COLLECTIVE BARGAINING AND JOB REGULATION IN THE NIGERIAN PRIVATE SECTOR: A CASE STUDY OF ELECTRICITY METER COMPANY NIGERIA LTD (EMCON)

BY

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BEING A RESEARCH PROJECT SUBMITTED TO THE POST GRADUATE SCHOOL, AHMADU BELLO UNIVERSITY, ZARIA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF BUSINESS ADMINISTRATION (MBA).

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DECLARATION

I hereby declare that this project is my work, and has to the best of my knowledge never been published before. All works consulted have been duly acknowledged by way of Bibliography.

C. D. Biwi

Name of Student

Signature

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The above declaration is confirmed.

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Signature

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CERTIFICATION

This project entitled "Collective Bargaining as a method of Job Regulation in the Nigerian Private Sector: A Case study of Electricity Meter Company Nigeria Ltd (EMCON)" by CHARITY DINAH BIVAN meets the regulations governing the award of Degree of Master of Business Administration (MBA) of Ahmadu Bello University, Zaria and is approved for its contributions to academic knowledge.

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DEDICATION

This project is dedicated to God the Father of my Lord Jesus Christ for his abundant love, provision, protection and favour, and to my husband Mr. A. T. Uhaa and my son Everest T. Uhaa who endured patiently with me and gave me their affectionate love during the work.

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I am most grateful to the Almighty God for His grace and divine health given to me throughout this work.

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Mrs. C. Uhaa, 1998.

ABSTRACT

Collective Bargaining has been preferred to other methods of job regulation by the private sector of Nigeria. This is because of our inheritance of British type of Industrial relations principles. The principles are built on the tenants of 'Voluntarism' which has Collective Bargaining as a hallmark.

The extent to which the preconditions for viability of collective bargaining have been attained in our system, of Industrial Relations has been considered. Information for the study was obtained through questionnaires and personal interviews. Existing literature on the subject matter was also consulted.

From the research findings it could be said that the mentioned conditions have been haphazardly attained. This therefore does not allow effective collective bargaining to take place in the private sectors especially. Other factors that hinder effective collective bargaining practice were also looked into in the conclusions.

It is recommend as follows: government should reduce its intervention and complete dominance of the decision making in our industrial relation scene. A tripartite situation was recommended as the best situation that would foster effective Collective Bargaining. Tribalism and sectionalism, which is a serious problem in our industrial relations system should be checked. Union leaders should be elected based on merit and performance. When elected leaders should have the interest of the Union above all others.

TABLE OF CONTENTS

Title Page i

Declaration ii

Certification iii

Dedication iv

Acknowledgement v

Abstract vi

Table of Content vii

List of Tables viii

CHAPTER ONE: INTRODUCTION

1.1 Introduction 1

1.2 The Problem 3

1.3 Objectives of the Research 4

1.4 Benefits of the Research 4

1.5 Scope of the Research 5

1.6 Limitation of the Research 5

1.7 Research Methodology 5

1.8 Definition of Terms 6

1.9 Plan of the Research 9

CHAPTER TWO: REVIEW OF RELATED LITERATURE

2.1 What is Collective Bargaining 11

2.2 Approaches to the Study of Collective

of Bargaining 13

2.3 Models of Collective Bargaining 19

2.4 Extent of which preconditions of collective bargaining are attained in Nigeria 22

2.4.1 Extent of organization of the parties to Collective Bargaining 23

2.4.2 Extent to which mutual recognition is attained 36

2.4.3 Extent to which third condition for viability of Collective Bargaining is attained 38

CHAPTER THREE: HISTORY AND ORGANIZATION OF THE COMPANY (EMCON)

3.1 Historical Background of the Company 42

3.2 Organizational Structure of the Company 48

3.3 Objectives of the Company 57

CHAPTER FOUR: DATA ANALYSIS AND RESEARCH FINDINGS

4.1 Data Analysis 59

4.2 Collective Bargaining Issues 63

4.3 Some Observations from Research Findings 64

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary and Conclusion 68

5.2 Recommendations 71

LIST OF TABLES

Table 1 Distribution of Questionnaires 59

Table 2 Trade Union and Employers Association 60

Table 3 Duration of Agreement and Violation Sanctions 61

Table 4 Collective Bargaining and Levels of Bargaining 62

Table 5 Joint Consultation, Strikes and Recognition.....63

CHAPTER ONE

1.0 INTRODUCTION

Labour Management Relations technically known as Industrial Relations can be said to be, the social, political and economic condition that exists between the management and the employee. This relationship can be either positive or negative.

In an Industrial Relations system there are actors, viz, the state, trade unions and management usually the output of such a system are substantive and procedural rules.

This project is interested in the rule making process in organizations especially in the private sectors. Rules governing the work place are usually arrived at in one of the three following ways:-

(1) The method of unilateral regulation by management.

(2) The method of legal enactment or state regulation.

(3) The method of joint regulation or collective bargaining.

Rules could also be arrived at by the combination of the three methods.

Among the three given methods, collective bargaining is preffered to the rest in most democratic countries such as America, Britain, New Zealand, etc. This preference for collective bargaining has come from its uniqueness which is portrayed by the preconditions for its viability in any given work place. These preconditions according to Allan Flanders are:

(1) The parties to collective bargaining must attain a sufficient degree of organization.

(2) The parties must be ready to enter agreement with each other, a condition known as 'Mutual Recognition'.

(3) The agreements must generally be observed by those to whom they apply. (Flanders 1975, P.96).

The uniqueness is also in the idea that the parties on their own or at will, would have to come together without any influence or force by a third party (or outsider) to live by the expectations of the conditions.

Collective bargaining and its practice in the Nigerian Private Sector will be focused upon by this project but the over view of the Nigeria's government have to be made because the labour union even in the private sectors will be more democratic if the centre is, as the trade union are microcosms of the society.

Nigerian various governments have made their positions on the industrial relations system clearly in favour of collective bargaining. For instance, the government of first republic hand "Voluntarims (in which collective bargaining is embedded as its principle for industrial relations). Obasanjo's regime came up with a new industrial policy of "guided democracy with minimum government intervention" later on Shagari's civil administration arrived to reduce the restrictions placed on the practice of collective bargaining by military regime. In Nigeria

where successive military regimes have employed the weapon of proscription against trade unions and their leaders. This system of proscribing perceived opponents has been widely used against trade unions in the country under what can be termed "Military Industrial Relation". This was from General Ibrahim Babangida's regime to General Sani Abacha's regimes so the wind of change blowing through the country of recent should touch on organized labour in the country, so that democracy will be entrenched in their dealing because they are supposed to be vanguards of democracy.

Since today we are ruled by a military government, the present day government attitude with regard to matters of industrial relations for example wages are frozen today and the embargo on employment means a lot to all concerned in industrial relations matters.

1.2 THE PROBLEM

As it is generally accepted by most practitioners of industrial relations, that collective bargaining is one of the very efficient tools for job regulations, many large successful companies in developed countries practice it. With Nigeria's adaption of British's type of industrial relations system principles which have collective bargaining in the centre, the project would examine the extent to which it is practiced in our industrial relations system. Even though the various governments that ruled Nigeria at one time or the other made

pronouncements in favour of collective bargaining, the extent to which the pronouncements became meaningful towards the practice of collective bargaining will be assessed, with respect to private sector.

1.3 OBJECTIVES OF THE RESEARCH

It is the aim of this research work to:

(a) Study the objectives of collective bargaining in general.

(b) To assess the extent to which collective bargaining has been operated in the Nigerian Private Sector.

(c) To find out the factors that hinder the practice of collective bargaining in the Nigerian Private Sector.

(d) To proffer possible solutions towards successful implementation of collective bargaining in the Nigerian Private Sector.

1.4 BENEFITS OF THE RESEARCH

In the field of Labour Management in which the project topic falls into, better understanding of the need for more cordial relationship between the parties involved would be gained.

It is hoped that from this research work an insight into the role each of the actors (union, management and government) in our private sector industrial relating system plays with regards to effective practice of collective bargaining would be achieved.

This study will serve as a stepping stone, to the lots of research work that would be carried out later on collective bargaining as a method of job regulation especially in the private sector.

1.5 SCOPE OF THE RESEARCH

This research project is a case study of a private organization (EMCON). An examination of the methods by which collective bargaining is conducted in the company would be made.

1.6 LIMITATIONS OF THE RESEARCH

The major limitation is that of collection of data from the organization involved questionnaires are not filled and returned on time because most of the union members are too busy to attend to the researcher. The union leaders and some employees could not co-operate due to the fear of management's reactions.

1.7 RESEARCH METHODOLOGY

The project employed library materials as secondary data and primary data that was collected from the organization in form of information collected from questionnaires and personal interviews and company booklets.

1.8 DEFINITION OF TERMS

(a) Collective Bargaining

It is the negotiation by representatives of a firm or firms with representatives of workers (union leaders) regarding all matters appropriately connected with industrial relations. The objective of collective bargaining is to reach an agreement called a collective agreement, a joint agreement or union contract. (Fernham and Pimlott, 1979, P.221).

(b) Bargaining Units

This refers to the specific group of categories of employers who are covered by a particular agreement or set of agreements. Bargaining Units are obviously connected with bargaining levels, but the latter concentrates on the managerial side of the negotiating table, while the concept of bargaining unit is particularly concerned with the representative functions of trade unions (Fernham and Pimlott, 1979. P.222).

(c) Job Regulation

This term emerges from substantive rules of collective bargaining, and substantive rules are job related rules. Such rules talk about pay, hours of work, length of annual leave, etc. These substantive rules of collective bargaining that regulate jobs actually regulate the behaviour of parties to the collective agreement viz unions and employers.

(d) Bargaining Scope

This term is used to indicate the range of subjects covered within a particular bargaining unit by the collective agreements which it determines. Bargaining therefore, may be either comprehensive or restricted in its range.

(e) Bargaining Form

This focuses on the ways in which an agreement or a set of agreements is recorded, that is whether it is written and formally signed or unwritten and informally understood.

(f) Bargaining Structure

It is a term used to describe collectively the more stable or permanent features that distinguish the bargaining process in any particular system. Four interrelated features within any collective bargaining structure could be identified as: Bargaining levels, Bargaining Units, Bargaining Forms and Bargaining Scope.

(g) Bargaining Level

This describes the leves at which collective bargaining is conducted within an organization or industry. It could be conducted at the plan level or industry level.

(h) Collective Agreements o· Labour Contract

These are end products of collective bargaining. They are negotiated between employers representatives and full-time

union officers on the one hand, or between management representatives and shop stewards on the other. the agreement are commonly classified as being either 'procedural or substantive in nature'. They could be written and thus formalized or unwritten informal in nature, (Fernhamand pimlott, 1979 p.236)

(1) Joint consulation

This concerns itself with matters that are outside the scope of collective bargaining.

This could grow out of the need intricately in running of the organization. (Fernham and Pimlott, 1979 p.236

(J) Trade Disputes

A dispute could be any difference between employers and workers or between workers and workers, which is connected with the employment or non employment of terms of employment, or condition of work of any person, (Ubeku,1975,P,224).

(K) Grievances

A grivance can be any dicont or dissatisfaction whether expressed or not arising out of anything connected with work. An employee for example may be aggrieved, when he feels the employer has breached the labour contract.

(L) An Industrial Union.

This take all workers in a particular industry. The union in such a case are based on industries,

(M) Conciliation

One method among many others of helping the parties to collective bargaining reach an agreement by themselves is conciliation. Although, it involves the presence of a third party, who has no power of decision. Decisions of settlement or in-settlement are normally reached by the parties concerned, since the third party only gives suggestions using his broad knowledge and dignity of office to propose settlement.

1.9 PLAN OF THE RESEARCH

This research work is divided into five chapters and they are as follows:

Chapter one; introduces the research topic and highlights what prompted the research. Issues like the scope of the study, research methodology as well as the limitations of the study are all included under this chapter.

Chapter two; chapter two contains the review of related literature. This covers the available opinions of different writers in journals, magazines, textbooks and newspapers in relation to the research topic.

Chapter three; this chapter focuses on the historical background of Electricity Meter Company Nigeria Ltd (EMCON), the organizational structure the company and its objectives.

Chapter four; deals with data presentation and analysis. It also summaries the research findings.

Chapter five; this chapter which is the final chapter is devoted to summary, conclusion as well as the recommendations made by the researcher.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.0 WHAT IS COLLECTIVE BARGAINING

Collective bargaining may be defined "as negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers, organization, on the one hand, and one or more representative workers organizations on the other, with a view to reaching an agreement" (Fernham and Pimlott, 1979, P.217).

The term collective bargaining was first used in the writings of Beatrice Webb in 1891. Its precise nature, however has been the subject of much academic debate. (Fernham and Pimlott, 1979, P.218). The Webbs saw collective bargaining as an economic institution, with trade union organizations acting as labour cartels by controlling entry into the trade.

Allan Flanders had a different perspective and argued that the term collective bargaining is primary a political rather than an economic process and that the value of a union to its members lies less in its economic achievements than in its capacity to protect their dignity. (Fernham and Pimlott, 1979, P.218).

Recently, the Webbs, classical view of collective bargaining and trade unionism has been defended against Flanders's criticisms and re-appraisals on the grounds "that it is as a bargaining agent that the

union finds its major justification in the eyes of its members and the issues relating to financial reward are still, whether for material or symbolic reason or both, among its major bargaining pre-occupations". (Fernham and Pimlott, 1979, P.218).

Maxists, have the contention that collective bargaining is merely a means of social control within industry and institutionalized expression of the class struggle between capital (employers and labour (workers) in capitalist societies. (Fernham and Pimlott, 1979, P.219).

It is important to note that these various perspective so the term collective bargaining are not necessarily mutually exclusive but are as a matter of fact compartible with one another.

In the first instance, the theoretical distinction between collective bargaining as an economic process and collective bargaining as a political process has not been conceptually or empirically valid since it is difficult for this to be done. (Fernham and Pimlott, 1979, P.220).

Collective bargaining may be from three perspective which are not conflicting but represent different stages in the development of the collective bargaining process. These view points are that collective bargaining is (1) a means of contracting or the sale of labour (2) a form of industrial government and (3) simply a system of industrial relations. (Chamberlain and Kun, 1965, P.113).

2.2 APPROACHES TO THE STUDY OF COLLECTIVE BARGAINING

2.2.1 Collective Bargaining as a means of Contracting for the Sale of Labour

This approach is sometimes called the marketing concept of industrial relations. This marketing concept perceives collective bargaining as the means by which labour is bought and sold in the market place. The term collective bargaining may therefore, be viewed as the process which determines on what terms labour will continue to be supplied to an organization by its present employees or will be supplied in the future by newly hired workers.

By this concept a union therefore, demands on behalf of its members wage increase by a specified percentage or by so much per hour or decides on a reduction of wages. If union's demands are not met, most times a strike threat is embarked upon. In this regard it could be said that collective bargaining is a means for employees to sell their manpower through a common agent which is the union. (Chamberlain and Kuhn, 1965, P.113).

This concept focuses on the substantive content of collective agreements since items like pay, hours of work, fringe benefit, etc, which are mutually agreed upon between employers and trade union representatives on behalf of their members are dealt with.

The marketing concept of collective bargaining in a like manner is close to the webbs perception of the institution called collective

bargaining. It is based on the belief that it provides the means to remedy the fundamental bargaining inequalities which exist between the strong position of employers, on the one hand and the weak position of individuals employees on the other in the buying and selling of labour. (Chamberlain and Kuhn, 1965, P.113).

Since the individual pay work bargain between employer and employee could hardly be regarded as bargaining of two equals, it could be said that the bargain is not only voluntary but comes as a necessity as well. It is the mentioned inequality that collective bargaining is designed to remedy. (Chamberlain and Kuhn, 1965, P.114).

Putting the 'common rule' (the generally agreed rules of the work place) into practice, employees must insist collectively that if an employer hires any of their members the employer must offer not only the standard rate of pay but the standard condition of the trade as well. (Chamberlain and Kuhn, 1965, P.113).

2.2.2 Collective Bargaining as a Form Industrial Government

In view of the fact that the marketing concept of collective bargaining seems to leave out continuity in the bargaining relationship another concept is suggested.

The contractual nature of the bargaining relationship between employees and employers brought out the idea of a "Constitution" on

which an industrial government (of the organization) is placed or operated (Chamberlain and Kuhn, 1965, P.121). The industrial constitution is therefore a product of the joint conference of union and management representatives.

The principal function of the constitution (or trade agreement) is to "set up organs of government, define and limit them, provide agencies for making, executing, and interpreting laws for the industry and means for their enforcement"(Chamberlain and Kuhn, 1965, P.122).

In common with other government therefore, the industrial polity has its legislature, its executive branch and its judiciary. The legislature is usually made of the shop and grievance committees which meet as often as needed to supplement the basic laws of the collective agreement. Due to the fact that the later is basic in its nature, it cannot be expected to provide for all contingencies in the daily operations of a business.

To establish and maintain an industrial government with its three branches, meant continuity of the founding organizations must have to be assured. It is very clear that the government rests upon the management and the union jointly. (Chamberlain and Kuhn, 1965, P.122).

In a manner that the marketing concept does not, the governmental concept of collective bargaining stresses the need for

an exclusive representation of employees in the bargaining unit. In contracting, a union may without difficulty negotiate terms applicable to its members only, leaving the remaining employees themselves to associate for similar purposes e.g. to contract individual or otherwise since they are not union members.

With this view (governmental approach) collective bargaining could be perceived as a political and power relationship. Trade unions could be considered as a Party sharing industrial sovereignty, with management. As representatives of workers collectively, union officials continuously use their political power (through collective bargaining) to advance their members aspirations and employment interests.

This approach emphasizes both the inevitable management union relationship and the continuous process of rule making which takes place between employers and employees. With this mind, therefore, the negotiation of substantive agreements on pay and condition of service for instance, does not become and end in itself. This is so because the dispute procedure for solving differences between employers and unions provides the methods to modify the terms of an agreement if the occasion calls for such.

A point worth noting is the idea that in a matured collective bargaining situation, the differences between disputes arising out of existing collective agreements and those deriving from matters not

already considered by the collective agreements become clear. In a similar way, when collective bargaining procedures and other means are agreed upon so that employment rules can be made and as well applied between employer and trade unions on a perpetual ground, and when labour and management deal with labour relations analytically after such a fashion, it is proper to refer to the system as "Industrial Jursiprudence". (Farnham and Pimlott, 1979, P.220).

2.2.2 Collective Bargaining as a System of Industrial Relations

This approach to the study of collective bargaining could also be called the managerial approach. In it, the nature of the bargaining process is explainable in terms appropriate to its own industrial setting. It is a method of conducting industrial relations, and a procedure for jointly making decisions on matters affecting labour. This approach recognizes that in institutions or organizations some form of government is inevitable. In this regard, the presence of the union representatives to participate in the determination of policies which guide and rule their lives at work place.

The bargaining conference that negotiates the agreements exercises final and binding authority in those aspects and areas with which it concerns itself. The usual practice is for union representatives to meet with owners representatives to reach joint decisions which are then incorporated in a written agreement and

which cannot be over ruled for the period of the agreement, except by another conference possessing similar authority. With this type of practice, union representatives alone are powerless to modify terms of the agreements so also owner representatives.

The agreement as made by the parties becomes a set of directive orders and a guide for administrative action within the firm. It also provides a framework binding the discretion of managers and unionists alike. At the lower level of the company, the union representative and management representatives may have further negotiations carried on within the framework of the collective agreement. Plant officials and a local union leader, for instance, often negotiate subsidiary agreements within the permissible discretionary limits of the major agreement covering all the plants of a company.

Deviations from the provisions of the agreement are permissible only if the parties agree that the deviations are necessary to gain the objectives for which the provisions were made.

The underlying principle of this approach (managerial) as a process of industrial governance is that those who are integral to conduct affairs of an enterprise should have a voice in decision of matters of concern to them. (Chamberlain and Kuhn, 1965, P.134). Taking into cognisance the fact that "mutual recognition" correlate with "political democracy", collective bargaining in a sense too, could be viewed as an equivalent of "industrial democracy" at the work place.

An important fact worth noting is that participation of trade unions in the management of an enterprise increases as the area of joint control expands. It should be born in mind that the three approaches to the study of collective bargaining are neither contradictory nor incompatible or an exhaustive, as such all of the three aspects can be simultaneously maintained, although, each provides a different emphasis, stresses a different guiding principles and can influence the nature of the actions taken by the parties.

To note also is the fact that the nature and depth of collective bargaining differs not only between separate negotiating groups but also within any particular negotiating group at different times as well.

2.3 MODELS OF COLLECTIVE BARGAINING

The British Model of collective bargaining could perhaps be contrasted very clearly with its United States counterpart. To note is the fact that, the hallmark of British Collective bargaining is the 'Voluntary nature; even though it has been encouraged by the state. The general practice is that unions and employers are usually left to establish their own bargaining machinery.

In the U.S.A. the bulk of collective bargaining has a legislative base perhaps the most important piece of legislation in this context is the Wagner Act of 1935 which laid down the procedure for the registration of bargaining units and the recognition of bargaining

rights. Some indication of the impact of this legislation can be obtained by looking at the figures relating to the extent of collective bargaining in the U.S.A.

Two important consequences of the Wagner Act might have to be mentioned in understanding the U.S. model of collective bargaining. First, it (Wagner Act) has resulted in extensive litigation over bargaining rights and bargaining units. Secondly, it has meant that in the U.S.A. bargaining machinery has been typically centered on the firm and the enterprise rather than the industry. With this in mind, it is clear that collective bargaining in Britain and the U.S.A. is markedly different in the substantive nature of agreements reached.

The first is the difference in terms of the length of the contract. Traditionally in the U.S.A. collective agreements have fixed terms, usually for a year or longer. They also have a definite date on which they have to come to an end. A typically British agreement is usually open ended with these practices, it means that in the U.S.A. there is a period, known well ahead, when major disputes are likely to occur. (Jackson, 1977, page 125). On the other hand in Britain, it is far more difficult to predict dispute or to assume that they will fall within a fairly well defined period. The next example of the differences deals with the range of issues covered by collective bargaining. Trade Unions in U.S.A. have sought and been much more successful than their British counterpart in obtaining fringe benefits for their members through collective bargaining.

While the level (Industrial or National level) of bargaining in most European countries resembles that in Britain in most cases their legal frame work more clearly resembles the U.S. model. A glaring example is in France where collective bargaining is based on the collective agreement Act.

The Act (1950) together with its amendments, provides a comprehensive level framework for collective agreements. It went further to establish that agreements must contain the minimum terms of social legislation as a collective contract cannot restrict the statutory rights of employees. (Jackson, 1977, P. 124)

Similar contents might be made about the German type of collective agreement Acts (1946, 1952 and 1969) which have established that all collective agreements must be legally binding and also circumscribe a workers right to strike. (Jackson, 1977, P. 125).

The major exceptions to this rule could be found in Denmark, where relations between employers and workers despite certain legislative provisions are based on a strong tradition of 'voluntary' co-operation (the emphasis in the system of industrial relations is on voluntarism and legal regulation is at a minimum).

Italy is another case in point where state has intervened relatively little in collective bargaining in recent years (Jackson, 1977, P. 125). It was these two countries (Denmark and Italy) collective bargaining models that the Obasanjo's regime took to, when the

government launched "Industrial Democracy with minimum government intervention".

In Sweden, collective bargaining is more centralized than in most European countries. Effective wage norms are reached by the main employers union organizations and the government and all bargaining usually takes place with these guide lines. Bargaining could be a misleading term in this respect, since trade unions are seen as agreeing to fulfill a role which fits into the national plan. (Jackson 1977, P. 125).

2.4 EXTENT TO WHICH PRECONDITIONS OF COLLECTIVE BARGAINING ARE ATTAINED IN NIGERIA

Allan Flanders gave the conditions necessary for collective bargaining to emerge and to survive as an effective institution of regulating the relationship between employers and trade unions; these conditions are:

1. The parties must attain a sufficient degree of organization.
2. The parties must be ready to enter into agreement with each other a condition known as "Mutual recognition".
3. The agreement must generally be observed by those to whom they apply. (Flanders, 1975, P. 96).

A closer look on each of these conditions is of paramount importance towards understanding the extent to which they have been attained in Nigeria.

A view in the first condition which emphasizes sufficient degree of organization by the parties would therefore mean a look at the extent to which Nigerian Trade Unions on one hand and the Employers Associations on the other are sufficiently organized. This would lead to the study of the Nigerian trade union structure as well as the Employers Association. To understand the structure of the parties in past years could call for a serious look into their history.

2.4.1 EXTENT OF ORGANIZATION OF PARTIES TO COLLECTIVE BARGAINING

This first condition does not concern itself with the number of trade unions or associations in existence but how well they are organized.

A union or association is considered sufficiently organized if it has a government which is properly run, with proper internal organization of persons in government i.e. any person occupying a position is accountable to its members and responsible for them also.

Formation, Structure, Development and Government of Nigerian Trade Unions

The formation, structural set up and later development of Nigerian Trade Unions reveal the extent to which unions are sufficiently organized as each of the aspects would be discussed in this chapter.

In 1938, the legal provisions for registration of new unions were extremely permissive. The trade union ordinance which was passed in 1938 and thereby marked the beginning of formalized trade Unionism in Nigeria gave the rights to any group of five or more persons (50) to be registered as a union. (Cohen, 1974, P. 123).

The consequences of this was the out burst of mushroom unions. This also brought about a series of confusion because differentiating between some tribal associations, societies or clubs from actual trade unions was difficult.

At any given time some members of a certain union had disagreements, they easily left the union and successfully formed another union as long as five persons would be present at the registration time. The example of Imoudu and Adebola is a case in point. In 1959 there was a split in the Trade Union Congress of Nigeria (TUCON) caused by Imoudu and Adebola and because the disagreement was that of ideology, Imoudu and some members who shared his ideology left and formed the (NTUC) Nigerian Trade Union Congress. (Fashoyin, 1980, P. 22).

With the proliferation of unions it became difficult and almost impossible for unions to be sufficiently organized. In view of these thousands of minor unions therefore one can imagine the industrial relations scene in a chaotic state which the union executives never agreed to admit had a dangerous consequence on the practice of collective bargaining.

In the administration of the unions, unions secretaries were given too much powers. They were called "union strong man" because many of them over used the power they had, some authors have gone as far as calling the secretaries of unions "Unions" because of their actions. (Fashion, 1980, P. 23). The positions the union secretaries occupied and their attitudes greatly contributed to the proliferation of unions and there about mess up the Industrial relations scene, before the military intervention.

Most of the Union secretaries went for more union funds and this they did through getting more affiliated members. They never cared to know the serious effects such Mushroom unions had on their (Secretaries) existence. Cohen's comments on union leaders and secretaries describes their attitude towards affiliation and control of smaller unions they called "portfolios" Leadership and control of five or six of such portfolios was not uncommon. Infact, there was a case of a particular union secretary who held twenty-eight of such portfolios. (Ukandi, Dieter, Franchman, 1979, P. 180).

Simultaneously, union Leaders thought that amalgamation of unions may present a threat of redundancy to some of them particularly the less impressive ones among them. Nigeria union leaders according to some authors were only out to enrich themselves in those days. Not only did they control many portfolios to get riches, some of them embezzled union funds. (Cohen, 1974, P. 119).

The misconducts exhibited by union leaders left so many doubts in the minds of members on their sincerity and this resulted in doubting of the leaders integrity. In a survey conducted by Cohen and reported in industrial relations in Africa on the views of union members towards their leaders. It was said that only nine(9) percent of the respondent expressed trust in the leadership of the union leaders involved in the survey; 56 percent of the members responded that they sometimes trusted the leaders while 36 responded as never (Ukandi, Dieter, Trachman, 1979. P.181). The distrust many workers (Union members) had on the performance of their leaders led many of them to turn to their tribal associations thus bringing about widespread tribalism. The effect of tribalism was more disorganization of the unions in that many union members had divided loyalty, some workers even left their unions to form ethinical associations which they considered more helpful in any day of trouble such as when a worker losses his job, the union(s) workers had more confidence in their tribal groupings because when they are out of

employment, the union leaders do not fight for their re-employment in the same organization let alone help them find new jobs.

Tribal associations assisted most of their members. Melson's study of trade unions in Port-Harcourt has summed up the loyalty of workers who were union members had for their tribal associations. He said 'Nigerian workers will usually express greater loyalty to their ethnic groups than to the unions when they felt most threatened'. (Ukandi, Dieter, Trachtman 1979, P.182).

On ideological differences leaders felt the ideology they adhered to must be embraced by all their members, this resulted to more splits.

The problem of poor leadership was very serious that in some organizations, the "union Strongman" (Secretary) never allowed members to possess copies of the constitutions which had laid down rules of how the particular union was to be governed. Some Secretaries, it was reported, allowed members to talk in union meeting only on occasions they did not feel like talking. There were cases of Secretaries bringing into meetings issues that were unconstitutional and convincing the members that such issues were constitutional, thus deceiving and misleading the whole union which usually had its members denied of copies of the union constitution.

No member could challenge such secretaries because none of them (members) actually know what was constitutional and what was

not. Secretaries of unions could therefore be viewed running or governing the unions single handedly.

It was in this situation whereby unions were disorganized and the entire industrial relations system in a mess that the Federal Military Government in 1973 intervened to bring about order by issuing a series of Decrees on industrial relations matters.

Decree on Formulation and Organization of Trade Unions

Prior to 1973, it was stil the 1938 Trade Union ordinance that gave the legal backing to the creation of new unions. In 1973, the trade Union Decree No.31 brought along with it many changes. On registration of Trade Union, the Decree had the following conditions. "Trade Union is any combination of workers whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers". (Davidson, 1977, P.11).

With this decree is the fact that a trade union or any association seeking to be a trade union must be registered. Even though in 1938, there was an ordinance for registration of trade unions in 1973 with he coming of the Decree the registration process was made more difficult and not as easy as before. The fact that a group of employees has reached an arrangement or understanding with its employers is not enough to make that group a trade union without registration.

The Registrar of Trade Union is an officer of the Federal ministry of Labour whose job is to appraise application by associations seeking to be trade union and either register them or reject their application.

If for any reason an association refuses to be registered and found performing the duties of a trade union, then the association and all of its members shall be guilty of a serious offence. (Davison, 1977, P.16). The seriousness of the offence of failing to register has brought about seriousness on the formation of trade unions also.

The method of registration was by the completion of a prescribed form for application on which the name and address of the applying union have to be clearly stated. To go along or to be submitted to the Registrar are two copies of the rules and objectives of the applying union.

A list of the names, addresses, age and occupation of each of the persons signing the application who as well are members of the union has to be attached. (Davidson, 1977, P.17). The Decree further required that in the case of a Workers' Union, the applying union which has at least 50 members the form must be signed by at least 50 members (Davidson, 1977, P.17). Once registered, a certificate of registration would be issued by the Registrar.

To check on the callous attitude of the leaders with regards to embezzlement is Section 39(2) which requires trade unions to make financial returns to the registrar before the 1st of June each year.

The returns would have to be certified correct by a duly appointed auditor approved by the registrar in each case. (Davidson, 1977, P.27). This was aimed at checking and tightening of union purses, since it would make the situation difficult for union leaders to easily dump their hands into the purse(s) and remove as much moneys they could without notifying other members. The 1973 Decree not only checked on the permissive nature of the 1938 trade union ordinance but also brought about organization in the entire industrial relations system.

The Federal Military government in the 1970s did not stop at the point of reducing mushroom unions but went ahead and re-organized the whole structure of Nigerian Trade Unionism by grouping organizations (companies) on industrial basis with a central body called the Nigerian Labour Congress to which most registered trade unions through their various industrial unions are affiliated to.

2.4.1.1 STRUCTURE OF NIGERIAN TRADE UNION, POST BAN PERIOD OF NLC

Trade unions emerged and developed inspite of stiff opposition from the state and employers. By their very nature as champions of basic right and their composition, they came to be seen as posing a challenge to the sovereignty of governments and the power of employers. Mankind in recognition of the necessity for trade unions

and an effective industrial relations system based on justice, granted trade unions the basic right to exist. Hence, constitutions of all countries in the world have provision of man's basic right to freely associate.

But in this part of the World (Nigeria) where Military rule holdsway, such basic rights are not usually recognized. Even where trade unions and their central body do not constitute an immediate threat to such rule, steps are taken to stifle them. The truth is that in an ocean of dictatorship, trade unions constitute Islands of democracy. Even where they do not, their potentials for mass action and calling military rules to question are quite high. This, is the case in Nigeria where successive military regimes have employed the weapon of proscription against trade unions and their leaders. The customs and excise and immigration staff union has remained proscribed since 1988. Whenever the military regime in Nigeria faces what it perceives as an intractable problem with any section of the civil populace, it resorts to banning such section. That was the case with the Aircraft Pilot and Engineers Association. This system of proscribing perceived opponents has been widely used against the unions in the country under what can be termed "Military Industrial Relation".

The most graphic example of this is the Academic Staff Union of Universities (ASUUS) which was proscribed on July 7, 1988,

unbanned and proscribed again on July 22, 1992. The ASUU's ban came into effect on May 15, 1996. Also in the last score years in which the only labour centre in the country, the NLC has been banned thrice the military authorities have always imposed their own man as sole administrator. When on December 18, 1975 the NLC was first banned under General Murtala/Obasanjo's regime government gave the need to administer "guided democracy" on the NLC as the reason. It then imposed Mr. Michael O. Abiodun as Sole Administrator. The proscription of the NLC in 1994 by the General Sani Abacha regime was for "political" reason.

This ban was on and the first Sole Administrator Mr. Ason Bur, a retired Civil Servant and Politician was replaced by Alhaji Ahmed Gusau. It was under these circumstance that General Sani Abacha on January 1996 signed the contentious Trade Union (amendment Decree 4 of 1996) into law. The first paragraph of the decree reads "where it has been observed that since 1986 when the trade unions were restructured from 71 to 41, there existed certain overlapping and duplication in the objectives of the unions which has resulted in numerous court cases".

Four observations need to be made at this juncture about this historical claim:

(1) The trade unions were not restructured in 1986 as claimed, but in 1978 by the labour (Amendment) Decree 22 of 1978 singed

in August 15, 1978 by the Head of State, Lt. General Olusegun Obasanjo.

(2) The trade unions were not restructured from 71 to 41 but from 1007 house/craft unions to 42 industrial unions. These 42 unions were listed in schedule 3 of the labour Amendment Decree 22 of 1978.

(3) The figure 41 which the decree alludes to, was after the customs and excise and immigration was proscribed by the Trade Union (Miscellaneous Provisions) Decree 25 of 1989. This proscription reduced NLC affiliates to 41.

(4) The number, 71 referred to in the decree was the total number of industrial, senior staff and employers unions and the NLC recognized under decree 22 of 1978. The breakdown was 42 industrial unions, 19 senior staff associations, 9 employees associations and 1 labour centre (NLC).

The second paragraph of Decree 4 of 1996 State the NLC has "..... since 1989 expressed the desire to restructure the trade unions to a reasonable number to redress the obvious lapses". It need be pointed out that first, the NLC, had expressed these desire in 1986 and 1987 when it was led by Ali Chiroma.

2.4.1.2 THE RELATIONSHIP EXISTING BETWEEN NLC AND OTHER UNIONS

The relationship that exists between the Nigerian Labour Congress which is today the Central Labour unit and other unions would serve to reveal the level of co-ordination and integration of various trade unions to this central unit. The NLC serves as a custodian of all the trade unions in Nigeria. Backed by the trade Union Amendment Act No.22 of 1978 which gives protection to organized labour under the (NLC) central body, many unions sort and actually received protection from NLC. At the same time it could be considered the political organ of organized unions in this country.

The NLC also plays a leadership role in matters pertaining to the management of sound industrial relations system in Nigeria. Examples of its leadership role would be seen clearly when there is any decision to be made on a general strike, if NLC approves or supports a strike action, most of the industries agree to go on strike.

The Nigeria Labour Congress serves as a link between organized employers and also the government of this country; the congress also affords the members recognition status and some feeling of belonging.

2.4.1.3 FORMATION, STRUCTURAL DEVELOPMENT AND GOVERNMENT OF EMPLOYERS ASSOCIATIONS

Employers constitute the other party to collective bargaining. The formation of employers, association came as a result of the

realization by employers governments interest in building up or organization of trade unions. Being aware of the fact that sufficiently organized unions would bargain better and also exercise greater economic strength, employers felt unsaved and thereby came together.

An additional threat that led to the formation of Employers Association was the effect of government intervention in the area of wages and salaries. The wage commissions set by the government usually had adverse effects on profits especially any time the government decides to increase salaries. Employers acknowledged the idea of teaming up for a louder voice that the government must have to reckon with.

2.4.1.4 FORMATION OF EMPLOYERS ASSOCIATION

Way back in 1938, there was the Trade Union Ordinance which also took into cognisance the creation of Employers Association but employers gave a non-challant attitude to it. The reasons for their carefree attitude towards forming any associations could be summarized as follows:

(1) Most employers were multinational corporations advanced in the art of industrial relations.

(2) Employers preference of 'house' unions and reluctance to bargain with 'outsiders' who were not in their employment.

(3) Employers emphasis on secrecy.

(4) Absence of Strong Trade Unions to induce employers to form associations.

(5) The fragmentation of trade unions and the fact that about two thirds of the unions were employed by the public sector and poorly organized. (Fashoyin, 1980, P.40-41). The reasons above are speculative in nature.

The history of employers association is not as long as that of Trade Unions, because while Trade Unions history dates back to 1912, Employers Association have theirs dating only to 1954. The Employers Association started with eight associations which had the following as objectives:

(1) Regulation of Trade practices.

(2) Providing friendly services.

Only two out of the early eight associations had industrial relations issues at heart, these were the Nigerian Mining Employers Associations and the Nigeria Plantation Employers Associations. The rest of the Associations had only attainment of the mentioned objectives as the goal, as reasons for associating.

2.4.2 EXTENT TO WHICH MUTUAL RECOGNITION IS ATTAINED

The second precondition for the viability of collective bargaining states that the parties to collective bargaining must be ready to enter

into agreement with each other a condition known as "Mutual Recognition". (Flanders, 1975, P.96). Usually unions could attain recognition through

(1) Union economic strength, this in most cases manifest itself in strike actions which unions could embark upon.

(2) Voluntary Acceptance of the existence of unions by the employers. This is a rare occasion, but its happening cannot be ruled out. In this case, employers do not recognize unions because of their strike actions or government regulation, the acceptance instead comes at will.

(3) Government enactments - recognition could be attained through government regulations as the case is in Nigeria.

Although one of the very first objectives of unions usually is to gain recognition for their existence. Nigerian unions did not have this as a serious objective in the early days of unionization. The union leaders never cared whether they were recognized by the government and employers or not instead acquisition of more 'portfolios' was their main target.

Before the Federal Military Government stepped into the industrial relations scene, some unions were not recognized thus not accepted by their employers. As such there were cases of employers refusal to go into negotiation with officials of unions from other organizations on the grounds that the unions officials were 'outsiders'.

Employers bluntly refused the officials audience let alone negotiate with them. To employers once, an official of the union was not in their employment they considered him not fit to know the demands of the workers in their organistion as such could not negotiate properly, thus they never even cared to waste their time to such officials.

With the introduction of the trade Union Decree Section 22(1) there has been automatic recognition, this is so because employers were since the inception of the Decree compelled to recognize trade unions and vice versa. Thus there has been automatic mutual recognition in Nigeria by trade union decree of 1973 Section 22(4). The penalty for violation of Decree is the payment of ₦1,000. In the Decree, it is stated that "once recognition has been granted, voluntarily or compulsorily, it cannot be withdrawn unless the commissioner .... determines that there is another trade union claiming to represent some or all of the members ... that reasons recognition should be withdrawn". (Davidson, 1977, P.31). It could be said that recognition has been achieved by law.

2.4.3 EXTENT TO WHICH THE AGREEMENT ARE OBSERVED BY THOSE TO WHOM THEY APPLY

The third precondition for collective bargaining states that 'the agreements must generally be observed by those to whom they apply'.(Flanders, 1975, P.96).

In this country like in other countries such as Britain, Newzealand, Australia, etc where collective bargaining is practice, collective agreements come about after negotiations by the parties involved. Most of such agreements reached specify the nature of work to be done, the hours of work, amount of money to be paid, fringe benefits etc. It is important to bear in mind the fact that going into negotiations and reaching agreements is one thing and implementing or execution of the agreements reached is another.

A known fact in Nigeria is that workers have labour contracts, with good terms and conditions of employment which are never implemented. The labour contracts which could be individually or collectively implemented in most cases are no better than the paper on which they are written. In the case of collective agreement, it is the union that takes up the matter if there is any violation of the terms in view of the fact that Nigerian unions are not very effective most of the time they (unions) do not succeed in making management to implement the terms. A case in point is the situation of the Kaduna Primary school teachers who were at one time not paid their monthly salaries for about six months let alone other benefits they were entitled to in the early 1980s.

Since their labour contracts stipulate that they were entitled to monthly salaries and other benefits and because their employer (the government) did not pay them, there was a breach of contract. The

Nigerian Union of Teachers, Kaduna State Branch lack proper organization and thus could not succeed in making the Kaduna State government pay teachers salaries and other allowances. The union could not on a serious note make the government realize that it had breached the agreement of paying teachers their monthly salaries and the allowances that go with them, this was because most teachers were not serious when their representatives were having talks with the government; infact when they were supposed to go on strikes some teachers did not participate.

It is an agreed fact that any of the parties could fail to observe the agreements that are reached, but in most cases, it is the management (or employer) which does not keep to the rules of the game. This is because most employers realize that unions are not powerful enough (due to lack of organization) to challenge them and even in the situation of an individual contract management is still sure of going unpunished.

On the part of the employees, cases of breach of contract arise any time the government through its wage tribunals announces increase in workers salaries, in such instances, employees forget that they had entered into a binding contract with employers, as such they remind their employers that they buy from the same market with other workers thus their salaries should be increased too. The Adebo and later the Udoji Commissions brought about series of strikes that wee recorded in the 1970s.

Realizing that the public suffers seriously from the effects of industrial disputes the governrnent passed the trade disputes Decree to make for foster settlement. The trade disputes Decree No.7 of 1976 Section 37(1) defines a collective agreement as "any agreement in writing relating to terms of employment and physical conditions of work concluded between an employer, group of employers or their representative on one had and one or more organizations representatives of workers of the lawfully appointed representatives of any body of workers, on the other hand". (Davison, 1977, P.56).

On the issue of making the collective agreement binding compulsorily, Section 2(3) and (4) says that "Collective Agreements can be made binding on the parties by the commissioner's orders a breach of which attracts a fine of ₦100 or 6 months imprisonment". (Davison, 1977, P.56.)

Observation of agreements by parties to collective bargaining in Nigeria is a dream that is yet to come true because making the agreements binding compulsorily comes about only by the order of the commissioner of labour. In view of the fact that not all matters on breach are taken to him, agreements are not strictly observed by the parties that sat to make them and enforcement by law is not always available.

CHAPTER THREE

HISTORY AND ORGANIZATION OF THE COMPANY (EMCON)

3.0 Historical Background of the Company

The oil boom of the early 70s and the consequent need of electricity demand/consumption swelled the requirement for electricity meters and circuit breaker by National Electric Power Authority (NEPA). In order to reduce importation of the large quantity of meters and circuit breaker, the Federal Government decided and established in Nigeria necessary facilities for the manufacture of electricity meters and circuit breakers on April 26th, 1977.

A proposal for the establishment of the factory was submitted to the Federal Government by Mssrs Landis and Gyr energy management, Switzerland, one of the world leading firms in energy measurement, management control. After a careful evaluation of the proposal, it was eventually approved in September 10th, 1974. An agreement was signed between the Federal Government of Nigeria and Landis and Gyr as Technical Partners to set up a Factory in Nigeria to Manufacture Electricity Meter and circuit breakers.

To achieve this aim, EMCON was incorporated on the 26th April, 1977. Management Engineering and licensing agreement with the Landis and Gyr was approved in January 12th, 1978. Shortly afterwards, it was decided that the project was modified to include the manufacture of miniature circuit breakers. Since the

manufacturing of circuit breakers are in many instances similar to those adopted for the manufacture of single phase meters, it was considered appropriate to integrate the two manufacturing processes into one integrated project thereby increasing efficiency and profitability.

The implementation of the project was desired to give local staff an opportunity to participate fully in every aspect of the work from construction of the Factory to installation, commissioning, operation and maintenance of the mach nery. The first building erected was the training centre where local staff were trained while the building of the factory was in progress. After initial training locally, some of the Engineers and Technicians were sent to Landis and Gyr's Manufacturing plant in Switzerland and France for further training.

Due to the training rece ved in advance locally and abroad, they were able to participate fully in the installation and commissioning of the machinery in the Factory. That actually contributed to their understanding of the operation and maintenance of those machines.

In September 1st, 1981, production started, using parts supplied by the Technical Partners from their plant in Europe. Within a few months, however, the manufacturing of plastic and meter parts started thereby producing about 60% of the part required from the largely imported raw materials. Formal commissioning of the Factory was performed by his Royal Highness, Alhaji Shehu Idris the Emir of Zazzau on September 1st, 1982.

EMCON imported about 90% of its raw materials, steel and electric steel sheets, copper sheet, brass casting and thermosetting plastic and various chemicals. It was expected that petrochemical industries would be on stream at about the same time to provide EMCON Limited with it raw materials.

Unfortunately, things turned round differently only EMCON could not mature as planned. It was unforeseen problem that made it difficult for EMCON to operate satisfactorily under import license regime of 1983. The Company could not obtain import license and Foreign Exchange to import enough raw materials to sustain its operations at the expected production capacity and required economic level. This and other factors necessitated the partial closure of the company in 1984 for six months. At that moment, the Company was delicately parched on a knife edge which separates between collapse and survival, with every possibility of being tipped over the edge into the precipice by the prevailing economic force. The factors which brought the company to its state of affairs were present almost from the beginning and had only gradually developed to threatened dimensions. The prevailing conditions of the Structural Adjustment Programme (SAP) had merely accelerated and exacerbated the decline of what should otherwise have been a most buoyant and strategic company.

The company had the normal capacity to produce a combined volume of 40,000 units of single phase meters and miniature circuit breaker per year. This volume can be extended by another 25% with minimal adjustment, to the work processes.

The company's products were attested to be of the highest quality in no way inferior to their imported counterparts. It is sad to say, however, that throughout the first eight years of it inception the company was unable to utilize more than 50% of its normal capacity cumulatively.

Among the numerous problems which have besetted operations are:-

(a) Inadequate capitalization right from the start.

(b) Difficulty with securing foreign currency, inadequate amount beginning with the era of import licensing and form "M" even right down to the present time.

(c) Static products prices even in the face of yearly inflation rate of 50% and above.

(d) All of the above factors resulting in perennial losses which further depleted the company's financial base and

(e) Mounting indebtedness to both local banks and the Technical Partners in Switzerland. The company was owing some forty six million naira (₦46m) with an equity of only four point five million Naira (₦4.5m).

Another Board of Directors was appointed when the declining financial situation had become almost impossible to arrest, with the interest cost on the accumulated debt alone accruing at the rate of over half a million naira every month, the drastic depreciation of the Naira, the concomitant rise in the cost of imported materials and the resultant increase in working capital requirement even to maintain a static volume of production, have collectively dealt a devastating blow on the Company's fortunes, the Board found upon inauguration that the creditor banks had already appointed a receiver. The Banks were, however persuaded to stay action by the approach which was made by the company's management to an issuing house to arrange a public sale of shares aimed at producing additional equity and improving the debt equity ratio.

It was realized, however, that a company that had lost its capital ten times over, with a monopoly market situation (i.e. having only one buyer such as NEPA) did not stand a chance of attracting public funds by way of investment. The plan to sell shares to the public therefore, had to be abandoned. Instead, with the assistance of a consultant to the World Bank, appointed by the Swiss Technical Partners at their own expense, the company embarked on an in-house capital construction scheme. The scheme comprised in the main partly a transfer of controlling interest from government to NEPA (in an attempt to strengthen NEPA's control and make the company more

responsive to NEPA's need). Under the scheme a further line of credit of substantial amount was to be extended by the bank to the company.

The scheme represented a carefully put together and potentially viable plan which was capable of pulling the company out of the doll drums giving it a new lease of life, and ensuring that it fulfills it socio-economic responsibility to the nation. The delicate balancing of ownership interest between public and private institutions was designed to ensure that the company would have reasonable flexibility in operations which would make it a financial success.

The reconstruction scheme received both blessing of the Technical Committee on privatization and commercialization and the approval of the President in Council. There, however, was some temporary difficulties in getting it accepted by the creditor (consortium of) Banks. At this stage, it was only safe to say that the company's fate hung precariously in the balance.

It would be hard for anyone to imagine the nature of the anguish and uncertainty that the company had in putting up with during the reconstruction scheme and while trying to obtain the relevant approvals by all concerned. The management had to place almost all the workers on indefinite leave on half pay. The company had only periodic skeletal production whenever it could manage to produce a few items of raw materials; workers were restive and not

always being able to appreciate the difficulties and obstacles encountered in the attempt to procure a viable solution, etc.

3.2 ORGANIZATIONAL STRUCTURE

The success or failure of an organization starts with its structure. The structure of an organization is an important internal environment that could help in the realization of objectives. Guidance and coordination of activities are furnished through the structure of an organization. The structure is the pattern by which activities, into which the organizations total work process has been divided are related to each other in order to achieve coordinated effects directed towards the overall pre-determined objectives can be achieved. The structure of an organization helps in the establishment and development of coordinated effort of activities. The nature of the structure affects the organizational effectiveness and members. The structure provides a vehicle through which organizational and personal goals can be attained in a better way that would not be possible through the uncoordinated activities. It helps the management in realizing and integrating consistency.

Typically, a structural vehicle allows utilization of all the available esources in a most efficient way. It also determine clearly the directional and operational goals and procedure and the energies to be devoted to their fulfillment. The structuring of organizational

activities and work relationship allows the formulation and maintenance of communication networks, which is objectives and goals. It also rationalize, stabilize and make it possible to predict the activities of group and individuals.

Eventually, production assumed in July 1984, though it was at a low level and intermittent. Today the company has grown into bigger factory compared with its position in 1982 and also the present volume of production has increased fantastically.

There are very cogent, compelling and justifiable reasons why everything had to be done to save the company:-

(1) The company's products are in high demand by NEPA and are *indispensable inputs to the massive electrification programme* that confronts this country in the several decades a head. It would make no sense to scrap an excellent facility such as this only to resume to import the products in an era of the much counted Structural Economic Adjustment.

(2) The products are of highest quality comparable to the best that can be imported from any part of the developed world.

(3) As this company belongs tc the precision industry, it represents a strategic lead in the process of acquiring domestically, multiplying and disseminating further know-how in this vital area of technology and

(4) EMCON is the only manufacturer of meters and [illegible]

in the whole West African Countries.

3.2.1 CHARACTERISTIC OF ORGANIZATIONAL STRUCTURE

The Organizational Structure of a business is often referred to as the frame work of management. It consists of rules, procedures, charts, conventions and established practices, all operating within a business for the achievement of the company's objectives. In developing organizational structure, usually attention is paid to all aspect of the business. Typically, organizational structure involves defining of responsibilities within divisions, departments and appropriate sections, establishing relationship between the different divisions and departments as well as between individuals giving necessary authority to some individuals so that they can carry out their duties without having to refer all matters to a higher level, setting standards and targets in a broad fashion by defining company objectives and more specifically by breaking down the functions into manageable tasks and keeping the costs of operating the organization and its system within reasonable limits.

A business organization to be manageable should have a good and efficient structure. An organization with an efficient structure in an appropriate business is such organization with cellar lines of authority and responsibility, which helps to show accountability.

Typically divided loyalties overlapping duties, ambiguous policies and instructions together with lack of clearly defined objectives, can lead to frustrations and failures. It is therefore vital for an organization to have clear lines of authority and efficient channels of communication.

3.2.2 DELEGATION OF AUTHORITY

A good organizational structure is such a structure with appropriate delegation of authority. Authority and responsibility go together. It is equally important that necessary authority should be delegated in an organization so that necessary status and free hand are given to deal with work in an effective manner.

Delegation of authority means permission to carry out policy of the business for specific duties. It does not mean having a free hand to interpret functions, rather, it is an application of fact, understanding and professional swifts in a reasonable manner, thus assisting in achieving the company's objectives. The extent to which delegation should be exercised depends upon the size of the department. It is vital for the delegate to be informed and aware of what is occurring in the department. And it is important to realize that there is a reasonable sphere of control. Delegation of authority helps to build a strong team and to enable the delegate devote his/her time and attention towards matters not being shackled by excessive detailed works. It is noteworthy that the use of committee is also another

form of delegation. Where joint discussions is common problems are essential, then committee serves a very useful purpose.

3.2.3 CONTROL

An appropriate business structure is such structure with control of feasibility and feedback system. If control is to be exercised in an effective manner, it is necessary to set target which are realistic and entrench an effective system for their fulfillment. Although a system for the aspiration of target must be specific enough for all to understand and follow within defined limit, it must, at the same time, allow changes to be made when necessary.

A business is constantly being effected by internal and external forces. So a system must be capable of being adopted to meet the changing environment and situations. It is also vital to design the system in such a way that any deviation from the laid-down rules would become apparent before any serious damage is done. On the other hand, feedback is described as the automatic monitoring of a system. When there are deviations from the approved standards or other yardsticks, information is quickly communicated to the planning or central point so that action can be taken.

3.2.4 ORGANIZATIONAL STRUCTURE OF EMCON LIMITED

Typically speaking, Electricity Meter Company Nigeria Limited has a vertical line authority structure. The structure defined the

superior subordinate relationships from the top of the organization to the lowest level.

Board of Directors is at the top of the structure. It is the sole owner of the business. Next is the Chief Executive who is responsible to the Board and Central Management of Company's resources.

3.2.5 THE BOARD OF DIRECTORS

At any point in time, the number of Board of Directors shall not be less than four nor more than ten. The number of Board members and the names of the first Directors shall be appointed in writing by the subscribers to the memorandum of association or a majority of them. It is equally important to note that the Board may from time to time appoint any person to be Director either to fill a casual vacancy or by way of delegation to the Board, but the maximum number fixed as above shall not be exceeded.

3.2.6 FUNCTIONS OF THE BOARD

The functions of the Board of Directors of EMCON Limited are as follows:-

(a) The Board may borrow or raise from time to time for the purpose of the company or secure the payment of such sum as they think fit and may secure the repayment of any such sums by mortgage or change upon all or any of the property or assets of the company they deem fit.

(b) Determination of shares allotment transfers and disposition. The Board determines whether the allotted shares are to be fully paid up. It directs payments of shares allotted in the members register.

(c) Issuance of certificates. The Board issues certificate of title to shares under the seal of the Company.

(d) The Board keeps register to transfers and the transfer is to be approved by the Board; and

(e) Conversion of shares in stock, the Board may convert and paid up share into stock or into shares. Generally speaking, the Board of Directors perform four basic functions. These are:-

(i) Strategic planning.

(ii) Maintain operations and performance against main objectives.

(iii) Organizational and management development and

(iv) Making very corporate decision.

3.2.7 THE CHIEF EXECUTIVE

The Board of Directors may from time to time appoint any one or more of their body to be a Managing Director. For such a period and upon such terms as they think fit and may rest in such Managing Director powers and such powers may be for a certain period of time.

The functions of the Managing Director includes the following:-

i. Overseeing top policy matter relating to all divisions or department of the company.

ii. Responsible for the Board of Directors for the operations of the company.

iii Coffering with all sectional heads on matters as concerns such sections.

iv. Approval of leave of senior staff.

v. Liaison with the cabinet office executive (management) council as it affects the company and

vi. Overall supervision of the company's activities.

3.2.8 THE FUNCTION DIVISIONS

Below the Managing Director are different functional areas. These are the production department, marketing department, administrative department, technical and accounts department. We now consider a few of them and see how they affect the performance of the company.

3.2.9 THE PRODUCTION DEPARTMENT

This department is headed by a production manager. Under him are other functional managers and production foreman, co-ordinators and production supervisors. His duties could be seen from three different areas These are:-

(a) Preparation of annual production budget

(b) Sourcing of raw materials and

(c) General supervision of factory operations.

In view of the above, he should have up to date report of the company's production activities. He is to be associated with the day to day working of specific projects to safeguard and meet the company's production target. This department performs the functions of monitoring of production programmes, preparation of production, annual report and analysis of productions project.

3.2.10 ADMINISTRATIVE DEPARTMENT

This department is concerned with administration, legal and security functions. This department is under the control and direction of the Admin/Personnel Manager. The department is responsible for the employment, personnel relations, incentive schemes fringe benefit and general administration of the company.

3.2.11 ACCOUNTS DEPARTMENT

This department is headed by a Chief Accountant with the Senior Accountant, Financial and Cost Accountants under him. The importation of raw materials, preparation of staff salaries, making of tax returns, settlement of the company's creditors as well as recovering of debts and keeping an up to date records of financial

activities of the company. Preparations of annual financial report, arrange for loans and overdrafts and sinking fund investment.

EMCON Limited was established with a high degree of objectives and functions coupled with good policy guidelines. The objectives and functions could only be realized through efficient and effective management and good management structure with control of feasibility and feedback system.

3.2.12 AIMS AND OBJECTIVES OF THE COMPANY

(a) To manufacture electricity meters and locally manufacture circuit breakers.

(b) To pioneer research on the production of CKD's for the manufacture of electricity meters and circuit breakers.

(c) To periodically advice government through NEPA on how to ensure better energy measurement, management and control.

(d) to expose indigenous engineers and technologists to the practice of precision engineering.

CHAPTER FOUR

4.0 DATA ANALYSIS AND RESEARCH FINDINGS

In this chapter the extent to which collective bargaining is practiced in the Nigerian private sector today would be analysed. The questionnaires (See appendix) ask questions which would also reveal the extent to which the preconditions for the viability of collective bargaining have been attained.

The questionnaires were designed to sample not only opinions of personnel managers but also those of unions through their various representatives. On the whole 4 questionnaires were distributed to Electricity Meter Company of Nigeria. Two to management and one to each of the executive representatives of the two unions.

Additional information was obtained through personal interviews with senior and junior staff of the company.

4.1. DATA ANALYSIS

TABLE 1 : DISTRIBUTION OF QUESTIONNAIRES

Name of Organization	*Number of Questionnaires sent*	*Number of Questionnaires completed*	*Percentage Responses*
Management	2	2	100%
Steel and Engineering Workers Union of Nigeria (SEWUN)	1	1	100%
Precision Electrical and Related Equipment Senior Staff Association (PERESSA)	1	1	100%
TOTAL	4	4	100%

The organization involved in the survey is a company that has many workers, heavy machinery and industrial hazards. It is an organization which would adversely be affected by any strike action because any loss in production due to work stoppage would tell on the profits of the organization. The organization is a manufacturing business and production oriented, it also has profit as one of their goals as such they offer their final products to the market. The government also has large share in the organization.

TABLE 2 TRADE UNIONS AND EMPLOYERS ASSOCIATIONS (ORGANIZATION)

Name of Union	Employers Association Yes/No	Election of Officials Yes/No	Affiliation to NLC Yes/No
Management	Yes	Yes	Yes
SEWUN	Yes	Yes	Yes
PERESSA	Yes	Yes	Yes

From table 2 there is the indication that the organization has unions and employers association, this therefore shows that the two parties to collective bargaining are usually represented since the union and association have elected representatives. The elections held indicated that trade union government(s) are government(s) that are for its members, since members elect their representatives.

The 100 percent response on affiliation to NLC by the organizations shows that all the industries that make up industrial unions of the mentioned organization belong to the NLC. Although the NLC does not participate in negotiations of conditions of work, it could advise representatives of industrial unions who negotiate on national level the conditions of work.

TABLE 3 : DURATION OF AGREEMENT AND VIOLATION SANCTIONS

Name of Union/ organization	Duration of Agreement	Sanctions Yes/No
Management	4 years	Yes
SEWUN	4 years	Yes
PERESSA	4 years	Yes

The agreements of the two unions and the organization (respondents) have the same durations, this indicates that the organization realized that new issues could come up and might have to be negotiated and in the end new agreements could be made.

Due to the fact that each of the unions has copies of constitutions in which the agreements are recorded with specific dates, it could be said that the agreements are closed ended. Union executives said that the constitutions were for internal circulation only as such copies were not made available for this research.

On sanctions for failure to comply with the agreements, there has been a 100 percent (100%) response although the sanctions vary. Some of them (sanctions) on the side of employees include: strikes, reporting the case of violation of the agreement to Union Headquarters, Ministry of Labour or reference to Court for Litigation.

On the management side, some of the sanctions are: disciplinary action on the employees concerned, (who most times are union representatives) reporting to the Ministry of Labour or Court and as a final resort dismissal of the employees concerned.

TABLE 4 : COLLECTIVE BARGAINING AND LEVELS OF BARGAINING

Name of Union	Collective Bargaining	Level of Bargaining Industry/Company
Management	Yes	Company level
SEWUN	Yes	Industry level
PERESSA	Yes	Company level

There is a 100 percent affirmative response from respondents that collective bargaining takes place between the industrial parties. On the aspect of the levels of bargaining, 66 percent of the responses indicted that they have company level collective bargaining. There was 33 percent response on collective bargaining taking place on both industry and company levels. This shows that the organizations realized that there are issues which could be crucial and thus must be negotiated on the plant level and those that could be taken to industrial level of negotiations. When the two agreements are reached they are implemented separately except in a case of duplication when an issue is negotiated on twice.

Table 5 : JOINT CONSULTATION, STRIKES AND RECOGNITION

Name of Union	Joint Consultation	Strikes Yes/No	No of strikes the last 5 years	Recognition Yes/No
Management	Yes	No	---	Yes
SEWUN	Yes	No	---	Yes
PERESSA	Yes	No	---	Yes

The above table shows that joint consultation also exists in the company. This is hardly surprising since recognition of the unions by management implies the use of Collective Bargaining and Joint Consultation. However, there has been no strike action or overtime ban in the company in the last five years.

4.2 COLLECTIVE BARGAINING ISSUES

The Questionnaire responses show that the issues subject to collective bargaining are known to both parties. Some of the issues include; wages, fringe benefits, general conditions of service, lateness to work, increase in productivity of employees, etc.

Issues subject to collective bargaining are not the same as those discussed in joint consultation, because issues of collective bargaining are those two parties negotiate on, while those of joint consultation are discussed by management with the workers. The data collected shows that the two terms (collective bargaining and joint consultation) are misunderstood. As such some respondents duplicated the items

for collective bargaining when they were listing items for joint consultation.

There was 50% response that indicated duplication of the respondents, while 50% stated that they had the following as issues of collective bargaining; job security and industrial relationship while issues of wages and general working conditions, leave grants allowances, pensions and gratuity are for joint consultation.

Those who indicated that there existed the same issues for collective bargaining and joint consultation stated that management usually discusses issues that were later negotiated upon, some of such items are allowances, such as housing allowance, transport, leave grants, general working conditions of workers, promotion and demotions, training and development, retirement benefit, review of salaries and wages.

4.3 SOME OBSERVATIONS FROM THE RESEARCH FINDINGS

From the data analysis above, it could be said that to a reasonable extent the preconditions for the viability of collective bargaining have been attained in Nigeria.

With regards to organization of our unions all the respondents indicated that they held elections to select officials. During the interviews conducted, for personnel manager and later for union representatives, 80 percent of the union representatives stated that

they held monthly meetings with their members to keep them informed of activities of the unions and plans that were ahead. Apart from the fact that all the unions involved in the survey are affiliated to the central labour body (NLC), all union meetings from time to time with unions representatives of companies that fall in the same industrial grouping with them.

These show that there is co-ordination among unions. The union leaders went ahead to say that in most of their decisions the majority was given a chance, thus practicing democracy.

Employers on the other hand do not have a government or good organization like trade unions, although all the respondents indicated that they are affiliates of Nigeria n Employers Consultative Association. When asked whether they usually hold elections and if they operated their association by the guidance of a constitution, the personnel manager which serve as representative of employers in this research), answered by saying "our associations do not have such".

From the interview, with personnel manager of the Company, it could be said that the employers associations are not organized like NLC and are not active also. The interesting aspect of the findings was the fact that the organization which is an affiliate of NECA have poor attendance record of meetings organized by NECA. NLC calls its members on meetings when there is a general election forth coming or where there is a serious problem that affects all the organizations.

On the aspect of recognition since all the organizations indicated that their trade unions are recognized by management, it could be said that the condition of recognition on the part of unions has been attained. The attainment of recognition came as a result of the Federal Military government's intervention in the industrial relations scene. (The government made Decrees and inclusive was the Decree on recognition for all registered trade unions it is the trade Union Decree Section 22).

Employers through the management stated that they do not seek recognition and that they are an established body. Some said that they are "gentlemen" who do not believe in teaming up in order to get their demands met. This means that employers take recognition for granted because they own factors of production.

The issue of observation of the agreements, led to sanctions that could be applied in the case of failure of compliance with the terms of the agreements. The questions asked during the interview with management and union leaders on the sanctions brought about the following responses.

Respondents said that they would usually go through the grievances procedure and the provision in the stipulated trade dispute Decree to settle any dispute arising from failure of compliance to the terms of the agreement. Union representatives on their part do not consider winning their cases, since they indicated the attitude of

management over being right and always winning. This group applies all provisions for resolution of disputes (as given in the questionnaire).

Respondents had no serious record of problems arising from observing the terms of the agreement because the management stated that their unions in the last five years adhered to their agreement terms, so also was the unions report.

Another interesting aspect of the research findings is that of the issues of collective bargaining and those of joint consultation. The fact collective bargaining and joint consultation are mixed up and thus used inter-changeably was clear.

Infact, all the respondents stated that they have company level collective bargaining while the groupings done are on industrial level. This brings out the fact that the groupings done on industrial basis do not really serve a significant purpose. Only 33 percent responded that collective bargaining takes place on industrial level. Thereby showing a small percentage on the level on which collective bargaining is supposed to occur.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 SUMMARY AND CONCLUSIONS

While collective bargaining has generally been advanced as the best method for job regulation in Nigeria particularly from the various governments pronouncements, it has not been sufficiently supported in practice by the same governments. This is so because from the colonial days to the independence period, wage tribunals were set. When the military came up, decrees on matters of industrial relations were made.

The chapter on preconditions for viability of collective bargaining shows that they (preconditions) have only been haphazardly attained. Since seeing them in form of writing, does not mean that they are practiced in full.

The data collected suggests that although the preconditions for collective bargaining are only haphazardly attained, the fact that they exist in our industrial relations system is basic. The research findings brought out the fact that joint consultation and collective bargaining are mixed up due to the way they are used interchangeably.

This came about due to the way organizations are grouped on industrial basis, and because management does not clearly separate the two issues (collective bargaining and joint consultation). The data also shows that unlike before more employees are union members and

the practice of collective bargaining has increased. In that all employees of an organization are union members as long as the union is registered as such there are many non active members.

The data as well stipulated is that collective agreements in the Nigerian private sector have fixed dates of existence (2-3 years) and that most of the collective bargaining is done on company level and not on industrial level and not on industrial level as the situation is supposed to be.

Factors hindering effective collective bargaining are: lack of attainment in full on the preconditions for the viability of collective bargaining. They (preconditions) have not been really attained because not all the sectors in the industrial relations scene participated in making decrees that enable the haphazard attainment. One of the actors i.e. the government singly made the decrees without consulting other parties.

The grouping of organizations on industrial basis has in theory shifted the bargaining process from plant level to industrial level. Due to the fact that 67 percent of our responses indicated that they have collective bargaining in the plant level it could be concluded that most organizations realise the improper grouping. If bargaining only takes place on industry level (as it is supposed to) collective bargaining would be affected adversely because not all organizations in an industry have same negotiable issues.

In view of the fact that our governments far quite some time used wage tribunals to determine minimum wages and conditions of service and to date the issuance of decrees which teleguide the practice of collective bargaining, it would not be surprised to say that collective bargaining as a method of job regulation lacks state support even though government advocates it.

The intervention of government in our industrial relations affairs is a total or complete kind and not minimal. Other actors of the industrial relations system have their hands tied by this type of intervention.

Another hindering factor on the practice of effective collective bargaining comes from the trade unions. The leadership of our trade unions to date is not an able type, even though elections are held to select able leaders. Like the olden days leaders, some of today union officials do not work towards achievement of union goals but satisfying their selfish desires; some even embezzle union funds.

Tribalism and sectionalism is affecting adversely the private sector unions because leaders win election not because they can deliver the goods but because of where they come from just as the case in the other elections held in Nigeria.

Lack of sufficiently educated leaders to handle industrial relations matters has also affected co lective bargaining. Some of the union officials who were talked to during the interview in the cause

of the research could not express their views in English properly.

From the side of the employers, the major hinderance is that of their non-challant attitude on matters of industrial relations, because they own the factors of production, they feel they automatically have the right to regulate jobs singlehandedly.

From all side on summary and conclusions of this piece of work, the noted factors hindering effective collective bargaining are not very new. This situation where factors hindering effective collective bargaining in the old industrial relations scene are found even when a new industrial relations policy came to being could therefore be likened to a situation where "old wine is found in new bottles".

5.2 RECOMMENDATIONS

Recommendations to the Government

The government should set the example of practicing collective bargaining by encouraging other actors of the industrial relations scene to participate in decisions affecting them.

The government should always remember that our industrial relations system is built on the tenants of 'voluntarims' as such they should limit or reduce its intervention and complete dominance of the decision making in our industrial relations scene, thereby implementing guided democracy through minimum intervention.

Bringing together the other actors to participate in decision making, thus creating a tripartite situation for regulation of jobs should be the target of the government. This is because with the tripartite situation collective bargaining would be better practiced.

Recommendations to Employers

Employers should have more interest in affairs of industrial relations most especially collective bargaining. If through collective bargaining they have effective wage review policies; the government would not bother to set tribunals for wages. Better organization within employers associations should be considered by employers seriously if they want to face government regulations and also participate in collective bargaining meaningfully. The fact that they must be represented on the bargaining table by competent bargainers should not be over-looked by private Nigerian employers.

Recommendations to Trade Unions

The fact that many workers belong to a union does not make private Nigerian trade unionism effective. The leadership of unions is what really matters; and because the leaders are not capable of making their impact felt through making management meet the demands of workers they represent; when electing officials, union members should consider capable leadership seriously.

Education for most union leaders or officials is a must because many do not really know the affairs of unionisation let alone industrial relations.

In view of the fact that some union officials are not disciplined, serious disciplinary actions should be taken against misconduct and most especially embezzlement.

Tribalism and sectionalism, which is a serious problem in our industrial relations system should be checked. Leaders should therefore be elected not because of their ethnic groupings, but because they can perform their roles. When elected leaders should have the interest of the union above all others.

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APPENDIX

M.B.A. PROJECT QUESTIONNAIRE

TOPIC: COLLECTIVE BARGAINING AS A METHOD OF JOB REGULATION IN THE NIGERIAN PRIVATE SECTOR: A CASE STUDY OF EMCON.

Dear Sir/Madam,

I am a student writing a project on collective bargaining which is in partial fulfillment of the requirement for the award of a Masters; Degree in Business Administration, I would be grateful if you would answer the following Questions. All the information obtained from you will be used for the academic purpose of research and will also be treated in confidence.

Thank you for your co-operation.

SECTION A.

1. Name of organisation.....
2. Number of Employees.....
3. Age of Organization.....
4. Nature of Organization.....
5. Industry in which the organisation is.....

SECTION B

Tick the appropriate please

1.a. Do you have a union in your organisation?

Yes [ ] No [ ]

1.b. If answer to (a) is Yes how many unions do you have and what are their names?

i..... iv.....

ii..... v.....

iii..... vi. .....

2. What percentage of employees are members of each union?

i..... iv. .....

ii..... v.....

iii..... vi.....

3. *Is your national union affiliated to the Nigerian labour congress?*

Yes ( ) No ( )

4. Do you hold elections to elect leaders of your union?

Yes ( ) No ( )

5. What is the duration of office of the elected leaders

1 Year ( ) 2 Years ( ) 3 Years ( ) 4 Years ( )

6. What are the major objectives of your union?

---

7. Is your union Recognised by management for the purpose of collective bargaining? Yes ( ) No ( )

8. Does your company belong to an employers Association?

Yes ( ) No ( ) Don't know ( )

9. If 'Yes' which Employers association does your company belong to? _____

10. Is your company a member of Nigerian Employers Consultative Association (NECA)?

Yes ( ) No ( ) Don't know ( )

11. What is the major purpose of the employers association to which your Company belongs?

_____

_____

_____

SECTION C

Tick the appropriate, please.

1. Do you have collective bargaining between your branch union and the management of your company or employers association? Yes ( ) No ( ) Don't know ( )

2. If yes at which level does this bargaining take place?

(a) Industrial level ( ) (b) Company level ( )

3. If answer in (2) is Yes, have you reached any collective agreements? Yes ( ) No ( ) Don't know ( )