distribution/Rate of Return

Options	frequency	Total frequency (%)
No. of questionnaires returned	115	63
No. of questionnaires not returned	67	37
TOTAL	182	100

Source: Researcher's field survey, 2010

The presentation and analysis of data for this study is essentially done with both quantitative and qualitative methods with the use of tables and descriptive statistics (such as simple percentages, and highest means score).

Therefore, the hypotheses were tested at a critical point of 60% to serve as a basis for the acceptance or rejection of the hypotheses formulated.

Decision Rule

For any value less than 60%, the null hypotheses must be accepted while for any value equal to 60% and above will be rejected.

4.2 Data Presentation and Analysis

The table 4.2.1 to 4.2.3 below shows the demographic variables of respondents in frequencies and their corresponding percentages. This will allow us to give a clear picture of the results of these variables.

Table 4.2.1 Gender of staff

Options	frequency	Total frequency (%)
Male	99	86
Female	16	14
TOTAL	115	100

Source: Researcher's field survey, 2010

From table 4.2.1 above, 99 (86%) of the respondents were males while 16 (14%) of the respondents were females. This shows that males are more active in unionism in ABU, Zaria to their female counterparts.

Table 4.2.2 Position

Options	frequency	Total frequency (%)
Principal officer	3	3
Lecturer	112	97
TOTAL	115	100

Source: Researcher's field survey, 2010.

From table 4.2.2 above, 3 (3%) of the respondent were principal officers of ABU, Zaria while 112 (97%) of the respondents were ASUU members in ABU, Zaria.

Table 4.2.3 Years in service

Options	Frequency	Total frequency (%)
1-10yrs	54	47
Above 10 years	61	53
TOTAL	115	100

Source: Researcher's field survey, 2010.

From table 4.2.3 above, 54 (47%) of the respondents were employed into these universities during the period under study while 61(53%) of the respondents were already in the system before the scope of the study. This means that they will have full understanding of what the researcher is investigating on in their university.

4.3.1.1 Collective Bargaining and Dispute Settlement

Under this variable, the respondents were asked whether collective bargaining has helped in enhancing industrial harmony in their universities.

Table 4.3.1.1 Principle of Collective Bargaining Effect in Dispute Settlement

Options	frequency	Total frequency (%)
YES	104	90
NO	11	10
TOTAL	115	100

Source: Researcher's field survey, 2010

The results as indicated in table 4.3.1.1 above show that collective bargaining is an effective mechanism in enhancing industrial harmony. This was opined by the 104(90%) of the respondents who agreed that collective bargaining has helped in enhancing industrial harmony in Ahmadu Bello University (ABU), Zaria. Therefore, these responses go contrary to the null hypothesis (I) which states that "industrial relations mechanism process does not promote industrial harmony in ABU, Zaria". This goes in line with one aspect of the theoretical framework adopted in this study as propounded by Mary Parker Follett (integration). While 11(10%) responded in favour of the postulated null hypothesis.

4.3.1.2 Extent of Industrial Harmony

Under this variable, the respondents were asked to comment on the level of degree they think collective bargaining has helped in promoting cordial relation between management and ASUU in their university.

Table 4.3.1.2 Effect of Collective Bargaining on Industrial Harmony

Options	frequency	Total frequency (%)
Very high	20	17
High	79	69
Low	14	12
Very Low	2	2
TOTAL	115	100

Source: Researcher's field survey, 2010.

As shown in table 4.3.2.2 above, 20(17%) of the respondents believed that the degree to which collective bargaining has helped in promoting industrial harmony is very high while 79(69%) of the respondents opined that the degree to which collective bargaining has helped in promoting industrial harmony is high. 14(12%) of the respondents agreed that the degree to which collective bargaining has helped in promoting industrial harmony is low in ABU, Zaria. Only 2(2%) of the respondents opined that the degree to which collective bargaining has helped in promoting industrial harmony is very low in ABU, Zaria.

4.3.1.3 Impact of Collective Bargaining

The respondents were asked under this variable whether most industrial disputes between the management and ASUU were resolved through collective bargaining in their university.

Table 4.3.1.3 Impact of Collective Bargaining

Options	frequency	Total frequency (%)
YES	83	72
NO	32	28
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the table 4.3.1.3 above, 83(72%) of the respondents agreed that most industrial disputes between the managements and ASUU in ABU, Zaria were resolved through collective bargaining while 32(28%) of the respondents believed that most industrial disputes between the managements and ASUU in ABU, Zaria have not been resolved through collective bargaining.

4.3.1.4 Failure of Collective Bargaining

The respondents were asked under this variable to give their opinion on the cause(s) of failure of collective bargaining in their university.

Lack of mutual understanding of both parties, insincerity of purpose by ASUU and management while negotiating and the rigidity of the management to shift ground while negotiating are some of the reasons majority of the respondents opined to have contributed largely to the failure of collective bargaining in ABU Zaria.

4.3.1.5 Mediation, Conciliation and Cordial Relations

Under this variable, the respondents were asked whether the intervention of mediators and conciliators in disputes resolution has helped significantly in promoting cordial relations between the management and ASUU in their university.

Table 4.3.1.5 Mediation, Conciliation and Cordial Relations

Options	frequency	Total frequency (%)
YES	97	84
NO	18	16
TOTAL	115	100

Source: Field survey, 2010.

The results as indicated in table 4.3.1.5 above show that mediation and conciliation are effective mechanisms in promoting cordial relations between the management and ASUU. This was opined by the 97(84%) of the respondents who agreed that intervention of mediators and conciliators in disputes resolution have helped significantly in promoting cordial relations between the management and ASUU in ABU, Zaria. This goes contrary to postulated null hypothesis one (I) which states that "industrial relations mechanism process does not promote industrial harmony in ABU, Zaria and BUK while 18(16%) of the respondents believed that the intervention of mediators and conciliators in disputes resolution has not helped significantly in promoting cordial relations between the management and ASUU in ABU, Zaria.

4.3.1.6 Failure of Mediation and Conciliation

Under this variable, the respondents were asked whether the management and ASUU resort frequently to arbitration upon the failure of mediation and conciliation in trade disputes settlement in their university.

Table 4.3.1.6 Failure of Mediation and Conciliation

Options	frequency	Total frequency (%)
YES	57	50
NO	58	50
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the table 4.3.1.6 above, 57 (50%) of the respondents opined that management and ASUU resort frequently to arbitration upon the failure of mediation and conciliation mechanisms in trade disputes settlement in ABU, Zaria. While 58 (50%) of the respondents believed that the management and ASUU do not resort frequently to arbitration upon the failure of mediation and conciliation mechanisms in trade dispute settlement in ABU, Zaria.

4.3.1.7 Arbitration and Co-operation

Under this variable, the respondents were asked whether the use of Industrial Arbitration Panel (IAP) foster cooperation between the management and ASUU in their university.

Table 4.3.1.7 Arbitration and Co-operation

Options	frequency	Total frequency (%)
YES	55	48
NO	60	52
TOTAL	115	100

Source: Researcher's field survey, 2010.

From table 4.3.1.7 above, 55(48%) of the respondents agreed that the use of IAP foster cooperation between the management and ASUU in ABU, Zaria while 60(52%) of the respondents opined that IAP does not foster cooperation between the management and ASUU in ABU, Zaria.

4.3.1.8 Arbitration and Resolution

Under this variable, the respondents were asked whether Industrial Arbitration Panel (IAP) has ever resolved industrial dispute between the management and ASUU in their university.

Table 4.3.1.8 Arbitration and Resolution

Options	frequency	Total frequency (%)
YES	49	43
NO	66	57
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the table 4.3.1.8 above, 49 (43%) of the respondents opined that IAP has ever resolved industrial disputes between the management and ASUU in ABU, Zaria. While 66 (57%) of the respondents believed that IAP has not ever resolved industrial disputes between the management and ASUU in ABU, Zaria.

4.3.1.9 Failure of Arbitration

Under this variable, the respondents were asked whether the aggrieved party resort to any other industrial relation mechanism of trade dispute settlement upon the failure of arbitration in their university.

Table 4.3.1.9 Failure of Arbitration

Options	frequency	Total frequency (%)
YES	60	91
NO	6	9
TOTAL	66	100

Source: Researcher's field survey, 2010.

From table 4.3.1.9 above, 60 (91%) of the respondents opined that the aggrieved party resort to another industrial relations mechanism of trade disputes settlement upon the failure of arbitration in ABU, Zaria while 6 (9%) of the respondents believed that the aggrieved party do not resort to any other industrial relation mechanism upon the failure of arbitration in ABU, Zaria.

4.3.1.10 Adjudication and otherwise (Self-help Approach)

The respondents were asked under this variable which mechanism of trade dispute settlement is adopted or otherwise in trade dispute settlement in their university.

Table 4.3.1.10 Adjudication and otherwise (Self-help Approach)

Options	frequency	Total frequency (%)
Self-help	27	45
Adjudication	33	55
TOTAL	60	100

Source: Researcher's field survey, 2010.

From table 4.3.1.10 above, 27 (45%) of the respondents agreed that "Self Help Approach" is adopted upon the failure of arbitration in resolving trade disputes in ABU Zaria while 33 (55%) of the respondents agreed that 'Adjudication Approach" (National Industrial Court) is what the aggrieved party resort to upon the failure of arbitration in ABU, Zaria.

4.3.1.11 Self-help Approach

Under this variable, the respondents were asked whether "self-help approach" is effective in creating an atmosphere of industrial harmony in their university.

The respondents were of the view that the approach is quite effective in achieving their union's demand from the university management. They added that the method does not promote industrial harmony in their universities but it only serves as a last resort for the union to press its demands.

4.3.1.12 Failure of Arbitration

Under this variable, the respondents were asked whether adjudication approach is quite effective in resolving industrial disputes in their university.

Table 4.3.1.12 Failure of Arbitration

Options	frequency	Total frequency (%)
YES	20	61
NO	13	39
TOTAL	33	100

Source: Researcher's field survey, 2010.

From table 4.3.1.12 above, 20 (61%) of the respondents agreed that adjudication approach is quite effective in resolving industrial disputes in ABU, Zaria while 13 (39%) of the respondents opined that adjudication approach is not quite effective in resolving industrial disputes in ABU, Zaria.

4.3.1.13 Adjudication and Industrial Harmony

Under this variable, the respondents were asked the reason(s) for consistent industrial disputes in their universities if NIC is quite effective in resolving trade dispute.

The respondents were of the view that disputes keep reoccurring because the problems were not properly tackled by the court. Also, non implementation of agreement previously reached by both parties especially by the management was a major reason opined for consistent industrial disputes in ABU Zaria.

Table 4.3.1.14 Average Mean Score (Test for Hypothesis 1)

Variable	The Average Mean Score
1	(90%) of the respondents agreed that collective bargaining has helped in enhancing harmony in ABU, Zaria.
2	(69%) of the respondents opined that the degree to which collective bargaining has helped in promoting industrial harmony is high in ABU, Zaria.
3	(72%) of the respondents agreed that most industrial disputes between the management and ASUU in ABU, Zaria were resolved through collective bargaining.
5	(84%) of the respondents agreed that the intervention of mediators and conciliators in disputes resolution have helped significantly in promoting cordial relations between the management and ASUU in ABU, Zaria.
6	(50%) of the respondents opined that management and ASUU do not resort to arbitration upon the failure of mediation and conciliation mechanisms in ABU, Zaria.
7	(52%) of the respondents opined that IAP does not foster cooperation between the management and ASUU in ABU, Zaria.
8	(57%) of the respondents believed that IAP has not finally resolved industrial disputes between the management and ASUU in ABU Zaria.
9	(91%) of the respondents opined that the aggrieved party resort to another industrial relations mechanism of trade disputes settlement upon the failure of arbitration in ABU, Zaria.
10	(55%) of the respondents opined that the aggrieved party resort to National Industrial Court upon the failure of arbitration in ABU, Zaria.
12	(61%) of the respondents opined that adjudication approach is quite effective in resolving industrial disputes in ABU, Zaria.
N=10	$\sum fp = 681$

The highest mean score

$$\bar{x} = \frac{\sum fp}{N}$$

Where, $\bar{x} = Mean \ \ score$

$\sum fp = sum \ of \ \ frequency \ \ percentage$

$N = \ Number \ \ of \ \ \text{var}iables$

Thus

$$\bar{x} = \frac{90 + 69 + 72 + 84 + 50 + 52 + 57 + 91 + 55 + 61}{10}$$

$$= \frac{681}{10}$$

$$= 68.1\%$$

$$= 68\%$$

Table 4.3.1.15 Graphical Representation of Table 4.3.1.14

The graphical representation of the variables and its average mean score for hypothesis one (1) is to make them more easily understood and to emphasis the trends of industrial relations mechanism process as contained in the data.

The pie chart consists of a circle divided into variables in proportion to the magnitude of the class it represents such that each of the variables is proportionately represented in the angle of the circle.

Variable	Highest Mean Score	360^o	Degree
1	90	$\frac{90}{681} x\ 360$	48^o
2	69	$\frac{69}{681} x\ 360$	36^o
3	72	$\frac{72}{681} x\ 360$	38^o
5	84	$\frac{84}{681} x\ 360$	44^o
6	50	$\frac{50}{681} x\ 360$	27^o
7	52	$\frac{52}{681} x\ 360$	28^o
8	57	$\frac{57}{681} x\ 360$	30^o
9	91	$\frac{91}{681} x\ 360$	48^o
10	55	$\frac{55}{681} x\ 360$	29^o
12	61	$\frac{61}{681} x\ 360$	32^o
TOTAL	681		360^o

Source: Researcher's field survey, 2010

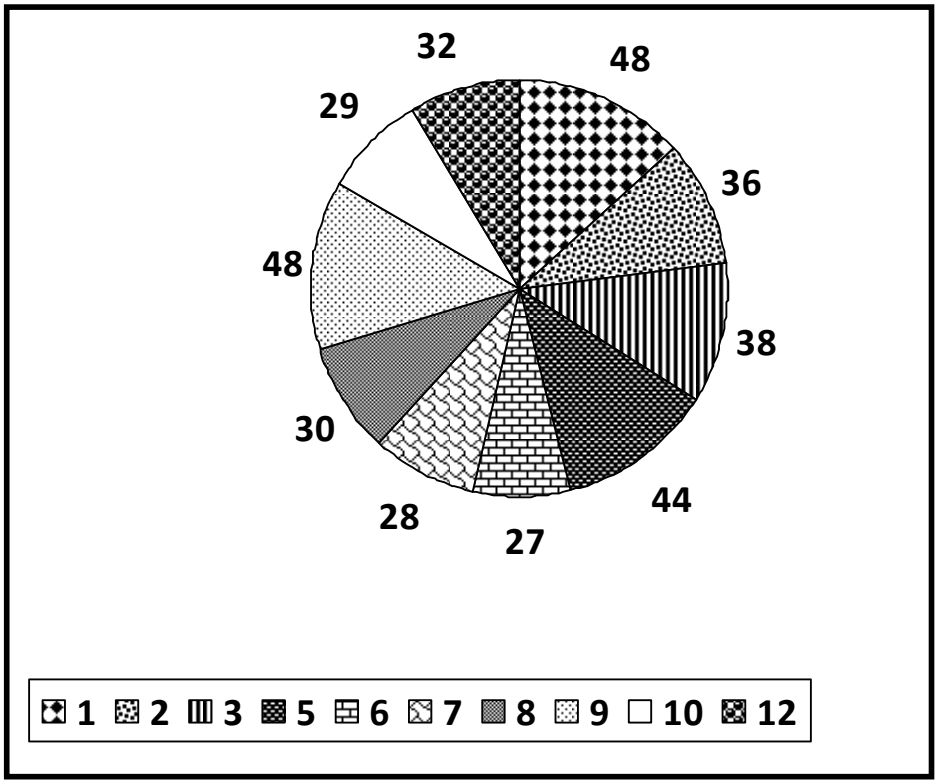


Figure 1: Pie Chart depicting the distribution of variables for hypothesis 1

Based on the decision rule which stipulated that for any value less than 60%, the null hypothesis must be accepted and vice-versa, the judgment of the average mean score of the result of 68% of all the variables responded by the respondents as depicted in the graphical representation of the distribution of all the variables, restating the null hypothesis one (1) which states that "industrial relations mechanism process does not promote industrial harmony in ABU, Zaria" is therefore rejected as it has been proved beyond reasonable doubt by the ten (10) variables. This shows that industrial harmony depends largely on adherence to industrial relations mechanism processes in ABU, Zaria.

4.3.2.1 Collective Agreement

Under this variable, the respondents were asked whether collective agreement has been reached by Academic Staff Union of Universities (ASUU) and the management in their university.

Table 4:3.2.1 **Collective Agreement**

Options	frequency	Total frequency (%)
YES	108	94
NO	7	6
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the Table 4.3.2.1 above, 108 (94%) of the respondents opined that collective agreement has been reached between the management and ASUU in ABU, Zaria while 7 (6%) of the respondents believed that collective agreement has not been reached between managements and ASUU chapter of ABU, Zaria.

4.3.2.2 Adherence to Collective Agreement

The respondents were asked under this variable to comment on how they view adherence to collective agreement reached by the management and ASUU in their university.

Table 4.3.2.2 Adherence to Collective Agreement

Options	frequency	Total frequency (%)
Strict Adherence	23	20
Partial Adherence	89	77
Non Adherence	3	3
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the table 4.3.2.2 above, 23 (20%) of the respondents agreed that managements and ASUU strictly adhered to collective agreement in ABU, Zaria while 89 (77%) opined that management and ASUU partially adhere to collective agreement reached in ABU, Zaria. Only 3(3%) of the respondents believed that there is none adherence between managements and ASUU in ABU, Zaria.

4.3.2.3 Prompt to Compliance

Under this variable, the respondents were asked to comment on how urgent have ASUU and management complied with collective agreement in their university.

Table 4.3.2.3 Prompt to Compliance

Options	frequency	Total frequency (%)
Promptly	31	27
Not promptly	84	73
TOTAL	115	100

Source: Researcher's field survey, 2010.

From the table 4.3.2.3 above, 31 (27%) of the respondents opined that management and ASUU complied promptly with collective agreement in ABU, Zaria while 84 (73%) of the respondents agreed that management and ASUU have not promptly complied with collective agreement in ABU, Zaria.

4.3.2.4 Delay in Compliance

Under this variable, the respondents were asked whether delay in compliance to collective agreement ever lead to trade dispute between the management and ASUU in their university.

Table 4.3.2.4 Delay in Compliance

Options	frequency	Total frequency (%)
YES	106	92
NO	9	8
TOTAL	115	100

Source: Researcher's field survey, 2010.

From table 4.3.2.4 above, 106 (92%) of the respondents opined that delay in compliance to collective agreement led to trade dispute between management and ASUU in ABU, Zaria while 9 (8%) of the respondents believed that delay in

compliance to collective agreement has not lead to trade dispute in ABU, Zaria.

4.3.2.5Full Compliance to Collective Agreement

Under this variable, the respondents were asked whether full compliance to collective agreement by management and ASUU will lead to resolution of trade dispute in their university.

Table 4.3.2.5Effect of Compliance enhance harmony

Options	frequency	Total frequency (%)
YES	107	93
NO	8	7
TOTAL	115	100

Source: Researcher's field survey, 2010.

From table 4.3.2.5 above, 107 (93%) of the respondents agreed that full compliance to collective agreement by management and ASUU will lead to resolution of trade disputes in ABU, Zaria while 8 (7%) of the respondents opined that full compliance to collective agreement will not lead to resolution of trade disputes in ABU, Zaria.

4.3.2.6 Difficulty in compliance

Under this variable the respondents were asked on what they think makes compliance to collective agreement difficult in their university.

The respondents opined that lack of funds, lack of transparency and accountability, self-centeredness on the part of management and leadership style were some of the factors that make it difficult for ASUU/Management to comply with agreement reached in ABU Zaria.

Table 4.3.2.7 Average Mean Score (Test of Hypothesis 2)

Variable	The average mean score
2	(77%) of the respondents opined that ASUU and managements partially adhered to collective agreement in ABU, Zaria.
3	(73%) of the respondents agreed that managements and ASUU have not complied promptly to collective agreement in ABU, Zaria
4	(92%) of the respondents opined that delay in compliance to collective agreement led to trade dispute between the management and ASUU in ABU, Zaria
5	(93%) of the respondents agreed that full compliance to collective agreement by the management and ASUU led to resolution of trade disputes in ABU, Zaria.
N=4	$\sum FP = 335$

Source: Researcher's field survey, 2010

The highest mean score

$$\bar{x} = \frac{\sum fp}{N}$$

Where, $\bar{x} = Mean\ \ score$

$\sum fp = sum\ of\ \ frequency\ \ percentage$

$N = \ Number\ \ of\ \ \text{var}iables$

Thus

$$\bar{x} = \frac{73 + 65 + 87 + 92}{4}$$
$$= \frac{335}{4}$$
$$= 82.75\%$$
$$= 84\%$$

Table 4.3.2.8 Graphical Representation of Table 4.3.2.7

The graphical representation of the variables and its average mean score for hypothesis two (2) is to make them more easily understood and to emphasize the trend of industrial relation mechanisms processes as contained in the data. The pie chart consists of circle divided into variables in proportion to their magnitude of the class it represents. That is, variables such that each is proportional to the angle of the circle.

Variable	Average Mean Score	360^o	Degree
2	77	$\frac{77}{335}\ x\ 360$	83^o
3	73	$\frac{73}{335}\ x\ 360$	78^o
4	92	$\frac{92}{335}\ x\ 360$	99^o
5	93	$\frac{93}{335}\ x\ 360$	100^o
TOTAL	335		360^o

Source: Researcher's field survey, 2010.

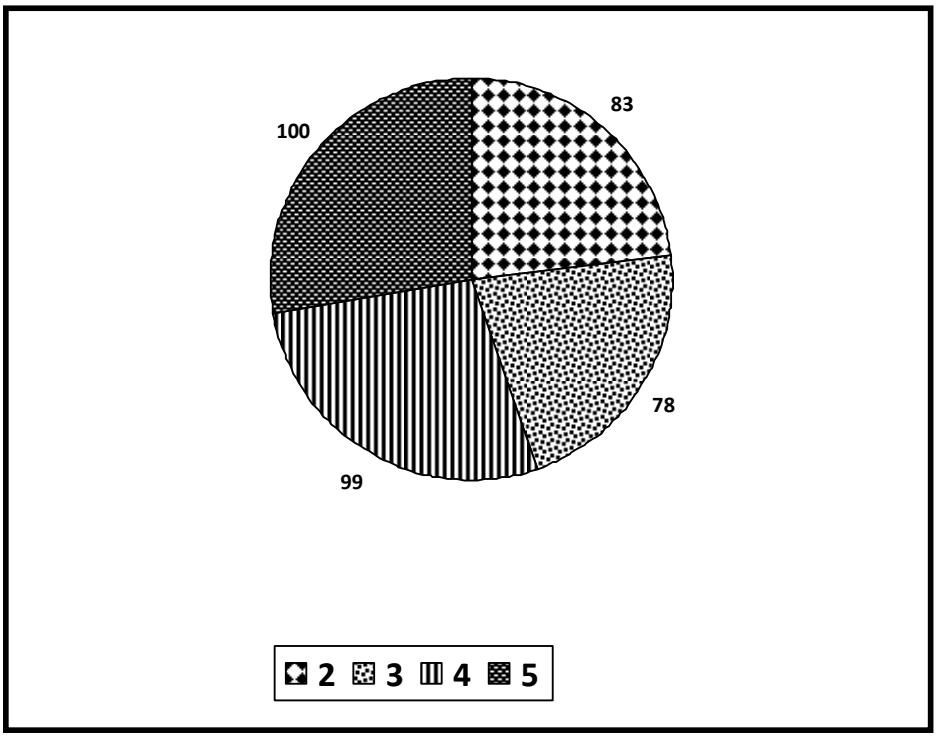


Figure 2: Pie Chart depicting the distribution of variables for hypothesis 2

Based on the decision rule which stipulated that for any value less than 60%, the null hypothesis must be accepted and vice versa, the judgment of the highest mean score of the result of 84% of all the variables responded by the respondents and the graphical representation of the distribution of all the variables, the hypothesis two (2) which states that "breach of collective agreement leads to trade disputes in ABU, Zaria" is therefore accepted as it has been proved beyond reasonable doubt by the four(4) variables. This shows that trade disputes depend largely on breach of collective agreement between ASUU and the management in ABU, Zaria.

4.3.3.3: Discussions

Discussion in research has been seen as the process of rationalization based on the analyses and interpretation of data (Idisi & Oshionebo, 2003). In this section, the results of the data analyses are discussed for general understanding of the study.

The problem investigated in this study is the rationale behind recurring of disputes in Ahmadu Bello University, Zaria despites the mechanisms put in place to maintain unity and cordial relationship among the actors in this university. The hypotheses formulated, as earlier stated were geared toward unraveling this puzzle. The major variables for testing the hypotheses as contained in the results and interpretation section above formed the fulcrum of the discussion. These variables are not just industrial relations mechanism process for ABU,Zaria but also must be adhered to in resolving trade disputes in any organization.

4.3.3.1 Collective Bargaining

Section 4 (1) of Trade Disputes Act 2004 provides that "if there exist agreed means for settlement of the dispute apart from this Act, whether by virtue of provisions of any agreement between organization as representing the interest of employers and organization of workers or any other agreement, the parties to the dispute shall first attempt to settle it by the means". This implies that parties in trade dispute must first of all utilize or use the internal mechanism (collective bargaining) in resolving their dispute.

The researcher had discussions with some members of ASUU and the management on how collective bargaining has been utilized in resolving trade dispute in ABU, Zaria. We gathered that eventually all the trade disputes between these actors

were always resolved through collective bargaining. They added that at the onset the mechanism may not have achieved the purpose of resolving the dispute but when other mechanisms failed i.e. mediation, they will resort to negotiation again in resolving their differences. This is the rationale behind 104 (90%) of the respondents in table 4.3.1.1.of the analysis section who opined that collective bargaining has helped in enhancing industrial harmony in ABU, Zaria. This goes in line with the integration approach adopted in our theoretical framework as propounded by Mary Parker Follet in her theory of conflict management.

4.3.3.2 Mediation and Conciliation

Section 4 (2) of the Trade Disputes Act 2004 provides that upon the failure of collective bargaining "the parties in dispute will meet together themselves or their representatives, under the presidency of a mediator mutually agreed upon and appointed by or on behalf of the parties, with a view to the amicable settlement of the dispute". The researcher gathered from the principal actors (management and ASUU) in ABU, Zaria who opined that the intervention of the mediators have been of great help in resolving disputes in their university. However, table 4.3.1.5 of the analysis section also confirmed that mediation and conciliation are effective mechanisms in promoting cordial relations between the management and ASUU in ABU, Zaria where 97 (84%) of the respondents attested to that assertion.

4.3.3.3 Arbitration (Industrial Arbitration Panel)

Section 9 (1) of Trade Dispute Act provides that the aggrieved party should resort to Industrial Arbitration Panel (IAP) upon the failure of mediation and conciliation. In related discussions with some members of ASUU and that of

management of ABU, Zaria, the respondents submitted that they hardly employ this mechanism in resolving trade dispute in their university. The members of ASUU were of the view that proceeding to IAP will amount to time wasting. Also, the panel award will be influenced by the government to favour the management due to the fact that the minister appoints those to function in the panel and the award of the panel must also be reported first to the minister before communicating it to the parties involved in the dispute. However, almost half of the respondents held a contrary view to the information gathered from the principal actors as shown in table 4.3.1.6 of the analysis section.

4.3.3.4 Adjudication (National Industrial Court)

Section 14 of the Trade Dispute Act 2004 provides that any of the parties in dispute that is dissatisfied with the award of the Industrial Arbitration Panel (IAP) should refer the case to National Industrial Court (NIC). The award of the Court shall be binding on the parties except in the case of fundamental right as contained in chapter IV of the constitution of the Federal Republic of Nigeria which states that the aggrieved party can appeal to the Court of Appeal. Section 14 (3) of the Trade Disputes Act, 2004 provides that the award of the NIC shall prevail if it is more favourable than any statutory provisions affecting the terms and condition of employment of the workers concerned.

With our discussions with the Principal Actors (management and ASUU members) of ABU, Zaria, we gathered that these actors have never resorted to NIC for resolution of any dispute in their university. The ASUU members attested to the fact that strike is the only weapon used by the union in compelling the management to

comply with their demands. Although, section 18 of the Trade Disputes Act,2004 prohibited lock-out and strike before issue of award of NIC, this shows that the processes for settlement of disputes are not being fully complied with in ABU, Zaria. The inconsistency on the part of the respondents to questions asked in the questionnaire and the interview conducted with the principal actors shows that they were not being objective enough in their responses.

4.3.3.5 Adherence to Collective Agreement

Section 48 of Trade Dispute Act defines "collective agreement as any agreement in writing for the settlement of disputes and relating to terms of employment and physical conditions of work concluded between an employer, a group of employers or organizations representing workers, or the duly appointed representative of any body of works, on the one hand, and one or more trade unions or organization representing works, or the duly appointed representative of workers, on the other hand".

The end product or the outcome of collective bargaining is referred to as collective agreement. Therefore, the parties involved in collective bargaining supposed to adhere strictly to the agreement reached. Table 4.3.2.2 of the analysis section revealed that the management and ASUU in ABU, Zaria partially adhere to Collective agreement reached as 89 (77%) of the respondents massively supported the opinion. Our discussions with some principal officers and ASUU executives in ABU, Zaria show that these actors hardly adhered strictly to collective agreement reached. We further gathered from the principal officers that the collective agreement reached with ASUU by the federal government of Nigeria at the national level cannot be strictly adhere to in their university without the government making necessary provision for its

implementation.

4.3.3.6 Urgency to Compliance

The parties involved in collective agreement are supposed to comply promptly without any delay as it is the outcome of their negotiation. Table 4.3.2.3 of the analysis section shows that the management and ASUU in ABU, Zaria have not promptly complied with collective agreement reached as 84 (73%) of the respondents attested to such fact.

The researcher gathered from the discussions held with some principal officers and some ASUU executives in ABU, Zaria that the major cause of not complying promptly to collective agreement in the university as shown in table 4.3.2.3 has to do with lack of transparency, sincerity and accountability of principal actors in ABU, Zaria. Some ASUU executive informed the researcher that the principal officers are not transparent in their dealings with the ASUU when it comes to compliance to collective agreement. Some principal officers we spoke with were of the view that whenever resources are available to comply with collective agreement reached with ASUU either at the National level by the federal government or not, the university will promptly respond to that agreement. This contention shows that there is a communication gap between ASUU and the principal officers in ABU, Zaria on the ability of the university to meet the collective agreement reached. However, this further revealed that both parties lack mutual trust.

Further analysis on the Test of Hypotheses

Based on the quantitative and qualitative analysis of data undertaken, the following summary of analysis can be made

1. In the test of hypothesis one (1) as for quantitative proof of whether or not the industrial relations mechanism processes promote industrial harmony in ABU, Zaria and BUK, 90% in table 4.3.1.1, 69% of table 4.3.1.2, 72% of table 4.3.1.3, 84% of table 4.3.1.5, 50% of table 4.3.1.6, 52% of table 4.3.1.7, 57% of table 4.3.1.8,91% of table 4.3.1.9,55% of table 4.3.1.10 and 61% of table 4.3.1.12 representing the majority of the respondents in the ten (10) variables respectively, has further confirmed that industrial relations mechanisms processes promote industrial harmony as against the postulated null hypothesis. In the light of this therefore, the hypothesis which states that industrial relations mechanism process promote industrial harmony in ABU, Zaria is accepted as it gained massive opinion of the respondents.
2. In the test of hypothesis II as for quantitative proof of the hypothesis which postulated that breach of collective agreement leads to trade disputes in ABU, Zaria, 77% in table 4.3.2.2, 73% of table 4.3.2.3, 92% of table 4.3.2.4 and 93% of table 4.3.2.5 representing the majority of the respondents on the four (4) variables respectively were positive in one direction that hypothesis II proved that breach of collective agreement leads to trade disputes in ABU, Zaria. The factors responsible for this as observed are partial adherence to collective agreement, delay in compliance and so on. Therefore, the hypothesis which attests that breach of collective agreement leads to trade dispute in ABU; Zaria is valid and therefore, is accepted as it gained massive opinion of the respondents.

Major findings of the Study

Among the findings, from the analysis of data discussed above, the following appeared more glaring: -

1. That industrial relation mechanism processes promote industrial harmony in ABU, Zaria. This finding tends not to agree with similar finding of Nwoke (2005) study which submits that trade dispute settlement has never worked effectively as a result of the attempts by the Nigerian governments to retain partial if not total control of the dispute settlement mechanism and because of this; disputes between the government and unions keep on reoccurring especially in Nigerian universities.
2. That collective bargaining as internal mechanism is an effective mechanism in resolving trade disputes as the management and ASUU of ABU, Zaria confirm that various disputes between them were resolved through this mechanism. The finding of the study corroborates Omole (2004), Akintayo, (2004), and Oluseyi (2009) who reported that collective bargaining strategy has been found to be very effective in resolving industrial conflict. This goes in line with Mary Parker Follett integration concept which she admits that if the divergent interests of these actors are critically analyzed in a round table conference with the aim of coming out with a lasting solution to the cause(s) of the dispute(s),trade dispute will become minimal and easily handled in our universities. The finding of the study implies that trade disputes tends to be amicably resolved without resulting to strike action in work organizations, when the deliberation and negotiation process on issues relating to employment relations are democratized.
3. That going on strike (self-help approach) does not promote industrial harmony

though; it compels the management to respond to the demand of ASUU more timely than expected. This is also similar to the findings of Fashoyin (2007) study which agrees that the right to strike is an essential characteristic of collective bargaining because the ability of the union to bring direct economic pressure on the employer depends largely on the availability or use of the strike weapon and that the presence or threat of a strike induces the parties to engage in continuous dialogue for a search for an agreement.

4. That, the managements and ASUU of ABU, Zaria chapter hardly comply to the whole processes of resolving disputes as stipulated in Trade Disputes Act,2004. This finding is in line with the interview conducted by the researcher which observed that principal actors hardly utilize Industrial Arbitration Panel in resolving their dispute(s). Also, ASUU declaring strike without the award of National Industrial Court is a critical issue. This findings tends to agree with similar finding of Egbob in Fashoyin (2007) study which submits that the smooth functioning of the institutions for trade dispute settlement has been a major concern of the Federal Government of Nigeria as trade unions and employers have been reminded of the need to follow the procedure laid down in the Trade Disputes Act No. 7 of 2004 while presenting any disagreement between them other than the use of strikes and lockouts.
5. That breach of collective agreement leads to trade disputes in ABU, Zaria
6. That delay in compliance to collective agreement leads to trade disputes. In many situations, delay in compliance to collective agreement brought about strikes in our Nigerian universities in general.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter provides the general overview of this study. It goes further to advance some conclusion based on the findings of the analysis of data given earlier on. Some recommendations were made on areas we felt attention is highly needed.

5.2 Summary of the Work

The salient issue under this research work which the researcher set out to investigate on is whether or not the Nigerian industrial relations mechanism is effective in trade dispute settlement in Ahmadu Bello University (ABU), Zaria. In order to conduct this study, the work has been segmented into five chapters, namely; introduction, literature review and theoretical framework, historical background of trade unionism in Nigeria, data presentation and analysis and summary, conclusion and recommendation.

The first chapter which formed the introductory part defined the problem of the study- with the mechanisms in place, why trade disputes keep recurring in our universities between management and ASUU with reference to ABU, Zaria. This chapter also highlighted some fundamental objective for which the study sets to achieve which include finding out whether or not industrial relation mechanisms are effective in resolving trade disputes between the management and ASUU in ABU, Zaria and to recommend ways of tackling trade disputes in our universities. Also, covered by this chapter are the hypotheses to be tested, the scope and limitation of the study and the significance of the study. Furthermore, the chapter also deals with research design and

method of data collection which comprises sources of data (primary and secondary sources), population and sample size (Population 1695 and sample size 182) and method of data analysis (was based on both qualitative and quantitative techniques). Also, part of this chapter is the conceptual definition of key terms.

The second chapter dwelt on the literature and theoretical framework. In this chapter some literatures were reviewed and expert views of scholars on industrial relation, trade disputes and mechanisms for trade disputes settlement were considered. For instance, the Trade Disputes Act asserted that the mechanisms for trade disputes settlement entails collective bargaining, which is a voluntary process, and the statutory procedure embodied in the Trade Disputes Act of 2004. This is compulsory in case the collective bargaining fails. The theoretical framework in this chapter is anchored on Mary Parker Follett conflict management theory. Also, the relationships that exist between this theory and the research topic were explained.

The third chapter considered institutional history, structure and operational pattern of Ahmadu Bello University, Zaria

The fourth chapter dwells on the analysis and interpretation of data related to the two hypotheses which this research work is anchored upon. It revealed that industrial relations mechanism processes promote industrial harmony in ABU, Zaria. Also, collective bargaining, as internal mechanism, was considered as most effective mechanism in resolving disputes between ASUU and the management in ABU, Zaria.

Besides, the study also reveals that breach of collective agreement leads to trade disputes in ABU, Zaria.

The fifth chapter summarized each of the above chapters. It also dwelt on summary of findings and conclusion, and recommendations which concludes the research work.

5.3 Summary of findings and conclusion

This study set out to investigate the rationale behind consistent disputes within the university system for the past two decades despite the existence of industrial relations mechanisms with particular reference to ABU, Zaria.

Base on our findings from the analysis of our data, we wish to draw the following conclusions.

Our finding on industrial relations mechanism processes and industrial harmony reveals that industrial relations mechanism processes promote industrial harmony in ABU, Zaria. The majority of the respondents in the ten (10) variables further confirmed this finding. Therefore, in the light of that, it was evidently proved that both internal mechanism (collective bargaining) and the statutory procedure embodied in the Trade Disputes Act of 1976 now cap. T8, Laws of the Federation of Nigeria, 2004 could constitute effective mechanisms for resolving trade disputes in the Nigeria public service.

Furthermore, this study reveals that breach of collective agreement leads to trade disputes in ABU, Zaria. This was because the majority of respondents in the four (4) variables attested to such assertion.

Besides, this study also reveals that collective bargaining is the most effective mechanism in resolving disputes. As such, every university could employ the internal

mechanism (collective bargaining) in resolving disputes as it create room for divergent interest of these actors to be put forward for discussion in a round table conference with the aim of integrating them or coming out with lasting solution to the dispute(s).

5.4 Recommendation

In the light of the research findings, the following recommendations are suggested for implementation:

1. It was noted from the research findings that industrial relations mechanism processes promote industrial harmony in ABU, Zaria. It is therefore recommended that industrial relations mechanism processes as stipulated in the Trade Disputes Act of 1976 now cap. T8, Laws of the Federation of Nigeria, 2004 should be strictly adhered to as it promotes industrial harmony. This is because the attainment of industrial harmony in our universities is vital to educational development as it will ultimately affect positively the quality of graduates turning out from the Nigerian universities.
2. This research has substantially revealed that breach of collective agreement by the management and ASUU in ABU, Zaria has led to trade disputes in ABU Zaria. In the light of this, it is hereby recommended that collective agreement reached by ASUU either at the national level with the federal government or at the local level with the university councils, the parties involved should comply with all the terms agreed upon as it was the outcome of negotiation which both parties actively participated in.
3. In the light of our findings, it is hereby recommended that internal mechanism

(collective bargaining) should be effectively utilized in resolving trade disputes as it creates room for parties involved in the dispute to discuss in details on how the problem should be resolved.

4. It was also noted from our research findings that strike does not promote industrial harmony but it helps in compelling the management to respond to the demand of the union. It is therefore recommended that employers should not wait for threat of strike or actual work stoppage before negotiating with unions on how to meet their demands.
5. The study also finds out that the principal actors that is, management and ASUU, hardly comply with the processes stipulated in the Trade Disputes Act for resolving trade disputes. In the light of this, it is hereby recommended that disciplinary measure should be taken against any employer or employers association or any employee or their representatives (Unions) that refuse to comply with the stipulated or laid down procedures of resolving trade disputes as stated in Trade Disputes Act.

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APPENDIX I

Department of Public Administration

Ahmadu Bello University,

Zaria.

Dear Respondent,

FIELD STUDY ON EVALUATION OF INDUSTRIAL RELATIONS MECHANISM IN EFFECTIVE TRADE DISPUTE SETTLEMENT IN AHMADU BELLO UNIVERSITY, ZARIA (1999 - 2008)

As part of my studies for award of Masters of Science Degree in Public Administration at the Ahmadu Bello University, Zaria I am currently conducting a research on topic stated above.

The purpose of the questionnaire attached hereto is to enable me obtain the necessary information on the topic which will enable me proffer recommendations on how trade dispute can be resolve in our universities through the Trade Dispute Mechanisms.

I would like to assure you most sincerely that whatever information supplied by you through this questionnaire will be held confidentially and used for research purpose only. Therefore, please kindly complete the questionnaire as truthfully as possible.

Thank you.

Yours faithfully,

Otohinoyi, Samuel

PART A: PERSONAL DATA

Please tick the answers that best apply to you.

Gender : a. Male ( ) b. Female ( )

1. Position: a. Principal Officer ( ) b. Lecturer ( )
2. Years in service a.1 – 10 years ( ) b. 10 and above ( )

PART B: Industrial relations mechanism process and industrial harmony (as related to hypothesis one)

This portion of the questionnaire solicits for information in industrial relations mechanism processes as it enhances industrial harmony. Kindly read the statement carefully and tick the appropriate place which best described your opinion.

A. Collective agreement and dispute settlement.

Has collective bargaining helped in enhancing industrial harmony in your university?

Yes ( ) No ( )

B. Extent of industrial harmony

If 'Yes to question (A) above, to what extent has collective bargaining helped in promoting cordial relation between ASUU and Management?

a. Very High ( ) b. High ( ) c. Low ( ) d. Very Low ( )

C. Impact of Collective Agreement.

Are most industrial dispute between management and ASUU resolved through collective bargaining mechanism in your university? Yes ( )No ( )

D. **Failure of collective bargaining**

If 'No' to question (C) above, in your own opinion what do you think is responsible for failure of collective bargaining? ----------

E. **Mediation, conciliation and cordial relations**

Has the intervention of mediators and conciliators in dispute resolution helped significantly in promoting cordial relations between management and ASUU in your university? Yes ( ) No ( )

F. **Failure of mediation and conciliation**

Does the management and ASUU resort frequently to arbitration upon the failure of mediation and conciliation in trade dispute settlement?

Yes ( ) No ( )

G. **Arbitration and co-operation.**

Does the use of Industrial Arbitration Panel (IAP) foster co-operation between management and ASUU in your university? Yes ( ) No ( )

H. **Arbitration and Resolution.**

Has arbitration ever finally resolved industrial dispute between ASUU and management in your University? Yes ( ) No ( )

I. **Failure of Arbitration.**

If 'No' to question (H) above, does the aggrieved party resort to any other industrial relations mechanism of trade dispute settlement? Yes ( ) No ( )

J. **Adjudication and otherwise**

If 'Yes' to question (I) above, which mechanism of trade dispute settlement is adopted; or otherwise?

a. Self help (taking the law into their hands)

b. Adjudication (National Industrial Court (NIC)

K. **Self help approach.**

If 'self help approach' how effective is this method in creating an atmosphere of industrial harmony? ----------

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L. **Failure of Arbitration.**

If 'Adjudication approach', is this approach quite effective in resolving industrial dispute? Yes ( ) No ( )

M. **Adjudication and Industrial harmony.**

If 'Yes' to question (L) above, why is it that industrial dispute keeps on recurring in your university?----------

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PART C: Collective Agreement and Trade Dispute (As related to hypothesis 2)

A. **Collective Agreement.**

Has there been any collective agreement reached by ASUU/management in your university? Yes ( ) No ( )

B. **Adherence to collective Agreement.**

If 'Yes' to question (A) above, how do you view adherence to collective agreement reached by both parties?

a. Strict adherence ( ) b. Partial adherence ( ) c. None adherence ( )

C. How urgent do ASUU/Management complied with collective agreement been reached in your university? a. Promptly ( ) b. Not promptly ( )

D. Does delay in compliance to collective agreement been reached ever constitute trade dispute between management/ASUU Yes ( ) No ( )

E. Will full compliance to collective agreement reached by management /ASUU lead to resolution of trade dispute in your university? Yes ( ) No ( )

F. If 'Yes' to question (E) above, in your own view what do you think makes it difficult for both ASUU/management comply with collective agreement? --------

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APPENDIX II

INTERVIEW SCHEDULE

1. Have ASUU and the management ever experience internal trade disputes in your university?
2. How many times have ASUU and the management in your university experience internal crises between 1999 – 2008?
3. Do the management and ASUU ever reached dead-lock in resolving their trade disputes in spite of the interventions of the stake-holders?
4. Does the aggrieved party do refer the case to the Industrial Arbitration Panel (IAP)?
5. Do you think that the parties involved in trade disputes (management and ASUU) respect the verdicts of the IAP?
6. Have ASUU and the management of your university ever take their grievance(s) to the National industrial Court (NIC) in case(s) when the IAP could not resolve maters of trade disputes?
7. Strict adherence to any collective agreement will ensure industrial harmony, but why is it that either ASUU or the management find it difficult to adhere strictly to collective agreement?
8. If the collective agreement between ASUU and the management will help in achieving the university objective, why is it that either of the party don't respond promptly to the collectively agreement?
9. Has ASUU ever embarked on industrial action because of delay in implementation of collective agreement in your university?

10. Has ASUU ever failed to comply with collective agreement reached with the management in your university?
11. What usually be the response of the management if ASUU refused to promptly respond to collective agreement in your university?