

Government Intervention in Industrial Relations: the Nigerian Experience

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Introduction

This paper deals with the controversy surrounding the intervention of government in industrial relations in Nigeria. Industrial relations is a concept that has different definitions. Hacked *et al* define industrial relations as the whole web of human interaction at work which is predicated upon and arises out of the employment contract.¹ This definition looks at industrial relations as being concerned with the relationship between people at work based on the specifications of the terms of employment. This definition is left hanging, really, the lost sentence notwithstanding.

Cardova sees industrial relation as the process of interest accommodation by which conditions of work are fixed, relations are regulated and power is shared in the field of labour.² Cordova believes that industrial relations as a concept is concerned with the way in which the divergent interests of the parties in the work place, that is, workers and management is accommodated. Such accomodation of divergent interests may take the form of sharing and regulation of interest through a system of institutionalised negotiation.

Dunlop in his holistic view of industrial relations as a system, defined it as a web of rules which bound the behaviour of the actors in the work place.³ He is of the view that the actors in the work place are governed by a set of substantive and procedural rules. The substantive rules are concerned with the terms and conditions of employment while the procedural rules include the procedure for grievance settlement and the employment and non-employment of certain persons in the work place.

The above definitions show that industrial relations is concerned with the various ways groups in an industrial relations system interact. For the purpose of this paper, a system can be defined as a group of elements dynamically related in time according to some coherent patterns. A system can therefore be said to be composed of distinguishable parts or elements whose relationship to one another is defined and whose behaviour is mutually supportive towards the achievement of a common objective. This definition of a system will help to clarify the point that the actors in an industrial relations system can be likened to elements whose relationship to one another is defined and whose behaviour is mutually supportive towards the achievement of a common objective. Hence, an industrial relations system can be said to be composed of the various actors, namely, workers, employer and government and whose interaction is geared towards the achievement of certain goals in the society.

The actors in an industrial relations system have different goals to achieve. The goal of the

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worker in the work place is to get a good salary and other remunerations that will enable him satisfy his needs. On the other hand, the goal of the employer is to make profit and ensure the survival of the organisation, while the goal of the government is to ensure industrial peace in the society. It is this goal of ensuring industrial peace in society that has necessitated the intervention of government in industrial relations.

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Government Intervention in Industrial Relations: A Voluntaristic Versus Interventionistic Dilemma

There have been different views on the intervention of government in industrial relations. One school of thought is of the view that government should not interfere in the relationship between workers and management in the work place. To this school of thought, workers and management should be allowed to formulate the terms guiding their relationship without any form of external interference. People in this school, are said to be voluntaristic in their view. The voluntaristic philosophy which finds its expression in the Anglo-Saxon model of industrial relations is based on the *Laissez Faire* doctrine which permits employers and workers a reasonable amount of latitude in determining their own affairs within a framework established by the state. Voluntarism assumes that the economy is better organised through private individuals acting freely on their own and devoid of any governmental interference in the economic activities of the country.

An opposing perspective is the interventionistic view. This school is made up of those who believe that government should intervene in industrial relations for the purpose of ensuring industrial peace and tranquility. Those in this school of thought are of the view that for socio-political-economic reasons, government should regulate the relationship between workers and employers. Hill points out that interventionism developed as a response to the new economic problems of late capitalism and as a product of social problems that are generic to capitalism which have assumed particular serious forms in modern democratic political system.⁴ Thus, he attributes interventionism to the growth of monopoly capitalism and class conflict, and the need for maintaining social equilibrium.

In his study of the dynamics of industrial relations in Nigeria, Yesufu grouped the reasons for government intervention in industrial relations into four categories, namely, economic, historical and international imperatives, its status as the dominant employer, and political and social reasons.⁵ The intervention of the government in industrial relations can be justified by the role which the government plays in the employment of labour. In most developing countries of the world, the state employs the bulk of the labour force. For instance, two thirds of the labour wage-earning population in Nigeria are in government establishments.⁶

The intervention of the government in industrial relations in developing countries has been regarded by some scholars as a natural phenomenon. To such scholars, the description of government involvement in industrial relations in developing countries as intervention is bound to be a misnomer, and therefore misleading, since industrial relations developed initially as a bilateral affair between workers and government.⁷ This view can be substantiated by the late development of the private sector in the economy of colonial African States. In most colonial African States, the private sector as we know it today was relatively absent and negotiation over wages and related issues involved only government as the employer of labour on the one hand and workers on the other hand. It should be noted

that trade union activities in Nigeria started in the government establishments. Such early trade unions like the Nigerian civil service union (1912), the railway workers union (1931) and the Nigerian union of teachers (1931) were all in government establishments.

Government Intervention in Industrial Relations in Nigeria

As pointed out above the industrial relations started strictly as union government relationship. The private sector of the economy is a relatively new phenomenon in Nigerian industrial relations scene.

The official policy of the government since the colonial day has been the philosophy of voluntarism. The voluntaristic philosophy with its emphasis on a *Laissez Faire* approach to industrial relations, can be said to have been in vogue before 1938 when the first Trade Union Ordinance was promulgated. But since the early 1940s when the department of labour was attached to the office of colonial administration, government has continued to exercise the influence of fixing arbitrary wages and salaries of its own employees. This was done by the wages commissions established by colonial government to review salaries and wages in line with terms provided unilaterally by the government. Some of the commissions established by the government in the colonial period include the Bridges committee of 1941, the Tudor Davis commission of 1945, the Harragin commission of 1946, the Miller committee of 1947 and the Gorsuch commission of 1955. These various commissions were used to fix salary and other conditions of employment for workers.

Government intervention in free collective bargaining between the employers and employees can also be seen in the various pieces of labour legislation passed by the colonial government. These pieces of legislation include the Trade Union Ordinance of 1938 as amended in 1939, the workman compensation ordinance of 1941 and Trade Dispute (Arbitration and Inquiry) Ordinance of 1941. In spite of the establishment of these salaries and wages commissions and the promulgation of labour legislation the colonial government still claimed to have maintained its commitment to the doctrine of voluntarism. In fact, what existed in the colonial period was a systematic intervention of the government in industrial relations and a hypocritical commitment to the doctrine of voluntarism.

The independent civilian government also inherited a hypocritical commitment to the doctrine of voluntarism. In the first year after independence, the Federal Ministry of Labour, in its annual report, stated the policy of government as follows:

The principle of collective bargaining between employers association and trade unions have been widely accepted in this country as a normal way of settling wages and other conditions of employment.⁸

Official Government policy in this period was perhaps first made known by the first Prime Minister of Nigeria, the late Sir Abubakar Tafawa Balewa. At an international conference in 1955, he said:

Government re-affirms its confidence in the effectiveness of voluntary negotiations and collective bargaining for the negotiation of wages. The long term

interest of the government, employers and trade unions alike would seem to rest on the process of consultation and discussion which is the foundation of democracy in industry.⁹

Shortly after this pronouncement of government policy on the relationship between the workers and employers, the Minister of Finance in the First Republic, Chief Festus Okotieboh, at another international conference, reiterated the government policy thus:

Can the various types of collective bargaining familiar to other industrial societies thrive in the different condition of under developed countries today? This is an important question which in the view of any government permits only one answer. We have followed in Nigeria, the voluntary principles which are so important an element in industrial relations in the United Kingdom. Compulsory method might occasionally produce a better economic or political results, but labour management must I think find greater possibilities of mutual harmony where results have been voluntarily arrived at by the free discussion between the two parties. We in Nigeria at any rate are pinning our faith on voluntary methods.¹⁰

The official policy of the first civilian government was also spelt out in section 26 of the Republican Constitution of 1963, which stated that every person shall be entitled to assemble and associate with other persons, and in particular he may form or belong to trade unions and other associations for the protection of his interest.

The various pronouncements by government officials in the First Republic showed that the government favoured the voluntary approach to industrial relations. Though the first civilian government had an interest in voluntarism, it also intervened in the relationship between the employers and the workers. The government, like its predecessor, that is, the colonial government, made use of ad hoc wage commissions to fix salaries and conditions of employment for workers. An important dimension in the usage of wage commissions in this period, was their use in scoring political advantage by the different regional governments. This was as a result of the domination of the regions by political parties that were regionally or ethnically based. The northern region of the country was dominated by the Northern People Congress (NPC), the eastern region by the National Council of Nigerian Citizens (NCNC) and the Western region by the Action Group (AG). The domination of a region by or ethnically based part brought intense rivalry among the regions in the country. This rivalry led to the situation in which wage commissions were used by one region to score political advantage over the other regions. For instance in 1954 when the colonial government granted some degree of internal self government to the regions, the Western Region government established a five-shilling minimum wage, a move that was matched by both the Eastern and Northern regional governments in 1955. The various attempts by regional governments to fix wages in this period have been dubbed by Yesufu as political wage fixing.¹¹ The net result of this was that the establishment of wage commissions to fix salaries and conditions of employment for workers were mainly motivated by political factors rather than economic considerations.

A close analysis of government policy in the First Republic will show that despite government's pronouncement on voluntary industrial relations as its official policy, the

government also resorted to the use of wage commissions in fixing salaries and conditions of employment for workers. Since the use of wage commissions in the First Republic was essentially motivated by political factors, one can conclude that the activities of the government in the First Republic, was a negotiation of its avowed policy of voluntaristic industrial relations philosophy.

The policy of the government on industrial relations underwent a radical change with the advent of military rule in 1966. The tense political situation in the country led to the overthrow of the civilian government, on January 15 1966, by a group of young military officers. The regional rivalry which dominated the politics of the First Republic resurfaced in the succeeding military administration and plunged the country into 30 months of civil war, from July 1967 to January 1970. In order to successfully prosecute the war The Federal Government embarked on various measures aimed at protecting the nation against any diversionary interest. It was in the attempt to prevent diversionary interests from thwarting the effort of the Federal Government the government decided to check the incessant industrial disputes that were almost militating against the prosecution of the war. It was in view of this that the government promulgated the Trade Dispute (Emergency provision) Decree No. 21 of 1968.

With the Trade Dispute Decree of 1968, there was a formal shift in the government's policy of voluntarism to that of interventionism. This Decree was a watershed in the history of the country's industrial relations in that it led to a formal change of government policy on industrial relations and increased the intervention of the government in industrial relations. The idea of voluntarism in the settlement of disputes and other industrial relations issues was replaced by another, which banned strikes and lock outs and made arbitration compulsory.

Throughout the period of the first military administration, from 1966 to 1979, there was an increased use of wage and conditions of employment. Among such commissions were the Adebo commission of 1971, the Udoji Commission of 1975 and the Williams committee of 1975. This period also witnessed an increase in labour legislation some of which was punitive and anti-labour. For instance, the legislation banning some Unionists from participating and holding office in trade unions for life was promulgated on the February, 1977.

In spite of the increased intervention of the military government in the country's industrial relations, it still maintained a false adherence to the philosophy of voluntarism as, for instance, enunciated in the various development plans. In the second National Development Plan (1970 - 1974), government policy on industrial relations was stated thus:

Industrial relations are however, essentially human problems and no law however perfect, can be expected to resolve all industrial conflicts effectively. It is, therefore, the objective of policy during the plan period to encourage the fullest development of the spirit of industrial co-operation between labour and management.¹²

In the third National Development Plan (1975-80), it was stated that:

The government continues to pursue its policy of industrial self government whereby it encourages employers and workers to try to settle questions of wages and conditions of employment by collective bargaining and only intervene in the last resort or in the public interest as an impartial conciliator or arbiter.¹³

From the above, one can say that the military government in the later part of its administration, adopted a hypocritical and lip-service adherence to the doctrine of voluntarism its official industrial relations policy.

Although the civilian administration of Shagari (1979-1983) and military regime of Babangida, proclaimed adherence to the doctrine of voluntarism, they also in practice negated this philosophy. Like their predecessors, they also made use of wage and salary commissions in the determination of salaries and the conditions of service for workers. Among such commissions are the Cookey Commission of 1988, the Onosode Commission of 1981 the Adamolekun Commission of 1988 the Longe Commission of 1980. The present military regime of Ibrahim Babangida has also attempted to infiltrate the activities of trade unions. For instance, in 1988 when the Nigerian Labour Congress (NLC) unequivocally opposed the subsidy removal on petroleum products, the government caused dissension in the NLC and subsequently dissolved it. With the dissolution of the NLC, a sole administrator was appointed by the government to run the affairs of the organisation until it was reconstituted again.

The foregoing review of government intervention in industrial relations, shows that the various governments in the country, from the colonial period to the present, only paid lip-service to the doctrine of voluntarism in the country's industrial relations despite their acceptance of the doctrine as their official industrial relations policy.

Assessment of the intervention of Government in Industrial Relations in Nigeria

In assessing the intervention of government in the country's industrial relations, the following areas are stressed, namely, trade unions, collective bargaining, trade disputes and enhancement of workers rights.

Trade Unions

The intervention of the government in industrial relations can be regarded as a mixed blessing to the development of trade unionism in the country. Government intervention in industrial relations especially in the seventies helped to improve the structure and power of trade unions. Employers of labour were compelled by the legislative action of the government to recognise the existence of trade unions in their organisations. This provision provided a sound basis for the operation of trade unions in the country. Before the promulgation of this decree, some employers used a non-recognition strategy to render trade unions in their organisations ineffective.

In its bid to improve the activities of the labour movement in Nigeria the government

undertook the restructuring of trade union. This restructuring, which was carried out in 1978 by a government appointee, M.O. Abiodun, brought about a radical change in the operation of trade unions in the country. The restructuring of trade unions along industrial lines led to the grouping of trade unions in an industry under one umbrella. This helped to improve the strength of the unions, which now assumed new powers that made them a force to be reckoned with on the Nigerian industrial relations scene. This point becomes more significant when it is realised that, before the restructuring exercise, there was a proliferation of small ineffective unions in Nigeria. Of these, 503 or 57 percent of all registered unions had a membership of 250 or below.

It was because of this proliferation of trade unions in Nigeria that the Adebior Commission recommended the restructuring of the trade unions into 35 industrial unions. The commission observed that:

The proliferation of trade unions in Nigeria is a crying scandal. Our labour movement consist of an untidy assemblage of some 700 unions purporting to cater for the interest of under a million wage and salary earning population. It is hardly surprising that there is lack of personnel with suitable background and experience to give them the right leadership. The first and most important element of a reform is, in our view, the restructuring of Nigeria Labour unions into industrial unions.¹⁵

The above observation aptly describes the state of trade unions in Nigeria before the restructuring exercise. It is because of this that some people regard the restructuring exercise as a blessing. In his reaction to the proliferation of trade unions in Nigeria, Cohen asserted that the split in the labour movement had gone beyond the extent that can be tackled by anything less than unity enforced by military decree.¹⁶ The restructuring exercise led to the restructuring of the numerous trade unions into 42 industrial unions in 1978 and this has helped to improve the operational efficiency of the reorganized unions. In fact, the restructuring of unions into industrial unions gave them a cohesive organisational outlook.

The restructuring exercise also improved the financial position of the unions. For instance the labour (Amendment) Decree No. 21 of 1978 permitted the compulsory deduction of union dues by the employers from the wages of their workers. The introduction of a check-off by the decree consolidated the position of trade unions and enabled them to perform some of their traditional functions.

With the restructuring of trade unions in 1978, career unionists took up appointments with industrial unions on a full-time basis. Before the restructuring exercise, people only took up trade union jobs on ad hoc or part time basis. In its bid to improve the quality of trade unions the government also encouraged the education of trade union officials. In this regard, the government established the National Institute for Labour Studies at Illorin. It was believed that the training of workers in trade union matters, could make them more responsive to the needs of responsible industrial relations.

The government effort in improving the quality of trade unions notwithstanding, some

industrial relations experts have criticised the involvement of the government in managing the affairs of the unions. To them, such involvement in trade unions' affairs is capable of making unionists dance to the tune of the government. In Nigeria, the government was solely instrumental in the formation of the Nigerian Labour Congress (NLC) to which all trade unions are compulsorily affiliated. The military government even appointed the leadership of the Congress in 1978 and gave an initial grant of one million naira for its take off. With these, the government infiltrated and tried to teleguide the affairs of the Congress. In a recent report, the International Labour Organisation has criticised the compulsory affiliation of newly created industrial unions to the Nigerian Labour Congress by statute as a negation of Article 21 of the ILO convention No. 87 of 1978.¹⁷

In its bid to 'sanitise' the activities of trade union the government embarked on some punitive measures that were anti-labour in intent. Some of these measures are found in Section II of the Trade Union Act of 1973, Section II of the Trade Union Act No. 31 of 1977 and Trade Union (Disqualification of Certain Persons) Decree No. 15 of 1977. The first two pieces of legislation prohibited persons employed in certain establishments like prisons, the Central Bank of Nigeria, the Nigerian Security, Printing and Mining Company, the army, and the police from belonging to trade unions, while the last piece of legislation disqualified some people from ever holding office in or belonging to, trade unions. Among the people disqualified were such professional trade unionists as Chief E.A. Odeyemi, W.O. Goodluck, S. U. Basse, J.U. Akpan and M.O. Imoudu. All these amounted to the infringement of individual rights and a negation of the ILO conventions 87 and 98 of 1948 and 1949. This will be given detailed treatment in the section of this appear dealing with the enhancement of workers right by the government.

Collective Bargaining

In the area of collective bargaining, government performance has not been encouraging. There is no denying the fact that the restructuring of trade unions in 1978, has improved the level of collective bargaining in the country. The restructuring exercise led to the emergence of strong national industrial unions and these national industrial unions have created the need for employers to organise in order to bargain effectively with these unions. One of the results of the restructuring of trade unions, is that it has provided them with the power to relate effectively with the other parties on the industrial relations scene. Before the restructuring exercise, workers occupied the weakest position among the industrial relations parties in the country. This weak position of the workers, which was caused by the proliferation of trade unions, was effectively exploited by the employers to their own advantage. Because of this, the employers did not see the need to organise themselves for the purpose of bargaining with the workers. With the restructuring exercise, the employers felt compelled to organise for purpose of coping effectively with the new power acquired by the unions. This has improved the level of collective bargaining between the workers and management. It has also gone a long way in improving the level of industrial democracy in the country. However, it should be noted that the improvement in the level of collective bargaining resulting from the restructuring exercise was not deliberately intended by the government, rather it is an unintended consequence of the exercise.

Since the colonial days, the government has stifled the healthy development of collective bargaining through such actions as the establishment of wage commissions, formulation of income policy and promulgation of legislations. In its desire to fix salaries and

conditions of employment for the workers the government resorted to the use of wage commissions.

The use of commissions to fix incomes and conditions of employment for workers negates government's commitment to the doctrine of voluntarism and free collective bargaining between workers and management. The recommendations of these commissions which in most cases were for the workers in the public sector, were sometimes extended to those in the private sector. The labour disputes that greeted the recommendation of the Udoji commission made the government extend the commission's recommendations to the private sector. This divergence between government's avowed commitment to free collective bargaining and its interference in collective bargaining through the imposition of the recommendations of wage commissions on the public sector employees constitutes a historical divide in industrial relations in Nigeria.¹⁸ The substitution of collective bargaining with wages commissions has generated industrial disputes in the country. This is usually due to the spiral effects of the commissions recommendations. For instance, the recommendations of the Udoji commission that were initially meant for the public sector employees were later extended to the private sector employers because of the industrial disputes generated in this sector by the commissions recommendations. The usefulness of collective bargaining in ensuring industrial peace was emphasised by Gahenson when he asserted that collective agreement reached between management and labour after long and fierce bargaining sessions free of coercion by a third party, is more likely to produce industrial peace.¹⁹

Another way in which government intervention in industrial relations militated against the development of collective bargaining in the country, is its formulation of incomes policy. Since the mid seventies, government incomes policy guidelines have been a persistent feature of Nigerian industrial relations. Though government claims that it formulates incomes policy guidelines on social grounds, that is, to reduce the gap between the highest income earner and the lowest income earner, they are normally formulated without consulting the people affected by the policy. With incomes policy guidelines, a percentage norm of pay increase is specified, to be exceeded only in a defined range of exceptional circumstances. Government incomes policy guidelines in 1978/90 only allowed 10 percent increase on salaries below 3,000 a year. The incomes of the lowest paid workers in the public sector was increased by 17.7 percent between 1975 and 1979, while that of the highest paid civil servant rose only by 2.4 percent during the period.²⁰ One implication of the operation of income policy is that the exercise of free collective bargaining remains circumscribed by limits and restrictions imposed by the policy.

The passing of obnoxious legislation by the government have also militated against the operation of free collective bargaining in Nigeria. The various labour legislations banning strikes and lockouts in Nigeria, have militated against the development of collective bargaining since they have denied the workers and employers the tools they can use to achieve their needs. As Emiola has noted, the legal prohibition of strikes and lockouts makes nonsense of collective bargaining.²¹

Trade Disputes

Government intervention in industrial relations in Nigeria tremendously affected the institutionalisation of conflict and the settlement of disputes in the country. In its attempt to institutionalise industrial conflict and prevent the adverse effect of labour unrest the government promulgated the Trade Disputes Act of 1976. The 1976 Trade Disputes Act laid down the procedure for resolving industrial disputes in Nigeria. The Act provided the institutional and structural processes of resolving industrial disputes. With the promulgation of the Act, parties to disputes know the procedures to take in resolving their disputes. For instance, it is an offence under section 13 of the Act for any party to a dispute to take part in a strike action or lockout whilst all the steps for dispute settlement have not been exhausted. An important implication of this Act is that it built some decency into the pattern of dispute settlement in Nigeria and prevented the premature use of strikes and lockouts by workers and employers as tools of achieving their needs. With the promulgation of the Trade Dispute Act of 1976, disputes settlement in Nigeria were no longer done on an ad hoc basis.

Many criticisms have been levelled against government's interference in the settlement of disputes in the country. One such criticism concerns the promulgation of the Trade Disputes (Essential Services) Act No. 23 of 1976 as amended in Trade Dispute (Essential Services) Act No. 69 of 1977. These Acts completely banned strikes and lockouts in some establishments classified as essential services. Despite the anti-strike nature of these Acts, they have generated industrial disputes in the country. The net effect of the Trade disputes (Essential Services) Acts have largely been to convert the slightest industrial hiccup into a major confrontation with the police, bureaucracy and the government.²²

The government at times undermines the institutions it set up to settle trade disputes in Nigeria. For instance, before the awards of the Industrial Arbitration Panel (IAP) becomes binding on the parties to the dispute, it must be subjected to the review of the Minister of Employment, Labour and Productivity. This act of review, according to some experts, adversely affected people's confidence in the IAP as an institution of dispute settlement. Government has even helped to undermine peoples confidence in the IAP by nullifying some awards that go against its interest. For instance, in the dispute between the management of the Nigerian Airways Limited and the Airlines Pilot Association of Nigeria in 1975, the government nullified the award of the IAP by enacting a new Industrial Arbitration (Variation of Certain Awards) Act 1979, which declared null and void award of the IAP and substituted them with its own awards.

Enhancement of Workers Rights

In the case of the enhancement of workers' rights government has performed below expectation. Government instituted various measures that are tantamount to a negation of the country's constitution and its commitment to some of the conventions of ILO. In their bid to maintain themselves in power, various governments have promulgated certain anti-labour legislations. Among such legislation are the Trade Disputes (Essential Services)

Act No. 23 of 1976 as amended in Trade Disputes (Essential Services) Act No. 69 of 1977, the Trade Unions Decree No. 31 of 1973, the Petroleum Production and Distribution (Anti-sabotage) Act No. 15 of 1977 and the Trade Unions (Disqualification of Certain Persons) Decree No. 15 of 1977. The net result of these pieces of legislation is that they have prevented the workers from actively participating in trade union activities. For instance, section 1¹ of the Trade Disputes (Essential Services) Act No. 23 of 1976 completely banned strikes and lockouts in some organisations classified as essential services, while section 1 of the Trade Union Decree No. 31 of 1973 prohibited certain groups, like the Nigerian Army, Navy, Air Force, Police Prisons Department, Customs Department, Nigeria Security the Printing and Minting company Ltd., the Central Bank of Nigeria, the Nigerian External Telecommunication Ltd., and Federal and State Government employees bearing arms, from forming or joining trade unions. These various legislations infringe on workers rights and violate the country's constitution. Section 26 of the 1963 Republican constitution as amended in section 37 of the 1979 constitution provide that:

every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interest.

Thus these various pieces of legislation prohibiting the combination of workers for union purposes, can be regarded as a repudiation of the country's constitution. Through these obnoxious pieces of legislation the government has also violated some of the conventions of the ILO. This is mostly true of Conventions 87 and 98. convention 87 provides that:

Workers and employers, without distinction whatsoever, shall have the right to establish and subject only to the rules of the organisation concerned, to join organisation of their own choosing without authorisation. Workers and employers organisation shall have the right to draw up their constitution and rules, to elect their representatives and to formulate their programmes. The public authority shall refrain from any interference which would restrict the right or impede the lawful exercise thereof. Workers and employers organisation shall not be liable to be dissolved or suspended by administrative authority.²³

An analysis of the above convention will show that, government through the promulgation of these restrictive pieces of legislation the government violated the provision of the convention.

Through the arrest, detention and imprisonment of union officials the government has also infringed on the rights of workers. Government at times reacts to workers action by arresting, detaining and imprisoning some of their leaders. Various governments in Nigeria have in different ways intimidated workers. Throughout the tenure of Buhari's administration from January 1984 to August 1985, union leaders were routinely interrogated by intelligence agents of the government and some of these union leaders were kept in detention. The leaders of the Nigerian Union of Teachers (NUT), Rivers State Branch, were arrested and detained by the government as a reaction to the union's strike action of 1984, carried out due to the government's refusal to meet its request.²⁴ The leaders of the Nigerian Medical Association (NMA) were arrested and imprisoned in 1984 for going on

strike. On several occasions the government also reacted to workers' action by proscribing their unions. A recent case in point is the proscription of the Academic Staff Union of Universities by the Federal Military Government in August, 1992, following the strike action embarked on by university lecturers. The arrest, detention and imprisonment, as well as the proscription of unions, are all violations of the country's constitution and a repudiation of conventions 87 and 98 of the ILO

Conclusion

This paper has tried to examine the intervention of government in industrial relations in Nigeria. The paper has shown that despite the official commitment of the government to the philosophy of voluntarism, various administrations in Nigeria since the colonial period have intervened in industrial relations. Government intervention has greatly altered the country's industrial relations scene. The intervention of the government has both positive and negative consequences for the other parties to industrial relations. In Nigeria government intervention brought about a restructuring of the trade unions and the restructuring has greatly improved the effectiveness of trade unions. With the restructuring of trade unions, they have become a force to reckon with on the country's industrial relations scene.

On the other hand, the intervention of government has adversely affected the development of collective bargaining in the country. Government intervention has led to the frequent use of wage commissions in fixing salaries and other conditions of employment for workers. The use of wage commissions has greatly eroded the use of collective bargaining as a means of settling terms of employment between employers and workers. The intervention of government has led to the infringement of workers rights. This is a result of the promulgation of legislations that are punitive and anti-labour in content. On the whole, government intervention in industrial relations in Nigeria has been dictated by the need to protect the interests of the state and the private sector employers, to the detriment of the workers interests.

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