Strategic Management of Industrial Conflicts in the Nigerian Maritime Industry: Some Lively Perspectives

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Abstract: This research took a look at the maritime sector in Nigeria and the broader Nigerian economy to identify the fundamental issues with industrial conflict management. With a focus on the marine sector, this article sought to investigate and propose methods for the efficient administration of industrial disputes, collective bargaining, employee complaints, industrial action, and disciplinary actions. A primary emphasis on practical and efficient methods for handling workplace disputes informed the methodology's descriptive and analytical character. Sources for the pertinent data included the National Industrial Court, the Federal Ministry of Transport, and the Federal Ministry of Labour and Productivity. Based on our research, we know that (i) Nigerian trade unions were the catalyst for the first industrial disputes in 1912, (ii) the country suffers economically from these disputes despite their potential benefits, and (iii) the extent to which collective bargaining principles are being used to resolve these disputes is concerning and raises doubts. The report offered realistic and appropriate ideas for managing industrial disputes and associated challenges in the Nigerian maritime sector based on these and other pertinent insights.

Introduction

Industrial conflict seems to be one of the primary obstacles preventing developing countries like Nigeria from making development. The maritime sector accounts for more than 90% of Nigeria's export earnings, but industrial conflicts and subsequent labour disputes have had a devastating effect on this industry. Tragically, there are needless delays before and after mediation, conciliation, and arbitration in Nigeria's labor-reform-based dispute resolution procedures. These characteristics definitely point to resolving conflicts at work too quickly.

Industry and Nigeria have struggled mightily to resolve industrial disputes since the colonial period. The magnitude of these disagreements prompted the passage of the Trade Disputes Act in 1976, which was subsequently amended in 1977 and again in 1990. Both internal and external dispute resolution processes are provided for in the Act; if the former fail, the latter must be used. Organisations like the National Industrial Court (NIC), Industrial Arbitration Panel (IAP), mediation and conciliation groups are examples of such external apparatus. It is unfortunate that

Nigeria has not yet achieved success in resolving labour issues. The current state of dispute resolution in Nigeria is allegedly caused by prejudice, corruption, and discrimination, according to certain writers. The purpose of this presentation is to provide Nigeria, and the marine sector in particular, with alternative methods of conflict management that have gained worldwide recognition. For the rest of the presentation, we will go over the following topics: (i) theoretical concerns with conflict management; (ii) the structure of industrial conflicts in Nigeria; (iii) suggestions from around the world for strategies of negotiation and collective bargaining; (iv) methods for handling disputes in the marine sector; and (v) methods for handling grievances, industrial actions, and employee discipline in the marine sector.

Theoretical Background

Opinions on the origins, traits, and effects of conflict differ, despite the fact that everyone acknowledges that conflict is a necessary part of organisational life. Academics argued that beginning in the 1980s, Japan's industrial experiences were reducing conflict. The prior position argued that conflict was inevitable and even desirable, and that the key was to manage it rather than try to eliminate it altogether. This new position disagrees with that. The diverse perspectives on what seems to be the same phenomenon have been the primary focus of researchers that have written on the issue, such as Poole and Warner (1998).

There are three distinct uses of the phrase "industrial conflict" by these authors:

1. Forceful punishments, such as suggesting a confrontation may ensue from a strike;

2. Thirdly, there is an unspoken but pervasive conflict of interest between management and employees, which contributes to a persistent feeling of discontent, as when the debate over a higher minimum wage is taken for granted.

Things become even more complicated since there are many other ways that conflicts may show up, not only strikes and business disputes. Another approach to show dissatisfaction is to not show up for work, to quit, or to sabotage.

To far, five prominent theoretical frameworks have attempted to deduce what exactly triggers industrial disputes. They looked at the main traits via the prisms of radicalism, unitarianism, political exchange pluralism, industrial relations pluralism, and transaction cost economics. According to Poole and Warner (1998), these features are shown in figure 1 below.

Figure 1: Perspectives on Industrial Conflict

	Unitary	Industrial Relations Pluralists	Political Exchange Pluralists	Radicalism	Transaction Cost Economics
Basis for Conflict	None	Division between organized interests		Exploitation	Gaps in labor contract

Reasons for Open Conflict	Mistakes, poor communication	Disputes of interest or right		Recognition of opposed interests	Opportunism
Form of Conflict	Occasional outburst	Collective bargaining	Political exchange	Any levels	Shirking
Focus of Analysis	Workplace	Bargaining contract	Political centre	All levels	Workplace
Means of Minimizing Conflict	Communication	Better procedures	Strong corporatism	None	Monitoring
Unresolved Problems	Division between two sides	Shop-floor level, limits of institutions, role of state	Shop-floor level, tensions within corporatism	Limits to managerial power, cooperation	Politics of workplace, cooperation

Source: Poole and Warner, 1998: 756

Unitary perspectives, are characterised by a lack of conflict due to the fact that all members of an organisation share comparable core interests, as shown by Fox's (1974) analysis. Assumptions of error or the existence of "trouble makers" are common when disputes emerge. Mistakes might occur as a consequence of inefficient communication.

Pluralist theorists For example, remember that managers and workers have different priorities when it comes to salary scales. Trade unions are often formed as a result of this conflict of interest. We identify two primary varieties of pluralism: first, the political exchange pluralists, who study the impact of interpersonal ties on conflicts outside of organisations; and second, the industrial relations pluralists, who study the dynamics between unions and management (Fox, 1974; Hyman, 1989).

Radicalism caused this to happen in capitalist countries where worker militancy peaked in the '60s and '70s. In some contexts, they believe, differences of opinion may be settled and trust can be fostered between coworkers.

The **transaction cost economics** In 1992, Edwards put forth an argument. According to this school of thinking, "indeterminacy" is a part of every contract as it's almost impossible to know in advance all the details that would be required to fully comply with it. Determining whether a party has complied with a contract incurs expenses. Trade disputes may cause work stoppages if this kind of monitor were to be used.

Industrial conflict may be seen from a different angle by considering labour regulation. This view is in line with radical and economic theories that contend that conflict is inherent to the nature of work (Edwards, 1986). Managers, not workers, are responsible for organising the work process, which leads to workplace disagreements.

These perspectives or schools of thought have, either alone or in concert, laid the groundwork for the present discussion of labour conflict concerns. Nevertheless, this presentation covers a substantial chunk of the economists' perspective.

As to Robinson (1972), conflict is an inevitable part of every organisation. He made a clear distinction between two types of conflict: behavioural threats, which include challenges to objectives, policies, and values, and territorial conflicts or threats, which include social, physical, or occupational borders.Despite the common perception of conflict as an obstacle to group or organisational success, Robinson (1972) argues that not all disputes are detrimental and not all collaboration is advantageous. Depending on the kind of organisations it arises within and among, conflict may be either beneficial or detrimental. Conflict may not always be beneficial for groups, and not all organisations will find that it supports their goals (Coser and Rosenberg, 1964).

Below is an outline of several ways in which conflict may be both integrating and disintegrating. Both Coser (1964) and Robinson and Clifford (1974) agree that disputes have the potential to:
   a.   be detrimental to individuals or groups;
   b) have positive effects;
   c) help clarify organizational issues to improve management decisions;
   d) assist in gaining recognition for a group;
   e) exacerbate animosity, alienation, and division;
   f) strengthen group boundaries;
   g) increase unity, cohesion, and solidarity within a group;
   h) assist in the formation of a new group;
   i) weaken or destroy a group;
   j) increase tension within or between groups;
   k) result in restructuring a group;
   l) lead to alliances with other groups;
   m) interfere with regular channels of cooperation).

The above overview makes it clear that there are several advantages to having conflicts. But arguments between group members are dangerous if they sap the energy of every single one of them. When people in a group are constantly at odds with one another, it may be very difficult, if not impossible, for them to work together effectively.

An outline of the system of industrial conflicts in Nigeria is provided in the section that follows. The objective is to look at the main effects of labour disputes throughout the nation.

The Structure of Industrial Conflicts in Nigeria

The establishment of trade unions in Nigeria predates colonisation by several years, and with them came the first industrial conflicts. It was possible to formally register trade unions because artisan groups, once called guild systems, survived colonisation. A group of 33 pioneers, including potters, blacksmiths, hunters, and weavers, established the first officially recognised labour union in 1912—the Southern Civil Service Union (SNCSU) (Tokunbo, 1985).

According to Tokunbo, the colonial military expedition, the 1851 conquest of Lagos, the 1889 discovery of Benin, and the 1900 founding of the Royal Niger Company were the main causes of the rise of labour unions.

All of these things contributed to the development of Nigeria's contemporary, highly industrialised manufacturing sector, which laid the groundwork for the country's officially recognised labour unions. The second officially recognised labour organisation in Nigeria was the Nigerian Civil Service Union (NCSU), which was formed in 1914. This followed the colonial merging of the Northern and Southern protectorates. During the first years of union development in Nigeria, there were very few recorded instances of industrial conflicts.

The adverse effects of the "neoliberal reforms" that were in place in Nigeria in the 1980s have contributed to the country's long history of industrial disputes. In response to government policies, labour forces violently launched extensive strikes in1921,1945,1981,1994,2000, and 2004 when a dictatorship was established (Damachi, 1985; Otobo, 2006). Between 2000 and 2007, the Nigerian Labour Congress (NLC) effectively orchestrated four nationwide strikes (Komolafe, 2007). The 2003 strike in Nigeria was the biggest. A 54% increase in the price of petroleum products in Nigeria was the result of a policy that the NLC had called for a walkout to protest. From 1970 to 2002, Table 1 displays all of the available information on trade disputes and strikes in Nigeria. From 1951 to 2002, the strike profile in Nigeria is seen in table 2.

Table 1: The Structure of Disputes and Strikes in Nigeria, 1970 – 2002

Year	Number of Trade Disputes	Work Stoppages	Workers Involved	Man-Days Lost
1970	165	44	14,784	27,072
1971	296	165	77,104	208,114
1972	196	64	52,748	145,125
1973	173	60	33,963	115,371
1974	338	129	62,565	144,881
1975	775	346	107,489	435,493
1976	230	125	52,242	148,141
1977	172	93	59,270	136,349
1978	142	78	105,525	875,137
1979	155	755	204,742	2,038855
1980	355	265	221,088	2,350,998
1981	258	234	323,700	2,218,223
1982	341	253	2,874,721	9,652,400
1983	184	131	629,177	404,822
1984	100	49	42,046	301,809
1985	77	40	19,907	118,693
1986	87	53	157,165	461,345
1987	65	38	57,097	142,506
1988	156	124	55,620	230,613

1989	144	80	157,342	579,968
1990	174	102	254,540	1,339,105
1991	204	117	460,471	2,257,382
1992	221	124	238,324	966,611
1993	160	90	880,224	6,192,167
1994	199	110	1,541,146	234,307,748
1995	196	26	193,944	2,269037
1996	29	24	19,826	94,664
1997	31	31	59,897	359,801
1998	16	11	9,494	47,631
1999	52	27	173,858	3,158,087
2000	49	47	544,722	8,287,733
2001	51	37	259,290	4,722,910
2002	50	42	320,006	5,505,322

Source: Federal Ministry of Employment, Labour and Productivity in Lagos (2006)

Table 2: Strike Profile in Nigeria, 1951 – 2002

Period	Average Frequency	Average Breadth	Duration
1951 – 1959	42.00	38,000.00	4.240
1960 – 1969	10.22	38,082.71	3.485
1970 – 1978	142.00	193,804.00	3.224
1979 – 1983	327.60	850,068.60	6.288
1984 – 1987	45.50	69,014.50	4.606
1988 – 1992	109.40	233,259.40	4.410
1993 – 2002	44.50	998,001.60	11.087

Source: Federal Ministry of Transport, 2002

Recommendations for addressing grievances, industrial activities, employee discipline, and negotiation and collective bargaining are covered in the remaining presentations.

Negotiation and Collective Bargaining Strategies

Bratton and Jeffrey (1999) defined collective bargaining as:

An organised method of bargaining in which union and management committees deliberate on issues relating to the making, reading, and applying of rules and legislation that impact the nature of the work relationship.

Many important details are missing from this definition. Collective bargaining is based on the idea that union and management representatives should work together to establish ground rules for the workplace. Rules might be either procedural or substantive. Terms and conditions of employment, as well as wages, working hours, and vacation days, are defined by substantive rules. Substantive regulations, their creation and implementation, and the resolution of disputes are all subject to procedural norms. Those who take part in collective bargaining also have a responsibility to ensure that the agreement is enforced.

The extent to which these CBAs are respected in Nigeria is an open question. Using repressive governmental machinery and manipulating the ministry of labour, organised labour was allegedly unable to manage and settle labour conflicts in Nigeria. Conventional conflict resolution methods, such as industrial arbitration panels, conciliators, and mediators, are often rejected by Nigerian trade unions. Consequently, we must investigate other methods of resolving conflicts in Nigeria that make use of collective bargaining concepts.

The kinds of legal constraints that gave rise to the organisations would shape their negotiating tactics. The use of entrepreneurial tactics is, nevertheless, possible within our collective bargaining and negotiation processes. Udeh (1999) made the following claims based on this.

To have fruitful discussions, several requirements must be satisfied:

1. It is essential that all parties involved in the negotiation have a clear understanding of its objective.

Second, when negotiating, you should always choose the right group member to talk to. Third, choose a good place to have the conversation. Any communication that aims to flourish must always respect confidentiality. Stay on topic, listen to the other side to grasp their perspective better, and avoid "winner takes all" debates since everyone has to come out ahead in the end.

In addition, consider the following for focused and successful bargaining.

guidelines:

a).Assist others by actively listening. Take note of the message's content, feelings, and reaction to those feelings.

b) Offer perceptive critiques. Giving feedback should happen gradually, when the receiver is ready to receive it, be individualized to meet their requirements, and be delivered with sincerity.

c) Refrain from acting unethically during negotiations, such as attempting to outbid the other side or believing that there are insufficient resources to satisfy everyone's demands.

Throughout the negotiation, generate a wide range of choices before deciding.

Keep in mind that the following three factors are essential to a successful negotiation:

1. Quality: a sensible and mutually agreeable agreement.
2. Efficiency: don't spend more money or time than is absolutely necessary.
3. Harmony – promotes positive interpersonal relationships rather than hinders them. To negotiate effectively, one must avoid these four frequent pitfalls:
1. Giving in to the false notion of the "fixed pie"
2. Unreasonable intensification of hostilities
3. Arrogance and lack of awareness of the needs of others
4. Too little "hearing" and too much "telling"

Strategies for Managing Conflicts in Maritime Industry

Preventive delay, "before and after" arbitration, mediation, conciliation, and arbitration are the main components of Nigerian procedures for resolving industrial disputes. Some have suggested merging these procedures to ensure that labour disputes are resolved quickly and with minimal delays.

It has been challenging for the government and marine industry of Nigeria to settle labour issues since the country's independence in 1960. This was especially true during the 1970s, when the country's marine transport business was expanding rapidly, but it has persisted ever since the industry was commercialised. The severity of labour conflicts led to the passage of the Trade Conflicts Act in 1976, which was subsequently amended in 1977 and 1990. The Act set up procedures for resolving conflicts, both internal and external, that were required and optional. The Act stipulated a seven-day timetable for internal issue resolution. When all other options were exhausted, it was necessary to seek help from other sources. An external instrument that was used was the National Industrial Court (NIC)-backed industrial arbitration panels, as well as conciliation and mediation. As stated by the National other Dispute Resolution Advisory Council, Nadrac, 1977, mediation is a method that relies on a neutral third party, the mediator, to help parties identify the difficulties, come up with practical solutions, consider other choices, and ultimately promote compromise. Within fourteen days of receiving notification that mediation had failed, the labour minister would be allowed to choose a conciliator or establish the industrial arbitration panel (AIP). Furthermore, within one week of the dispute arising, the parties might choose a neutral third-party mediator to help them reach a mutually agreeable resolution. For a mediation to be successful, the mediator must exhibit two qualities: objectivity and neutrality. According to Cooks and Hale (1994), being neutral means not showing favouritism or prejudice. On the other hand, being impartial ensures that mediation is fair.

One might claim that the 1976 Trade Dispute Act's criteria for dispute handling are now out of date due to corrupt activities in Nigeria. There have been serious problems with the implementation of this Act due to the prejudice, favouritism, and lack of impartiality in the mediation processes. So, new approaches are required by the maritime sector and Nigeria to resolve problems. So, to settle disagreements in the marine sector, several methods are proposed:

Realisation and acceptance of the conflict's reality

• Analysis of the existing conflict situation:

(i) Make sure you comprehend the nature of the dispute. Does it involve any combination of these, or just territory, motive, goals, or values?

(ii) Analyze the actions of both the labor union and management.

(iii) Determine if the individual in issue is employing a successful conflict resolution technique.

(iv) A review of the international dispute resolution processes used for similar cases.

• Facilitate communication:
(i) Encourage better communication. Permit open communication and make sure all participants are involved.
(ii) Encourage accurate feedback and communication because they are essential for fruitful negotiations.
(iii) Be vigilant and ask questions.
(iv) Allow speech freedom. Constructive disagreements should not be suppressed.
(v) Offer information and facts.
(vi) Refrain from showing emotion.
Pay attention to things that matter, not people.

Negotiate
• Everybody wins in a negotiation that is successful.

• Find and note "points of common agreement" or interests that you have in common. Nierenberg (1968) has highlighted the need of determining common interests..

• Make necessary adjustment, Reinforce, Confirm

It's important to keep in mind that sometimes individuals or organizations don't think that settling a disagreement would be in everyone's best interests. Conceding or compromise is necessary for dispute resolution. If one party is reluctant to compromise, the conflict is likely to continue.

Strategies for Handling Grievances, Industrial Action, and Employee Discipline

The aforementioned matter has been touched upon in our talks on negotiation and conflict resolution tactics; nevertheless, in the next sessions, we will go more into the topic. Managers and supervisors in the Nigerian maritime sector are provided with comprehensive guidelines for addressing complaints and disciplinary measures in accordance with specific collective bargaining agreements. Take note that if you want to know how to deal with complaints the right way, you have to study up on the subject.

The following administrative and supervisory duties are involved in handling complaints that often result in industrial activities:

1. Every complaint should be handled as though it were going to be arbitrated; nevertheless, do not adopt an antagonistic stance..

(ii) Provide enough opportunity for unions and/or workers to express their viewpoints. Listen instead of interrupting.

(iii) Confirm that all procedural criteria related to the grievance procedure, including deadlines, have been fulfilled.

(iv) Know the background of the complaint, if similar cases have been filed, and how those cases have been resolved. Recognize the provisions of the agreement that concern you and any historical policies and processes.

(v) Confirm that the union and/or employee have given the complete story, explained the precise reason for the alleged grievance, and stated the exact remedy that has been asked for.

(vi) Ensure that all investigative results are meticulously and accurately documented. A document of this kind should include:

a. Any pertinent payment records.
b. Personnel, work, or conflict resolution files
(c) A summary of the roles held by management, the union, and the employees
(d) Statements and names of witnesses
The kind of proof that each side could have offered

It is also important to find out *who, what, when, where,* and *why*. Ask questions and ensure that you have all the facts.

Conclusion

This presentation has discussed the essential issues related to the management of labour disputes in the marine industry of Nigeria in particular and in the country as a whole. Throughout its colonial history, Nigeria has always struggled with industrial difficulties. It became clear to us that there are more possible causes of conflict than trade disputes and strikes. Economics, politics, and society all have a role.

The unitary method, the pluralist approach in industrial relations, the radicalism approach, the pluralist approach in political exchange, and the transaction cost economics approach were the five main theoretical frameworks used to explain the origins of industrial disputes. We also spent a lot of time discussing the potential integrative and disintegrative nature of industrial disputes.

First, industrial conflict in Nigeria started in 1912, when trade unionism first emerged, according to the country's conflict structure.

2. Lost man-days, work stoppages, and strikes are some of the negative results that have resulted from industrial conflicts.

It would seem that Nigeria is not adhering to the standards of international collective bargaining to an admirable or sufficient degree, hence the country needs a lot of attention.

The presentation outlined:

- Strategies for negotiation and collective bargaining;
- Strategies for managing conflicts in the oil and gas industry; and,
- Strategies for handling grievances, industrial action, and employee discipline.

References

Coser, Lewis A. and Rosenberg, B. (1964), Sociological theory: A book of readings (second edition). New York: The MacMillan Company.

Damachi, U.G. (1985) Industrial relations: A development dilemma. Lagos:

UNILAG Press. Fox, A. (1974) Beyond contract, London: Faber and Faber.

Edwards, P.K. (1986) Conflict at Work, Oxford: Blackwell.

Edward, P.K. (1992) "Industrial conflict: themes and issues in recent research", British Journal of Industrial Relations, vol. 30, no. 3: 361-404.

Hyman, R. (1989) The political economy of industrial relations, London: Macmillan.

Komoyafe, F. (2007) Government admits shortcomings in job creation efforts. Retrieved October 8, 2013 from http://www.vanguardngr.com/articles/2002/features/labour/.

National Alternative Dispute Resolution Advisory Council, Nadrac (1977) Alternative dispute resolution definitions, Canbera. Retrieved October 8, 2013 from http://www.law.gov.au/aghome/advisory/nadrac/adrdefinitions.htm.

Neirenberg, G. I. (1968) The act of negotiating. New York: Hawthorn Books, Inc.

Otobo, D. (2006) The generals, NLC and trade union bill. Retrieved October 8, 2013 from http://www.thisdayonline.com/archive/2003/.

Poole Michael and Warner Malcolm (1998) The Handbook of Human Resource Management. London: International Thomson Business Press.

Robinson J.W., Jnr., (1972), "The management of conflict". Journal of the Community Development Society, vol.
3, no.2: 100-105.

Robinson J.W., Jnr. And Clifford, R.A (1974), "onflict management in community groups." University of Illinois at Urbana-Champain, North-Central Regional Extension Publication No. 36:5.

Tokunbo, M.A. (1985) Labour movement in Nigeria: Past and present, Lagos: Lantern Books.

Udeh, John, O. (1999) Entrepreneurship in The 21st Century: A Training Guide on Entrepreneurship Studies for Small and Medium-Scale Enterprise Development and Management. Enugu: The Catholic Institute for Development, Justice and Peace.