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A Comparative Analysis of Trade Disputes Settlement in Nigerian Public and Private Universities

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Abstract
Trade dispute has become a common and frequent occurrence phenomenon in both private and public sector organizations world- wide and Nigeria particularly. Other countries of the world especially the western, advanced and well-to do nations have ever since identified with the immediate solution to curbing the industrial unrest. In Nigeria for instance, the public universities have over many years ago been engaging in to various form of strike actions. At this very moment, the public universities are on industrial action, while their private counterpart is carrying on their full academic activities. It is against this background that this study made comparative analytical issues concerning trade dispute settlement in public and private universities in Nigeria. The major findings in the paper revealed that, the objective of trade union is to protect the interests of their members. This include all employment related matters such as wages and salaries etc. We therefore, draw our conclusion and recommended among other things that, a flexible organizational structure should be instituted to improve the relationship between management and staff.

1.Introduction

Trade dispute is a common occurrence in both private and public sectors owing to the fact that the goals and objectives of staff and management in any given organization defers. For instance, the employees tend to seek for improved welfare while the management may desire high turn-over and improved productivity. The continuous desire of each party (employee and employer) to achieve individual or collective objectives may end up in trade dispute. Therefore, there are laid down laws meant for trade dispute settlement in any organized society where there are developments in commerce and communication. According to Eweluka (1978), the regulatory effect of law on human conduct, in present day society cannot be over emphasized. It is the availability of law that makes man's behaviour in any given situation controllable. He maintained that law in a society means order, peace, stability and progress. Also, Mbanefo (1959) opined that laws relating to industrial relations have to do with collective relations namely, trade unions, collective bargaining, wage fixing machinery, industrial disputes settlement, joint consultations, grievance resolutions, arbitration, conciliation and industrial Court system.

University worldwide is regarded as the citadel of knowledge, the fountain of intellectualism and the most appropriate ground for the incubation of leaders of tomorrow. According to Ike (1999) a university fulfills, one major function, it is a knowledge and value provider, it stands or fails in its ability or inability to deliver on these criteria. According to Magna Carta universitatum, "the university is an autonomous institution at the heart of societies is differently organized because of geographically and historical heritage; it produces, examines, appraises and hands down culture by research and is an enterprise that serves multi disciplinary purposes. This according to Nwankwo (2000) explains why merit has been the watchword in the university system – a system a student must first be certified worthy in character and learning before being admitted into the Honours Degree Hall.

However, over the last thirty years, most State and Federal institutions of higher learning in Nigeria have witnessed an unprecedented industrial unrest due to incessant strike action by labour unions. In his own contribution, Nwankwo (2000) opined that Nigeria educational institutions, characterized by military intervention in governance have witnessed untold negative political interference and a seeming calculated moves to submerge it in the river of irrelevances. He further argued that those in authorities see universities as a burden and as institutions to be exploited and left desolate. The manifestations are in form of cultism, brain drain, under funding by government, erosion of academic freedom, general insecurity, dilapidated structures, and non-payment of university staff salaries. These are indications that all is not well with the Nigeria university system. It is against the above background that this study intends to carry a comparative analysis of trade disputes settlement mechanism between the public and private sectors in Nigeria.

2.1 Statement of the Problem

The practice of industrial relations as a discipline and that of collective bargaining in particular emanated from the private sector the world over (Fashoyin, 1980). Thus, much of the practices of public sector collective bargaining are modelled after the private sector collective bargaining. However, in Nigeria, the obverse is the case as collective bargaining gained its root in the public sector owing to the near absence of private sector at the turn of the century. However, in Nigeria, the public sector pays lip-service to the collective bargaining machinery. Governments at all levels (Federal, State and Local) have continued to set aside collective bargaining and to give wage awards to score political points in spite of its commitment to the ILO Convention 98 to freely bargain with workers (Fashoyin, 1980).

In the light of the above facts, the management of these universities has been confronted with the problems of finding ways of improving such deteriorated relationship in order to move the education industry forward and to find the causes of the deterioration in relationship between the labour and management. The sources of discontent in our university system are in exhaustive. According to Akpala (1982), it has bearing with present economic situation in the country, our political history and inheritances authoritarian attitudes of both the government and university. Management towards labour issues, the presence of obsolete labour laws, corruption in all segments of the society, mal administration, class conflict and struggle, struggle for survival etc. Also in the list of the problems is the inability of the Nigerian universities to actualize the objectives for which they were established, such as a training of high caliber manpower etc. it was on the basis of the above problems that the researcher was motivated to conduct this research work with a view to carrying out a comparative analysis of the activities of both public and private Universities on issue regarding trade dispute settlement.

This paper will enable the researcher to come up with answers to the following research questions:

(1) Is there any difference between the settlement of trade dispute in private and public sectors in Nigeria?

(2) What is the nature of Trade dispute settlement in University of Nigeria?

(3) Is there any relationship between the method of dispute settlement and National productivity?

2.2 Objectives of the Study

This paper had the following objectives:

(i) To carry out a comparative analysis of industrial settlement in Public and private universities in Nigeria.

(ii) To proffer ways of ensuring industrial harmony in Nigerian Public and private universities.

2.3 Methodology

Data used in this work is derived primary from secondary sources. The methodology therefore, is basically documentary in nature. This involves learning new facts and principles through the study of documents and records. The documents and records include journals, textbooks, newspapers, magazines, official publications etc. By putting together logically evidence derived from documents and records. Conclusion which either established facts hitherto unknown or sound generalization can be obtained.

2.4 Conceptual Analysis and Literature Review

Industrial Relations cover the relationship in employment and the institution associated with it. The political economy approach sees industrial relations as an inevitable spin-off of capitalist relations of production in which the interest of capital and labour are diametrically opposed. It is a pleasant term for the permanent conflict, either overt or covert existing between capital and labour. It refers to the process of control by capital and resistance from labour (Hyman, 1975) Trade Dispute on the other hand is conflict that takes place within an industrial organization, where the parties involved in competition want to occupy the position of the other irrespective of the fact that they are aware of the incompatibility of their interests. March and Simeon see it as a break down in the standard mechanisms of decision making so that the individual of group of individuals experience difficulties in selecting alternative causes of action. However, for the purpose of this study, industrial conflict can be seen as the overt and covert antagonistic manifestation of grievance(s) in the work place between management and workers (most times) arising from either management or workers non-compliance with or misinterpretation of the collective agreement jointly reached. In terms of the various forms, which conflicts take in industry, emphasis would be laid on conflicts between management and union. It is a kind of institutionalized conflict in industrial organization, which is resolved by collective bargaining and or the memorandum of agreement (Yesufu, 1996)

Ubeku (1983) maintains that: "labour disputes may be grouped into two types, namely: disputes concerning an individual and disputes concerning the group, the union. In some cases, the dispute that begins as an individual dispute can develop into a collective dispute". The individual dispute may arise when an individual feels that the management is deviating from the laid down procedures and rules that govern workmen, and has deprived him/her of his/her right. While the collective dispute is concerned mainly with the economic matters, except in cases where individual disputes develop into collective disputes. Ubeku shows further that the economic matters that cause collective disputes are those that relate to collective bargaining. "The disputes may arise either because of a breakdown in collective bargaining or may be the result of the interpretation of the collective agreement, or yet other cases, the non implementation of the whole or parts of the agreement".

According to the trade union's decree 1973, a Trade Union is "any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this decree, be an unlawful combination by reason of any of its' purposes being in restraint of trade and whether its' purposes do or do not include the provision of benefits for its' workers" (Ubeku 1975).

From the above definition, a trade union is a voluntary incorporated association with the aim of regulating the terms and conditions of employment of workers. It may have additional purposes and apply its' funds for any lawful purposes which are authorized by the union rule book. Marxist theorists see this type of association of workers in capitalist society as merely superficial. They argue that the unions might be too exclusively bent upon the local and immediate struggles with capitalism and become too preoccupied with furthering the interests of their particular members. This may make them loose sight of the overall struggle between capital and labour. From the modern Marxist like Miliband, Allen, Hyman, and so on, it is generally viewed that the institutionalization of industrial conflict has merely dampened the more violent expressions of conflict (Akpala, 1982).

From the view point of Rose (2008), the term collective bargaining was originated by Webb and Webb to describe the process of agreeing terms and conditions of employment through representatives of employers (and possibly their associations) and representatives of employees (and probably their unions). She further posits that collective bargaining is the process whereby representatives of employers and employees jointly determine and regulate decisions pertaining to both substantive and procedural matters within the employment relationship. The outcome of this process is the collective agreement. Collective bargaining as one of the processes of industrial relations performs a variety of functions in work relations. It could be viewed as a means of industrial jurisprudence as well as a form of industrial democracy. It is a means for resolving workplace conflict between labour and management as well as the determination of terms and conditions of employment. Davey (1972) views collective bargaining as "a continuing institutional relationship between an employer entity (government or private) and labour organization (union or association) representing exclusively a defined group of employees of said employer (appropriate bargaining unit) concerned with the negotiation, administration, interpretation enforcement of written agreements covering joint understanding as to wages/salaries, rates of pay, hours of work and other conditions of employment". International Labour Organisation (ILO) (1960) views "collective bargaining as negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employer's organization, on the one hand and one or more representative workers organization on the other, with a view to reaching agreement".

3.1 Industrial Relations in Nigeria Public and Private Sector

The term public sector comprises the government as employer at the federal, state and local government levels as well as the parastatals, the universities and the state-owned companies. The public sector constitutes the largest employer of labour in the country in spite of the recession in the economy. Modern trade unionism began in Nigeria in the public sector. As Damachi and Fashoyin (1986) observe that trade unionism and labour relations originated in the civil service in 1912; but it is in this sector that unions are weaker and labour relations marginally practised. The weakness of the unions in this sector was attributed to a well documented problem of union factionalism, multiplicity and leadership squabbles which characterised Nigerian unions up to the mid-1970s.

Omole (1987) raises the issue of the interesting features of industrial relations in the developing countries when compared to the practice in the developed countries. In the developed countries, industrial relations practice in the public sector was modelled after the practice in the private sector. In the developing countries, the opposite was the case especially with Nigeria where industrial relations system in the private sector of the economy developed from the practice in the public service. To account for the trend, he states that the idea of bargaining for more by workers emerged first in the private sector in developed countries and its law and procedures are

well-established. In Nigeria, the origin of trade unionism can be traced to the public sector, which arose during the colonial rule when paid employment was first introduced into the country by the colonial administrators.
The practice of industrial relations as a discipline and that of collective bargaining in particular emanated from the private sector the world over. Thus, much of the practices of public sector collective bargaining are modelled after the private sector collective bargaining. However, in Nigeria, the obverse is the case as collective bargaining gained its root in the public sector owing to the near absence of private sector at the turn of the century (Fashoyin, 1992). However, in Nigeria, the public sector pays lip-service to the collective bargaining machinery. Governments at all levels (Federal, State and Local) have continued to set aside collective bargaining and to give wage awards to score political points in spite of its commitment to the ILO Convention 98 to freely bargain with workers. The State or the government in the course of regulating wages and employment terms and conditions revert to the use of wage commissions. Thus, wage determination is by fiat. This preference for wage commissions can at best be regarded as a unilateral system as collective bargaining is relegated to the background. Wage tribunals or commissions offer little opportunity for workers‟ contribution in the determination of terms and conditions of employment and can hardly be viewed as bilateral or tripartite. Thus, the State preference for wage commissions is anti-collective bargaining. In spite of Nigeria's commitment to conventions of the ILO with particular reference to such conventions as 87 of 1948 and 98 of 1949 which provide for freedom of association and the right of workers to organize and bargain collectively. This stance of the State has stifled effective collective bargaining in the public sector. The following wage commissions or committees of inquiry were instituted during the colonial and post independence era for the purpose of wage determination and other conditions of service in the public sector. Chidi (2008a) opines that the use of ad-hoc commissions in addressing workers‟ demands such as wage determination and other terms and conditions is unilateral and undemocratic as it negates good industrial democratic principles. Thus, it is antithetical to democratic values. The following wage commissions have been used in Nigeria for wage determination and for the setting of employment terms and conditions in the public sector. Commission

3.2 Industrial Relation in Nigeria

The Nigeria Labour Congress (NLC) is the central trade union organization for the 29 industrial unions in the country and therefore provides a common platform for its affiliates. It is a symbol of unity and strength of the country's trade union movement. It was formally constituted as the only national federation of trade unions in the country in 1978. Before then, four labour centers existed. These were the Nigeria Trade Union Congress [NTUC], Labour Unity Front [LUF], United Labour Congress [ULC] and Nigeria Workers Council [NWC]. The emergence of the NLC ended decades of rivalry and rancor involving the four centers and unions affiliated to them. The unions, numbering over 1,000 were also restructured into 42 industrial unions.

The organization has had a checkered history, surviving three instances of dissolution of its national organs and consequent appointment of state administrators. The first was in 1988 under the military regime of General Ibrahim Babangida. Congress' opposition to the anti-people Structural Adjustment Programme incensed the military administration to take over the NLC.

The second military intervention was in 1994 during the regime of General Sani Abacha, whose government also became fed up with the labour movement's agitation for the restoration of democracy. Like the initial case, the military government dissolved NLC's National Executive Council and appointed a Sole Administrator. The same treatment was meted to the two unions in the oil and gas industry – National Union of Petroleum and Natural Gas Workers [NUPENG] and Petroleum and Natural Gas Senior Staff Association of Nigeria [PENGASSAN]. However, the administrators apparently added a further brief – they plundered the finances of Congress and the two unions.

The dissolution exemplified the travails of Congress, its leadership, affiliates and state councils, under military rule. Arbitration, prolonged and unlawful detention of labour leaders, invasion and disruption of union meetings, seminars and other activities of Congress and its components by security forces and a vicious anti-labour campaign by the state generally marked the period. The military also invoked its legislative prerogatives to unleash all manner of legislation to check the activities of unions. For instance, under General Abacha, a decree that banned a section of the movement from holding leadership position in Congress came into effect. However, with the death of General Abacha, the unions reclaimed Congress, culminating in a National Delegates Conference held on January 29, 1999. Third was in 2004 when President Olusegun Obasanjo felt that the Nigeria Labour Congress was becoming too powerful. He however decided to check it by decentralization and not outright dissolution or ban as witnessed under military regimes.

Congress membership is about 4 million and spans the public and private sectors of the economy. It has 29 affiliate unions and 37 state councils, thus Agric and Allied Workers Union of Nigeria; Amalgamated Union of

Public Corporation, Civil Service Technical and Recreational Services Employees; Maritime Workers Union of Nigeria; Medical and Health Workers Union of Nigeria; National Association of Nigeria Nurses and Midwives; National Union of Air Transport Employees; National Union of Banks, Insurance and Financial Institution Employees; National Union of Chemical, Footwear, Rubber, Leather and Non-Metallic Employees; National Union of Civil Engineering, Construction, Furniture and Wood Workers; National Union of Electricity Employees; National Union of Food, Beverage and Tobacco Employees; National Union of Hotels and Personal Services Employees; National Union of Petroleum and Natural Gas; National Union of Posts and Telecommunication Employees; National Union of Printing, Publishing and Paper Products Workers; National Union of Shop and Distributive Employees; National Union of Textile, Garment and Tailoring Workers of Nigeria; Nigeria Civil Service Union; Nigeria Union of Civil Service Secretariat Stenographic Workers; Nigeria Union of Journalists; Nigeria Union of Local Government employees; Nigeria Union of Mine Workers; Nigeria Union of Pensioners; Nigeria Union of Railway men; Non-Academic Staff Union of Educational and Associated Institutions; Radio, Television and Theater Workers; Steel & Engineering Workers Union of Nigeria; National Union of Road Transport Workers; and Nigeria Union of Teachers.

The mission of the Nigeria Labour Congress is to organize, unionize and educate all categories of Nigerian workers; defend and advance the political, economic, social and cultural rights of Nigerian workers; emancipate and unite Nigerian workers and people from all forms of exploitation and discrimination; achieve gender justice in the work place and in NLC; strengthen and deepen the ties and connections between Nigerian workers and the mutual/natural allies in and outside Nigeria and; lead the struggle for the transformation of Nigeria into a just, humane and democratic society.

3.3 Provisions of Trade Dispute Acts

In any organized society in which there are developments in commerce and communication, there emerges the great need of fashioning laws to regulate people's mutual rights and obligations. If there are however, no man made laws, it maybe that people would be guided by principles of morality and choose to live and act in the same way as they do today. According to Eweluka (1978) the regulatory effect of law on human conduct, in present day society cannot be over emphasized. It is the availability of law that makes man's behavior in any given situation controllable. He maintained that law in a society means order, peace, stability and progress.

Man owes his dignity and basic rights to law. Mbanefo (1959) opined that laws relating to industrial relations have to do with collective relations namely, trade unions, collective bargaining, wage fixing machinery's industrial disputes settlement, joint consultations development and grievance resolutions. He started that laws passed and operative during the first phase of industrial relations development include:

1) Trade union ordinance, 1938, amended in 1948 and 1958 and 1956.
11) Labour (wages fixing and regulation) ordinance of 1943
111) The wage board ordinance of 1957.

He also noted that the first two laws had been restricted along the lines of international labour organization (I.L.O) Convention of 1947. Akpala (1982) observed that the objectives of these laws were to develop a system of industrial relations along the British model commonly described as voluntarism.

Japase (1959) defined voluntanism as the labour version of laissez - faire philosophy in which workers "schooled" to rely exclusively on their trade union for promoting and protecting their interests as wage earners. The unions he argued strive to accomplish their objectives chiefly through collective bargaining and use when necessary the strike action and boycott to press their case. Okongwu (1958) commenting on colonial legislations, observed that it was the desire to model colonial labour policy after the British system, which brought about the enactment of an array of legislation, the principal ones being the following:

- Trade union ordinance of 1973
- Trade disputes 1976
- Labour cord ordinance 1973
- Workers men compensation ordinance 1987
- National provident fund 1961

The role of the colonial administration in the evolution of labour policy was quite significant as it was designed to address or redress the imbalance in the powers of labour and employers. A review of some of these laws is imperative so as to enable us focus on the evolving laws.

4.1 Trade Union Ordinance 1938-1873

The trade ordinance was a landmark in the development of trade unions. This view was expressed by Fashoyin (1982) when he argued that apart from formally recognizing of workers, the law also empowered

employers to form organizations to represent their interest in labour relations matter. The ordinance recognized any union of five workers, whose main purpose was to deal with matters of economic interest to its members, as they affect employment relationship with employers. Therefore, associations of workers in our university are not illegal, but welcoming developments.

Adeogun (1969) remarked that the major short-coming of this law was its rather permissive nature on the question of union recognition and the abuse heaped upon it by power seeking unionists who broke away from established unions to form rival organization, usually within the same establishment. This practice generally, gave rise to a contemptuous attitude on the part of management towards the unions, especially since employers were not obliged to enter into collective relations with the unions.

Taylor (1975) explaining reasons why 1938 ordinance was superseded by 1973 ordinance, was to protect the worker against abuses by management in the general area of employment. The ordinance increased the minimum size of a union to fifty (50) workers, it makes major and fundamental requirements in the internal administration of unions especially with respect to union democracy and accountability. This ordinance however has been repealed since the labour Act of 1974.

4.2 Trade Disputes Decree of 1976

According to Onolaye (1978) the Nigerian Civil War ushered in a superseding enactment that modified the idea and policy of voluntarism and free collective bargaining system of employment regulation in the country including settlement of trade disputes. The enactment is the trade disputes (emergency provisions) Decree of 1968. He explained that the trade union Decree of 1976 is a comprehensive legislation which repealed and replaced several existing legislation's concerned with the settlement of industrial disputes. It repeated the two main laws in this respect the trade dispute (Arbitration and inquiry), ordinance 1941, the trade disputes (Emergency Provision) decree of 1968 and the amending decrees of 1969.

Olashore (1979) stated that trade disputes decree is fashioned out to encourage rather than discourage collective bargaining. For this purpose, he argued that, it required as a pre-requisite to return to its procedure, that all collective agreement between parties to labour or management relations including the procedure for the settlement of industrial disputes must be deposited with the commissioner of labour. Other highlights of the Decree he pointed out, include the establishment of an industrial arbitration panel. The panel is an institution from which arbitration tribunals are appointed.

4.3 Effects of Strikes / Industrial Disputes on the Nigeria University System

Dunlop (1971) rightly pointed out that in-spite of the usefulness of strikes in union-management relationship, it has its cost. Such costs include loss of income to both union and management. The students and parents are also not left out in the loss. Thus, in expressing his view on this issue, Ofoele (2000) argued that industrial actions such as strike can sometimes over stretch to the extent that academic calendars are elongated thus making it impossible for students to graduate as at when due. He also argued that when such situation occurs, that parents are compelled to go extra-miles in the expenditure as their earlier plans to get their expenditure as their children out of school may have been affected by the prevailing circumstances.

Ubeku (1983) in making his own contribution argued that employers suffer loss of output and profits while a strike is in the process. He also expressed that fact that strikes have some other social and economic cost which include under development and a reduction in the gross domestic product of an economy. He went further to say that the impact of strikes is the chain reaction it produces throughout all the factors of the economy. He maintained that it was in attempt to prevent strikes in certain sectors of the economy that the government classified certain organizations as essential services and the issue of trade union is not allowed in such organization.

4.4Trade Dispute Settlement Mechanisms

Employee complaints are natural. In fact experienced labour relations men will worry when complaints are few or non- existent. Monis (1978) noted that they know that absence of employee complaints night indicate some underlying fear or pressure that could erupt unexpectedly into discontent, slow- downs or strikes. He argued that complaints however, should never be ignored especially if they involve such personnel subjects as work methods, standard and earnings. On the contrary, he said that each complaint should be examined and resolved as quickly as possible. This, he argued is not only good personnel relations, but also is a moral and sometimes a legal obligation.

Asper (1968) defined a grievance as a violation of a worker's right. Quite often, a worker only thinks his grievance nothing more than a gripe. He maintained that every complaint is real the man who entered it. It should be investigated and processed or a reason given, explaining why it is not legitimate.

4.5 Conciliation

Akpala (1982) described conciliation as a process of peace making and is a human institution that comes into use in all human field of activities including domestic, business, national and international political conflicts. Sometimes he said, conciliation is called mediation or good offices. Not minding, whichever name it is called, it refers to a system of setting differences between disputing parties in which a third party intervenes to promote a voluntary settlement of the disputing parties to reduce the extent of their own proposed solutions. He observed that mediation, however, does little more than this. It implies a much stronger form of intervention because a mediator is permitted to offer to the party's proposals which they are free to consider towards their settlement.

Ofoele (1986) observed that the practice of conciliation in industrial disputes has evolved mainly in connected with disputes arising from the failure of collective bargaining. He described conciliation as an extension of collective bargaining with a third party's assistance. Representatives of the parties in collective bargaining again represent the respective parties at the conciliation proceedings.

4.6 Collective Bargaining

Murphy (1976) opined that collective bargaining is essentially an autonomous system of making job rules between employers and trade unions. It is a process of a party in industrial relations making proposals and demands to the other, of discussing, criticizing, explaining, exploring the meaning and the effects of the proposals and seeking to secure their acceptance.It includes making counter proposals or modifications for similar evaluation. Akpala (1982) stated that the essence of collective bargaining is to reach agreement. He defined collective bargaining as the process of negotiation between workers and employers through their organizations of contract of employment for the best possible working conditions and terms of employment.

The rationale of collective bargaining is agreement, but if an agreement was not reached, the action, which took place, is not less collective bargaining than if the process had ended in an agreement. Bacci (1990) noted that collective bargaining takes place when one collective action is involved, whether or not agreement is reached, so long as the parties have made genuine efforts to reach agreement.

Fashoyin (1986) defined collective bargaining as a machinery for discussion and negotiation, whether formal or informal between employers and workers representatives, aimed at reaching mutual agreement or understanding the general employment relations between employers and workers. The conclusion of an agreement, he further argued, is not a necessary determinant of collective bargaining. He drew reference from labour Act of 1974 which defined it as the process of arriving at or attempting to arrive at a collective agreement. According to labour Act the aims are to accommodate, reconcile and often time compromise the conflicting interests of the parties and while it does not remove conflict, it facilitates the accommodation, to enable the two sides work together harmoniously. Collective bargaining is therefore standard setting machinery which constitutes an important source of regulation governing wages, salaries and other employment conditions mutually agreed between labour and management and in conformity with public policy. Yesufu (1984).

4.7 Arbitration

Most grievances can be withdrawn, forgotten, settled or compromised as they progress through the grievance procedure. But what happens when a grievance is unresolved lies in wording of the labour contract. In fact, some contents provide that the union is free to strike at this point. The great majority of labour contrast, however, provides for arbitration as the ultimate means of achieving a firm and binding settlement of labour disputes after all other procedures have been tried and no agreement has been reached.

According to Chukwu (1995) Arbitration is semi-judicial means of settling disputes in which both sides agree in advance to be bound by the decision of a neutral arbitrator or a panel of arbitrators. A neutral arbitrator can be anyone acceptable to both the management and union. He could be an attorney, an educator, or some other competent and respected individual. He may be selected in chosen from a list of five (5) to nine (9) potential arbitrators which the employer and the workers union can obtain from the federal mediation and conciliation service, a government agency.

Yesufu (1975) noted that when a panel of arbitrators is used, the union customarily selects one members of the panel and this member, in effect, serves as employers /management advocate. These two then select a third, or neutral member and all the three try the case, with a majority decision being on all parties. If the union and management or university arbitration panel members cannot agree on a third party, the advoc method of selecting a neutral arbitrator is usually followed. Obviously, the selection of a suitable neutral arbitrator is extremely important.

Akpala (1982) remarked that when conciliation fails and internal machineries for settlement have been exhausted, the matter can go to arbitration in between the disputing parties. It is however, different from conciliation in that the parties are not guided to further negotiation, but are requested to support the claims to the arbitrator and support the claims with all the facts and arguments in their command. But they leave the decision to be made by the arbitrator in the form of an award. This means that at the point of going to arbitration, the

choice is between resort to open trial of strength and conflict by strike or lock-out on the one hand, and reference to arbitration on the other. Arbitration thus provides a way out of a deadlock.

The Industrial Arbitration Panel (IAP) is a tripartite agency set up under section 7 of the Trade Disputes Decree of 1969. It comprises a chairman, his deputy and 12 other members, four of whom are nominated equally by employers and labour. Within seven days of the receipt of a report from the conciliation, the minister must refer unresolved disputes to the IAP, which has 21 days, unless an extension is granted to give its award. At the arbitration hearing, the parties are at liberty to be represented by counsel, although this is not mandatory (Akpala,1982).

5.1 Conclusion and Recommendations

University as ivory tower of knowledge has very salient roles to play in national development as well as manpower development. Their expected roles in the development of the nation have often been forestalled due to federal and state government intervention or encroachment in university autonomy. The frequency of industrial disputes / crisis was discovered to be high in the Nigerian university system. Also it was discovered that disputes affect the intellectual effectiveness of our universities due to strike and related activities. Strike is expected to be the instrument of last resort after all other avenues are exhausted. However, the reverse is the case in the case of Nigerian Public Universities. Government is ready to be sensitive to other trade dispute resolutions mechanisms such as propaganda, collective bargaining, warning, sit at home / knockout and picketing. The only measure that can attract the attention of Government is incessant strike actions which are detrimental to educational development in Nigeria

The findings of this paper show that the major objective of trade union is to protect the interests of their members. This includes all employment related matters such as wages and salaries, fringe benefits, promotion, disciplinary action, leave grants and so on. An attempt by management within the university system or governments to circumvent any of the above rights of employees would result in trade dispute. Bye and larger, the nature of industrial relation in the Nigerian Universities within the period under review (2000-2013) was considered critical in most public universities. In the case of private universities, the nature of industrial relation was relatively stable since the management does not tolerate industrial unrest. In Public Universities, union activities are quite pervasive and highly effective unlike in the private Universities where the owner of the intuitions are the sole determinant of industrial relation. Any staff who is not pleased with management decisions would be ask to go. Where trade union activities exist at all, the members are doing so at their own detriment.

Studies equally show that there is no relationship between the industrial relation in public and private Universities in Nigeria. For instance, Labour unions on Public Universities are more formidable and wielded greater influence than their counterparts in the Private Universities. In-fact, trade unions does not even exist in most private Universities in Nigeria. Where they exist, the University governing council can take unilateral decisions bothering on industrial relation with impunity. This is one of the reasons while the purported issues of causualization of workers are prevalent in the Nigerian private sectors.

Having looked at both sides of the coins the paper considered the following recommendations as desirable:

(i) Trade disputes should be avoided in the Nigerian universities because of the negative effect on the work force. The loss of man- days would reduce as strikes would be curtained if trade disputes were avoided, this would lead to growth in industrial relations.

(ii) A flexible organizational structure should be instituted to improve the relationship between management and staff. Communication should also be improved to avoid break down in industrial relations.

(iii) Both union leaders and management representatives should from time to time embark on training to understand the workings of industrial relations.

(iv) When workers are aggrieved, they should follow the appropriate grievance procedure before going on strike.

(v) Federal and state government should endeavor to increase their budgetary allocation to universities to the UNESCO recommended 26% of their total annual budget.

(vi) Workers should be allowed to participate in decision making process through their representatives in private Universities. All necessary enactments capable of enhancing effective industrial relations in private and public universities should be put up by the legislatures.

(vii) Universities should not be used as a political ground by some people in and outside the government.

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