

Management of Industrial Conflict in Oyo State Teaching Service of Nigeria

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ABSTRACT- This paper examined the management of Industrial Conflict in Oyo State Teaching Service of Nigeria. It identified causes of industrial conflict between teachers and the state government and the effects on secondary schools in the state. It also assessed the mechanisms for resolving industrial conflicts between the teachers and the state government. This study was necessitated by the need to ensure improved industrial conflict resolution mechanisms in the teaching service of Oyo state.

The findings from oral interview revealed that major causes of industrial conflict were poor condition of service, unlawful retirement, illegal retrenchment of teachers, threat and blackmail of teachers etc.

The study also discovered that the effect of industrial conflict were felt in the area of student performance, enrolment and the morale of teachers have hit very low ebbs.

The study concluded that industrial conflict is an inevitable outcome of human interaction and the poor management will have devastating effect on the educational sector of Oyo State in particular and Nigeria in general.

KEYWORDS: Industrial Conflict Mechanism, Arbitration, Court Order, Conflict Resolution, Collective Bargaining.

1. INTRODUCTION

Conflict is inherent in all societies irrespective of location, composition and mode of organization conflicts arises when people congregate, share spaces, facilities and resources. It is a phenomenon that cannot be underrated in every human organization. This is because it can make or mar the survival growth and progress of an organization. So management of conflict should be given serious attention, if the goals and objectives of an organization must be achieved (Adegoroye, 2004).

Conflict results from human interaction in the context of incompatible ends and where one's ability to satisfy needs or ends depends on the choices decisions and behaviour of others. It is therefore possible to argue that conflict is endemic to human relationships and societies. It is the result of interaction among people, an

unavoidable concomitant of choices and decisions and an expression of the basic fact of human interdependent (Adejuwon & Okewale, 2009).

Furthermore, industrial conflict can be seen as an aid to incremental improvement in organizational design and an agent for evolution functioning in the decision making process.

It is said to have started as soon as the employer – employee relationship emerges in the course of economic development. This is because the exploitation that is implicit in the capitalism mode of production. A reaction against the industrial system and capitalism in general followed and led to the development of modern industrial relation and labour movement in Nigeria (Adegoroye, 2004: 2).

As early as 1896 attempt were made to form a trade union in Lagos. By 1912, the Nigeria Civil Service Union in (NCSW) was formed. By 1931 trade union were in existence, among them are: the always Workers Association and the Nigerian Union Teachers (NUT). The poor condition of service led to the first general strike in Nigeria on July 22 1945. Between 1955 to 1983, a total of one thousand three hundred and eighteen (1,318) trade disputes were hundred and eighteen (1,318) trade service while between 1990 and 1998 a total of one thousand four hundred and fifty (1,450) trade disputes were recorded and nine hundred and fifty eight (958) work stoppages were recorded (Federal Ministry of Labour and Productivity, 2003).

The Colonial Government set up Trade Union Ordinance of 1938 to regulate work activities in the country and workmen's compensation ordinance was passed in 1941 (Adegoroye, 2004:3).

He furthered stated Trade Dispute Act of 1976, among others made an elaborate provision for the management of trade disputes. For instance, the act created legal institution like the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC) to manage trade dispute. It also vested the responsibilities of managing industrial relations on the Ministry of Labour, Employment and Productivity.

This paper is thus a timely one as it is poised to examine the management of Industrial Conflict in the Teaching Service of Oyo State, Nigeria.

2. STATEMENT OF THE PROBLEM

Industrial Conflicts which generate into violence in most cases have become regular features between teachers and state government. From 1990 to date the education sector has witnessed industrial conflict more than any other sectors of Nigeria economy. This situation in Oyo State was particularly bad until recent times when some palliative measures were taken by the new administration. From December 2012 to May 2013 teachers in the state embarked on strike to press their demand for payment Eighteen thousand naira minimum wage in salary approved for workers by the federal government.

In 2014, school were closed up to two months while 2013, the number of days that school were opened for work was less than the number of days that they were closed.

There is no doubt that these series of strike actions have had adverse effects on the educational sector in the state and colossal economic losses, in term of man – day losses.

It is against these background problems that this paper set out to examine industrial conflict management in the teaching service of Oyo state, Nigeria.

Objective of the study

The objectives of this study are to

- i. Identify the causes industrial conflict between secondary school teachers and the Government of Oyo State.
- ii. examine the effect of industrial conflict on the educational sector of the state; and
- iii. assess the various mechanisms for conflict resolution between the teachers and the state Government.

Significance of the study

This study is expected to broaden our knowledge in the importance of harmonious industrial relation in the teaching service with particular reference to the secondary school in the state. This is because the secondary school is the foundation that other forms of higher education are built on.

Therefore a healthy relationship is very crucial between the state and her teachers so that government educational programmes will be well implemented.

The study is also expected to assist in formulating solutions to the problems industrial conflict in Osun State and stimulate further research in the field of industrial conflicts management in Nigeria with particular reference to the teaching profession and the public service in general.

3. LITERATURE REVIEW

Industrial Relations and Industrial Conflict

Industrial relations grew out of the industrial circumstances of the British Industrial Revolution of the

18th and 19th centuries when feudalism as a mode of production gave way to capitalism. The industrialist were known as the capitalists or “bourgeoisie”. The Industrial revolution transformed the western world from a largely agricultural world to an industrial society. As a result of this, many people left farms and agricultural works for industrial occupation offered in “burgeoning” factories.

Flander (1965) defined industrial relations as the study of the institutions of job rules and regulations arguing that it is essentially concerned with both procedural and substantive rules. These rules establish rights and obligations, which together defined status.

Wolfgang (1999) subscribed to the view by defining industrial relations as the set of rules and institutions, which determine pay and other condition for employment. This tend of rules are identified as; the substantive rules that regulate pay and employment. While the key institutions in industrial relation are identified as companies and employers association trade union and the state.

Ejifor (1993) submitted that industrial relations is a multi-dimensioned discipline which concerns itself centrally with human relations in workplace that the study of industrial relation recognizes conflict interpreted in various forms as an intrinsic phenomenon in employment relations. Therefore, industrial relations is concerned with forecasting, containing and resolving industrial crisis or conflicts within an establishment institutional framework.

Edward (1995) asserted that industrial relation is the relationship between employer and employee in paid employment; the ways, in which employees are rewarded, motivated, trained and discipline together with the influence on these process of the major institutions involved, namely; management, trade union and the state.

Industrial relationship is therefore the joint responsibility of employer, employee and these trade unions representing them. But the primary responsibility for promoting the relationship rests on the management's (Firito, 2007).

Industrial Conflict

Kareem (2010) referred to industrial conflict as “situation when powers and goals of actors within an organization clash. It encompasses all actions and inaction that could lead to industrial harmony and peace in the work place.

Bankole (2001) posited that industrial conflict is a disagreement between or among actors of industrial relation system (employer, employee on the state) mostly ever issues of divergent interest. He also identified five types of conflict. They are: intra-personal conflict, inter-personal conflict and intra group conflict. Others are intergroup conflict and inter organizational conflict

However, Arnold et al (1986) identified two factors as having effect on source of conflict. They: information factor and perceptual factor. Perceptual factor could exert its influence when various part of view have been developed on the basis of different past or in a situation where there is a limited knowledge on the situation at hand. Information factor arises when there is different perception on any issue, because of this, each of the party would be very selective on the type of information it is going to collect on the interpretation given to it.

According to (Otubo, 1992), he submitted the following as the sources of industrial conflict: style of management, nature of physical environment, orientation or social consciousness of workers, efficacy or otherwise of the promotion system, cumbersome of grievance and dispute procedure task interdependence, shared resources perception and values, personal style and life background and demand for increase in wages and better working condition.

However, workers dissatisfaction with their employment situation can exhibit itself in a wide variety of ways. These have commonly been divided into broad categories; organized or unorganized conflict.

Parker (1974) referred to organized conflict as forms of conflict which represent attempts on the work part of workers to change the conditions of work deemed unsatisfactory and its encompassed such action as strikes overtime laws, picketing etc.

He also referred to unorganized conflict as encompasses industrial based behaviour which are less strategically oriented to the achievement of change such as absenteeism lateness sabotage and other forms of indiscipline behaviour.

The incidence of industrial conflict in form of strike of withdrawal from work shows clearly that labour relation in Nigeria needs to be improved upon.

Consequently, persistent industrial conflict will lead to collapse of the educational sector and other potential negative outcomes.

Mechanisms for Resolving Industrial Conflict

Hugh et al (1986) argued that some of the strategies used to resolve conflict in an organization depend quite heavily on conflict avoidance that is keep the conflict form coming into open at all, this in essence resource's a form of paternalistic approach.

Webbs (1920) advocated collective bargaining as means for resolving industrial conflict. This he described as a working conditions and terms of employers or one or group associations on the one hand and one or more representations worker's organization on the other.

Fajana (1995) pointed out the functions of collective bargaining to the workers are the main method of furthering the basic union purpose which is to maintain and improve terms and working condition.

He also stressed out that collective bargaining affords the employee on opportunity to participate in the function of their organization and decision that affect them.

According Atanda (2010), he opined that negotiation and mediation, conciliation and Arbitration are the forms of mechanism for resolving industrial conflict. He defined negotiation as "a formal or informal discussion between the employees and employers in which both parties agree to mutual agreement to resolve the dispute. Under the process of negotiation, parties do not require the assistance of union or any other assistance.

He also defined mediation as "when a neutralized person is introduced who helps the parties to find a basis for an agreement that is acceptable to the disputing parties to reach final agreement.

On the other hand, he referred to conciliation as the format means of setting on dispute when it cannot be resolved and may be referred to a third party while arbitration is a technique for the resolution of disputes outside the courts (Adeniran, 2010).

4. Research Methodology Sources of Data

Data were collected from primary and secondary sources. Interviews were conducted for Chairman and Secretary of Oyo State Teaching Service Commission (TESCOM), the government agency responsible for the management of secondary schools were interviewed. So also the chairman and secretary of Osun State Wing of Nigerian Union of Teachers were interviewed. Secondary sources of data sources were utilized from relevant textbooks, internet sources, journals, conference proceeding of the Nigeria Union of Teacher (NUT) etc.

Research Design

The research design was designed to:

- i. examine the effect of industrial conflict on the educational sector; and
- ii. assess the various mechanism for conflict resolution between the teacher and the state government.

5. DISCUSSION OF MAJOR RESEARCH FINDINGS

Discussion of the findings from Oral Interview

Causes of Industrial Conflicts in the Teaching Service of Oyo State

From the responses of the respondents during interview, it was discovered that there are many causes of industrial conflict in the state. They are: poor salary, unlawful retirement and unlawful retrenchment of teachers in the state, breach of agreement by state government, poor condition of service, victimization of teachers, lack of proper funding of education in the state etc.

Effects of Industrial Conflict on the Secondary School System of Oyo State

The interview finding also revealed that industrial conflict has a devastating effect on the educational sector in Oyo State. For instance the chairman and secretary of National Union of Teachers in Oyo State affirmed that over 69% of final year students in secondary schools failed Senior School Certificate Examination in 2012 and 2013.

Assessment of the Mechanism for Managing Industrial in Teaching Service of Oyo State

It was discovered that the Oyo State government made use of court order in order to undermine the strike embarked upon by secondary school teachers in the state on 20 April 22, 2002. The teachers protested non implementation of six thousand five hundred naira (N6500.00) minimum wage that had been agreed since 2001. Rather than implementing the new minimum wage the Oyo State government went to the high courts where they are felt their relief could be granted speedily. The Oyo State teachers refused to abide by the court order which they considered undemocratic and anti union. The secretary of the NUT also stressed that arbitration was employed in 2008 by Oyo State government. He recalled that Oyo State teachers went on strike over non-implementation of the then nine-thousand four hundred naira (9400) minimum wage, the Oyo State governor who had failed twice to obtain a restraining order from Oyo State High Court, Ibadan rushed to Industrial Arbitration Panel to obtain an injunction to abort the then ongoing workers' strike. The Oyo State government was however disappointed when the IAP declined to give order to declare the strike illegal.

They also agreed that the court order and Industrial Arbitration panel were not effective due to non-implementation of the judgement by the state government.

6. SUMMARY

The study established the fact that conflict is unavoidable in industrial unions with particular reference to Oyo State Teaching Service.

It was also established that there are many causes of industrial conflict in Oyo State Teaching Service such as: poor salary, poor condition of service threat and victimization indiscriminate retirement of teachers etc. The effects of industrial conflict on the secondary school in Oyo State were also identified. They are: poor academic performance of final year student in senior secondary school examination between 2007 and 2008 respectively.

In addition to the foregoing is that the mechanisms used by Oyo State government were not effective due to non implementation of court order and arbitration panel judgment.

7. CONCLUSION

From the findings of this study, it was discovered that industrial conflict in the teaching service of Oyo State is not properly managed. So also the mechanisms employed such as: court order from high court and industrial arbitration panel judgements were not effective. This explains why strike is used as the last tool to bargain whenever there is any industrial conflict in the teaching service.

Therefore, the poor management of industrial conflict in the teaching service of Oyo State can no longer be ignored without having a devastating effect on the educational sector of Oyo State in particular and Nigeria as a whole.

Recommendations

In the light of the findings from this study and the conclusion so far made, the following recommendations are considered pertinent:

1. Oyo State government should set up a standing negotiating team that would be meeting regularly with the Nigeria Union of Teachers. This will serve as a form of collective bargaining.
2. Job security in the teaching service should be guaranteed like wise threat and blackmail of teachers should not be used by state government to resolve industrial conflict.
3. Ministry of Labour, Employment and Productivity should be made to live up to its billings by strengthening the ministry to be able to tackle and resolve any industrial conflicts in any part of the country.
4. All industrial conflict cases should be the exclusive jurisdiction Industrial Arbitration Panel (IAP) and National Industrial Court (NIC). They should also ensure that state high courts should not entertain any case that involved industrial conflict.
5. Government and teachers should endeavour to embrace collective, bargaining consult with the union representative and negotiate between themselves in order to resolve industrial conflicts.
6. Government should revamp the State Labour Advisory Council (NLAC) in order to facilitate enhanced government effort at resolving industrial conflict.
7. State Government must make available a multi party mechanism for dialogue whenever issues arise that cannot be resolved bi-partite.
8. Finally, the provision of "No work No Pay" as provided for in the Trade Dispute Act should be followed to the letter, whenever rules regulatory strike action are not followed before teachers embarked on a strike action as a form of grievance expression.

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