Asian Journal of Social Science and Management Technology
ISSN: 2313-7410
Volume 2 Issue 5, September-October, 2020
Available at www.ajssmt.com

The Statutory Regime for Resolution of Trade Disputes in Nigeria: A Critical Overview

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ABSTRACT : Where two or more people are involved in contractual synergies, the inevitability of disagreement and conflicts is as comparable to oxygen in the daily life of humans. Workers across the world are alike in the sense that they desire recognition, satisfaction, fair wages and salaries, security of job, redress of wrongs and good working conditions. But often, the employers and the workers (through their unions) find themselves in sharp disagreement, which gives rise to trade disputes. It is the desire of every man to have and enjoy a stable environment and society. Nevertheless, disputes and conflicts are inseparable from human existence and society. Therefore, for man to have the desired society disputes and conflicts cannot be ignored, they must be managed and resolved. It is with this in mind that the legislature in Nigeria promulgated the Trade Dispute Act, Cap T8, Laws of the Federation of Nigeria, 2004, which provides for the mechanisms for management of trade disputes in Nigeria. The thrust of this paper therefore is to examine those mechanisms in the Act, through which settlement of trade disputes could be achieved. The paper finds out that the mechanisms and the processes leading thereto are entangled into a lot of government influences through the office of the Minister of Labour, making achieving justice, in disputes involving the government, not very probable. The paper concludes by making recommendations, among others, for restructuring of the processes and mechanisms to be devoid of the enormous powers of the Minister of Labour, with a view to achieving justice devoid of government influence.

Keywords: Labour, Trade disputes, National Industrial Court, Wages, Settlements.

1. INTRODUCTION

The development of dependent labour relationship and the exploitative nature of the employer created differences of interest between the employer and the employees with regard to wages and other terms and conditions of service. The management of this relationship therefore inevitably leads to conflicts. 1
Aside from the adjudication method of resolving trade disputes through the regular courts, there are other mechanisms through which such disputes or conflicts could be resolved.

1.1 What is a trade dispute?

The grounds covered by trade disputes is so wide these days that one finds it difficult to ascribe a precise definition to it. A dispute is any serious disagreement between the parties on an issue. For example, there

could be a dispute over a problem of discipline in the workplace, over complaints or grievances, which workers have, or over dismissals. There can also be disputes over wages and other working conditions. Trade dispute has been defined by Section 48(1) of the Trade Disputes Act, as:

> *any dispute between employers and workers or between workers and workers, which is connected with the employment or non-employment, or the terms of employment and physical conditions of work of any person.2*

This definition limits trade dispute to disputes between employers or Employers Association and workers or Workers Union, or between workers and workers. These categories of persons are usually parties to a dispute. The dispute must also be connected with employment or non- employment or terms and conditions of employment.3 Trade dispute may also include dispute over agreement of workers to join a particular trade union or over the interpretation of the terms of a collective agreement.4 Going by the above definition, anything short of the foregoing therefore cannot qualify as a trade dispute.5 But the meaning of trade dispute has gone beyond these. It can now arise from any issue, which the workers think may affect their interest and should strive for. 6

Trade dispute may arise as a result of making new rights, for example, workers wanting to get paid higher wages or the employer bringing in a new pension or provident fund scheme that workers must belong to. These disputes are also called *disputes of interest*, whereby workers and employers having different interest. These disputes are usually handled by a union and are the subject of negotiation and possibly industrial action. This is particularly so in Nigeria these days since the dispute could go beyond workers rights but to interests, which they may have in some socio-economic issues in declaring trade disputes and strikes. This has been exemplified in the labour demand against increases in fuel prices, demands against Nigeria taking World Bank loans, demand against privatization of certain public enterprises.7

In effect therefore, any acceptable definition of trade dispute must cover disputes over rights and interest of individual and collective rights. Dispute can arise over rights, which already exist in contract, law, agreement or in custom and practice. These kinds of disputes are called disputes of right.

They usually involve an unfair labour practice such as racial or sexual discrimination in the workplace, sexual harassment and so on, or an unfair dismissal. Wrongful or unfair dismissal occurs whenever a contract of employment has been terminated in breach of the contractual procedure, which must be complied with in order to validly determine the contract. The category to which the contract belongs determines the relevant procedure for its termination.8 Unfortunately, the Nigerian labour statutes are yet to effectively embrace these developments in industrial and labour relations.9

1.2 Developments in Trade Dispute Settlement Processes

Until the advent of paid labour and industrialization, collective trade disputes and dispute settlement mechanism were alien to the Nigerian labour law. This was largely due to the fact that until then, the economy was based on a system of home- based production and there was clear absence of organized labour. Collective trade disputes began to emerge with industrialization when “the employers and the workers started together based on perceived common interests.” Before then the only known trade disputes were disputes between individuals, that is, among the individual workers, or the worker and the person he has chosen to work for or who engaged him. The disputes were also managed and resolved at collective and personal levels, where necessary.

With the emergence of organized labour and trade unions, the personal and individual character of most trade disputes began to disappear in place of collective trade disputes which in some cases led to collective labour actions and strikes with their attendant consequences.10 Industrial unrest and strikes do not only affect the employers of labour and the workers involved, their effect goes beyond the expectations of the parties.

Put differently, strife and strikes are ill wind, which blows neither the employers nor the workers any good. Strike disrupts not only the business of the employers and causes the workers loss of wages but invariably disorganizes the economy of the state and social order in some cases. Moreover, strike is a double edge industrial sword. Apart from its effects on the national economy, a great deal of wage- earning man-hours are lost, just as the employer losses its regular income. In the process, the state sustains loss of national revenue in the form of tax or profit.11 Hence, the need for a solution and the establishment of an effective machinery for effective industrial relations, for sustainable national development. The government as the regulator of industrial relations responded to the spate of industrial labour unrest by establishment of statutory institutions for the settlement of collective trade disputes, independent of the conventional regular court system. The machinery to achieve this was enshrined in the Trade Disputes Act,12 hereinafter refer to as the Act. The focus and emphasis in this paper would be confined to the machinery provided under the Act.13

1.3 Settlement of Trade Disputes under the Act

In practice, when a trade dispute arises, there are laid down preliminaries and procedures which are complied with a view to finding amicable settlement thereof. The preliminaries are: one, declaration of trade dispute and two, setting up of board of enquiry by the Minister of Labour.

1.3.1 Declaration of Trade Dispute

Before the machinery for the settlement of a trade dispute is set in motion, there must be a trade dispute. The dispute must be in existence and formally declared by the aggrieved party. Declaration of trade dispute is a formal method of putting the other party on notice, in writing, of the existence of some grievances, which need to be settled. The declaration is usually accompanied by a threat of industrial action if the causes leading to the disputes are not addressed within a given time.

This is usually intended to compel the other party to democratically and diplomatically settle the matter. It is in itself not a declaration of strike. However, it may or may not lead to a strike. It would all depend on the circumstances.

One must not, however, lose sight of the fact that the Act has not provided for a formal declaration of a trade dispute as a condition necessary for the initiation of the process under the Act, nor has it provided any prescribed mode of notice of the existence of a trade dispute. Yet, the process under the Act is to be initiated upon a trade dispute in existence.14 More so, the actors in any trade dispute settlement or resolution processes in Nigeria are the employer (s), the workers and the Government, as the regulator of industrial relations. The law is however silent on the necessity of a notice of trade dispute being served on the Government who is under a statutory duty to take steps to resolve such declared trade dispute before it could lead to a break down of industrial peace. The demands of this responsibility therefore should require, as a matter of law, that a trade dispute must not only be declared in writing between the workers and the employers but as a matter of necessity, the government should equally be put on notice. The details of the notice should include the nature of the dispute, efforts made by the aggrieved party to compel the other party to negotiate so as to reach some agreements on the issues at stake.

1.3.2 Board of Inquiry

The Minister may where a trade dispute exists or is apprehended cause inquiry to be made into the causes and circumstances of the dispute by a board of inquiry appointed for that purpose by the Minister. The Minister is also empowered, as he may consider necessary, to refer any other matter connected with industrial conditions in Nigeria to a board of inquiry. The Board shall inquire into a matter referred to it and report to the Minister. 15 The Minister, upon receipt of these reports may cause to be published in any manner he deems fit, any information obtained or conclusion reached by any such board of inquiry in the course of or as a result of its inquiry.16

In as much as this is included in the Act as a means of resolving trade disputes, it is not clear what this approach is intended to achieve. Can the Minister make an award based on the findings of the inquiry? The Act is this regard is silent.

One would have however imagined that the inquiry as to the industrial condition in Nigeria, would have been of great assistance in less unionized employment and the public sector employment for proper advice to the Government in some cases since the report may be accompanied by recommendation. But this mechanism, as has pointed out, is rarely used.17

1.3.3 The Statutory Procedure for Settling Trade Disputes

The Act provides four machineries for the settlement of trade disputes and sustenance of industrial peace. These include (i) Settlement by the parties themselves (including mediation). ii. Settlement by conciliation (iii) Settlement by arbitration through the Industrial Arbitration Panel (iv) Settlement by the National Industrial Court established by the Act.

As a general rule, the provisions of the Act apply only when there is trade dispute or when such a dispute is apprehended. It should be noted that the Act also empowers the Minister of Labour to constitute a Board of Inquiry. But this body seems to exist only as information gathering and advisory body to the Minister of Labour in labour disputes and labour/industrial matters in general. It does not play any direct role between the parties in the resolution of trade dispute. At this point, the application of the procedure in the settlement of trade disputes will now be discussed seriatim.

(i) Settlement by the Parties

The Act emphasizes that before the dispute is reported to the Minister, the parties are required to settle it by themselves by utilizing any existing means of settlement in attempt to settling the dispute. Where no such means exist or the attempt in the use of it fails, the parties shall within seven days meet together by themselves or their representatives under the presidency of a Mediator mutually agreed upon with a view to the amicable settlement of the dispute.18

Collective agreements usually provide settlement of dispute clauses and other clauses for review of the terms and conditions that may lead to disputes if not properly managed. The employers and workers, through their unions, should be encouraged to reach and adopt such collective agreements for the purpose of disputes management. This is where the Nigerian public sector labour management relations is completely wanting. There is always resort to ad- hoc measures which in most cases had always been at the discretion of the Minister or when labour has either threatened to declare a strike or has declared one. There is therefore the need for a statutory insistence on internal disputes settlement mechanism in all sectors of the economy. This body would be under a duty to report the dispute to the agency that shall have the statutory mandate to take further steps in the resolution of any dispute.

If within seven days from the date on which a mediator is appointed, the dispute is not resolved, the dispute shall be reported to the Minister by or on behalf of either of the parties within 3 days to the end of the seven days.19 The report shall be in writing stating the points of disagreement between the parties and efforts made by them to resolve the dispute. The Minister, upon receipt of this report is empowered to further encourage the voluntary settlement efforts by the parties under the Act before any further step is taken. If not satisfied that the requirements for voluntary resolution of the dispute have been substantially complied with, he may issue to the parties a notice in writing specifying the steps which must be taken to satisfying these requirements and the period for compliance (usually fourteen days) as the case may be.20

If after the expiration of the notice or fourteen days, as the case may be, the disputers is not resolved upon taking the steps specified in such notice, or that the parties have refused to take those steps or any of them, the Minister may then proceed with official compulsory conciliation, arbitration, reference to the court or board of inquiry in order to resolve the dispute.21 This is however, without prejudice to the power of the Minister to initiate settlement process through his own initiative upon apprehension of trade dispute. This he may do at his discretion through official compulsory conciliation, or arbitration or by reference of the dispute to a board of inquiry.22 All that is needed is that he informs the parties in writing of his apprehension of the trade dispute and what steps whether through conciliation, arbitration or inquiry that he proposes to take for the purpose of resolving the dispute.23

The question that may arise is, how does the Minister apprehend a trade dispute? This is important particularly where the government or the Minister himself is involved in the dispute. There is the need for a clear provision on this. Such a provision would empower any person who may be affected if the dispute is not quickly resolved, through the voluntary processes, to petition the Minister or take legal steps to compel the Minister to act as required by the Act. This, to a great extent, would save time lost and damages arising from available strike actions particularly in the public sector in most cases.

(ii) Settlement By Conciliation

Conciliation is a process to bring the two sides in a dispute together after they have reached a deadlock. Deadlock means that after trying to negotiate, they still can't solve the problem. In conciliation, an independent and neutral third party is used to mediate between the two sides in dispute.

The procedure of official compulsory conciliation can be resorted to in two situations: First, where parties are unable to resolve the dispute through a mediator mutually agreed upon and appointed by or on their behalf.24 The second is where the Minister apprehends a trade dispute and without waiting for the outcome of the voluntary settlement processes appoints a conciliator for the purpose of resolving the dispute.25

In this instance, the Minister is empowered to appoint a fit person to act as a conciliator for the purpose of effecting settlement of the dispute.26 The conciliator so appointed shall inquire into the causes and circumstances of the dispute and by negotiation with the parties endeavor to bring about a settlement.27 In effect therefore, even through a compulsory conciliation, the conciliator's approach to the matter by negotiation with the parties is still an approach in sustaining the collective bargaining and voluntarism in industrial relations in this country.

The conciliator is required to complete the conciliation within seven days, or otherwise report the failure of settlement to the Minister.28 Where a settlement is reached, the conciliator shall report the facts and also, forward a memorandum of the terms of the settlement signed by the representative of the parties to the Minister.29

The terms contained in such memorandum shall be binding on the employer and the workers to whom they relate. Any breach thereof is made an offence under the Act, punishable upon conviction by a fine of N200, in case of workers or N2000 in case of an employer or employer's organization representing the employers.30

There is no indication as to what happens after payment of the fine where the party continues in breach. It is however hoped that the provision of section 13(5) of the Act would be applicable in this regard. That is to the effect that any party who after conviction for the offence continues to fail to comply with the terms of the memorandum shall be guilty of a further offence and shall be liable on conviction to a further fine as the case may be for each day on which the offence continues.

The provision for both mediation and conciliation may cause undue delay in the processes. In order to effect a quicker response and faster machinery for settlement therefore, the parties should be free to choose either mediation or conciliation, so that once there is failure to reach a settlement by either method, the dispute goes straight to the Industrial Arbitration Panel. 31

(iii) Settlement by Arbitration

This is one of the permanent machineries established by the Act for the resolution of labour disputes. There are two ways or means through which the dispute comes before the Industrial Arbitration Panel (herein after referred to as the Panel) for resolution. The Minister may upon apprehension of a trade dispute intervene by referring the dispute to the Panel for settlement.32 Similarly, the Minister shall within fourteen days of his receipt of report of the failure of resolution of dispute by the conciliator, refer the dispute to the Panel.33

For the purpose of the settlement of any dispute referred to it by the Minister, the Chairman of the Panel shall constitute an arbitration Tribunal. Such a tribunal may consist of either a sole arbitrator selected among the members of the panel by the chairman, or a single arbitrator assisted by assessors, or one or more arbitrators nominated by or on behalf of the parties to the dispute and presided over by the chairman or vice chairman.34

The adoption of these typologies will depend on the nature of the dispute and the means available for its resolution. This lies within the discretion of the chairman of the Panel.

An arbitration tribunal should normally make its award within twenty-one days unless where the minister allows such a longer period as may be necessary in any particular case.35
The Industrial Arbitration Panel is not allowed to communicate its award to the affected parties. The award must be sent to the Minister. It is the Minister who shall communicate the decision to the parties.36 The parties have seven days upon notification within which to object to the award of the Panel through the Minister.37 If no objection is made in respect of the award within the given period, the Minister would then confirm the award in the Federal Gazette. It becomes binding on the parties upon such confirmation.38
The Minister upon receipt of an award, may suo motu, redirect same back to the Panel for reconsideration before it is communicated to the parties in dispute or their representatives for their reaction.39 This seems to be the reason for the requirement that the award shall be sent to the Minister first.

Any person who fails to comply with an award of a tribunal upon confirmation by the Minister shall be guilty of an offence. This is punishable upon conviction with a fine of N200 or imprisonment for 6 months for an individual, but in the case of a body corporate, it attracts a fine of N2000.00. The offence here is made continuous until compliance.40

There is a salient question usually asked in respect of resort to the Industrial Arbitration Panel, to the effect that, why is it that the award of the panel is not binding until confirmed by the Minister? This, it is argued, denies the panel its independence and status as an adjudicatory body. Its award therefore remains a recommendation, which can be objected to by the parties or the Minister.41 For the Panel to retain its character as an adjudicatory body therefore, its award should, without any qualification, become binding on the parties immediately upon its publication, leaving it for the parties to decide whether or not to appeal against the award to the National Industrial Court.42
Further still, the Minister is a government agent, what then would be the relevance of this where the government is a party to the dispute? This would mean sitting in judgment over its own case, which negates the principle of nemo judex in causa sua. This is because the panel award is not binding until confirmed by the Minister who is a government agent. It is therefore difficult here to separate the government as an employer on the one hand, and as the regulator of industrial relations on the other. This approach may be effective where it involves a private employer and its employee.
Another question is, to what extent can a Minister make an order through this process binding another Minister, where it is a dispute between that Ministry and its employees? This wholly leaves the issue of use of this machinery in the resolution of trade dispute in the public sector to the discretion of the government as an employer.

(iv) Settlement by the National Industrial Court

The Act established the National Industrial Court for the purpose of settling industrial and trade disputes.43 This Court is another permanent body established by the Act for quicker resolution of labour and industrial disputes. The Court has exclusive jurisdiction over trade disputes.44 Sometimes in the year 2006, more recognition and autonomy was accorded the Court when the National Industry Court Act was enacted. Its jurisdiction includes; to make award for the purpose of settling trade disputes.45 The Court's jurisdiction subsequently received a constitutional backing following the 2011 amendment of the Constitution of the Federal Republic of Nigeria, 1999 through the 3rd Alteration Act.46
The jurisdiction of the Court to make awards for the purpose of settling trade dispute is both original and appellate depending on how the dispute reaches the Court. It has original jurisdiction under section 17 of the Act, under which the Minister is empowered to refer certain dispute straight to the Court in certain special circumstances. This relates to a dispute to which the workers employed in any essential service are a party, and a dispute, which, from its circumstances, is not appropriate for referral to the Industrial Arbitration Panel.
The appellate jurisdiction of the Court arises under section 14 of the Act under which the Minister shall refer the dispute to the Court upon failure of the panel to resolve the dispute. The Minister, upon receipt of the award from the Panel, is required to send same back to the parties for their reaction. If any notice of objection

to the award of the Panel is received by the Minister, he shall, forthwith, refer the dispute to National Industrial Court whose award shall be final and binding on the parties.

In these two situations, it is the Minister who is implored to refer the dispute to the Court. The parties have no direct right of access or appeal to the Court. The decisions and the award of the Court shall be binding and final. The Court must determine the cases referred the to it within thirty days.47

The exclusion of direct right of access or appeal to the Court except through the Minister is curious. It is assumed that the Minister in all cases must be fair. It ignores the fact that the Minister is an agent of the Government who, in some cases, is an employer. What then would be the case where the Government has interest and the Minister refuses to refer the case either to the Panel or the National industrial Court, since he is the only person who has direct access to the Court?

Can the Minister be compelled to act in the overall interest of industrial peace? Who may have this competence? These are areas in which the Act has not provided for.48

The only instance when the parties have direct right of access to the Court is when the Court is called upon to interpret collective agreements, awards and terms of settlement.49 The only seeming explanation to this could be that these are not regarded as serious cases of trade dispute. The right of direct access to the Court by the parties in these circumstances is not exclusive. The Minister can also refer the cases on their behalf. One is therefore left to wonder, why it should not be so in all cases whether considered serious or not.

1.4 Enforcement of Awards and Maintenance of Industrial Order

The National Industrial Court and the Industrial Arbitration Panel are empowered to enforce their awards. They can commit for contempt any person who does any act or commits an omission, which in their opinion, constitutes contempt. The committal for trial in this regard is to the High Court.50

Generally, while the processes for settlement of any trade dispute is in progress, the parties are not allowed to declare a strike or lockout as the case may be. Any such declaration of strike or lockout constitutes an offence under the Act punishable upon conviction with a fine of N100 or imprisonment for six months in case of an individual and N1000 in case of a corporate body.51 It is our view that the monies being mentioned as fines are ridiculous. They have since outlived their objectives of serving as punishments, in view of the current economic situation in Nigeria.

A dispute becomes settled under the Act either by agreement or by the acceptance of an award made in respect of such dispute by an arbitration tribunal or the Court as the case may be. But no employer shall grant any wage increase under any situation without the approval of the Minister.52 This applies to Industrial Arbitration Panel and the National Industrial Court as well. This is to enable the government, as regulator of industrial relations, to control and regulate arbitrary wage increases and economy on the whole. The Panel, unlike the National Industrial Court, seems to lack independence in its award as whatever award it makes is subject to the confirmation of the Minister.

1.5 Application of the Act to State Trade Disputes

The Act generally applies to a state trade dispute as it applies to other trade disputes. But for speedy management and resolution of trade disputes, particularly those arising within states of the federation, the Act has decentralized the disputes resolution functions. The Minister with the consent of the State Governor, in respect of a state trade dispute, can delegate his power under the Act, to the appropriate state commissioner, to exercise the power of the Minster under the Act, in settling trade dispute arising within the state.53

State trade dispute within this context presupposes dispute between anyone of the following authorities and workers employed by them, that is to say, the Government of a state, a local authority, any corporation, council, board or committee established by or under any law and the proprietor of any school who receives grant in respect of the revenue of the state.54 In effect therefore, the commissioner or adviser responsible for labour matter in the state can deal with trade disputes involving members of the public service of the state.

The Commissioner shall however, in respect of every state trade dispute, send to the Minister not later than fourteen days after the dispute is settled or finally disposed of, a report setting out the circumstances of the dispute and the manner in which it was finally settled or disposed of.55

1.6 Conclusion

The philosophy underlying the establishment of the mechanisms under the Trade Dispute Act is to resolve disputes before they blow up into major crisis that could cause harm to wider public interest and the national economy. But apart from the observations made above, the mechanisms under the Act seem largely structured for settlement of trade disputes in the private sector employment.

This seems to explain the centrality of the Minister of labour, a government agent, in all the dispute settlement mechanisms and processes. The Minister is to initiate the processes, confirm all awards, and determines what follow next upon failure to resolve the dispute at any stage until the matter reaches the National Industrial Court. The government, through the Minister of Labour, in this regard, is seen as an impartial arbiter and the regulator of industrial relations in the overall interest of industrial harmony. The Act does not see the government as an employer who could be involved in labour disputes with its own workers. Yet a good proportion of trade disputes in Nigeria today are between the government, as an employer, and the workers.56

The efficacy of these mechanisms in the resolution of trade dispute where the government is not only a regulator of industrial relations but an employer therefore remains in doubt. Labour dispute within the public sector employment has become prevalent and of major concern. The usual government resort to ad hoc settlement measures, in some cases, is suggestive that government resort to its own established mechanisms, under the Act does not and would not provide the answer. The general rule of law, that one cannot be a judge or an umpire in his cause becomes real of these circumstances.

If the industrial relations system can be utilized for sustainable national development, equal attention should be given to resolution of trade disputes, in the wider context, and to trade dispute in the public labour employment relations.

It is therefore suggested that the present system under the Trade Dispute Act be restructured and made independent of the Minister in all cases and processes, giving the parties to any dispute, in the wider context, direct access to the institutions established under the Act independent of the Minister, and extending the jurisdiction of the institutions to individual disputes and grievances, including constructive acts of the employer short of dismissal which may constitute individual grievances. In the alternative, the abolition of the entire system under the Act and the establishment of an Independent National Industrial Relations Commission and Court system whose general function would include the promotion and management of industrial relations in Nigeria.

Apart from this general duty, the responsibility of the new bodies, if established, should include provision of services relating to conciliation, arbitration and judicial settlement of labour disputes, in the wider context, including individual disputes and grievances with appropriate remedies in all spheres of labour relations, providing impartial advice based on research on industrial relations and employment policies to the individual employees, employers and the government in all sectors of the economy, and providing codes of practice in all matters relating to industrial relations in the various sectors. Finally, whatever options, labour disputes should not be allowed to degenerate to strikes with their attendant consequences.

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10. See Tokunbo, M.A. Labour Movement in Nigeria: Past and Present, Lagos, lantern Books, 1985) pp. 14 24
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12. It established the Industrial Arbitration Panel and the National Industrial Court
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18. Section 4 (2) of the Act
19. Section 6(1) of the Act
20. Section 7(2) of the Act
21. Section 7(2) (b) of the Act. See also section, 8, 9, 17 and 33 of the Act
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28. Section 8(5) of the Act
29. [1] Section 7(3) of the Act
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39. Section 13 (3) of the Act
40. See Section 14(4) and (5) of the Act
41. Worugii, I.B.E. op. cit at p. 11
42. Adeogun A.A. op.cit p. 6
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45. Section 21(1) (a) and (b) of the Act
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49. Section 15 and 16 of the Act
50. Section 23 and 24 of the Act. See also section 43 of the Act with respect to payment of wages during strike and break and continuity of employment
51. Section 18 of the Act
52. Section 19 of the Act
53. Section 40(2) and (3) of the Act
54. Section 40(1) of the Act
55. Section 40(5) of the Act
56. Recently, strike by Resident Doctors over non payment of hazard allowances during the Covid-19 pandemic; Academic Staff Union of Universities Strikes in 1987, 1992, 1993, 1994, 1999, 2000, 2001, 2003, 2005 and of recent, 2019/2020; strikes by workers in the Judiciary in several States of the Federation not too long ago, the constant strikes by workers in the Federal and State Civil Service such as the strike by teachers of Unity Schools in Nigeria over a proposed privatization of Unity Schools.

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How to cite this article: Saka T. Abdulrahman & Salmanu M. Rilwanu, The Statutory Regime for Resolution of Trade Disputes in Nigeria: A Critical Overview, Asian. Jour. Social. Scie. Mgmt. Tech. 2(5): 16-25, 2020.