

Trade Union Structure and Government's Anti-Union Public Policies: A Challenge for Unions Strategic Response in Nigeria

Justice Chidi Ngwama

Department of Administration and Management, Crawford University, Igbesa, Ogun State, Nigeria

ABSTRACT

The role of trade union has gone beyond dealing with workplace issues and the representing wage earners to influencing broader society which is a demonstration of the power embedded in collectivism. Engaging in form of relationship and seeking partnership among the various structure at the company; regional/council and national level among the diverse unions are fundamental, given the strategic role of the union in the economic development of Nigeria. This study examines the outcome of this relationship and interaction among the unions and its effect in industrial harmony within the organized labour. It also examines how the collaboration among trade unions beyond their individual differences has influenced union in developing formidable voice against common enemy and unpopular public policies. The study thus suggests the need for trade unions to strive and maintain united front in order not to be marginalized or lose influence in the economic, social, and political issues that affect their constituencies and society in Nigeria.

Keywords: Trade Union, Workplace, Union Structure, Industrial Harmony, Organized Labour, Public Policies.

INTRODUCTION

The changes evident in the field of employment relations have far reaching implications for the trade unions. The influence of the unions through its membership and collective bargaining process in determining terms and conditions of employment are keys in the development of public policy on economic and social matters as well as industrial relation itself. Given the role of union in the economic development of Nigeria, it is believed that economically, socially, and politically, Nigeria has been going through a period of fundamental and irreversible historical changes long before independence. The trade unions have struggled to maintain strong collaboration in order not to be marginalized or lose influence. The union needs to accept shift in power toward the employees and engage in form of relationship with them. By seeking partnership among the various structure at the company regional/council, national level, and other stakeholders including civil organizations, union may widen the scope of their influence in policy design at the level where important issues seem to be decided.

The Labour Centres, Nigeria Labour Congress (NLC) and Trade Union Congress (TUC) are the representative federations of unions in Nigeria that are empowered constitutionally to organize blue and white collar workers, the professionals, pensioners, workers in formal and informal employment and the public and private sectors, while TUC organizes senior staff members. Therefore, as authentic working peoples' organizations, they must necessarily be capable of addressing the full diversity of the interests, rights and concern of the entirety of the working people. Today, NLC is also unarguably the most influential non-state actor in Nigeria. It must continue to sustain the capacity to articulate and defend national interests in relation to the onslaught of reactionary forces. This is to be done firstly by ensuring that there is harmonious relationship among the affiliates and structure at various levels, this is fundamental towards defending its constituency against unpopular public policies.

The trade Union is the main power resource of the working people and the nation at large. The power in this collectivity of workers in both junior and senior staff cadre can promote the variety of resolutions of variety of problems faced by the workers and nation at large. The role of the labour movement includes economic emancipation, social welfare, political, psychological benefit and the opportunity to participate in managerial functions in the industry and stand against the excesses of the employers and government that affect their members. This role is achieved through collective bargaining process laid down in collective procedures between the employers associations and the unions (both junior and senior staff unions). This spells out the responsibility of each party and demands the cooperation on both sides to ensure harmonious relationship in the industrial relations system.

This paper is divided into five parts, the first part deals with theoretical framework underling this study, secondly the paper looks at the employees' organization; the junior worker union, the senior staff unions, and the employer association, thirdly this paper examines the level of relationships among the various structures and their relationship with national labour centres, fourthly is an analysis of their response to public policies and finally a concluding remark and recommendations

Research Methodology

The research adopted survey method in gathering the necessary information required for this study. Both primary and secondary data were used. Food and Beverage and Tobacco Industrial Unions at the junior and senior and

employers association were used for this study, this Food and Beverage Industry constitute one of the largest Industries in Nigeria and the study with industry can be used for generalisation of other industrial in Industrial Relation Issues. The primary data was collected through structured interview which involved the use of structured questionnaire. The interview was carried out with official of Nigeria Employers' Consultative Association (NECA), Employers association, Association of Food, Beverage and Tobacco Employers (AFBTE), National Union of Food, Beverage and Tobacco Employees (NUFBTE). The Food, Beverage and Tobacco Senior Staff Association, (FOBTOB). The investigator also visited Nigeria Labour Congress (NLC) and Trade Union Congress (TUC) offices in Lagos, where few people were interviewed

The secondary data were collected through various leaflets, magazine, annual reports, periodicals, collective agreements, constitutions, NLC policy documents, Journals and some published and unpublished researched papers made available to the investigator, mostly from the offices of these unions.

An Overview of the Management-Labor Relationship

The role of trade union goes beyond workplace collective bargaining to represent the interest of specific group of people and wage earners, and this places the trade union at the centre of overall development agenda of a nation; Mwilima (2008:1)

The political benefits of unionism include the opportunity of the members to constitute formidable pressure group to enhance bargaining power. Organized labour has carried out the yearning beyond factory gate, for example, the organized labour held the federal government led by President Obasanjo 1999-2007 to standstill on several occasions because of fuel hike through protracted strikes and thus have influenced to a great extent, employer and government policies; Nwauche and Ajilor (2012:3.)

The Webbs define a trade union as a continuous association of wage earners for the purpose of maintaining or improving the condition of their employment (Hayman 2001: citing Mwilima 2008) This definition narrows the role of trade union to collective bargaining, however the role of trade union goes beyond dealing with workplace issues and the representation of wage earners to influence broader society which is manifestation of power derived from collectivism

Dunlop (1958) suggested that a successful industrial relations system consist of four elements; Firstly, an environmental context (technology, market pressure and legal framework especially as it affects bargaining power). Secondly, participants which include employees and their unions, management and the government. Thirdly, a "web of rules" (rules of the game) as they describe the process by which labour and management interact and resolve disagreement (such as steps followed in resolving contract grievances). Fourthly, ideology; for industrial relations to operate properly, three participants must, for some degree, have a common ideology (like acceptance of capitalist system) and must accept the role of other participants (Noe, Hollenbeck, Gerhart and Wright, 2008: 64). They noted that acceptance does not translate into convergence of interest; however, to the contrary, some degree of workers- management conflict is inevitable because, although the interest of the two parties overlaps, they also diverge in key respects (such as how to divide the economic profit). According to Dunlop, industrial relations system consists of three agents – management organizations, workers and formal/informal ways they are organized and government agencies. These actors and their organizations are located within an environment – defined in terms of technology, labour and product markets, and the distribution of power in wider society as it impacts upon individuals and workplace. Within this environment, actors interact with one another, negotiate and use economic/political power in the process of determining rules that constitute the output of the industrial relations system. He proposed that three parties—employers, labor unions, and government are the key actors in a modern industrial relations system. He also argued that none of these institutions could act in an autonomous or independent fashion. Instead, they were shaped, at least to some extent, by their market, technological and political contexts. Thus, it can be said that industrial relation is a sub system subject to three environmental constraints - the markets, distribution of power in society and technology.

Dunlop's model identifies three key factors to be considered in conducting an analysis of the management-labor relationship: (a) Environmental or external economic, technological, political, legal and social forces that impact employment relationships.(b)Characteristics and interaction of the key actors in the employment relationship: labour, management, and government. (c) Rules that are derived from these interactions that govern the employment relationship.

Dunlop emphasizes the core idea of systems by saying that the arrangements in the field of industrial relations may be regarded as a system in the sense that each of them more or less intimately affects each of the others so that they constitute a group of arrangements for dealing with certain matters and are collectively responsible for certain results.

In effect, Industrial relation is the system which produces the rules of the workplace. Such rules are the products of interaction between three key "actors" – workers/unions, employers and associated organizations, and government. The Dunlop's model gives great significance to external or environmental forces. In other words, management, labour, and the government possess a shared ideology that defines their roles within the

relationship and provides stability to the system thus making contribution to public policy

UNION STRUCTURE

Junior Staff Union

National Union of Food, Beverage and Tobacco Employees (NUFBTE) maintains three structures - the house union, the federation/nation wide union which is the umbrella union and national trade union centre with NLC. The scope of functions differ and this is divided based on the structure

The Union like any other industrial union was formed in 1997 basically to protect the interest of the workers based on the following premise: (a) secure the complete unionization of all workers employed in food and beverage tobacco trade throughout the Federal Republic of Nigeria (b) To obtain, maintain just and equitable hours of work, wages/salaries and all other condition of employment. (c) To encourage the establishment of high productive efficiency in the establishment (d) To advance education and training of members (e) To encourage the participation of members in decision making process at undertaking industry and national levels (f) To provide other assistance as provided in the constitution or as may be directed by national executive council (g) To protect, advance the socio-economic and cultural interest of workers in the community.

The union is open to all non-management and junior employees in the establishments engaged in any of the following undertaking related to manufacture of food for human consumption and related products, such as chewing gum, spices prepared for foods for animal and fowls, tobacco and other related product. The supreme authority of the union is vested in National Delegate's Conference which is composed of the Principal National Officers and the State Officers. The National Executive Council is composed of full time Elected Officers, State Chairmen, States Vice Chairmen, States Treasurers, States Internal Auditors and States Trustees.

The National administrative council consists of the following; the President, Vice- President, National Deputy Vice President, National Vice President, General Secretary, Deputy General Secretaries, National Treasurers, National Signing Trustee, National Trustees, National Internal Auditor and Assistance General Secretaries/Heads of Departments.

There is also a State Council in every state of Nigeria, provided enough branches of the union exist to form State Council or where less than 5000 members are in the union. The state Council is governed by its own state executive council. They coordinate the activities of branches and units under state jurisdictions to ensure that union's policy is widely known, understood and implemented so as to strengthen and enhance the union's performance within the state.

Senior Staff Union

The Food, Beverage and Tobacco Senior Staff Association (FOBTOB) came into existence after house unions in Nigeria were restructured into industrial unions. Prior to this restructuring exercise, the three prominent and registered unions of senior staff within the food beverage and tobacco industry were: Flour Mills of Nigeria Senior Staff Association, Nigerian Breweries Management Staff Association and Management Staff Association of Guinness Nigeria Limited.

Upon the restructuring exercise, these house unions fused together to form the nucleus of the Food, beverage and tobacco senior staff association which received its certificate of registration under the Trade Unions (Amendment) Act No. 22 of 1978. The union has thus come of age. The union organizes membership mainly from the private sector with few Government Owned companies and organizations.

FOBTOB organizes workers who are qualified for membership and helps in regulating the relationship between senior, management staff and other staff and between staff and senior management staff interest. They establish and maintain just and proper hour of work, rates of pay and condition of work and contributes in maintaining a high standard of workmanship and professional practice

FOBTOB is affiliated with the Trade Union Congress which serves as the national centre for the senior staff unions. It has been very active within the organ of the Trade Union Congress of Nigeria (TUC), formerly SESCO (the umbrella Labour Centre for Senior Staff in Nigeria). FOBTOB has been making constructive contributions in promoting the objectives of TUC as a viable and relevant labour centre in our industrial relations system.

EMPLOYER ASSOCIATION

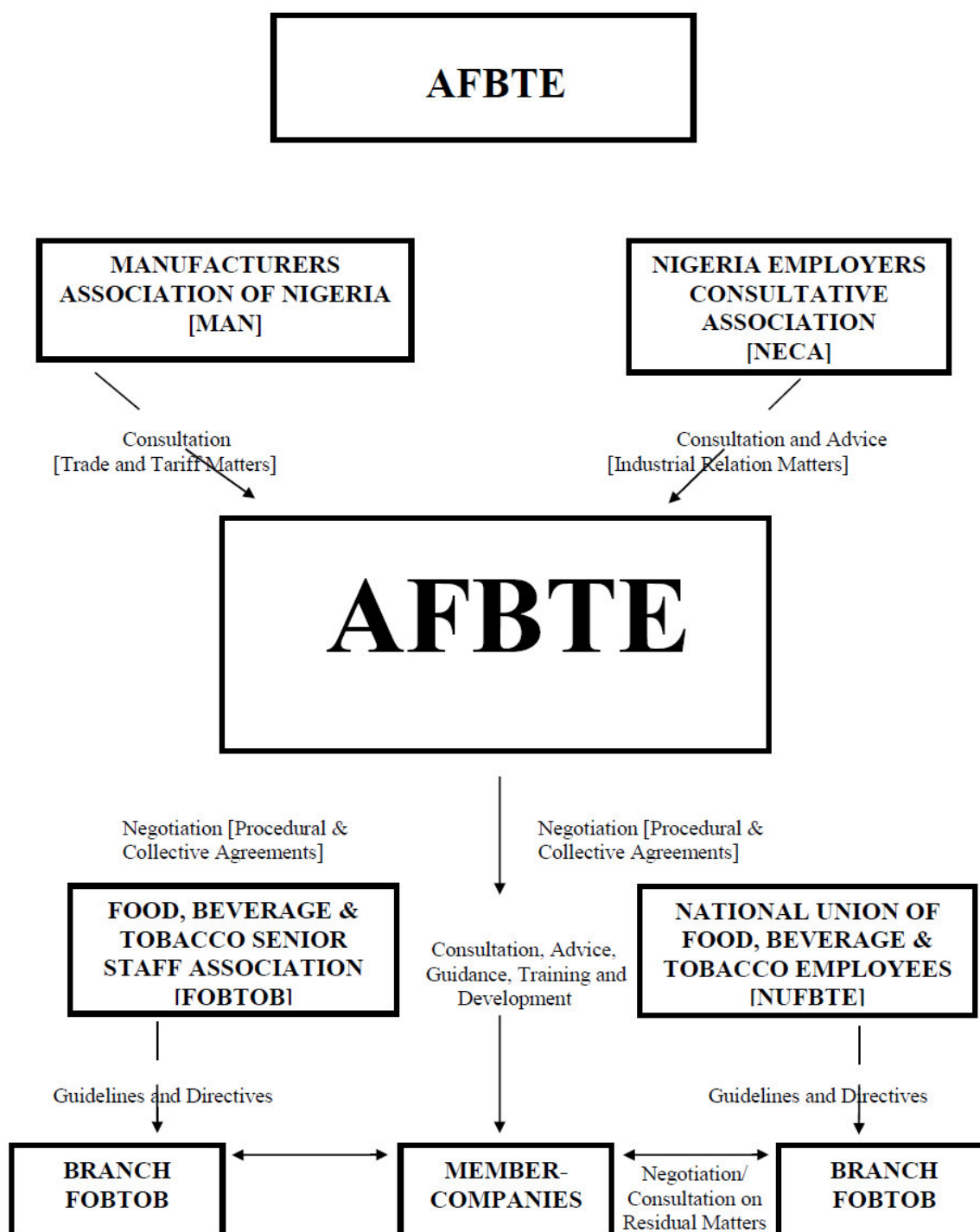
Association of Food, Beverage and Tobacco Employers (AFBTE)

AFBTE is an employers' organization registered under the Trade Union Decree No. 22 of 1978. The membership is open to companies that are manufacturers of food beverage tobacco products and that employ a minimum of ten workers. Though, legally a trade union, AFBTE is functionally, a trade organisation in view of the spectrum of its responsibilities which now covers trade matters, regulatory issues and public advocacy.

They negotiate (on behalf of its members) collective agreements covering salaries and wages, and major fringe benefits, with the national union of food, beverage, tobacco employees (junior staff) and food, beverage and tobacco senior staff association. They assist their members in resolving industrial conflicts, provide

research and advisory services to its member-company, provide information on terms and condition of employment in the industry for its member, liaise and dialogue with regulatory agencies (NAFDAC, RMRDC, SON, FEDERAL MINISTRY OF ENVIROMENT, ETC) on issues of interest to their members. They source, train, and develop human capital in the industry.

AFBTE serves as the platform for the protection of the interest of members against any development in the micro-economic environment that threatens business survival. The secretariat of the association is headed by the executive secretary who is responsible to the management committee made up of the elected officers (i.e. president, vice-president, treasurer and



Sources:(AFBTE Annual Report 2011)

trustees and a maximum of 15 companies. The major fora for the exchange of views and ideas among members

are the committee of chief executive, the exchange, the committee of personnel experts and the technical committee which meet once every month. AFBTE is an affiliate member of the Nigeria Employers' Consultative Association (NECA)

RELATIONSHIP between AFBTE, FOBTOB and NUFBTE

The formal relationship between AFBTE and NUFBTE is based on their procedural agreement. The association accepts the national union as the sole representative and negotiating body for all established non-management employees who are member of the union or who become members during the life time of this agreement with the exception of those excluded by section 3 (3) of the Trade Union' (Amendment) decree No. 222 of 1978. They enter into collective bargaining and/or discussion on behalf of their respective members on all matters relating to wages, hours of work and other terms and condition of employment as specified in appendices 'A' and 'B' and such other matters relating terms of employment and which may be agreed from time to time.

The basis of the relationship between the employers association and the senior staff union is fundamentally spelt out in their procedural agreement that establishes a stable, peaceful and harmonious relationship between the Association and the union. It is mutually desirable; their memorandum of agreement serves as a working programme for the achievement of the objectives for which both parties stand. There is a mutual understanding to comply with its provisions and to co-operate sincerely for the well-being of the desired atmosphere for work and progress. The association recognizes the Union as the sole representative and Negotiating Body for all confirmed Senior Staff (as defined By Decree 22 of 1978). Members of the Board of Directors, General Managers, Deputy or Assistant General managers, Those senior Staff who by virtue of their level of responsibility qualify to act or relieve positions. These include those senior staff having responsibility for personnel matters and whose duties include negotiation with the union. The association uses collective bargaining to negotiate on behalf of their of their respective members on all matters relating to terms and conditions of employment as specified and such other Matters relating to terms of employment and / or which may be from time to time.

National Joint Industrial Council

The membership of the National Joint Industrial Council shall be sixteen (16) members consisting of eight (8) accredited representative of the Association and eight (8) accredited representatives of the National Union, Ordinary meetings of the National Joint Industrial Council shall be called at the request of either the Association or the National Union and it always holds in Lagos primarily. All things being equal, the National joint industrial Council may hold any meetings at any other centre mutually agreed between the Association and the National union. At least, 21 days' notice is usually given for the Ordinary meeting and this shall be accompanied by copies of the proposed agenda of any meeting. The general secretary of the union and the Executive secretary of the Association meet to agree on the agenda, date and place of meeting prior to the period of notice.

The National joint industrial Council may appoint from its own member, standing, or other committees to consider matter within its terms of reference or touching on procedure. A committee so appointed reports its proceedings to the National joint Industrial council. The committee may include persons who are not members of the national Joint Industrial Council in advisory capacity. This agreement shall not preclude the establishment of joint consultative committees at company level. A joint consultative committee allows the regular exchange of views and information between the member- Company and representative of its employees on matters of mutual interest affecting efficiency of the industry and welfare of the employees. A joint consultative committee shall be advisory only to management which will have the final responsibility in all matters which was discussed. The Association undertakes to ensure that its member-companies will not use the joint consultative committee for any purpose which is against the spirit of this procedural Agreement.

Relationship of AFBTE with the Senior Staff negotiations between the union and the Association are effected by the national joint industrial council under the terms of the constitution. There is also a mutual agreement for both parties to use formal negotiations to sort out their differences. The union is expected to undertake to prevent any form of industrial action. Similarly, the Association shall guarantee employment while negotiations are in progress. Other matters of domestic interest, as may be agreed from time to time shall be effected between the Association's respective member - company and the Union's Branch concerned. However, the Union acknowledges that the Association's member-companies have a right to manage their respective companies in ways and manners consistent with their constitution.

Both associations strive to ensure that the industrial relations environment in each member-company of the association is conducive to maximum productivity and economic efficiency. The memberships of the council are six representatives of the Association and six representatives of the union Officers. The chairman is the Association's representative. The vice - chairman is the union representative. Meetings of the Council are always called at the instance of either the union or the Association at a mutually agreed venue and date. No meeting may be convened without the consent of both the chairman and the vice-Chairman. In the case of ordinary meetings,

at least 28 days notice together with the proposed agenda for the meeting shall be given. The Council is expected to forward from time to time to the appropriate outside authorities such records of conclusions/agreements as may be required by law. Should the council fail to reach agreement on any matter within or arising out of this Agreement they are expected to adjourn for fourteen days to enable the parties consider the matter further.

Dispute and Grievance Handling

Every effort is made to deal with all individual grievance at the Local member- company level as expeditiously as possible. The aggrieved employee is expected to sort out his or her grievance with his immediate superior, so long as he is not a member of the same Union. If that fails, aggrieved employee is to meet his manager, if that fails, aggrieved employee with the unit or branch Secretary / Executive Officers should meet the Company Designated Contact manager. If that fails, the Unit or Branch Secretary with the State Secretary should meet the company Designated Contact Manager. If that fails, unit or Branch Secretary with the state Secretary should meet the company Designated contact manager. If that fails, Union's Administrative Committee should meet company unit Head or Headquarters as the case may be. If that fails, settlement will have to go through National joint Industrial Council.

On collective grievances, any grievance arising from a breach, real or alleged, of existing terms and conditions of services in all matters that are subject to negotiation, which may affect any group of employees or any member-company spells the procedure which involves Unit or Branch Secretary with the state Secretary shall meet the company designated contact manager. If that fails, the Union Head of Department is expected to meet the company headquarters as the case may be, if that fails, the Union's Administrative Committee should meet the company unit Head or Headquarters as the case may be, if that fails, the settlement will be through National Joint Industrial Council.

For efficient, speedy, impartial settlement of real and alleged disputes and grievances on negotiable and non-negotiable matters as covered and are clearly stated in their agreement, parties are encouraged to consider the adequacy or otherwise of the machinery for settlement of grievances between parties in the industry and hence to use their best endeavors to ensure that no strikes, lockouts or any other action likely to aggravate the situation shall take place until such a time as the machinery provided by the law for the settlement of industrial disputes have been exhausted.

On the relationship of AFBTE with the Senior Staff, grievance procedures are spelt out involving collective and individual. For individual grievances: Every effort shall be made to deal with all individual grievances at the local level as expeditiously as possible and the following procedure shall apply. The aggrieved employee is expected to discuss the point of grievance with his immediate superior, if that fails, the aggrieved employee might meet his Head of Department. If that fails, the aggrieved employee should meet his head of personnel or designated official in charge of senior staff matters and at the same time inform the Branch Senior Staff Association. If that fails, Branch Senior Staff Association should meet the Head of Personnel, if that fails, Branch Senior Staff Association will meet the Chief Executive and at the same time inform the National FOBTOB. If that fails, the National Secretariat (FOBTOB) will meet the Chief Executive. If that fails, settlement will be through National Joint Industrial Council.

Also in dealing with collective grievances, any grievance arising from a breach, real or alleged, of existing terms and conditions of service in all matters that are subject to negotiation or discussion as mentioned in the Memorandum of Agreement which may affect any group of employees of any member company are normally treated as follows: Branch Senior Staff Executive to meet the head of personnel or designated official in charge of senior staff matters. If that fails, the Union Executive Secretary or this designated alternate to meet with the company's Head of personnel or designated official in charge of senior staff matters. If that fails, settlement will be through National joint Industrial Council

Method of Handling Industrial Actions

All the negotiations between the National Union and the Association shall be effected by the National joint industrial council under the terms of the constitution. The parties agreed that until the procedure for formal negotiations has been fully exhausted, the Union shall undertake to prevent any form of industrial action and similarly, the Association shall guarantee employment whilst negotiations are in progress. The National Union undertakes not to interfere with the normal functions of management which gives member- companies of the Association the sole right and responsibility to conduct their business in such a manner as they consider fit and to engage, promote, demote, transfer and terminate any employee. Even so, it is agreed that the National Union is free to intervene, under just and reasonable cause, in matters affecting the welfare and employment of its members. The Association and the National Union undertake that their officers and/or representative shall accept responsibility for compliance by their members with the conditions and procedures laid down in this agreement and agree to take all possible steps to prevent or bring to an end as speedily as possible, any action taken by their members which is at variance with this Agreement or the provisions of any other negotiated Agreement,

subsidiary to it

Both sides are expected to ensure that no form of strike and lock outs or unauthorized action shall take place on any matter until such a time as all constitutional methods including the machinery of the council have been exhausted, and in the event of any lock-outs or unauthorized action taking place, members of the council are expected to use their best endeavors to bring it to an end. The following items are negotiable for the time being: Salary, Sick Leave, Annual Leave/ Maternity leave, Leave Allowance, Out-of Station Allowance, Transfer Allowance, Redundancy Benefits, Housing Allowance, Acting Allowance, Shift Allowance, and Call-in Allowance. Pension/ Provident fund (to be negotiated between member-company and the Branch Union concerned only, with the Executive Secretary of the National union present at such negotiation)

Collective Bargaining

The National Unions (NUFBTE) exercises much of its influence over the local in the direct collective bargaining process through the service that the National Union provides its locals in the negotiation of labor agreements. To understand this national-local relationship, however, one should not regard the negotiation service of the national union as a function that is performed against the will of the local union. On the contrary, local unions not only generally desire and expect the help of the national union when they negotiate labor agreements with the employer, but should the national union either refuse to provide these services or perform them in an effective way, the local union members and their officers can go ahead to engage with the employer at factory level. The national unions (NUFBTE) have the jurisdiction for national negotiation with employers association through the NJIC to negotiate for benchmark on the above negotiable items. However, the factory unions, based on their peculiarity of their organization, could effect little adjustment with their employers. When there is impasse between the local and their organization, the federation union could intervene based on the invitation of the factory union.

Decision Making Structures

Trade union organizations both at the junior and staff levels in Nigeria have organizational structures. They in general have a congress as the highest decision making organ which meets from time to time as stipulated in the constitution. This is where top leadership is elected and constitutional and strategic decisions are made. Usually this organ is made up of selected unions' leaders of various union structures. The executive bodies in the hierarchy are responsible for the running of specific union activities for specified regular periods of specified years. In most cases, these executive bodies meet more than once in a year, as specified in Constitutions of individual unions. However, the day-to-day running of union activities is usually in the hands of the General Secretary/Executives, i.e. the Secretary with two or more of his/her elected assistants. Most decisions are made by these people though there is a provision for decision making by officials at lower structures to a limited extent. Each individual union's constitution specifies the role of each organ and the frequency of its meetings. There is generally strict adherence to the provisions of constitutors especially when it comes to the frequency of meetings. However, in NUFTE, there are also State Councils in every state of Nigeria, provided enough branches of the union exist to form State Council. The state Councils are governed by their own state executive council. They coordinate the activities of branches and units under state jurisdictions to ensure that union's policy is widely known, understood and implemented so as to strengthen and enhance the union's performance within the state. The constitution of NUFTE provides that factory unions relate first through their state council and the state council relates to the national union. Union decisions and policies pass through this order.

Communication Structures

Developing a coherent position is not sufficient – it must be communicated effectively to the targeted audience and persuades them to act in some way. This depends to a large extent on the effectiveness of communication structures within the national union movement and through/with global union bodies. Union: in order to enhance communication between the National union and the Association, the National Union undertakes to communicate to the Association immediately after elections of Officers, the names of their elected officers, National or Local and to advise of any changes from time to time. The Association similarly undertakes to communicate the names of its officer to the national union as well as any changes that may occur from time to time; to secure the largest possible measure of agreement and co-operation between the Association and the national union in all matters, with a view to increase efficiency and productivity combined with the well being of those employed; to review and amend from time to time, agreements, decisions or findings reached by the council, provided that no amendment can be made until a council meeting is summoned to review such agreements, decisions or matters as covered by their Agreement. While a union federation usually acts as the official 'voice' on trade policy, engagement with members happens closer to the ground, mainly at the individual union level. Unions, in the study, employed a wide variety of communication structures and strategies to diffuse their messages on trade

related issues. These varied depending on the targeted arena.

Union members: Union members were typically targeted by relatively traditional means: through established affiliate and delegate structures, where they had the resources. Union's published trade related articles in newsletters and union journals, including information in briefings to affiliates and delegates, and produced and distributed educational and campaign material. In some cases unions also held seminars, meetings and educational programmes for union delegates. More active unions directly briefed members on trade related issues and produced significant educational and campaign material for both union members and the general public, including books, fact sheets, and leaflets.

Relationship between NECA, AFBTE and UNIONS

NECA is the umbrella organization of employers in the Organised Private Sector of Nigeria. It was formed in 1957 to provide the forum for the Government to consult with private sector employers on socio-economic and labour policy issues. NECA provides a platform for private sector employers to interact with the government, labour, communities and other relevant institutions in and outside Nigeria for the purpose of promoting harmonious business environment that will engender productivity and prosperity for the benefit of all. NECA and Industrial Associations and indeed individual companies, from time to time, interact with government officials and unions in day to day labour management relations.

However, NECA remains the only federation of employers and has central voice on labour matters in Nigeria. As central organization of employers in Nigeria, NECA reflects the view of majority of employers and the government can consult employers through NECA while representations are made to the government through NECA. It is recognized by both employers and trade unions. In its relationship with the government and labour, the association serves both to provide policy guide to safeguard employers' interest and a collaborator in managing industrial relation system. NECA is an umbrella organization for the employers association.

NECA, as a social partner, has been most creatively supportive, as one of the legs of the industrial relations tripod, their contributions have served as catalysts and drivers as well as defenders of employers' rights in the field, and adversary/center fosters closer working relationship between trade union organizations and the employers. Through consultation with labour movement, NECA continues to constructively strengthen the Social Partners towards building a better industrial relations climate and workplace devoid of rights abuses and much more with smoother mechanisms for speedy and efficient conflict resolution.

Affiliations of the Unions with NLC/TUC and the Relationship between Trade Unions and Affiliates

The general practice in terms of relationship has been the autonomous existence of affiliates. Federations in most cases are not directly involved in the running or decision making structures of their affiliates. National centres mainly provide advisory, training and reconciliatory services to their members, and when the need arises, especially during conferences, provide them with financial support.

Since affiliates are the 'owners' of national centres, they provide the financial, leadership and institutional support. Their ability to do so has however been reduced by the reduction of their membership which is their main source of income.

FOBTOB is affiliated with trade union congress which serves as the national centre for the senior staff unions. It has been very active within the organ of the Trade Union Congress of Nigeria (TUC), formerly SESCAN (the umbrella Labour Centre for Senior Staff in Nigeria). FOBTOB has been making constructive contributions in promoting the objectives of TUC as a viable and relevant labour centre in our industrial relations system. TUC has organized and united all registered Senior Staff Associations in Nigeria into a single entity, and plays strategic roles in securing equitable observance of all agreements reached between TUC and all employers of labour, and among members themselves, to promote and support legislation in the interest of the Senior Staff Associations in Nigeria; to render such assistance as shall be consistent with members interest, and to encourage the participation of members in commerce, industry, mines and agriculture at national. Presently, the Association has twenty four Senior Staff Associations affiliated to it with a membership of between 3.5 million. The Congress' source of funding is mainly through monthly subscription from its affiliates. In addition, the Congress gets technical assistance from other organizations like the ILO, the American Centre for International Labour Solidarity, the U.S. Embassy, the British High Commission, etc.

NUBFTE is affiliated with Nigeria Labour Congress which serves as the national centre for the junior staff unions. The NLC has played strategic roles in Organisational and conceptual transformation of the trade unions from mere legal expressions to organisations founded and sustained on the strength of its membership and their relevance to the society and has ensured the independence of trade unions. Unions are structurally, organizationally, democratically and financially viable. All un-unionised workers in the formal and informal sectors are unionized. Existing labour legislation, which undermines voluntarism, rights of workers, unions and trade union independence are repealed. Only one union exists in every industry as long as it can cover all categories of workers. Affiliation to Congress is not restrictive but open to all types of trade unions; including

workers in informal employment. All unions promote broad participation in their affairs, practice the principles of collective leadership and allow the tenets of democratic governance.

UNIONS' RESPONSE TO PUBLIC POLICIES

The Nigerian Labour Congress (NLC) and Trade Union Congress (TUC) are federation of unions across all sectors for both junior and senior staff workers, all cadres, covering both white and blue collar workers as well as pensioners. It is a symbol of unity and strength of the country's trade union movement.

The behaviour and responses of the two centres to issues impact on the entire trade union movement. This explains why most Nigerians including some workers do not see any difference between the roles of the NLC and that of its affiliates. NLC and TUC speak and act on behalf of workers and working people generally for the pursuit and attainment of economic, social and political interest.

Given the vanguard role of these Labour Centres, they become strong voice /force to be reckoned with in Nation's policies, social and economic development. Nigerian workers are politically conscious and continually mobilized to defend democracy, influence public policy, identify with the oppressed and the disadvantaged and participate actively in the labour movement. Nigerian trade unions are appropriately equipped and technically efficient.

Statutory Dispute Resolution Procedure

The Present institutionalized dispute resolution procedure is a good one. Even though the Union has its reservations, the procedure, if followed strictly, could ensure industrial harmony. The Industrial Arbitration Panel could serve a good purpose if politics is not brought into the process of justice dispensation. AFBTE also infers that most of the organizations run foul of the process of dispute resolution processes, they have been confronted with situation whereby before dispute is declared, the companies goes ahead to invite police and this has not augured well in the relationship between the union and the employers ,

Privatization

The Unions support a holistic privatization programme as it is being done in other parts of the world. The privatization programme of the Nigerian Government can be described as a fraud. NITEL was fraudulently sold, ALSCON was destroyed and now, PHCN is about to be privatized without due consideration for the workers that have spent their whole lives working to sustain the company. The position of the unions supports privatization but insist that it must be done properly and all obligations to the workers settled.

Unfavourable Labour Laws

The amended labour laws do not adequately protect workers from violations of their rights by employers. One of the reasons for amending the Laws was to make them conform to the dictates of a liberal system. This has given employers, especially new investors, a leverage to violate workers' rights at will. Some of the new employers have taken advantage of loopholes in the labour laws by running away from the obligations that go with long-term employment by using casual labours. And because the law no longer makes it an obligation for employers to recognise trade unions, there has been growing anti-union tendencies among new investors, some of them deny terminal benefits on repatriation or closure.

The current labour laws are also weak on the engagement of expatriate staff by new investors and the differences between their incomes and those of local staff. Most new investors have taken advantage of the situation by recruiting their nationals in management positions and paying them heftily, compared to local experts of similar qualifications and experience

The trade union amendment act 2005

The Trade Union Amendment Act 2005 has specified that, the latitude given to the Nigerian Labour Congress (NLC), as the only labour centre in the country was to be removed, and the opportunity is to be given for the formation of more labour centres.

President Obasanjo in his letter to the National Assembly in 2004, accused NLC of taking the laws into their hands, because it was the only labour centre in the country. The major function of the Trade Union Amendment Act 2005 was to decentralize the authority, and followership enjoyed by the NLC. Another tenet of the Act 2005 is as found in section 12, subsection 4, which makes the membership of any Trade Union in the country voluntary, and as such, no worker shall be victimized for refusing to be part of a union or participate in industrial action. While section 16 subsection A of the 'Act' states that only with the expressed consent of workers can such a Trade Union collect check off dues from salaries. This aspect of the 'Act' was only applicable to senior staff associations prior to the amendment of this 'Act,' but it has now been extended to all categories of workers. The amended 'Act' also stipulated that all union dues deducted from staff salaries can only be remitted to registered officers of the trade unions only when they have signed a 'NO- STRIKE' clause

for the following month. Section 30 subsection 6 stipulates that no trade union or a registered federated union shall embark on a strike action, unless two-third of the members of such a union or federated union approves of such an industrial action. In other words, each union must carry out a referendum whether to proceed on a strike or not. The cardinal objectives which government intends to accomplish with the amendment of the Trade Union Act 1990, can be highlighted as follows: Government wants membership of Trade Unions to be voluntary and that no worker should be victimized for refusing to be a member of such a fraternity. Government wants to minimize strikes, and if possible, stop it, as the incessant industrial actions in Nigeria has led to colossal loss of revenue to the Federal, State and Local Governments.

Nigeria Labour Congress (NLC 2004) summed up the amendment of the Act, as follows ‘the Labour Act’ will only destroy trade unionism in Nigeria’, while Oshiomhole (2004) states that the ‘Act’ will certainly take labour movement back to the pre-1978 era, and the nation may have to contend with the problems which the Trade Union Act of 1978 set out to resolve, which is to have a single labour body which government /employers can negotiate with in resolving industrial problems. In a statement, the National Executive Council of NLC (2004) stressed that the International Labour Organisation (ILO) convention 144 which Nigeria has ratified had placed emphasis on tripartism through effective social parties. But this was not done by the federal government, as it did not consult with the National Labour Advisory Council (NLAC) before taking the decision to amend the ‘Act’. It therefore viewed the move by government as Anti-democratic. Ryder (2004), the General Secretary of the International Confederation of Free Trade Unions (ICYU) stated that some provisions in the ‘Act’ violate the rights of unions, such as the provision to sign a NO –STRIKE clause before collecting check off dues. He further stressed that the provision to de-register the NLC constitutes a serious violation of Trade Union Rights.

Pension Reform

The Pension Reform was a laudable initiative by Government, according to some trade union leaders interviewed. It serves to protect employees from exploitation and guarantee life after retirement. The Unions embraced the Pension Reform and supported government in its attempt to protect the employees. Even though some employers are not complying, the Unions will continue to strive to ensure that all employees (permanent or contract) are covered in the Pension Scheme. Without prejudice to the scandal in the Police Pension Scheme, the Union has confidence that the present Scheme will succeed. However the officer interviewed at AFBTE union pointed out that there have been divergent demand for both employers association and the unions, while employers want gratuity for pension which union has rejected, the unions position is that gratuity and pension should run side by side. Another source of confrontation is the retirement age, which union is insisting on 60 years but the Indian companies within the group have vehemently opposed to it. However, the NLC, TUC and Conference of Free Trade Union were opposed to the fundamentals of the pension reform because radical changes were made in the new legislation on pension without reflecting their views.

Income Policy

Nigeria is a classic case of wealth without hard work or entrepreneurship. This has implications for good governance, transparency, political stability and the evolution of a just and fair incomes policy. While Nigerian workers and the poor pay taxes, the rich pay either very little or no taxes. The trade union centres have been vocal in pursuit of a policy that guarantees wealth through hard work and entrepreneurship while also ensuring that direct stealing of national resources is eliminated. The unions also pursue income policy that shall lead to a regime of socially defensible income differentials in the economy. Also, unions insist on appropriate policy measures that will target the elimination of unearned income in the economy, particularly those associated with graft, crime and currency speculation.

Minimum Wages

The policy of Congress on wages focuses on engendering a just and fair living wage for all Nigerian workers. The initial stage was targeted to raise the real value of wages of each worker to a level that will ensure that Nigerian workers live a decent life and thereafter; a wage policy that enhances the standard of living of each Nigerian worker.

There have been frequent calls by the Organized Labour for the periodic review of wages in Nigeria. The position of labour appears valid, given the inflation spirally experienced in the economy. The government in Nigeria, both current and previous administrations have often responded by initiating and implementing wages review. Recently, a new minimum wage was arrived at, after due consultation with the stakeholders, the government promised to honour the new deal from July 2010, but unfortunately, the expectation of Nigeria workers has encountered a brick wall, as a lot of controversies are beclouding the newly agreed minimum wage.

Despite the recent passage of the new minimum wage bill by the senate, there have been discordant tunes from some states over their ability to pay the new wage, as it has been eventually signed into law. Section 2 (1) of the national minimum wage bill states that “as from the commencement of this Act, it shall be the duty

of every employer to pay a wage not less than the national minimum wage of N 18,000 per month. However, there have been contentions from the governors that, for states, the new wage will be an uphill task as “some states are going to have a lot of challenges with implementing it” due to “the realities they are facing. Other states either refused to commit themselves or promised to “discuss further” on the new salary structure. While some States are still studying the “facts and figures,” some have also advanced reasons that due to the tight fiscal position of their state, it would require a “miracle” to pay the new wage. Already, labour unions, under the auspices of the joint National Public Service Negotiating Council have directed workers to embark on strike if any state refuses to pay its workers the new wage. Given the protracted delay the minimum wage issue has already suffered after the wage increase agreement reach by Justices Alfa Belgore-led tripartite committee initially met a stonewall, it will be indefensible if workers in any of the states are excluded from benefitting from the new pay when it becomes a law. Besides, the new agreement was endorsed by the National Council of State, in which all the states through their governors were adequately represented. All over the world, the statutory minimum wage is held sacrosanct and strictly complied with.

Deregulation and Privatisation

The current civilian government is committed to market oriented and private sector-led development. This commitment to a market driven economy has translated to such policies as privatization of public enterprises and attempted deregulation in the petroleum sector. These have had adverse implications for employment, prices and public welfare.

Congress has registered its opposition to deregulation of petroleum products through mass actions and protests. Congress insists that deregulation only serves the insatiable desire of oil monopolies for profits, while it will accentuate poverty and increase inflation.

Congress maintains that there shall be no divestiture in the strategic economic and social sectors. Where privatization proves inevitable, the process must be transparent, participatory and accountable with the emphasis on the need to protect jobs and benefits of the workers in the affected enterprises.

Dwindling Unionism

An objective appraisal of organized labour in Nigeria according to (NLC 2011:35-37) reveals the following:

With a population of over 110 million, the wage labour force in the formal sector is less than four million. The informal sector, which is rapidly expanding, is largely not unionized. Some indigenous employers and some foreigners are hostile towards unions. The existing trade union law prohibits some segments of civil employees from unionisation. Generally, some unions are not viable due to dwindling membership, very low check-off rates in the public sector due to relatively depressed wages, inefficient administration and declining membership, massive unemployment/insecurity of jobs, severe social and economic dislocation of workers, internal administrative and organizational deficiency.

With the enactment of the Trade Union Act, 2005, the stage is now set for the full application of the Principle of voluntarism. This means a worker is at liberty to join any union he/she likes while unions are free in affiliating to any federation or form new ones if they meet the requirements. The challenge for affiliates and congress are serious, bordering mainly on the need to continue to justify their existence by delivering on their mandate credibly. The worker will be more conscious and aggressive in demanding value for his/her membership of the union, which goes also for the labour centres.

The NLC is intensifying its effort towards Organisational and conceptual transformation of the trade unions, including the NLC, from mere legal expressions to organisations founded and sustained on the strength of its membership and their relevance to the society. To ensure independence of trade unions, a democratic dispensation as is the case, NLC works towards ensuring that the Unions are structurally, organizationally, democratically and financially viable, and that all un-unionised workers in the formal and informal sectors are unionized.

Nigerian workers are politically conscious and continually mobilized to defend democracy, influence public policy, identify with the oppressed and the disadvantaged and participate actively in the labour movement. Nigerian trade unions are appropriately equipped and technically efficient. Unions that do not honour their financial obligations to NLC are subjected to discriminatory practices. The NLC ensures the enforcement of appropriate accounting system that enforces probity and eliminates fraud.

Unions' Strategic Response

Workers could be organized to create and develop their own party. The leadership of a worker's party must emerge from the ideologically, committed persons having their deep roots within the labour movement. The party of the working class must have a programme which will reflect the state of the political consciousness of workers. The party of workers should be based on working class membership and should be sustained by workers, without any alliance with segments of the ruling class.

Trade Unions must seek to build political awareness among the working class and must be geared towards attaining social change that deepens democracy and build a more equal society.

The unions develop educational programmes which must prepare unions to adapt to new challenges. It must in addition be a tool to build organizational capacity and a way of mobilizing members and must provide workers with leadership training for trade union and societal responsibilities.

Affiliate unions must be encouraged to show a strong commitment to union education, provide a budget; staffing and clear structures to develop and implement educational programmes, affiliates must strive to run educational programmes, which are sustainable financially and organizationally. In order to realize cost effectiveness in the funding of education, unions must use their own facilities as well as those available in friendly institutions.

Trade unions must fight for internal coherence by pledging mutual cooperation among them, and their adherence to their procedural agreement will consolidate their net of relationship and foster common ground to fight off opposition and enemies of labour movement in Nigeria.

CONCLUSION

The current social, economic, and political development demands the contribution of the trade union in the national strategic decisions and public policies. The majority of the outcome of these decisions bears upon the workers who are at the receiving end of government unpopular and antithetical labour policies. The trade unions must develop the capacity to mobilise action which is a key factor in applying pressure on government positions, regardless of the level of access to the policy process. Formal strategies such as social dialogue, lobbying, submissions, and public hearings should be used as effective tool accompanied by robust mobilization of union members and the wider public in some form of public protest like on Thursday, January 5, 2012, compelling the government with an ultimatum to reverse the new public price.

The availability of direct action strategies depended on the capacity of unions to develop a coherent position on trade issues, capable of mobilising wide members and public support. These challenges demand concerted effort on all the trade unions both junior and senior even the civil society organization to develop a coordinated approach in tackling public policies. There must be internal coherence and cooperation within the rank and structure of the unions. Without this collaboration, the unions may not be strong enough to contend with their opposition.

REFERENCES

- Aborisade, F,(2007) Pension Reform Act of 2004 Centre For Labour Studies Ilorin
- Dunlop,J T (1958) Industrial Relation System New York:Holt
- Okaka, E (2010) Work perception of trade union Amendemnt Act 2005, *Journal of Research National Development, Volume 8 No1, June*
- Mwilima, N (2008)The Role of Trade Union in Job Creation, A Case Study of Job Creation Trust, Research Project Submitted to Faculty of Humanity University of Witwatersrand South Africa
- Nyirenda EJ and Shikwe, A (2003) Industrial Relations Court (Chapters 1&2),Trade Union Country Report Zambia , Zambia Congress of Trade Unions (3&4) Lusaka,
- Noe, RA, Hollenbeck, JR, Gerhart, B, and and Wright,PM (2008) Collective Bargaining and Public Relations, Human Resource Management, McGraw Hill USA
- Nigeria Labour Congress Policy Document (2007)
- Nwauche, F and Ajilor, ON (2012) The Role of Trade Union and Civil Society in Good Governance, The Case of Nigeria till Date
- Association of Food, Beverage and Tobacco Employers Procedural Agreement AFBTE, NUFBTE and FOBTOB March 1980
- Association of Food, Beverage and Tobacco Employers, Annual Report 2011

N/B: Please note that the diagram in page 9 must occupy a seperate page to retain its accurate structure