
UNDERSTANDING COLLECTIVE BARGAINING IN THE NIGERIAN LOCAL GOVERNMENT SYSTEM: THE RELEVANCE OF DUNLOP / FLANDERS' MODEL

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ABSTRACT

The basic thrust of this paper is that the "Industrial Relation System Model" as propounded by Professor John T. Dunlop (1958) and Allan Flanders (1968) with subsequent contributions by other writers (mentioned in the paper) is applicable to collective bargaining in the local government councils and in the Nigerian industrial relations system in general. Indeed, the nature of salary administration since 1941 through several wage review panels bear eloquent testimony to the fact that the "output" of one collective bargaining exercise is "reprocessed" as "input" and through the "feedback" mechanism and interactions with the environment, the industrial relations system continues in its cyclic character. The environment and precipitating conditions include economic, political and social factors. The paper comprises of: abstract; methodology; conceptual discourse; theoretical framework / features of the industrial relations system model; application of the theory; findings / discussion of findings; Conclusion and recommendations. The paper concluded that the objective application of collective bargaining and the sanctity of its process can enhance peace and working harmony in public sector organizations, especially the local government system. The recommendations canvassed can effectively strengthen the use of collective bargaining in the local government system

Key Words: Collective Bargaining, Industrial Relations, Local Government, System.

METHODOLOGY

This study employed survey research method which elicited data from the sample through questionnaire and interview instruments. The study utilized both primary and secondary sources of data. The primary source consists of questionnaires and interviews, while the secondary sources comprises of books, government-publications and official documents, magazines, journals, seminars, articles/monographs which have relevant contributions to the study. The population of the study is 7,766 staff made up of four hundred Management, four thousand Senior and three thousand Junior staff which spread across the following departments: Administration/Personnel, Finance and Audit, Planning, Research and statistics in the 12 local governments namely Port-Harcourt, Obio/Akpor, Emohua, Ikwerre; Ogba-Egbema-Ndoni (ONELGA); Abua-Odual; Ahoada-East; Ahoada-West; Tai; Eleme; Khana, Gokana. The research made use of 780 staff based on stratified and purposive sampling techniques. Questionnaires were administered on 740 staff (40 Management staff; 400 senior staff and 300 Junior staff) while the remaining 40 staff (made up of 25 NULGE and 15 management) were interviewed, using purposive sampling which amounts to sourcing "expert opinion" on an issue. The combination of stratified (probability) and purposive (non- probability) sampling as used in this study was underscored by Obasi (1999:142) as serving many research purposes, such as convenience and representativeness among others.

CONCEPTUAL DISCOURSE

Collective bargaining which is mostly concerned with the work relationship between unions representing employees and employers (or their management representatives) is an indispensable ingredient or part of an effective industrial relations system. It involves the process of union organization of employees, negotiation, administration and interpretation of collective agreements covering issues such as wages, hours of works, separation, work and its allocation between workers or group of workers (Ngu, 1994:123). It also includes procedural agreement and other conditions of employment, engaging in concerted economic action and dispute settlement procedures/conflict management and resolution. Generally, collective bargaining can be seen as a process and as a method. As a process, it is dynamic (moving in ideas) and can be employed as a conflict resolution technique. As a method, it can be viewed as a technique used by trade union (leaders) and managers of organisations to establish and maintain cordial work relations (Ngu, 1994:124). Uvieghara (2001:388) opined that "the term 'collective bargaining' is applied to those arrangements under which wages and conditions of employment are settled by a bargain, in the form of an agreement made between employers or associations of employers and workers' organizations". He expatiated that "the long term interest of government, employers and trade unions alike would seem to rest on the process of consultation and discussion which is the foundation of democracy in industry". If the objective of Collective bargaining is to "reach agreement by bargain", why does conflict arise in work relations? Elele (2008) attempted an explanation by alluding to the differences in interest and goals of the union and employers. The puzzle that must be addressed in Uvieghara's submission is the reference to collective bargaining as the foundation of industrial democracy.

Expatriating on the understanding of Beatrice and Sidney Webb on collective bargaining, Flanders in Ojo (1998:137) emphasized the "rule making process" of collective bargaining which according to the author transcends negotiation of economic terms of a contract and defines the rights and relationship among workers, union officials and employers. This rule making process of collective bargaining confers the jurisprudence status on it in labour relations. Cole (2005:415) progressed by typologising agreement into procedural and substantive. Procedural agreements "are formal, written procedures that act as a voluntary code of conduct for the parties concerned..." The parties concerned are managers and employees together with their union representatives. Substantive agreements "are formal, written agreements containing the terms under which, for the time being, employees are to be employed". Such agreements run for limited or specified period of time. Fashoyin (1999:126 -127) building on Flanders referred to substantive agreements as collective agreements which deals with "wage and working hours or to other job terms and conditions in the segment of employment covered by agreement". Procedural agreement "...deals with such matters as the method to be used and the stages to be followed in the settlement of disputes, or perhaps the facilities and standing to be accorded to representatives of parties to the agreement". Procedural agreements can be timeless (not time bound) and could function as the operative and recital clause to most industrial relations policies of organisations. Onah (2008) joined other scholars in stating the ideal that "collective bargaining process is the foundation of industrial democracy", but it is relieving that he added that unilateral regulation or primacy of wage commissions which has become a norm in the Nigerian Public Sector vitiates the ideal.

Indeed, that industrial democracy cannot take firm footing in the Nigerian work/labour relations is systemic, this is reinforced by the fact that the democratic experience is wobbling despite the "rule of law" mantra.

The author stated conditions for collective bargaining and gave types/strategies for collective bargaining as: centralised or regulated and decentralized or deregulated. In centralized or regulated collective bargaining, the umbrella employers association negotiates collectively with unions as representatives of workers. This has the advantage of setting the baseline or minimum upon which individual employer can negotiate with house or enterprise unions. Deregulated bargaining is a process whereby an employer of labour negotiates wages and other conditions of service directly with representatives of workers (house unions) within the overall economic condition prevailing in the country. The rationale and driving force for deregulated bargaining is the ability to pay principle (Onah, 2008:385-387).

THEORETICAL FRAMEWORK

This study has its theoretical base laid in John T. Dunlop's and Allan Flanders' "Industrial Relations System Model". Otobo (2000:16) posited that "one of the most influential frameworks for explaining industrial relations is the one developed by Professor John T. Dunlop... in his well-known book, *Industrial Relations System* (1958)". He added that Dunlop's model "drew from the works of Professor Talcott Parsons and Neil J. Smelser... (as) strong advocates of the system approach in social and sociological analysis" (Otobo, 2000: 16-17). Other contributors to the industrial relations system theory are : Allan Flanders (1968); Bain and Clegg (1974); Hyman (1975); Kochan (1980); Akpala (1982); Ubeku (1983); Damachi (1984); Yesufu (1984); Freund (1988); Fashoyin (1999); Otobo (2000). Details of their contributions and refinements to the model are recorded in Fashoyin (1999:3-14) and Otobo (2000: 16-61). The industrial relations system approach by Dunlop is based largely on the institutional framework with a strong emphasis on the pluralistic nature of industrial relations. Fashoyin (1999:3-4) reported that "Dunlop presents a general theory, providing tools of analysis to interpret and to gain understanding of the widest possible range of industrial relations facts and practices".

FEATURES OF INDUSTRIAL RELATIONS SYSTEMS MODEL

The thrust of Dunlop's Industrial Relations Systems Model are:-

- That industrial relations is an area of relations between three principal actors – workers and their organisations; managers and their organisations; and governmental agencies concerned with the work place and work community (Fashoyin, 1999:4). The third actor (government or its agencies) is construed in the light of its roles as employer of labour and as a regulatory body.
- These actors develop a "web of rules" governing their relations in the work place and work community. This web of rules consists of procedures for establishing rules (procedural rules), the substantive rules and the procedures for deciding their application to particular situation. It is in this area of rule making that Flanders reinforced Dunlop's work when he acknowledged two types of rules namely procedural and substantive rules.
- Procedural rules of relations (collective agreements) deals with matters such as methods to be applied and stages to be followed in settlement of disputes and rights to be accorded to representatives of parties to the agreement. Substantive rules or clauses

refers to rates of wages, working hours and other terms and conditions of employment as stipulated in the collective agreement. In effect, these rules underline collective bargaining by prescribing methods/procedures in conflict resolution and job regulation.

To be sure, Otobo (2000:28) clarified the distinction between these rules thus "... the procedural rules of collective bargaining regulate the making, interpretation and enforcement of its substantive rules, they provide this particular institution of job regulation with its form and constitution". It is to this extent that Flanders conceived industrial relations and its sub-theme of collective bargaining as a study of the institution of job regulation. An assertion which Otobo (2000:49) described as being too restrictive. Instead, he affirmed that it is all about the maintenance of stability and regularity in industry.

- Industrial relations is viewed as a sub-system in larger industrial system/society. It is the larger society that provides the external environment which influences industrial relations actors and institutions.

- An industrial relations system comprises certain contexts, an ideology which binds the industrial relations system together and a body of rules created to govern the actors at the work place and work community.

Dunlop in Fashoyin (1999:4) identified three important aspects of the environment which influence and constrain actors in an industrial relations system, and these factors underscore Collective bargaining namely: the technological characteristics of the work and work community which influence the form of management and employee organization, and other union-management relations matters; the market or budgetary constraints which impinge on the actors and influence the sale of goods and services depending on the nature of competition but which in any event will influence the industrial relations system; and the locus and distribution of power among the actors in an industrial relations system is a reflection of the distribution of power in the larger society.

The imperative of cultural values (in Africa) in explaining the behaviour of individual actors in work relations was also highlighted by Freund in Fashoyin (1999:6). The import of Freund's contribution is that beliefs and practices through cultural responses and creativity; political life and authority systems in the family and village with its structures and contradictions tend to be imputed into work relations. The Dunlop/Flanders model of industrial relations system has been criticized as being too conservative, one-sided and for concentrating on conflict resolution to the detriment of how disagreements and disputes are generated in the workplace. Notwithstanding these, Otobo (2000) and Fashoyin (1999:6) submitted that this model is unassailable in view of its contributions to the dynamics and sanctity of collective bargaining and conflict resolution in social organisations, of which the local government system is a cardinal part.

APPLICATION OF THE THEORY

The relevance or applicability of the Dunlop/Flanders model of Industrial Relations System to collective bargaining is underscored by the fact that the actors involved in the collective bargaining process cannot operate in isolation. Otobo (2000:18-19) reinforced that the actors are: a hierarchy of managers and their representatives in supervision; a hierarchy of workers (non-managerial) and any spokesmen; specialized governmental agencies (and specialized private agencies created by the first two actors) concerned with workers,

enterprises and their relationships. For the purpose of this study, the first set of actors translates to political executives/appointees in the local government system and their management representatives. The second (hierarchy of workers and spokesmen) is NULGE and its officials. The third is the Federal Ministry of Employment, Labour and Productivity (MELP), Industrial Arbitration Panel (IAP), National Industrial Court (NIC) and a host of other agencies concerned with labour matters.

These actors interact with each other and are mutually dependent on one another for survival, they also interact with the environment (through the recruitment process and delivery of services) through which "energy" and "input" is derived. The transforming mechanism processes the inputs into output, the output is reprocessed through the feedback loop as inputs depending on the circumstances/situation from the environment. Otobo (2000:37-45) highlighted these in his discourse on the above processes. To reiterate, in some cases, the input (for collective bargaining) could be the product of personnel policy and practices as provided in the Civil Service Rules (CSR) with its unilateral application by the Establishment department of government, which in the local government system is represented by the Head of Personnel Management (HPM) unit and the Local Government Service Commission (LGSC). It is perhaps necessary to emphasize that unilateral actions in work relations seem to derive from the African System of social relations which is strongly rooted in paternalism, and as Fashoyin (1999:9) noted, "this is taken to the work place" where organization of work based on western values is at variance. This conflict or seeming contradiction underlines role expectation in work relations. Workers would expect to be treated with respect as human beings who have done their best at work and similarly obeyed their managers. It is to this extent that default in paying emoluments and honouring other conditions of service could meet with workers' protests which managers of public sector organisations (including the local government) often construe as sabotage and disrespect for leadership. This explains partly the causes of conflict in work relations and collective bargaining offer avenues for resolution.

In addition, rising costs or general economic situation in the country could stimulate workers to demand for better remuneration. This reinforces the notion of industrial relations system as a sub-system of the larger social system. The primacy and history of wage (review) commissions as earlier highlighted in this study offer a case in point. The output may be an increase in remuneration with the attendant increase in living standard which ensures that union's demands and/or conflicts are temporarily temporized. Sometimes, an increase in remuneration without corresponding back up in the economy creates potential problems (by way of inflation) which the collective bargaining machinery and process would have to attend to. This is again reprocessed into output and the cycle continues. Indeed, this has been the nature of salary administration in Nigeria (starting from 1941) and by extension, collective bargaining.

The web of rules governing work relations in the local government system are contained in the Civil Service Rules, Financial Instructions and other documents which guide the worker in the daily performance of duties. The procedural and substantive rules of collective bargaining and conflict resolution in the public sector are regulated by law. In an attempt to underscore the place of these rules and relevance of the Dunlop/Flanders

model in collective bargaining and conflict resolution in the public sector, Otobo (2000:227) submitted that:

Just because conciliation and arbitration are commonly associated with current conflict situation, it has generally been overlooked that the administration and application of great many agreements in fact generate further disagreements and conflicts as a result of divergent interpretation of clauses in their agreements and procedure for implementing them.

The above contribution by Otobo (2000) makes collective bargaining not just a complex and continuing process but very dynamic, cyclic and moving in ideas. The place of systems theory is very eloquent in collective bargaining and conflict resolution in the sense that what may be considered an output of the system in a circumstance might through systemic interaction (feedback mechanism) cause the emergence of new inputs which are reprocessed through appropriate negotiation platforms into further output, hence systems process continues its cycle of events.

In conclusion, the Dunlop/Flanders Industrial Relations system model based on institutional framework and a strong emphasis on the pluralistic nature of actors and issues involved in industrial relations offers a practical approach at conceptualizing collective bargaining and labour conflict resolution in public sector organisations. And as Yalokwu (2006:63) buttressed, "this way, the systems approach help in the identification and solution of specific organizational problems".

FINDINGS AND DISCUSSION OF FINDINGS

In a study conducted using the Dunlop/Flanders' Industrial Relations model with twelve local government areas spread across the three senatorial zones in Rivers State as focus, it was observed that collective bargaining operates on minimum benchmarks. This is explicable in the light of inadequate appreciation for the human element in the workplace as manifested in payment of salaries / allowances and christmas bonus only as incentives to workers. The use of promotion, merit award and additional incentives for hard work and display of initiative is less prominent. These explain the dissatisfaction of workers and the combative posture of staff in pressing for better conditions of service. It must be stated that result-oriented managers of the local government system in the 21st century must be prepared to think "out of the box" and fashion out extra-statutory methods and incentives as practiced in the private sector (to motivate workers). This is the new thinking and approach to the New Public Management (NPM), and in tackling the contemporary challenges and changes in the collective bargaining process and conflict resolution. The link between good motivation strategies and effective collective bargaining practice cannot be overemphasized. Another finding of the study is that there is a narrow view of collective bargaining (in content and practice), especially on the part of Managers of the local government system and this limits the effective use of collective bargaining especially in conflict resolution.

In discussing this finding, collective bargaining is construed mainly in terms of remuneration, instead of seeing it in a holistic sense. This factor aggravated discontent in work relations between NULGE and Managers of the local government system, as evidenced by spate of violent demonstrations. To be sure, managerial philosophy and practices anchored on narrow beliefs like these hamper the effective use of collective

bargaining in resolving labour conflicts. The contributions of the Industrial Relations System theorists like J. T. Dunlop, Flanders and later refinements by Fashoyin (1999) and Otobo (2000) on the dynamic and comprehensive nature of collective bargaining is instructive. Further support for this finding was expressed by the reluctance and tardiness on the part of management in honouring and implementing valid agreements which infuriates the union a great deal. With this state of affairs, collective bargaining suffered a major setback in this connection as a potent tool of achieving harmonious work relations. The procedural and substantive rules of work relations as canvassed by Allan Flanders in Otobo (2000: 28-29) is jettisoned in the process. One other finding of this study is the asymmetry of the conflict resolution mechanism in favour of the management, thus hindering the maximum utilization of the collective bargaining machinery.

One factor explaining the above finding is the non-representation of the union on the disciplinary committee of Rivers State local government system. The fairness and equity of collective bargaining as a machinery for redress and conflict resolution is suspect and questionable. This is at variance with the procedural rules of relations as highlighted by Dunlop and Flanders, and as a cardinal plank upon which the collective bargaining process rests in line with the industrial relations system model as utilised in this study. In a sense, the avowed commitment to joint consultation (with the union) is perfunctory, plastic and rudimentary. It amounts to giving a right with one hand and taking it with the other. The efficacy of collective bargaining as a machinery for conflict resolution is circumscribed by unjust and inequitable practices like these. The semblance of collective bargaining practice in Rivers State local government is explicable in the light of Management consultation with the union on quarterly basis to appraise vital work related issues. However, the timelag between one meeting and the other is considered too long in view of the bureaucratic nature of public sector organisations.

The narrow content of collective bargaining (in the perception of Management) impinges on its use as conflict resolution machinery, thus its application hardly attenuates conflict, except for the "fire brigade" techniques like persuasion and other manipulative techniques, which was highlighted during the interview session. One other important finding of this study is the identification of a semblance of collective bargaining practice without a supplemental approach that can create the necessary buffer for its weaknesses. The use of collective bargaining strategies and tactics (underscored above) by the Managers amounts to gimmicks and a mockery of collective bargaining process in an organized setting. It does not guarantee the efficacy of collective bargaining as a solution to labour conflicts. The above implies that Management pays lip service to collective bargaining and clearly manifests paternalism (reinforced by Freund in Fashoyin, 1999:6) as a style adopted in collective bargaining and this is amply reflected in the practices in Rivers State local government system

A final finding of this study is that collective bargaining operates in theory in Rivers State local government system in view of the limited access to and knowledge of the Public Service Rules as a working manual in the local government system. This vitiates the substantive rules and issues in the collective bargaining process. In this information and communication driven age, it is curious and unacceptable for a public servant to sight the Public Service Rules (for the first time) as the instruction guide for employment contract

only at the point of default. This does not augur well for the collective bargaining process and conflict resolution mechanism. The methods and stages to be followed in conflict resolution in Rivers State local government system are not sufficiently adhered to. This factor impinges on the workings of procedural rules as a major ingredient in the collective bargaining process, and this accounts for the palpable state of collective bargaining process in the system. As a corollary, the rights to be accorded union representatives as a party in the collective bargaining process are breached as the analyses in the preceding chapter show. This is an affront on the effective application of substantive rules as a major plank upon which the collective bargaining process rests. In the face of these, collective bargaining is hamstrung as a process of resolving labour conflicts.

CONCLUSION

The central thesis of this study is that collective bargaining can enhance peace and working harmony in public sector organisations especially the local government system. The realization of the goals and objectives of the local government dictates that there should be less or no conflicts in the work place. It is the effective practice of collective bargaining and the sanctity of its processes and machinery that offer durable approach to achieving this purpose. Workers come into the work place to pursue certain goals and objectives which they soon realize cannot be achieved individually. Thus, these interests are better aggregated and pursued collectively. This search for interest aggregation, protection and defence provides the social basis for trade unionism, collective bargaining, working harmony and other related matters.

The objective application of Collective bargaining ensures a measure of democratization and participation in management. It provides a veritable avenue for the redress of workers grievance and a platform for conflict resolution. Collective bargaining is therefore the most potent tool employed by the union to get their needs met by the management, and this can guarantee industrial harmony. Collective bargaining is arguably a process and a method – an eclectic set of rules and techniques, designed for the protection of interests and rights of parties to a contract of employment. The foregoing has been proven in this study. Using the cross-sectional survey design with its exploratory, explanatory and descriptive attributes (questionnaire and interview instrument), and secondary sources of data, this study found that collective bargaining minimally operates in Rivers State local government system, and this informs agitations for improved conditions of service which makes collective bargaining to assume a combative posture. The narrow view of the content and practice of collective bargaining by Managers of the local government system limits its effective use in conflict resolution. The asymmetry of the conflict resolution mechanism in favour of the management hinders maximum utilization of the collective bargaining machinery. In addition, the objective application of substantive rules as a major aspect of collective bargaining and conflict resolution in Rivers State local government system is questionable, thus it hampers the collective bargaining process as a solution to labour conflicts. The recommendations advanced can effectively address these limitations in the use of collective bargaining in the local government system.

RECOMMENDATIONS

This study strongly recommends the introduction of extra-statutory methods and incentives comparable to those in the private sector to motivate workers in order to elicit hard work and maximum display of initiative. These can be in form of merit awards, productivity bonuses, vacation travel/leisure incentives, children education subsidies and other desirable schemes. In addition, periodic review in remuneration and other welfare packages should be initiated without the workers agitating for them. Through these strategies, the local government system will become a better place for the union and Management.

There should be a conscious and deliberate effort on the part of NULGE and the Management to strengthen the machinery and process of collective bargaining in order to facilitate its use in conflict resolution. This, the management can do by divesting itself of the paternalistic tendencies associated with the excessive management style prescribed by classical administrative theorists. On the part of NULGE, constant and constructive engagement/discourse with their Management on critical issues bothering on the well being of the local government system will be beneficial. The adoption of Alternative Dispute Resolution mechanism which has the supplemental benefit of encouraging communication in conflict situations is highly recommended in preventing deadlock in the collective bargaining process.

As a matter of utmost urgency, there is the need for a review of the disciplinary mechanism with an enlarged membership to incorporate at least few members of NULGE. This will address the issue of representation and reliability of the collective bargaining machinery.

NULGE (Rivers State Chapter) is advised to collaborate with the Managers of the local government system to ensure procurement of the Civil Service Rules for its members. The Management of Rivers State Local Government System should avoid unnecessary delay in the implementation of agreements reached with the union. Such recalcitrant moves have the tendency of provoking fresh demonstrations or a trade dispute. Collective bargaining would further strengthen union-management relations in Rivers State local government system if "need based" worker education can be introduced. The content of such worker education must include: general re-orientation; the organizational environment; management-union relationship (Management – Employee interactive forum); transparent and fair grievance procedure/conflict resolution mechanism; inter-personal relations and leadership development.

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